



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 Career Technical Education

**STATE BOARD OF EDUCATION
August 15-16, 2018
Idaho State University
Pond Student Union Building
1065 South 8th Avenue, Bldg. 14
Pocatello, Idaho**

A regularly scheduled meeting of the State Board of Education was held August 15-16, 2018 at Idaho State University in Pocatello, Idaho. Board President Dr. Linda Clark presided and called the meeting to order at 10:30am MST.

Present:

Linda Clark, President
Debbie Critchfield, Vice President
David Hill, Secretary
Emma Atchley

Andrew Scoggin
Don Soltman
Richard Westerberg
Sherri Ybarra, State Superintendent

Wednesday, August 15, 2018

BOARDWORK

1. Agenda Review/Approval

BOARD ACTION

M/S (Critchfield/Hill): To approve the agenda as submitted. The motion carried 8-0.

2. Minutes Review / Approval

BOARD ACTION

M/S (Critchfield/Hill): To approve the minutes from the June 20-21, 2018 regular Board meeting, and July 13, 2018 Special Board meeting and July 27, 2018 Special Board meeting as submitted. The motion carried 8-0.

3. Rolling Calendar

BOARD ACTION

M/S (Critchfield/Atchley): To set August 28-29, 2019 as the date and Pocatello as the location for the August 2019 regularly scheduled Board meeting. The motion carried 8-0.

Board member Critchfield asked why the meeting date for the regularly scheduled August meeting was one week later than in prior years to which the Board's Chief Planning and Policy Officer, Ms. Tracie Bent, responded the later date is to accommodate activities during the first week of classes on campus at Idaho State University, the hosting institution.

There were no additional questions or comments from the Board.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS (PPGA)

1. Idaho State University (ISU) Annual Progress Report and Tour

The Board met at Idaho State University in the Pond Student Union Building Sargent Family Board Room, in Pocatello, Idaho at 10:30 am (MST). ISU President Mr. Kevin Satterlee welcomed Board members and staff to the campus of Idaho State University (ISU) and then shared with the Board ISU's annual report has been provided in the agenda materials and the presentation today would focus on an update on the Gale Life Science Building. President Satterlee then stated the \$10M appropriated for updating the Gale Life Science Building would not be enough to accommodate all of the updates the building needs and the preference of ISU would be to use the funding for updates to the EAMES Complex used for ISU's Career Technical Education programs. President Satterlee then updated Board members on his discussions with the Permanent Building Fund (PBF) and that the PBF was supportive of this request. Finally, President Satterlee shared Idaho State University would bring a formal request back to the Board at a later meeting.

Board member Hill then asked if the Board has the authority to approve a transfer of the funds to which the Board's Executive Director, Mr. Matt Freeman, responded ISU would need to come back to the Board to request a supplemental budget request. If the Board

approved the request, it would then be submitted to the Governor and legislature for approval. If approved by the legislature, through the supplemental budget request process, the institution would then be able to move forward.

The Board recessed at 10:50am until 11:15am at which time Bengal Bridge students would speak with the Board.

Prior to meeting with the Bengal Bridge students, President Satterlee briefly updated the Board on the joint hire ISU is considering with the Idaho National Laboratory (INL), however, there are questions regarding the institutions ability to hire a part time tenured position.

Board member Hill then asked the Board's Chief Planning and Policy Officer, Ms. Tracie Bent, if this would require a legislative change, rule or policy. Ms. Bent responded tenure requirements are specified in Board policy, Section II, however, they are not that specific. Ms. Bent continues by stating that ISU would need to review their policies and possibly change those policies and that it is not likely to require a change to Board policy but that staff would verify. Finally, Ms. Bent reminds Board members that any policy change to the Board's human resource policies would need to go through the Business Affairs and Human Resources (BAHR) Committee.

The Board recessed at 12:00 pm (MDT) for a lunch hosted by Idaho State University.

The Board reconvened in the Idaho State University Pond Student Union Building, Wood River Room for regular business. Board President, Dr. Linda Clark, welcomed everyone and called the meeting to order at 1:00 pm (MDT). She then extended appreciation from the Board and staff to Idaho State University for their hospitality.

WORKSESSION

PLANNING, POLICY & GOVERNMENTAL AFFAIRS (PPGA)

1. High School Graduation Requirements

This item was provided in the agenda materials as an information item.

Planning, Policy and Governmental Affairs (PPGA) Committee Chair, Mr. Don Soltman, introduced the item sharing with Board members the purpose of today's work session was to explore various options for updating Idaho's high school graduation requirements and to discuss possible administrative rule amendments that could be vetted with various stakeholder groups. Board member Soltman then invited the Board's Chief Planning and Policy Officer, Ms. Tracie Bent, to present the item to the Board.

Ms. Bent begins by sharing with Board members in preparation for today's work session, Board staff has gathered feedback from various stakeholders, reached out to the Education Commission for the State (ECS) for information on national trends as well as information on what some of the more "high performing" states require for their high

school graduation requirements, and completed a comprehensive analysis of the impact of the current senior math requirement. Regarding the senior math requirement, analysis shows the requirement has led to more students taking four years of math and that while there is an indication that more students are taking less rigorous math during their senior year the feedback from the school districts indicate this is due in large part to students “maxing out” on the level of math available at the school.

Finally, Ms. Bent states that based on today’s discussion, Board staff will bring back a proposed rule prior to the end of August 2018 to address the senior math requirement impacted by Senate bill 1267a (STEM Diploma bill) and any additional changes that can be implemented this first year, and then start the process of engaging stakeholders for any amendments the Board may want to explore in 2019.

Board member Soltman then stated his concern with feedback the Board has received from students on the senior project requirement, adding it was not made clear if the issue arises from a disparity between school districts or from a higher level. To this Dr. Clark responds the take away from the discussion with Idaho State University (ISU) students was that there are great differences between the school districts on how to address the senior project and this is something the Board needs to look at.

Board member Critchfield then shares with Board members feedback she has received from educators in her region that the standards vary from school to school and district to district and that, when done well, the senior project is valuable for students, however, if the practice and perception of the senior project is that it is busy work then this is cause for concern. Ms. Critchfield then asks if there is any benefit to standardizing the senior project, however, the Board must be mindful of how this would impact smaller districts and also of feedback from school districts to not add any more requirements than those already in place. Board member Westerberg then reminds Board members of the importance for school districts to maintain local control, while also maintaining the quality of education across the state. Board member Atchley then adds that as the Board must also consider how to define the meaning of a high school diploma and the skills a student should possess upon graduating from high school.

Board members continued the discussion by asking if there were a way, or ways, to modify or change the senior project requirement to be more meaningful to students. One suggestion was for the senior project to include elements of mastery based education and project based learning where small groups of students work together to solve real world problems. Another suggestion was to add an option for the senior project to include a postsecondary education and career plan or to tie the senior project to the 8th grade plan.

The Board then worked to define the purpose of the senior project and what educational outcomes should be expected arriving at evidence of elements of research, critical thinking, and thesis and oral presentation. Additionally, the Board agreed on the need to articulate the outcomes expected in Administrative Code. The item was then referred back to the PPGA Committee for further development. Ms. Bent then asks if it is the

Board's intent for staff to draft language for the Board to consider this year on the desired outcomes of the senior project or to wait until the following year, adding, there has been enough legislative interest that it is very possible that without work by the Board on the senior project, there may be legislation introduced this year to address the concerns of the school districts and stakeholders. Board member Critchfield then asks if defining the outcomes would require a rule change to which Ms. Bent responds the Board could amend the current language in rule to focus on the identified outcomes and then take more time to develop guidance and options for school districts to fulfill the senior project requirement. Dr. Clark then asked if there were any additional outcomes the Board would like to consider, to which, Board members responded work in the community, whether as volunteer service, internship, job shadowing or apprenticeship. After discussion, Board members agreed this should not be a requirement of the senior project, but rather could be used as a mechanism for completion of the senior project.

