



**STATE BOARD OF EDUCATION  
TRUSTEES OF BOISE STATE UNIVERSITY  
TRUSTEES OF IDAHO STATE UNIVERSITY  
TRUSTEES OF LEWIS-CLARK STATE COLLEGE  
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO  
STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION**

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**APPROVED MINUTES  
STATE BOARD OF EDUCATION  
December 18, 2014  
Office of the State Board of Education  
Len B. Jordan Building, 3<sup>rd</sup> Floor  
Boise, Idaho**

A regularly scheduled meeting of the State Board of Education was held December 18, 2014 at the Office of the State Board of Education in Boise, Idaho. Board President Emma Atchley presided, called the meeting to order at 9:00 am Mountain Time, and requested a roll call of members. Ms. Atchley recognized that this was Superintendent Tom Luna's last official Board meeting. She invited him to the February Board meeting for a more proper farewell and recognition of his years of service as Superintendent of Public Instruction and to the Board.

**Present:**

Emma Atchley, President  
Rod Lewis, Vice President  
Don Soltman, Secretary  
Richard Westerberg joined at 9:08 am  
Tom Luna, State Superintendent

Bill Goesling joined at 9:05 am  
Debbie Critchfield  
Dave Hill

At this time Ms. Atchley requested the Board go directly to the Audit section of the agenda for a report by Moss Adams.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**

**1. Career Ladder Legislation**

**BOARD ACTION**

**M/S (Westerberg/Lewis): To approve the proposed legislation in substantial conformance to the form submitted as attachment 1 and to authorize the Executive Director to make additional changes as necessary as the legislation moves forward through the Governor's legislative process. A roll call vote was taken and the motion carried unanimously 8-0.**

Mr. Westerberg introduced the item indicating it is proposed legislation on the career ladder which is consistent with the Governor's Task Force recommendations. He explained the career ladder and tiered licensure were designed by the Governor's Task Force to be mutually dependent, and the proposed changes to the legislation will separate the career ladder from the teacher certification in that the performance and measurable student achievement criteria will be used for movement on the career ladder, but will not impact renewal of a professional teaching certificate. Mr. Westerberg pointed out this legislation is a product of nearly two years of work by a group of education stakeholders and that the process used to build the proposal was open and transparent.

Dr. Goesling expressed concern from superintendents in Region II who felt underexposed to the details and discussion on the career ladder. He felt the public meetings covered more information about tiered licensure and not enough about the career ladder.

Mr. Westerberg responded that there were different processes used to communicate the proposed legislation. The tiered licensure proposal went through the rule process which comes through the Board and requires public hearings. Instead of doing only one public hearing as required, they held three. He explained further that for this proposed legislation on the career ladder, it is a recommendation from the committee through the Board to the Governor, then to the legislators, at which time the public comment and testimony will take place. Simply put, the public hearings haven't happened yet because this proposed legislation isn't to that step in the process.

Mr. Lewis added that the principles outlined in the career ladder are ones that were commented on, and contains no new principles that haven't been discussed. They have made adjustments based on those comments.

Dr. Goesling continued to express concern that the superintendents from his region feel comments haven't been thoroughly vetted. Mr. Lewis responded that this information has been vetted through multiple committees and has been supported. Mr. Westerberg reminded the Board members of the process the career ladder went through which was agreed on to move it forward, pointing out but that it would require additional work to prepare it for legislation. Career Ladder and Tiered Licensure committees met and the materials have been through three extensive public meetings. He also remarked that the representation on the committees was wide and varied and included many superintendents and teachers. He expressed that this was an exceptional effort. Ms. Bent indicated changes would take effect during the implementation years.

Ms. Critchfield commented that her experience with superintendents from in Region IV was similar to Dr. Goesling's where some of the feedback was that career ladder details weren't overly clear and somewhat complicated, so she understood his concern. She also added that the *classified employees* group that are part of the education team as a whole (i.e., office staff, administrators) are undercompensated and wasn't sure how to

improve that. She encouraged the Board to try to address that issue somewhere in its work. She expressed concern that increases at many districts were based on the state schedule, and questioned how many districts fund above the state level. There was additional discussion about the item and the process it will take. Mr. Westerberg pointed out this is an appropriation and how districts pay is their call. Mr. Lewis pointed out for Ms. Critchfield's benefit that the provision in the law is amended such that the minimum salary will be moved up by a meaningful amount.