Board members then heard from Kelly Brady, Director of Mastery Based Education for the State Department of Education, who updated the Board on the work of the incubator schools in Idaho and how elements of the incubator schools could be incorporated in to the senior project. At the end of Ms. Brady's presentation, Board member Critchfield stated that in general, the state has a very traditional path to graduation and for students pursuing another path (career path or technical degree or certificate) there is not a leeway for these students to pursue this path other than through electives. Ms. Bent then asked if it would be of benefit to the Board to ask the Education Commission of the States (ECS) to provide the Board with information on the differences in diplomas. Ms. Bent notified the Board that ECS has volunteered to present their report to the Board on what other states are doing. Ms. Bent added that the report included some states that have different types of diplomas and if there was a desire to go in this direction there would need to be additional work to assure that any variation in types of diplomas were also available to students with special needs and meet the IDEA requirements. Ms. Bent further explained that in states that offered different types of diplomas that often the diploma required a minimum core requirement and based on the interest of students school districts would be allowed to add endorsements to the diploma based upon a student's area of interest. Board member Soltman then asks if any group or organization has identified "best practices" for preparing students to continue their postsecondary endeavors to which Ms. Bent responds the states identified as producing the highest rate of students "going-on" have consistently considered four (4) credits in English, four (4) credits in math and three (3) credits in science and social studies, however, there is much variation in the minimum requirements for other core subjects. In addition to the minimum requirements, states are also considering ways of assessing if students are meeting soft skills, in one example the state assigns students a mentor who then uses a rubric to sign off on if a student has met these soft skill requirements. Board member Atchley then comments the items discussed today cannot be measured by testing, however, this does not eliminate the need for students to master these items. Finally, Board member Soltman asks Ms. Bent if today's discussion has provided Board staff enough information to develop a proposed rule to which Ms. Bent responds in the affirmative, adding enough to address the senior graduation requirements and the STEM diploma. Board President Clark then requested

that Ms. Bent work on language to specify the intended outcomes for graduation and how to measure these outcomes.

Ms. Bent then shares with Board members that one of the other graduation requirements staff has received specific feedback on has been computer science and engineering and that currently, students are allowed to use dual-credit or advanced placement (AP) courses in these subject areas to meet the math or science graduation requirement. Ms. Bent continues that at the time of approval the Board did not have their own state standards for computer science and that they would consider removing the requirement for the computer sciences classes to be dual credit or AP courses to meet these requirements if the state were to develop their own standards, which they now have. Dr. Clark then asks if the suggestion is to no longer require the use of dual credit or AP courses in these areas to meet the graduation requirements to which Ms. Bent responded in the affirmative, adding the Board would change the language in the requirements to now tie back to the state standards that have been developed, allowing any computer science or engineering course to count towards the graduation requirement, and not just those offered through dual credit or AP courses. Dr. Clark then asks if the computer science courses meeting the state standards are at the same level as the math or science course a student would exchange them for to which Ms. Bent responds additional language would be required addressing the level of the course offering to assure they are of the same level.

Ms. Bent then shared with Board members the change in the math content standards has led to difficulty with some school districts as to what courses meet the math requirement, specifically the use of an algebra sequence versus an integrated math sequence. Board member Atchley then requested clarification on the use of Carnegie Units, as identified in the study from ECS addressing high performing states. Ms. Bent responds one (1) Carnegie unit equals two (2) semester credits, to which Ms. Atchley comments the high performing states are requiring four (4) full years of mathematics and asks if this is different than what Idaho currently requires. To this Ms. Bent responds Idaho's current requirement is for three (3) years of mathematics with one (1) of those being during the senior year and that feedback from stakeholders has been to increase the level of math required rather than adding an additional year. Ms. Bent informed the Board that the current level requirement is Algebra I and Geometry. Board member Atchley then comments the state should require four (4) years of math to include two (2) credits of practical or life style math. Dr. Hill voices his agreement with this. Board member Soltman then comments the Board must be careful with how to structure the requirement for four (4) years of math. Board member Critchfield comments she agrees with Board members Atchley and Hill on the requirement for four (4) years of math, however, the Board must consider the burden of an additional year of math will place upon smaller schools and districts. Ms. Brady then shares with Board members the work of some of the Mastery Schools who have utilized math pathways and suggests this as something the Board could consider for students to meet the math requirement. Ms. Bent then shares with the Board that one short term measure to address financial literacy would be to include this in the current language as counting towards the math requirement while not making it an actual requirement. Dr. Clark then asks Superintendent Ybarra if any

curriculum committees have looked at standards and where financial literacy would fit. Superintendent Ybarra responds not formally, but this is something the State Department of Education could look at and start the conversation.

Board member Soltman then comments he frequently receives suggestions to include coding as a requirement for graduation and asks if this could be added as an option to meet the math requirement. Ms. Bent responds coding does fall within the computer science content standards and is allowed to be used for math or science in that context.

Ms. Bent then asks for clarification from the Board on the language in the graduation requirements regarding mastery based education. Ms. Bent shares that she has received feedback from the stakeholder groups that it would be helpful if the requirements included more language in the sense of what can be done, specifically a request for a technical change from the current “demonstrating mastery of a subject’s content standards as defined and approved by the local school district” to demonstrating “competency” from mastery.

Ms. Brady then shares with Board members there has been an increase in the number of districts applying for seat time waivers to decide how to award credit for time spent outside of the classroom and it is the hope for the Local Education Authority (LEA) to be in control of determining what is a credit, adding it would be very helpful for the Board to develop a guidance document for the LEA’s and local boards to use in order to inform the decision of what is required to come out of the incubator schools. Board member Atchley then comments the state has many districts who all have their local board of trustees, some of whom are well educated and others not, and she struggles with the idea of leaving the determination of what is a credit entirely to the local districts, adding there must be consistency across the state of how this is determined. Board member Soltman then comments he has always questioned how 60 hours equates to competency, however, is not sure what a better tool of measurement would be. Board member Atchley responds the Board is responsible for ensuring delivery of a uniform, free and equal education across the state and the determination of credits should not be left to the local school districts. Dr. Clark adds the early thoughts of mastery based had never been equated to hours in the seat, but demonstrable of mastery of knowledge and standards. Board member Westerberg adds the reality is we live in a grade point average (GPA) world and asks how mastery fits in to this reality. Ms. Brady responds districts have developed a rubric that clearly defines for students what they must do in order to be competent in a standard and that these students are working at higher level and able to articulate what they know. Ms. Brady then adds mastery takes away the subjectivity of what a student is able to do, providing a more concrete demonstration of what they are able to do, not just that they have sat in a seat for 60 hours. Board member Atchley then asks how the rubric determines whether a student earns a letter grade to which Ms. Brady responds the rubric is clear and in front of the student and allows a student to grow through the levels of competency and is no longer about a percentile, but is about what that student knows or has mastered.

Board member Scoggin then asks if the only request is to change the language from mastery to competency to which Ms. Bent responds the request was to change the one usage of the word in regard to the content standards to competency but the broader intent is to provide clarification to help districts to understand how they can demonstrate students are competent in a subject area and have an understanding of the content at a certain level. Mr. Scoggin then asks if this change lowers the bar to which Ms. Bent responds in the negative, sharing feedback from the local school districts has been the word competency carries more weight with teachers and is a more descriptive term that is more easily understood. Board member Scoggin then comments his hesitation with the change in language, adding that just as the Board is trying to drive the concept of mastery based into the overall system, it is his belief the change would be diluting the effort just as the Board is trying to bring it into the mainstream and that this change is sending a subtle message that the Board is dropping the bar in this area.

Board member Soltman then asks Ms. Brady her opinion on the requested change. Ms. Brady responds that nationally competency and mastery are used interchangeably along with proficiency and that different states use the terms differently depending on what they are trying to message. Board member Critchfield then asks if the problem could be solved through messaging rather than changing the term. Ms. Bent responds the overall problem is that the current language is limited and does not provide guidance on how to do mastery and a long term solution would be to have a better description of the intended outcomes. Superintendent Ybarra then states her agreement with Board member Scoggin, adding this is an issue of messaging that the State Department of Education should address. Ms. Bent then requested confirmation that it is the desire of the Board for SDE to develop additional language to provide more guidance to school districts on what they are using or what a standard is for rewarding credits based on mastery. Board members confirmed this to be correct.

Finally, Ms. Bent shares with Board members one final item for future consideration as the Board works to define mastery is the definition of a credit hour and how the current rule of one (1) credit equaling 60 hours of instruction ties into the concept of mastery based education.

At this time Board recessed for 15 minutes, returning at 3:00pm MST.

STATE DEPARTMENT OF EDUCATION (SDE)

1. Developments in K-12 Education

This item was provided in the agenda materials as an information item.

Superintendent of Public Instruction Sherri Ybarra began her update by introducing Peter McPhearson, the new Deputy Superintendent for the State Board of Education (SDE). Superintendent Ybarra then shared with Board members that Dan Armstrong from the Vallivue School District was recognized at the national level for his work on the Create Idaho Adobe Pilot program. Finally, Superintendent Ybarra reminds Board members of the new statewide accountability system deployed this year and that the first of three

releases of information will be issued on August 15, 2018 and was based on overall school performance. The information released next month will identify schools targeted for improvement, and finally, the third release in December will include the state's new report card information. Superintendent Ybarra then shared with Board members SDE's State Technical Assistance Team (STAT) held a call with the Comprehensive Support for Improvement (CSI) Schools and that a full report would be presented to the Board in October. Additional updates for the Board in October include the FY20 Public Schools Budget request, a briefing on possible legislation for consideration of Board support and an update on Idaho's Advanced Opportunities Program.

There were no questions or comments from the Board.

2. Idaho SAT School Day 2018

This item was provided in the agenda materials as an information item.

Superintendent Ybarra introduced the item reminding Board members in accordance with Idaho Code, students must take a college entrance exam to meet minimum graduation requirements. She then invited Ms. Karlynn Laraway, Director of Assessment and Accountability for the State Department of Education, to provide an overview of the scores from the 2018 administration to the Board.

Ms. Laraway begins by sharing the Scholastic Assessment Test (SAT) Test Day 2018 Idaho Mean Score for Evidence-Based Reading and Writing was 503 (23 points above the SAT College and Career Readiness Benchmark Value) and the Idaho Mean Score for Math was 486 (44 points below the SAT College and Career Readiness Benchmark Value). Ms. Laraway then states that of those students taking the SAT during the Test Day 2018, 58% of students met the benchmark for Evidence-Based Reading and Writing, 33% of students met the benchmark for Math, and 31% met both. Ms. Laraway then shares a comparison of benchmark attainment from 2016-2018 shows a decline in the number of students meeting both benchmarks and an increase in the number of students meeting neither benchmark. Finally, Ms. Laraway reminds Board members the SAT is administered to every student in Idaho, as a minimum graduation requirement, and the results may reflect the fact that many of the students are taking this type of assessment for the first time.

Board member Soltman then asks if the Board has this same requirement for the Preliminary SAT (PSAT) to which Ms. Laraway responds the state does pay for students in Grade 10 to take the PSAT, however, it is not a requirement.

There were no additional questions or comments from the Board.

3. Content, Pedagogy, and Performance Assessments – Qualifying Scores

BOARD ACTION

M/S (Ybarra/Westerberg): To accept the recommendation of the Professional Standards Commission to approve the Content, Pedagogy, and Performance Assessments as provided in Attachment 1. The motion carried 8-0.

AND

M/S (Ybarra/Hill): To accept the recommendation of the Professional Standards Commission to approve the Content Area Assessments and Cut Scores as provided in Attachment 2. The motion carried 8-0.

Superintendent Ybarra introduced the item reminding Board members during the October 2017 Regular Board meeting, the Professional Standards Commission (PSC) was directed to evaluate and bring forward recommendations on additional state-approved assessments and qualifying scores to be used for certification purposes. Superintendent Ybarra then invited the Director of Certification and Professional Standards for the State Department of Education (SDE), Ms. Lisa Colon-Durham, to answer any questions from the Board.

Board member Critchfield asked for an overview of the process the PSC used to develop the recommendations for the additional state-approved assessments and qualifying scores that may be used for certification purposes. Ms. Colon-Durham responded the process started immediately following the October 2017 Board meeting with the PSC Standards Committee reviewing the current requirements and then looking at other content area assessments including assessments used by other states as well as the baccalaureate or higher degree from a regionally accredited institution being counted for content area. After their review, the Standards Committee then submitted their proposals to the full committee who then submitted the PSC's recommendations to the Board for approval.

There were no additional questions or comments from the Board.

4. Student Engagement Survey

BOARD ACTION

M/S (Ybarra/Soltman): To approve questions and student engagement surveys for grades 3 – 12 beginning in the 2018-2019 school year, as submitted in Attachments 2, 3, and 4. The motion carried 8-0.

Superintendent Ybarra introduced the item reminding Board members parent, student and teacher satisfaction engagement surveys are required, per Idaho Code, to measure school quality for all grade ranges as part of the state accountability system.

Superintendent Ybarra then invited Ms. Karlynn Laraway, Director of Assessment and Accountability for the State Department of Education, to provide an update on the results of the state engagement survey administered to students in grades 3 through grade 8 during the 2017-2018 school year.

Ms. Laraway begins by sharing with Board members the 2017-2018 survey was the first time that a survey of this kind has been administered statewide with overall participation approximately 91%. Mr. Laraway then states the 2017-2018 survey looked at three levels of engagement; committed, compliant, and disengagement and that overall, 65.2% of participants surveyed reflected committed engagement.

Board member Soltman then asks how the State Department of Education (SDE) has established benchmarks to measure the survey results against to which Ms. Laraway responds currently there are no benchmarks as the results are from the first year of implementation, adding, the value is in the ability for schools to use the data as a baseline to see where they are at currently and what direction they wish to go.

Board member Clark then asked if the SDE has developed a resource for districts on how to best use the data from the survey to which Ms. Laraway responds the survey's author, AdvancEd, has resources available to the districts. Dr. Clark then asks if the districts will receive data at a district wide level, statewide level and school level to which Ms. Laraway answers in the affirmative. Board member Critchfield then asked when the districts will receive the district wide information to which Ms. Laraway responds the districts will receive the information in real time and the statewide results will be released by the SDE on a pre-determined schedule. Dr. Clark then asked if the AdvancEd resources are made available to the schools at no extra cost as part of the statewide contract to which Ms. Laraway responded in the affirmative.

Ms. Laraway continues her update by sharing with Board members the next steps would be for the Board to approve the survey questions for students in grade 9 through grade 12 for the 2018-2019 school year to allow school districts time to plan for administration of the survey. Ms. Laraway then states the next step would be to engage stakeholder groups to help develop the parent and teacher surveys, with the questions developed being brought to the Board for approval at the October 2018 Regular Board meeting for administration during the current school year.

Board member Critchfield then commented three themes identified during meetings with stakeholders were school safety, teacher quality, and overall school quality and culture. Ms. Critchfield continues by stating the final survey is an excellent gauge of engagement and grit but does not speak towards school safety and teacher quality. Ms. Critchfield then suggests at some point the Board work to further develop questions to address these areas. Ms. Laraway responds to this by stating stakeholder feedback around those themes was valuable, however, the rule itself calls for an engagement survey from students, parents and teachers and if the Board wishes to expand the survey they can at a later date, but to fulfill the requirement of the rule for engagement that is what this survey achieves.

Board member Scoggin then commented on the positive feedback shared with Board members and asks if any negative feedback was received. Superintendent Ybarra responds by stating prior to selecting AdvancEd, the feedback received from parents and stakeholders was extremely negative and that as a Board member she was concerned with the direction the Board was going and selection of AdvancEd has alleviated this concern. Superintendent Ybarra then followed up on Board member Critchfield's comment regarding the development of questions to address school safety and teacher quality, sharing the Board cannot make any changes to the Every Student Succeeds Act (ESSA) Plan until the U.S. Department of Education opens the window for changes. Board member Scoggin then states the purpose of his original question was to know if there were any counter balancing responses the Board should be aware of to which Ms. Laraway responds none that she is aware of and that a majority of the questions SDE has received have been in regards to simplicity and if this would be the same survey used going forward.

Dr. Clark then adds that initially there was a lot of negative input on the original survey questions, mostly around teacher quality questions, and that after today's meeting with Idaho State University (ISU) students, it has become evident that teacher quality is something the Board must deal with. Dr. Clark continues that while called engagement survey's, these surveys are being used to measure school quality as required under ESSA and the Board needs the other data as well.

Finally, Ms. Laraway shares with Board members upon approval of today's motion, SDE staff will convene stakeholders in order to meet the agenda material submission deadline for the October Board meeting.

There were no additional questions or comments from the Board.

EXECUTIVE SESSION (Closed to the Public)

1. Idaho State University

M/S (Critchfield/Hill): To go into executive session pursuant to Section 74-206(1)(b), Idaho Code, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. A roll call vote was taken and the motion carried 8-0.

2. University of Idaho

M/S (Critcfield/Hill): To go into executive session pursuant to Section 74-206(1)(b) and (f), Idaho Code, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. A roll call vote was taken and the motion carried 8-0.

Board members entered in to Executive Session at 3:46 pm MST.