Mr. Hill asked regarding the education factor who determines relevancy. Ms. Bent responded it falls to the certification staff from the Department of Education who would be reviewing the transcripts. If necessary, it would go to the Professional Standards Commission (PFC) if there was a discrepancy in agreement.

Mr. Luna asked about when performance measures have an impact to movement on the career ladder. Ms. Bent responded that the recommendation for full implementation for the performance criteria is that they would be met in three out of five years and explained the process. She added that the changes allow for a five year rolling calendar. Mr. Luna shared an additional concern of teachers getting a few years into it and then getting push back on the measures.

Dr. Goesling asked what can be done to better inform superintendents. Mr. Westerberg reminded the group that an implementation committee would be put in place. Ms. Atchley also reminded the group again that this is proposed legislation and that the Governor and legislators would be taking up the details of the proposal. Ms. Atchley complemented the Board members and others for their major work on this item. Mr. Luna reminded the Board that at the October meeting he reviewed the history going back almost 12 years related to improving teacher pay, and he hoped that this would continue its momentum in that direction. He was very supportive of Idaho spending its time improving the tiered licensure and career ladder plans going forward and getting away from the pay grids that have been in place for so long.

## AUDIT

### 1. Presentation of Audit Findings by the Board's External Auditor

## BOARD ACTION

**M/S (Soltman/Goesling): To accept from the Audit Committee the Fiscal Year 2014 financial audit reports for Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College, as presented by Moss Adams LLP.** A roll call vote was taken and the motion carried unanimously 8-0.

Mr. Scott Simpson, audit partner and one of the lead institution auditors with Moss Adams, provided a brief presentation of audit results for the Board. He indicated they completed all of their audits for Boise State University, Idaho State University, University

of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College at the end of September and audit reports were issued. They met the deadlines set by the State Controller's Office, and the audit results for each institution were positive. He explained that "positive" means they issued unmodified audit reports for financial statements as well as for the compliance for each institution. This also means that they had clean, unmodified opinions for each institution. Mr. Simpson reported the institutions had no material weaknesses or significant deficiencies in internal controls. They found all institutions were prepared for the audits and responded timely for any information requests or inquiries. He remarked favorably on the coordination with management at each of the institutions and reported no disagreements. Mr. Simpson felt it was a very successful audit season, and commented on the complexity and amount of work required in the audit process. Mr. Simpson was ready to answer any questions from the Board.

Mr. Lewis commented on the positive remarks from the auditors and praised the coordination of the institutions in this process. Mr. Freeman remarked that a much more thorough and in depth report was provided to the Audit Committee, and he complemented the high level due diligence by the institutions and Moss Adams during this process.

## **BUSINESS AFFAIRS AND HUMAN RESOURCES**

### **Section I – Human Resources**

#### **1. Boise State University – Multi-Year Employment Agreement – Women's Volleyball Head Coach**

### **BOARD ACTION**

**M/S (Goesling/Hill): To approve the request by Boise State University to enter into a two year employment agreement with Shawn Garus, Head Women's Volleyball Coach, commencing on February 1, 2015 and terminating on January 31, 2017, at a base salary of \$87,610 and supplemental compensation provisions, as submitted.** A roll call vote was taken and the motion carried unanimously 8-0.

Dr. Goesling indicated this is a request by Boise State University (BSU) for a multi-year employment agreement with the Women's Volleyball Head Coach. He added the Athletics Committee feels the academic incentives are adequate.

#### **2. Boise State University – Multi-Year Employment Agreement – Women's Basketball Head Coach**

### **BOARD ACTION**

**M/S (Goesling/Hill): To approve the request by Boise State University to enter into a two year, three month employment agreement with Gordon Presnell, Head**

**Women's Basketball Coach, commencing on December 19, 2014 and terminating on March 31, 2017, at a base salary of \$189,132 and supplemental compensation provisions, as submitted, with one amendment converting the APR percentiles to raw scores for purposes of the academic achievement incentive pay.** A roll call vote was taken and the motion carried unanimously 8-0.