M/S (Westerberg/Atchley): To go out of Executive Session. The motion carried 7-0. Board member Scoggin was absent from voting.

Board members exited Executive Session at 6:05pm pm MST.

OPEN MEETING

The Board reconvened in Open Session at 6:12pm MST where Board President Clark read the following statement:

“The Board convened in Executive Session to consider exempt matters which is permissible under the Open Meeting Law, Idaho Code, Title 74, Section 206 (1)(b) and (f). The Board concluded its discussion and took no action on the matters discussed. If action is necessary in this matter it will occur at a future meeting properly noticed under the Open Meeting Law”.

At this time, the Board recessed for the evening at 6:13pm MST.

Thursday, August 16, 2018 8:00 a.m., Idaho State University, Pond Student Union Building, Wood River Room, Pocatello, Idaho.

Board President Dr. Linda Clark called the meeting to order at 8:00am (MDT) for regularly scheduled business. Dr. Clark then welcomed Lewis-Clark State College President Dr. Cynthia Pemberton to her first Board meeting as President.

After her opening remarks, Dr. Clark thanked Idaho State University President Kevin Satterlee for his hospitality towards Board members, staff and guests during the previous evening’s reception at the Serval House. Dr. Clark then encouraged President Satterlee to thoroughly research the deferred maintenance needed on the Serval house and to provide a list of those needs to the Board, adding the Serval house is a valuable asset that must be maintained.

OPEN FORUM

There were no participants for Open Forum.

During the first day of the meeting, Board member Scoggin experienced a family emergency requiring his return to Boise, Idaho on Wednesday evening. Board member Scoggin then returned to the Board meeting in Pocatello at 9:50am on Thursday, August 16, 2018 to resume his duties on the Board.

CONSENT AGENDA

BOARD ACTION

M/S (Critchfield/Soltman): To approve the consent agenda as presented. The motion carried 7-0. Mr. Scoggin was absent from voting.

Business Affairs & Human Resources – Section II Business Affairs

1. Boise State University – Conveyance of Easement to Ada County Highway District

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the request by Boise State University to grant an easement to the Ada County Highway District as outlined in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

2. University of Idaho – Release of Regents Easement Rights at North Idaho College's (NIC's) Molstead Library, Coeur d'Alene

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the request by the University of Idaho to authorize the Vice President for Finance and Administration for the University of Idaho to execute all necessary transaction documents for conveying the subject property rights in the manner presented in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

3. Lewis-Clark State College – Approval of Donation Moved from Lewis-Clark State College (LCSC) to the LCSC Foundation.

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the request by Lewis-Clark State College to transfer \$20,167 from Lewis-Clark State College to the LCSC Foundation as requested by the donor. The motion carried 7-0. Mr. Scoggin was absent from voting.

4. Property Easement – Fire Services – Easement to be Granted at the Cybercore and C3 Buildings in Idaho Falls, Idaho

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the easement as submitted to the Board in Attachment 1, and to authorize the Executive Director to execute the easement and any related transactional documents. The motion carried 7-0. Mr. Scoggin was absent from voting.

Instruction, Research and Student Affairs (IRSA)

5. Programs and Changes Approved by the Executive Director – Quarterly Report
This item was provided in the agenda materials as an information item.

Planning, Policy and Governmental Affairs (PPGA)

6. President Approved Alcohol Permits
This item was provided in the agenda materials as an information item.
7. Data Management Council Appointments

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the appointment of Dale Pietrzak to the Data Management Council as the representative for a four year college or university for a term effective immediately and expiring on June 30, 2020. The motion carried 7-0. Mr. Scoggin was absent from voting.

AND

M/S (Critchfield/Soltman): By unanimous consent to approve the appointment of Dianna J. Renz to the Data Management Council as a representative for a community college for a term effective immediately and expiring on June 30, 2020. The motion carried 7-0. Mr. Scoggin was absent from voting.

8. Idaho State Rehabilitation Council Appointments

M/S (Critchfield/Soltman): By unanimous consent to approve the re-appointment of Mel Leviton to the State Rehabilitation Council as a representative for State Independent Living Council for a term of three years effective October 1, 2018, ending September 30, 2021. The motion carried 7-0. Mr. Scoggin was absent from voting.

AND

M/S (Critchfield/Soltman): By unanimous consent to approve the appointment of Dwight Johnson to the State Rehabilitation Council as a representative for Workforce Development Council for a term of three years effective October 1, 2018, ending September 30, 2021. The motion carried 7-0. Mr. Scoggin was absent from voting.

9. Accountability Oversight Committee Appointments

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the appointment of Jodie Mills to the Accountability Oversight Committee effective immediately and ending on June 30, 2019. The motion carried 7-0. Mr. Scoggin was absent from voting.

10. Idaho State University – Alcohol During Tailgating

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to waive the requirement in Board Policy I.J.2.c. that “Each year an institution that wishes to seek Board approval must present a written proposal to the Board, at the Board’s regularly scheduled June Board meeting for the ensuing year” one-time for this request. The motion carried 7-0. Mr. Scoggin was absent from voting.

AND

M/S (Critchfield/Soltman): By unanimous consent to approve the request by Idaho State University for authority to establish tailgating areas where consumption of alcohol by game day patrons may occur in the parking lots designated in Attachment 1, and under the conditions set for in this request, in full compliance with all approved provisions of Board policy I.J.2 during the 2018 football season. The motion carried 7-0. Mr. Scoggin was absent from voting.

11. Boise State University – Alcohol During Tailgating

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the request by Boise State University to establish tailgating areas as identified in orange shading in Attachment 1 under the conditions set forth in this request and in compliance with the provisions set forth in Board policy I.J.2. for the 2018-2019 football season, including the postseason, the Famous Idaho Potato Bowl, and the spring 2019 scrimmage. The motion carried 7-0. Mr. Scoggin was absent from voting.

State Department of Education (SDE)

12. Assessment Bias and Sensitivity Committee Appointments

BOARD ACTION

M/S (Critchfield/Soltman): By unanimous consent to approve the request by the State Department of Education to appoint Bill Rutherford, Robin Merrifield, Judy K. Novobielski-Muhs, David Brinkman, Becca Anderson, Craig Woods, Tanya Koyle, Dionicio Pena, Gary Birch, Kathy Millar, Todd Hubbard, Darlene Matson Dyer, Barbara Dee Jones, Carmelita Benitez, Michael Mendive, Shawna Sprague, Hayden Raini, Laura Wallis, Lisa Marlow, Bonnie Warne, Ashley Shaffner and Cindy Romney to serve on the Bias and Sensitivity Committee. The motion carried 7-0. Mr. Scoggin was absent from voting.

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS (PPGA)

2. Idaho Career Technical Education Annual Report

This item was provided in the agenda materials as an information item.

State Administrator for Idaho Career Technical Education (ICTE), Mr. Dwight Johnson, presented his agency's annual report to the Board. Mr. Johnson begins his presentation by sharing with Board members the mission of ICTE is to prepare Idaho's youth and adults for high skill in demand careers by connecting students to real careers, providing a talent pipeline for Idaho's business, and making education meaningful through applied learning.

Mr. Johnson then shares that 2019 marks the 100 year anniversary of CTE in Idaho and that CTE continues to see a positive trend, both nationally and at the state level. Examples of this positive momentum include the U.S. Congress reauthorizing the Carl D. Perkins Act on the national level and the huge investment in CTE at the state level, including the newly established College of Eastern Idaho, North Idaho College's Parker Technical Education Center, the new Lewis-Clark State College Technical Center, the Idaho State University Eames Center and multiple partnerships between local school districts and the states community colleges and career technical programs. Mr. Johnson continues with an overview of ICTE's enrollment and successes statewide which include 95% of technical college completers finding jobs or continuing their education and 94% of CTE high school concentrators finding a job, moving into postsecondary education or joining the military.

Mr. Johnson then shares the reauthorization of the Carl D. Perkins Act (Perkins V Act), effective July 1, 2019 provides ICTE greater flexibility to establish new performance measures, however, this will also require include more input from stakeholders as they work to establish metrics and put together implementation state plans and then come back to the Board for approval of the state plan for Career Technical Education in Idaho. Mr. Johnson then updates Board members on the role ICTE will play in meeting Idaho's workforce challenge and the declining civilian labor force participation rate.

Finally, Mr. Johnson states that moving forward, ICTE will focus on three initiatives - improving CTE's image as complimentary to academic education and not in competition with, developing customized recruitment toolkits to be made available to all schools statewide, and expanding CTE to middle schools beginning with Grade 7.

Board member Soltman then asks when the new state plan as part of the Perkins V Act funds must be complete to which Mr. Johnson responds July 1, 2019 with final implementation by May of 2019. Board member Soltman then requests that Mr. Johnson be mindful of the Board's deadlines and timeline for approval. Dr. Clark then asks when Idaho will receive the Perkins V Act funds to which Mr. Johnson responds 2020, adding the new act authorizes a 10.5% increase in spending over the next four years which equates to an additional \$7.1M for Idaho.

There were no additional questions or comments from the Board.

3. Higher Education Task Force – Guided Pathways Workgroup
This item was provided in the agenda materials as an information item.

Planning, Policy and Governmental Affairs (PPGA) Committee chair, Mr. Don Soltman, introduced the item and the invited Board member Critchfield to provide an update to the Board.

Ms. Critchfield begins by reminding Board members today's discussion will help Board staff to identify the next steps for moving forward with the development of an implementation plan regarding the guided pathways recommendation that came from the Governor C.L. "Butch" Otter's Higher Education Task Force.

Board member Hill then comments that recommendation 9 to create a uniform K-12 career exploration class should in some way be tied to Idaho Career and Technical Education (ICTE's) efforts to expand career exploration to grade 7. Board member Clark states her agreement, adding there are many natural connections for career exploration that can be found across the curriculum. Dr. Clark then states her support for recommendation 2 to increase communication and outreach to parents and students, adding the state's colleges and universities have implemented a number of innovative strategies to engage high school seniors and these efforts must be shared.

Board member Soltman then asks if the guided pathways workgroup will continue to work on implementing their recommendations to which Board member Critchfield responds in the affirmative.

There were no additional questions or comments from the Board.

4. Data Dashboard Update

This item was provided in the agenda materials as an information item.

Planning, Policy and Governmental Affairs (PPGA) Committee chair, Mr. Don Soltman, introduced the item and invited the Board's Director of Research, Dr. Cathleen McHugh, to present her update to the Board.

Dr. McHugh begins her update by sharing with Board members that Board staff continues to build visualizations for the postsecondary and K-12 data elements identified in 2017 by the ad-hoc workgroup co-chaired by Board member Critchfield and Senate Education Committee Chair, Senator Dean Mortimer. The postsecondary measures identified by the workgroup include graduation rates, retention rates, dual credit and/or advanced opportunities, scholarship data, direct admissions and degrees awarded. The transition from high school to postsecondary measures include college attendance rates (Fall immediate and 3-year) and college readiness scholastic achievement test (SAT) scores.

Dr. McHugh then conducted, in real time, a demonstration of the dashboard and how it will be accessed through the Board's website.

Board member Critchfield then asked if the Board's data dashboard and the K-12 school report cards prepared by the Idaho State Department of Education (SDE) will be linked to which Dr. McHugh responded she did not see why this would not be possible. The Board's Chief Planning and Policy Officer, Ms. Tracie Bent, confirmed this as well. Ms. Bent continues the dashboard piece of the K-12 Report Cards will be produced in phases beginning with those items that are federally required, followed by the additional elements identified by the ad-hoc workgroup.

Dr. McHugh concludes her demonstration by sharing with Board members the measures that are still under development include 2-year to 4-year transfer, advanced opportunities and the Opportunity Scholarship.

Board member Westerberg then asked if the dashboard will include any data relative to efficiency or cost of attendance to which Dr. McHugh responds this was not a measure identified by the workgroup but could be developed.

Board member Hill then states his support of the dashboard, however, questions the complexity of the current dashboard. Dr. Clark adds the data provided is very complete and will be useful to the institutions, however, a simpler version for public use is necessary.

Dr. McHugh then states that based on the Board's comments today, the dashboard update at the October Board meeting will include a school level view. Board member Soltman then comments this is an opportunity for the institutions to revisit their peer comparisons to which Ms. Bent responds Board staff has started the process of looking at peer institutions and updating as appropriate.

There were no additional questions or comments from the Board.

5. Board Policy I.Q. Accountability Oversight Committee – First Reading – Expansion of Committee Membership

BOARD ACTION

M/S (Soltman/Westerberg): To approve the first reading of Board Policy I.Q. Accountability Oversight Committee as provided in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members the proposed changes would expand the Accountability Oversight Committee (AOC) from eight (8) to ten (10) members and assure a balance of expertise is maintained on the committee to provide for thorough recommendations to the Board on the state’s accountability system.

There were no questions or comments from the Board.

6. Board Policy IV. E. Eastern Idaho Technical College – First Reading – Removal of Board Policy IV.I. Eastern Idaho Technical College from Board Policy

BOARD ACTION

M/S (Soltman/Hill): To approve the first reading of Board Policy IV.I. Eastern Idaho Technical College as provided in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members with the establishment of the College of Eastern Idaho (CEI) and the repeal of Eastern Idaho Technical College (EITC), Board Policy IV. E. Eastern Idaho Technical College has become obsolete. Board member Soltman then states that once the second reading is approved, Section IV.I. will be removed from the Board’s Governing Policies and Procedures.

There were no questions or comments from the Board.

7. Proposed Rule - Docket 08-0104-1801 – Rules Governing Residency Classification

BOARD ACTION

M/S (Soltman/Atchley): To approve the approved proposed Rule Docket No. 08-0104-1801, as submitted in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by reminding Board members during the 2018 legislative session, House Bill 631 created additional provisions for graduate students who had not previously

established domicile to be considered resident students in Section 33-3717B Idaho Code and that approval of this proposed rule would bring the rule into compliance with Section 33-3717B and allow for it to move forward for public comments.

There were no questions or comments from the Board.

8. Proposed Rule – Docket No. 08-0113-1802 – Rules Governing the Opportunity Scholarship Program

BOARD ACTION

M/S (Soltman/Critchfield): To approve proposed Rule Docket No. 08-0113-1802, as submitted in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item reminding Board members during the 2018 legislative session, Senate Bill 1279 amended Section 33-4303 Idaho Code, authorizing the State Board of Education to award up to 20% of the funds appropriated for the Opportunity Scholarship to individuals with 24 or more postsecondary credits and the approval of the proposed rule will start the process for making the amendments approved by the Board at the April 2018 meeting.

There were no questions or comments from the Board.

9. Proposed Rule - Docket No. 08-0202-1802 - Rules Governing Uniformity, Alternate Route to Administrator Certification

BOARD ACTION

M/S (Soltman/Westerberg): To approve proposed Rule Docket 08-0202-1802, with the increase of the minimum educational level from a baccalaureate degree to a master's degree. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members approval of the proposed rule would establish an alternate route for individuals serving in a charter school to receive an Administrator Certificate.

There were no questions or comments from the Board.

10. Proposed Rule Docket No. 08-0202-1803 – Rules Governing Uniformity, Educator Credentials

BOARD ACTION

M/S (Soltman/Hill): To approve proposed Rule Docket No. 08-0202-1803, as submitted in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members approval of the proposed rule will allow for small technical corrections and provide clarification without changing current practices.

There were no questions or comments from the Board.

11. Proposed Rule Docket No. 08-0202-1804 – Rules Governing Uniformity, Professional Endorsement

BOARD ACTION

M/S (Soltman/Atchley): To approve proposed Rule Docket No. 08-0202-1804, as submitted in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members approval of the proposed rule will provide school districts with a process for determining whether out-of-state instructional staff and pupil service staff are eligible for the Professional Endorsement.

There were no questions or comments from the Board.

12. Proposed Rule Docket No. 08-0202-1805 - Rules Governing Uniformity, Educator Credential – Occupational Specialist Endorsements

BOARD ACTION

M/S (Soltman/Hill): To approve proposed Rule Docket No. 08-0202-1805, as submitted in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members the proposed amendments will formally establish the endorsement for Occupational Specialist Certificates and that individuals holding an existing endorsement on an Occupational Specialist Certificate will continue to hold the same certificate and endorsement until their certificate expires, at which time they would be transitioned over to the new endorsements.

Board member Critchfield then asked for confirmation that the proposed amendments will increase the number of content areas for which an individual can receive an endorsement. The Board's Chief Planning and Policy Officer, Ms. Tracie Bent, confirmed this to be correct and provided additional clarification. The endorsements being considered were developed by Idaho Career and Technical Education (ICTE) working with industry to assure they meet the industry standard and in some cases existing endorsements have been combined. This combined endorsements will allow the individuals that previously had held only one endorsement to now teach in all of the combined areas. Ms. Bent

further explained that while ICTE has historically been issuing endorsements, they have never been established in rule and approval of the proposed rule amendments would do this and create a more transparent and unified practice for the issuing of CTE endorsements.