Dr. Goesling indicated this is a request by Boise State University for a multi-year contract with Gordon Presnell, Head Women's Basketball Coach. He pointed out an amendment which converted the APR percentages to raw scores for the purposes of the academic achievement incentive.

Mr. Westerberg remarked that with regard to all the coaches' contracts, the liquidated damages seem to be low and requested the Athletics Committee review what is being done nationally with liquidated damages going forward.

3. Idaho State University – Multi-Year Employment Agreement – Men's Football Head Coach

**BOARD ACTION**

**M/S (Goesling/Hill): To waive Board Policy II.H.3 only with respect to the requirement that a coach contract include supplemental compensation incentive based upon academic performance, and only for purposes of the contract submitted as Attachment 1 as modified.** A roll call vote was taken and the motion carried unanimously 8-0.

**M/S (Goesling/Hill): To approve the request by Idaho State University to enter into a three year, one month employment agreement with Michael D. Kramer, Head Football Coach, commencing on December 19, 2014 and terminating on January 21, 2018, at a base salary of \$164,523.20 and supplemental compensation provisions as submitted, with one amendment to delete section 3.2.8.** A roll call vote was taken and the motion carried unanimously 8-0.

Dr. Goesling indicated this is a request from Idaho State University (ISU) for a multi-year agreement with their Head Football Coach, Michael Kramer. He pointed out this request deviates from the model contract in that it will be paid by state funds.

Mr. Freeman highlighted the differences between this contract and the model contract. He pointed out that Board policy requires contracts for head coaches or athletic directors include incentives in the form of supplemental compensation based on academic achievement. For this proposed contract, the coach asked that any academic incentive pay that is earned be paid out to the assistant coaches instead of the head coach. To do so requires a waiver of Board policy.

Mr. Soltman asked if the Athletics Committee feels this is a better way to incentivize academic achievement. Dr. Goesling responded that the committee is comfortable with

it. He said other athletic directors were asked their opinion and there were no objections or negative comments toward it. Mr. Freeman added that this is not intended to set a precedent and that they are not seeking to change Board policy to accommodate this in the future. Mr. Lewis also added they do not want to see the APR incentives transferred to assistant coaches on a regular basis.

Mr. Lewis expressed concern about provisions for money games in coaches' contracts in general. Mr. Hill expressed the same concern. He questioned whether or not the Board would want to support provisions for money games where there is a percentage bonus awarded for "money games". He expressed concern about providing incentives in the coaches contracts allowing for a percentage of the take on money games and felt it was not a good way to incentivize. He explained that often these money games are very challenging and stressful for the coaches, the teams, and also represents a high chance of having an additional loss on a record, not to mention the increase in physical roughness of the environment. He felt there are other ways to compensate a coach rather than receiving a bonus for these kinds of games.

Mr. Westerberg remarked in agreement with the comments of Mr. Lewis and would be in support of increasing the base salary for coaches instead.

Dr. Goesling suggested tabling the item. Mr. Freeman pointed out that may be a problem because of the effective date of the contract which is tomorrow, and asked for institution input on the item. Mr. Fletcher responded they feel it is important to take action on the contract now and are concerned about retention and reward for the coach. He added that this action with the coach's contract will bring him up just a few points from the bottom level of compensation of the Big Sky Conference.

Ms. Atchley asked if the 1% regarding money games could be omitted from the contract at this time, and then have the Athletics Committee make an amendment to the contract later on the money game provision. Legal counsel from ISU, David Alexander, responded they would be agreeable to that. He felt they could proceed with signing the contract with the coach with the understanding that the 1% money game provision has not been approved by the Board. Mr. Westerberg remarked that if they do away with the money game compensation, they need to figure out some way to address the negative impact to compensation and consider other provisions. Mr. Westerberg was in agreement of striking the money game clause from the contract. He commented that there is a 1% guarantee to just show up to the money game and recommended making an addition to the base salary of the 1%. Mr. Westerberg felt a \$10,000 increase in base salary should be added and the money game provision be eliminated. Mr. Fletcher commented in agreement with that recommendation.