There were no additional questions or comments from the Board.

13. Proposed Rule Docket No. 08-0203-1804 – Rules Governing Thoroughness, Incorporated by Reference – Career Technical Education Program Content Standards

BOARD ACTION

M/S (Soltman/Atchley): To approve amendments to the Career Technical Education Content Standards as submitted in Attachments 2 through 7. The motion carried 7-0. Mr. Scoggin was absent from voting.

AND

M/S (Soltman/Westerberg): To approve proposed Rule Docket No. 08-0203-1804, as submitted in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members approval of the proposed rule changes will add additional career technical education subcategories into the existing content standard areas approved by the Board at the June 2016 Board meeting and update the Collision Repair content standards.

There were no questions or comments from the Board.

14. Proposed Rule Docket IDAPA 0-0501-1801 – Rules Governing Seed Certification

BOARD ACTION

M/S (Soltman/Westerberg): To approve proposed amendments to the Potato Certification Standards, as presented in Attachment 2. The motion carried 7-0. Mr. Scoggin was absent from voting.

AND

M/S (Soltman/Westerberg): To approve proposed Rule Docket No. 08-0501-1801, as presented in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item sharing with Board members approval of the proposed amendments will allow the rule to move forward through the rulemaking process.

Board member Hill then requests the Board direct staff to investigate further whether on how setting seed certification standards could be removed from the Board's responsibilities, adding his discomfort voting on items he does not understand.

The Board's Executive Director, Mr. Matt Freeman, then reminded Board members the Board voted to sponsor legislation to remove this responsibility from the Board, however, the Governor's office did not approve for the legislation to move forward through the Executive Agency Legislative processes based upon a commitment by the Potato Commission and others to work towards a resolution, however, the efforts in this area have stalled. The Board proposed legislation again this year, however, the legislation was not approved by the Governor's Office.

Mr. Freeman then states there have been suggestions this could be delegated to the University of Idaho College of Agricultural and Life Sciences or some other entity, however, it would be unprecedented for the Board to delegate rule making authority and would require additional legal review prior to being contemplated since administrative rules have the force and effect of state law.

General Counsel for the University of Idaho (UI), Mr. Kent Nelson then reminds Board members the legislature says this will be done by rule and has placed this process with UI. Mr. Nelson continues that prior to this, the process was placed with the Director of the Agricultural Experiment Station and it may be worth a discussion from the Board on how this could be done again. Finally, Mr. Nelson shares UI is working the Potato Commission and the Department of Agriculture on whether or not UI is still the best place to house this or if it may be time to move this function somewhere else.

Dr. Clark then clarifies the Board and other agencies were advised by the Governor's Office to only bring forth mission critical legislation for the coming year and the Board's legislation related to this item was not deemed as such and therefore was not approved by the Governor's Office.

There were no additional questions or comments from the Board.

15. Proposed Rule Docket No. 47-0102-1801 – Rules Governing Extended Employment Services

BOARD ACTION

M/S (Soltman/Hill): To approve proposed Rule Docket No. 47-0102-1801, as presented in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members approval of the rule will provide guidance for community rehabilitation programs in the delivery of Extended Employment Services, provide information regarding Extended Employment Services; responsibilities, program criteria and provide authority to intervene should providers fail to meet the standards set forth in the rules.

There were no questions or comments from the Board.

16. Proposed Rule Docket No. 55-0103-1801 – Rules of Career Technical Schools
– Career Technical School Funding Formula

BOARD ACTION

M/S (Soltman/Westerberg): To approve proposed Rule Docket No. 55-0103-1801, as submitted in Attachment 1. The motion carried 7-0. Mr. Scoggin was absent from voting.

Planning, Policy and Governmental Affairs Committee Chair, Mr. Don Soltman, introduced the item by sharing with Board members approval of the rule will clarify the process for calculating and distributing funds to career technical schools.

There were no questions or comments from the Board.

The Board recessed for 20 minutes, returning at 9:50 am MST.

BUSINESS AFFAIRS AND HUMAN RESOURCES (BAHR)

Section I – Human Resources

1. Board Policy II.F. – Policies Regarding Non-Classified Employees – First Reading

BOARD ACTION

M/S (Atchley/Scoggin): To approve the first reading of the proposed amendment to Board Policy Section II.F.2.b.vi. Policies Regarding Non-Classified Employees, Automobile Exclusion and Courtesy Vehicles as provided in Attachment 1. The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item and shared with Board members the proposed amendments will provide additional clarification for the institutions in the implementation of the Board's policy and State Risk Management requirements.

There were no questions or comments from the Board.

2. Idaho State University – Multi-Year Employment Agreement – Head Women’s Basketball Coach

BOARD ACTION

M/S (Atchley/Westerberg): To approve the request by Idaho State University to extend the multi-year employment contract with Seton Sobolewski as Women’s Basketball Coach, for a fixed-term expiring May 23, 2023, unless extended per Section 2.3 or sooner terminated in accordance with the contract. The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item and shared with Board members the term of the contract for the proposed employment agreement is longer than three years and the maximum potential annual compensation is greater than \$200,000 both of which require Board approval.

There were no questions or comments from the Board.

3. University of Idaho – Personnel Matters

BOARD ACTION

M/S (Atchley/Hill): After considering this information and what is in the University’s best interest and the student’s best interest, I move to terminate for convenience pursuant to Dr. Spear’s employment agreement with the University. The motion carried 8-0.

Business Affairs and Human Resources Committee Chair, Ms. Emma Atchley, introduced the item and read the following statement

“We as a Board are involved in consideration of Dr. Spear’s employment status as a result of President Staben’s disclosure of a conflict of interest and at President Staben’s request to recuse himself. As a result of the President’s recusal, the Board is not considering or giving any weight to information or opinions he may have provided.

The independent report commissioned by the University to review the University’s response to 2012 and 2013 allegations of sexual misconduct identified a number of ways the University failed to respond appropriately to allegations of sexual misconduct.

The investigators concluded that the University failed to provide proper notice and education to the University community of significant changes to its policies regarding sexual misconduct and the report said “[t]he result of the failures to provide proper notice of policy changes and education regarding Title IX resulted in those in the Athletic Department (as well as in other departments), lacking an understanding of the appropriate processes to address allegations of misconduct.”

We have considered the report, comments received from the public and university community, information received from the University's counsel, and information received from Dr. Spear and his legal counsel.

There were no questions or comments from the Board.

Section II – Finance

1. FY 2020 Line Item Budget Requests

BOARD ACTION

M/S (Atchley/Critchfield): To approve the Systemwide Needs line items, Community Colleges Systemwide line items and the agency and special and health program line items in Attachment 1; Occupancy Costs in Attachment 2; Faculty Transfer between the College of Eastern Idaho and College of Southern Idaho in Attachments 31 and 33; Interest Earning in Attachment 32; and the health benefits line items for the University of Idaho, College of Southern Idaho, and North Idaho College; and to authorize the Executive Director to approve the MCO and line item budget requests for the agencies and institutions due to the Division of Financial Management and Legislative Services Office on September 4, 2018.

The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair, Ms. Emma Atchley, introduced the item and then invited the Board's Chief Fiscal Officer, Mr. Carson Howell, to present the request to the Board.

Mr. Howell begins by sharing with Board members this year the BAHR Committee is recommending replacing the Enrollment Workload Adjustment (EWA) and all line items (except Occupancy Costs) with the request for Outcomes Based Funding (OBF). Mr. Howell then states this model was developed by a technical committee comprised of representatives from each of the institutions, the Division of Financial Management (DFM), Legislative Services Office (LSO) and the business community. The focus of OBF is on completion with a separate model for the College and Universities, Community Colleges, and Career and Technical Education based on the number of students who complete certificates, associate degrees, bachelor's degrees, master's degrees and doctorates. Mr. Howell then explained the completion metrics for model as well as the high impact multipliers.

Board member Hill then asked how the model will compensate for fluctuations in the high impact multipliers, such as "hot jobs". Mr. Howell responds the technical committee has considered this and suggests re-evaluating the high impact multipliers in five years.

Board member Clark then asked if the payoffs are based upon completion, are the rates proposed today based on when the student completes versus when the student started to which Mr. Howell responds the payoff would be paid upon completion, however, the

technical committee expects to adjust the model to ensure the behaviors the Board is wanting to incentivize are what the payoff is based upon.

Dr. Clark then asked if the Board were to successfully implement the OBF model, how this would change the Board's practice in terms of funding requests from the institutions. Mr. Howell responds OBF would replace the EWA calculation and also replace the institution line item requests, adding, this would be a change in how the institutions are funded and what the basis of that funding is on. Dr. Clark then asks if the institutions have any risk under this new process to which Mr. Howell responds this has been a topic of discussion of the technical committee who has recommended, for this first year, the institutions provide \$2M from their base funding, however, the actual amount moving forward is a policy decision that should be made by the Board.

The Board's Executive Director, Mr. Matt Freeman, then reminds Board members that if the OBF model is to be successful, the Board must place their full support behind it. Mr. Freeman then states that OBF is intended to provide the base funding for the institutions to manage the costs associated with enrollment growth and doing business and whether or not this will be sufficient to stand up new academic programs or initiatives remains to be seen. Finally, Mr. Freeman states the model is simple by design in that it is only measuring completions, adding the model will have to be flexible as there may be unintended consequences that must be adjusted or accounted for.

Dr. Clark then comments as the Board moves towards systemness it would make sense to have a system only request, however, the Board must balance this with meeting the needs of the institutions. Dr. Clark continues by reminding Board members that the Board and staff have a long history of working on an OBF model adding this is not something that was developed in isolation but in collaboration with other states who have also developed OBF models as well as the institutions and other stakeholders.

Board member Westerberg then comments it is important to bring forward the model while recognizing it will change over time as we learn how the model impacts behavior and that ultimately it is legislators who will have the final say on how much is appropriated from state funds.

Board member Atchley then states her concern with the weight for the On-Time Graduation multiplier, adding this is an important element to measure efficiency that will make a big impact on the Board's initiatives such as Complete College America (CCA) 15-to-Finish and the Board should encourage institutions to graduate students in two (2) or four (4) years.

There were no additional questions or comments from the Board.

2. FY2020 Capital Budget Requests

BOARD ACTION

M/S (Atchley/Westerberg): To approve the capital projects listed in Attachment 1 for Boise State University, University of Idaho, and Lewis-Clark State College for submission to the Permanent Building Fund Advisory Council for consideration for Permanent Building Fund support in the FY2020 budget cycle. The motion carried 8-0.

AND

M/S (Atchley/Westerberg): To approve the Six-Year Capital Improvement Plans for Boise State University, University of Idaho, and Lewis-Clark State College, as provided in Attachments 2, 4, and 5. The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item.

There were no questions or comments from the Board.

3. Intercollegiate Athletics Reports – NCAA Academic Progress Rate (APR) Reports

This item was provided in the agenda materials as an information item.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item and shared with Board members that all institutions have met their benchmarks.

Board member Westerberg then comments that historically, as the Board as looked at this report, it has done nothing but get better and the Board should complement the institutions on their good work with their student athletes.

There were no additional questions or comments from the Board.

4. Board Policy V.I. – Real and Personal Property and Services – First Reading

This item, by unanimous consent, was returned to the Business Affairs and Human Resources Committee for further investigation.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item sharing with Board members the proposed amendments include changes to purchasing real property, eminent domain, sale of services or rights, and the prohibited use of an institution's trademark were developed by Board staff to reflect the concerns expressed by the Board during the June meeting concerning real and personal property and services. Board member Atchley then invited representatives from the four year institutions to share with the Board any concerns they may have with the proposed amendments.

Representing the four year institutions were Mr. Todd Kilburn, Vice President for Finance and Administration for Lewis-Clark State College; Mr. Kevin Satterlee, President of Idaho State University; Mr. Brian Foisy, Vice President for Finance and Administration for University of Idaho; Mr. Kent Nelson, General Counsel for University of Idaho; Mr. Matt Wilde, General Counsel for Boise State University. Also present was Ms. Jenifer Marcus, Deputy Attorney General for the Idaho State Board of Education.

Mr. Wilde begins by sharing with the Board that Boise State University (BSU) does not feel they have been given adequate time to review the policy amendments and that as written BSU does have concerns with the revisions. Mr. Wilde then states BSU had initially sought discussions with Board staff earlier in the year on ways to ease the Board's involvement with public utility easements and that exceptions could and should be made not only for public entities, but for public and private utility easements as well. Mr. Wilde then shares his concern that the policy amendment requiring Board approval for the purchase of any property exceeding ten percent of the appraised fair market value would create an additional and unnecessary threshold based on the fact that the Board already has thresholds in place. Additionally, the policy amendment, as written would create a new floor for land owners in negotiations with the institution. Mr. Wilde then shares with the Board the addition of the new Section 8 to the policy would adversely affect BSU's long term relations with Learfield Sports Marketing and approval of the motion now would be unnecessary, superfluous and perhaps seen as a unilateral change for this policy. Finally, Mr. Wilde states it is his opinion the policy amendments, as written, should not go forward.

Mr. Foisy then shares with Board members he has many of the same concerns with the policy amendments as those expressed by Mr. Wilde, specifically how the proposed amendments would impact the existing licensing and advertisement deals the University of Idaho currently has in place.

Mr. Satterlee then shares he is also in agreement with the concerns brought forth by both BSU and UI and adds if the Boards intent is to set general standards they could work with the institutions to determine the standards, but directing the institution presidents to review particular parts of every contract goes against the mission, adding all of the campuses have a fair level of expertise in trademark licensing and on some of the campuses these are multi-million dollar operations and he would appreciate an opportunity to discuss the item further with the Board one on one.

Mr. Kilburn then shares with the Board his primary concern with the proposed amendments centers on the changes to appraisal price, adding, LCSC is landlocked and the current strategy is to purchase homes in the area as they come available and if the last home on a block comes available the proposed amendments could put the college in a difficult situation.

Board member Scoggin then comments he does not necessarily agree with all of the concerns raised today, however, this is a fairly substantive item that may require additional discussion before moving towards approving the first reading.

Board member Westerberg then requested unanimous consent to return the item to the BAHR committee for additional work.

5. Boise State University – Baker Tilly Virchow Krause, LLP Implementation Agreement for Oracle Corporation – Human Capital Management (HCM) Cloud System

BOARD ACTION

M/S (Atchley/Critchfield): To approve the request by Boise State University to retain Baker Tilly Virchow Krause, LLP for consulting and implementation of Oracle HCM Cloud System at a cost not to exceed \$4.8 million in substantial conformance with the agreement in Attachment 2. The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item and then invited Vice President and Chief Financial Officer for Boise State University, Mr. Mark Heil and Associate Vice President and Chief Information Officer for Boise State University, Mr. Max Davis Johnson, to present the item to the Board.

Mr. Heil begins by sharing with Board members BSU's current Human Resources (HR) Business System has reached its end of life by the vendor and has not been supported by the vendor for more than three years and as a result BSU is no longer receiving security patches from the vendor, exposing the university to risk with regards to employee personal information.

Board member Clark then requested clarification of the staff comment noting a potential issue if this contract were approved and then the systems integration consultant recommends a single system for HR that is not Oracle HCM Cloud. The Board's Executive Director, Mr. Matt Freeman, responds the staff comment is not a criticism of the merits of the request, rather simply calls out the fact that the Board will have a systems integration consultant engaged to look at areas of consolidation and the comment asks the question of whether it would be prudent for the university to invest a significant amount in their current software system pending the work of the systems integration consultant. Mr. Heil responds that BSU has considered the timeline for the work of the systems integration consultant and decided this work will take longer than what the university is comfortable with.

Board member Scoggin then asked for information on the process BSU used to select the Oracle HCM Cloud solution to which Mr. Davis-Johnson responded BSU did go through the Request for Proposal (RFP) process to which a number of firms responded to. Mr. Scoggin then asked if this was the only solution considered to which Mr. Davis-

Johnson responded in the affirmative. Mr. Scoggin then shared his experience using Oracle in his business operations and advised BSU to be cautious as they move forward.

Board member Soltman then asked if BSU would be willing to accept the systems integration consultant's recommendation after having invested almost \$5 million in this system to which Mr. Heil responds they would, adding the selection of Oracle HCM Cloud is BSU's attempt to mitigate their current risk exposure and that, in their opinion, it would be a prolonged amount of time before they are able to incorporate the systems integration consultant's recommendations.