#### 4. Idaho State University – Extension to Multi-Year Employment Agreement – Athletic Director

### **BOARD ACTION**

**M/S (Goesling/Hill): To approve the request by Idaho State University to extend a multi-year employment agreement with Jeffrey K. Tingey, Athletic Director, for a term commencing on December 19, 2014 and terminating on June 30, 2017, at a base salary of \$120,931.20 and supplemental compensation provisions, as submitted, with one amendment to increase academic achievement incentive pay to \$4,000, \$6,000, \$8,000 and \$10,000 based on Athletic Department average APR scores.** Mr. Freeman read the motion aloud as requested by Dr. Goesling who approved it as stated. A roll call vote was taken and the motion carried unanimously 8-0.

Dr. Goesling indicated that Idaho State University is requesting approval to extend the multi-year contract agreement for Jeffrey K. Tingey, Director of Athletics, pointing out the academic incentives have been increased. Dr. Goesling expressed major concern by the Athletics Committee that Mr. Tingey has been working without a contract since June 2014. He asked ISU for an explanation, and sought assurance for that not to happen again. Mr. Fletcher was unable to explain how it happened. Dr. Goesling asked for an explanation of how they would avoid a similar situation in the future. Mr. Fletcher responded they have the President's commitment coupled with a new system of managing contracts and it shouldn't happen again.

## **BUSINESS AFFAIRS AND HUMAN RESOURCES**

### **Section II – Finance**

#### 1. Amendment to Board Policy Section V.R. – Establishment of Fees – Second Reading

### **BOARD ACTION**

**M/S (Lewis/Soltman): To approve the second reading of proposed amendments to Board policy Section V.R., Establishment of Fees, as presented.** A roll call vote was taken and the motion carried unanimously 8-0.

#### 2. Boise State University – License Agreement to Elsevier

### **BOARD ACTION**

**M/S (Lewis/Soltman): To authorize Boise State University to enter into a three year license agreement, with an optional one year renewal, for an amount not to exceed \$1.75 million, with Elsevier as outlined herein.** A roll call vote was taken and the motion carried unanimously 8-0.

Mr. Lewis indicated this is a request from Boise State University to enter into a license agreement with Elsevier B.V. (Elsevier) and relates to publications being made available to the library. Mr. Freeman noted that under normal circumstances, this would be a Consent Agenda item. Mr. Westerberg asked why this was being done as a singular

contract instead of system-wide contract that would include other institutions. Mr. Freeman responded this subscription service doesn't incent system-wide agreements.

### 3. University of Idaho – 2015 Bond Refunding

#### **BOARD ACTION**

**M/S (Lewis/Hill): To approve the request by the University of Idaho for a Supplemental Resolution for issuance of the Series 2015A bonds, the title of which is as follows:**

**A SUPPLEMENTAL RESOLUTION of the Regents of the University of Idaho authorizing the issuance and sale of General Revenue Refunding Bonds, Series 2015A, in the principal amount of up to \$22,285,000 (the "Series 2015A Bonds"), authorizing the execution and delivery of a Bond Purchase Agreement, Escrow Agreement, Continuing Disclosure Agreement, Preliminary Official Statement, Final Official Statement and other documents, and providing for other matters relating to the authorization, issuance, sale and payment of the Series 2015A Bonds.**

A roll call vote was taken and the motion carried unanimously 8-0.

University of Idaho's Financial Vice President Ron Smith summarized the item for the Board members indicating that the university requests to refinance bonds issued in 2005, not to exceed \$22,285,000. He indicated this refinance will result in present value savings of just over 9% or just over \$2 million. The refinancing will not extend the maturity date of original issuance and will result in \$1.9M in debt service avoidance. Mr. Smith pointed out they went through reaffirmation from the credit agencies and both ratings were the same as before with a stable outlook for the institution.

### 4. Opportunity Scholarship – Maximum Award Amount

#### **BOARD ACTION**

**M/S (Lewis/Soltman): To approve the maximum award amount of the Idaho Opportunity Scholarship, at \$3,750 per year for fiscal year 2015.** A roll call vote was taken and the motion carried unanimously 8-0.

Mr. Lewis introduced the item that seeks approval for the 2015 Opportunity Scholarship maximum amount. Mr. Freeman summarized that the Board annually sets the maximum award amount for the Opportunity Scholarship which the Board did in December of 2013. They estimated, based on past experience, what the maximum award should be. Approximately 1,300 scholarships have been awarded and most recipients received \$3,000. However, there is still just under \$1 million that will revert back to the state if it is not spent on scholarships. This request is to increase the maximum amount to push that money out to students. The additional amount will hit



during the Spring semester and will increase by \$750, serving 1,297 students. Mr. Freeman noted for the Board that there are ten times as many applicants this year as there were last year.

Ms. Critchfield asked if more awards were in order instead of increasing the dollar amount. Ms. Bent responded that based on the eligibility requirements in law, they funded everyone who was eligible.

## DEPARTMENT OF EDUCATION

### 1. Superintendent's Update

This item was not covered during the meeting.

### 2. ISAT Achievement Level Scores (Cut Scores)

## BOARD ACTION

**M/S (Luna/Critchfield): To approve the Idaho academic achievement standards, including the Proficiency line descriptors and ISAT achievement levels, at each performance level for each grade, as submitted in attachments 1, 2 and 3. A roll call vote was taken and the motion carried unanimously 8-0.**

Mr. Luna introduced the item which concerns the Idaho Standard Achievement Test (ISAT) scores. He reported this is another step in the process of the implementation of the new ISAT. He added that legislation required the formation of a committee made up of stakeholders from across the state look at all items that will be part of the new ISAT for sensitivity and bias. There were 84 Idahoans that made up that committee and the work was completed this week. Reviewers looked at the items three times and if the item was flagged twice, it required additional review or elimination. Of the 33,400 items that were reviewed, only 91 of them were flagged for review. Mr. Luna expressed they felt it was an appropriate and valid assessment and it will provide teachers with more tools and parents with more information on the ISAT. Mr. Luna described the levels of achievement of the assessment.

### 3. IDAPA 08.02.03.111.06.j. 0 Grade 9 Assessment - Waiver

## BOARD ACTION

**M/S (Luna/Soltman): To approve the Waiver of Requirement of Idaho Administrative Code, IDAPA 08.02.03.111.06(j), requiring grade nine (9) students take the Idaho Standards Achievement Test, Idaho ALT Assessment Test, and the Idaho English Language Assessment for the 2014-2015 school year, as submitted. A roll call vote was taken and the motion carried 7-1. Mr. Lewis voted nay on the motion.**

Mr. Luna introduced the next item which is a request by the Department to waive the requirement for the assessments required for grade nine students. The current Administrative Rule requires all students in Idaho public schools, grades K-12 to participate in the comprehensive assessment program. Mr. Luna described the assessment pattern going forward and the tests it consists of. During the 2012 and 2013 school years, the Smarter Balanced Assessment Consortium (SBAC) started to develop assessment items and performance tasks in English language arts/literacy and mathematics to be administered in grades three through eight and in high school.

Mr. Luna summarized that the Board approved a waiver to allow districts the option of not administering field test assessments in grades nine and ten. Districts were still required to have field test assessments in grade three through eight and in grade eleven to meet the federal testing requirement. Then in October 2014, a group of district superintendents and testing coordinators recommended that districts should be allowed to choose not to administer the Idaho Standard Achievement Tests (ISAT) and Idaho Alternate Assessment on grade nine students due to technical and logistical difficulties.

Mr. Soltman asked about the cost savings as referenced in the impact statement. Angela Hemingway from the Department responded that currently they pay per student for the assessments and the cost savings would be realized for each student who did not participate in the assessment. She clarified they would still have funds available if 100% of the students opted to take the assessment. There was additional discussion about the assessments. Mr. Luna pointed out that federal law does not require ninth grade assessments which is why they have made ninth grade optional. He pointed out that this is a one year waiver specific to 2014-15, but will be revisited again.

Mr. Lewis asked why it is important to test ninth graders in the first place. Mr. Luna responded it is to gather a continuum of where students are at academically. Ms. Hemingway provided a summary of the scope of work developed by the SBAC and how they are working to get those items developed. She indicated the intent is to create assessments for grades three through eleven in both math and English.

Ms. Critchfield asked about districts opting out of the ninth grade testing if a parent still wanted the child to be tested. Ms. Hemingway responded that students would still be allowed to be tested and arrangements for testing would be made with the district.

At this time the meeting moved to item 5, *Special Education Manual*, on the Department's agenda.

#### 4. Reading Literacy Task Force Recommendations

Mr. Luna introduced the item which deals with the recommendations from the Idaho Reading Literacy Task Force. He pointed out that one of the recommendations focused on third grade literacy which is a critical part of a student's academic success. He read aloud some content from conclusion of the report. He indicated the task force was developed to form recommendations for students from the third grade on with a level of

literacy that ensures they can read and comprehend. The taskforce met six times and was facilitated by Dr. Marybeth Flachbart, CEO of Neuhaus Education Center, and Education Northwest provided technical assistance. Twenty individuals from across Idaho served on the committee including Board member Critchfield. The final report focuses on four areas with specific recommendations in each area: assessment, curriculum and instruction, professional development for teachers and administrators, and policy, evaluation and funding.

Ms. Critchfield added that the meetings were very productive and that she is very supportive of the recommendations. The committee was very committed to support legislative efforts to increase funding for literacy and creating funding flexibility for literacy programs.

Mr. Luna commented on one of the recommendations which is to remove the requirement that the state should provide a minimum of 40 hours of intervention to any student receiving a score of one on the Idaho Reading Indicator (IRI). The state provides funding to districts for the number of students that are at a one (with three being the highest score equal to proficient). Mr. Luna clarified that there are other parameters on how those dollars can be used, so they aren't taking the intervention hours away, they are just removing the "minimum" requirement. Ms. Critchfield added that teachers are doing a more individualized plan with students and that often they spend well over 40 hours with the student.

Mr. Hill recommended under the *Curriculum and Instruction* section that the two bullet points be read together as one item. Board members agreed.

Mr. Luna indicated these four areas will be developed further and that there will be a level of accountability for literacy for every child. Mr. Westerberg requested unanimous consent that the Board accept the report and refer the matter to staff and the Instruction Research and Student Affairs (IRSA) Committee for further development and recommended action, or delegation of recommendations. There were no objections. Mr. Luna recommended that Board member Critchfield be an ad-hoc member to the IRSA Committee related to this item. Ms. Critchfield willingly agreed. Mr. Luna also pointed out there are items that should be moved forward for this coming legislative session. Ms. Bent responded the timing is such that legislation would not be able to be done through the normal process. She indicated legislation could be developed and they would need to work with legislative sponsors on it, as well as discussing it with the Governor's office. Ms. Critchfield recommended contacting Representative VanOrden. Ms. Bent went on to say that because of the timeline, temporary and proposed rules would need to be developed after the session.

Ms. Atchley summarized that the Board agreed unanimously to accept the Literacy Task Force Recommendations and develop legislation to further this work.

Mr. Lewis reminded to the Board members related to the Career Ladder legislation, to review the latest draft of the statutory language as there would likely be questions.

5. Special Education Manual

**BOARD ACTION**

**M/S (Luna/Critchfield): To approve the Revised Idaho Special Education Manual, 2015, as submitted in Attachment 1.** A roll call vote was taken and the motion carried unanimously 8-0.

Mr. Luna indicated this item is an update of the Idaho Special Education Manual. The manual is designed to help districts and schools understand the provisions of the Individuals with Disabilities Education Act (IDEA) and meet the guidelines contained in the law. Mr. Luna pointed out this manual has not been reviewed in its entirety since 2009, and has recently been updated as federal regulations have changed. A number of stakeholders have been included and consulted in updating the manual.

At this time, the meeting returned to item 4, *Reading Literacy Task Force Recommendations*, on the Department's agenda.

**OTHER BUSINESS**

There being no further business, a motion to adjourn was entertained.

**M/S (Critchfield/Hill): To adjourn the meeting at 11:43 a.m.** The motion carried unanimously.