There were no additional questions or comments from the Board.

6. Boise State University – Amendment to Multi-Media and Marketing Rights Agreement for Boise State University Athletics – Learfield Communications

BOARD ACTION

M/S (Atchley/Scoggin): To approve the request by Boise State University to enter into a three year contract extension with Learfield Sports Marketing as outlined herein. The motion carried 6-2 with Board members Soltman and Westerberg voting nay.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item and reminded Board members this item was discussed at the June Board meeting where it was returned to the BAHR Committee for additional work. Ms. Atchley then invited Mr. Mark Heil, Associate Vice President and Chief Information Officer for Boise State University; Mr. Matt Wilde, General Counsel for Boise State University; and Mr. Curt Apsey, Executive Director of Athletics for Boise State University to present the amendments to the Board.

Board member Scoggin then expressed his appreciation to BSU for responding to the Board's concerns from the June Board meeting by creating a formal, written policy requiring Presidential approval of specific items in the agreement.

Board member Soltman then asks if approval of this agreement could wait until after the Board has voted on the revisions to Board Policy V.I. – Real and Personal Property. Mr. Apsey responds a delay in the approval of this agreement is cause for concern due to the importance the partnership places on the football season and it would be difficult for BSU to move forward for this season if approval were to be delayed.

Board member Westerberg then states his concern with the Board approving this agreement before voting on the revisions to Board Policy V.I – Real and Personal Property and it is his preference to defer this item.

There were no additional questions or comments from the Board.

7. Boise State University – Acquisition of Real Property

BOARD ACTION

M/S (Atchley/Hill): To approve the request by Boise State University to acquire real property located at 1104-1108 South Grant Avenue, 1116-1122 West Beacon Street and 1101 South Denver Avenue through purchase and sale subject to Board Policy V.I.2.a., or by use of eminent domain legal proceedings if necessary, and to execute and ratify any required pleadings or transactional documents, including closing documents, necessary or convenient to carry out these actions for these properties. The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item.

There were no questions or comments from the Board.

8. University of Idaho – Bruce M. Pitman Center Exterior Elevation Repairs – Capital Project Authorization Request, Planning and Design Phases

BOARD ACTION

M/S (Atchley/Westerberg): To approve the request by the University of Idaho to implement the Planning and Design phases of the Bruce M. Pitman Center Exterior Elevation Repairs as outlined in Attachment 1 at a cost not to exceed \$146,900. The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item.

There were no questions or comments from the Board.

9. Lewis-Clark State College – Career Technical Education Center – Tri-Partnership Development Agreement

BOARD ACTION

M/S (Atchley/Westerberg): To approve the request by Lewis-Clark State College for approval of the Development Agreement between the College, the City of Lewiston and the Lewiston School District #1 and authorize the institution to spend the necessary funds, currently estimated at \$1.156M, from its reserves in order to create the infrastructure for its career technical education center. The motion carried 8-0.

AND

M/S (Atchley/Westerberg): To approve the request by Lewis-Clark State College to transfer ownership of its interest in the 310 acres jointly owned by Lewis-Clark State College, the City of Lewiston and Independent School District No. 1 of Nez Perce County as proposed in the Development Agreement for the purpose of allowing Lewis-Clark State College to own its individual parcel of approximately 30.5 acres on which Lewis- Clark State College intends to construct the Career-Technical Education Center. The motion carried 8-0.

Business Affairs and Human Resources (BAHR) Committee Chair Ms. Emma Atchley introduced the item and then invited Dr. Cynthia Pemberton, President of Lewis-Clark State College (LCSC) and Mr. Todd Kilburn, Vice President for Finance and Administration for Lewis-Clark State College to present the item to the Board.

Dr. Pemberton begins by sharing with Board members the development agreement before the Board today is for the infrastructure, both on-site and off-site, necessary for the City of Lewiston, LCSC and the local school district to develop the site. Dr. Pemberton then states LCSC's contribution is estimated at just under 19% of the total estimated construction cost of \$6,099,699 for the infrastructure and that this work is necessary in order for LCSC to move forward with the construction of the new Career Technical Education Center. Finally, Dr. Pemberton shares with the Board that LCSC has secured \$14.7 million towards the \$20 million goal for the new Career Technical Education Center and that the college has reserved funds available to complete the project.

Board member Soltman then asks if there are any costs associated with the transfer of ownership of LCSC's interest in the jointly owned 310 acre site to which Dr. Pemberton responds there are none.

There were no additional questions or comments from the Board.

INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS (IRSA)

1. Three-Year Program Plan

BOARD ACTION

M/S (Critchfield/Soltman): To approve the Three-Year Program Plan as submitted in Attachment 1. The motion carried 8-0.

Instruction, Research and Student Affairs (IRSA) Committee chair Ms. Debbie Critchfield introduced item reminding Board members the Three-Year Plan provides a comprehensive picture of anticipated institutional academic program development and is intended to serve as the foundation for advising and informing the Board in its efforts to coordinate educational programs throughout the state and that approval of the three-year plan will provide the institutions with the ability to proceed with the development of a program proposal for consideration by the Board.

The Board's Chief Academic Officer, Dr. Randall Brumfield, then shares with Board members the current focus is on health sciences, health professions, computer sciences and education fields. Dr. Brumfield adds there are also 4-year baccalaureate degrees being delivered through the community colleges as applied baccalaureate programs and Board staff is requesting direction from the Board on how to work with the community colleges on their ability to offer baccalaureate programs.

Board member Critchfield then invited represented from each of the 2-year and 4-year institutions to present an overview of their Three-Year Plan to the Board.

There were no questions or comments from the Board.

2. Idaho State University – Ph.D. in Rehabilitation and Communication Sciences

BOARD ACTION

M/S (Critchfield/Hill): To approve the request by Idaho State University to add a Ph.D. in Rehabilitation and Communication Sciences Program as presented. The motion carried 8-0.

There were no questions or comments from the Board.

3. University of Idaho – Masters of Science in Plant Pathology

BOARD ACTION

M/S (Critchfield/Atchley): To approve the request by the University of Idaho to add a M.S. in Plant Pathology Program as presented. The motion carried 8-0.

There were no questions or comments from the Board.

4. Board Policy III.N. - General Education – First Reading

BOARD ACTION

M/S (Critchfield/Hill): To approve the first reading of the proposed amendments to Board Policy III.N, General Education as presented in Attachment 1. The motion carried 8-0.

Board member Hill shared with Board members this work started some time ago and then expressed his appreciation to the Board's Chief Academic Officer, Dr. Randall Brumfield, staff and the institutions for their work and efforts in this area.

There were no additional questions or comments from the Board.

5. Board Policy III. C. - Graduate Medical Education Committee – Second Reading

BOARD ACTION

M/S (Critchfield/Soltman): To approve the second reading of proposed Board Policy III.C. as provided at Attachment 1. The motion carried 8-0.

Board member Atchley asked if there were any changes to the proposed policy from the first reading to which the Board's Chief Academic Officer, Dr. Randall Brumfield, responded there were none.

There were no additional questions or comments from the Board.

6. Board Policy III.Y. – Advanced Opportunities – Second Reading

BOARD ACTION

M/S (Critchfield/Hill): To approve the second reading of proposed amendments to Board Policy III.Y. Advanced Opportunities as submitted in Attachment 1. The motion carried 8-0.

The Board's Chief Academic Officer, Dr. Randall Brumfield, reminds Board members approval of the proposed amendment will align the acceptance of Advanced Placement (AP) scores across institutions and that students will be awarded academic credit for an AP score of 3 or higher.

There were no questions or comments from the Board.

7. Board Policy III.Z. – Planning and Delivery of Postsecondary Programs and Courses – Second Reading

BOARD ACTION

M/S (Critchfield/Atchley): To approve the second reading of proposed amendments to Board Policy III.Z. Planning and Delivery of Postsecondary Programs and Courses as submitted in Attachment 1. The motion carried 8-0.

The Board's Chief Academic Officer, Dr. Randall Brumfield, reminded Board members of the request during the June meeting to redact the University of Idaho as a regional service delivery for the applied baccalaureate degree as this is not in their mission and that Board staff is working on the definition for an applied baccalaureate degree and plans to bring this to the Board for approval at the October meeting.

There were no questions or comments from the Board.

8. Complete College America Momentum Pathways Initiative
This item was provided in the agenda materials as an information item.

There were no questions or comments from the Board.

OTHER BUSINESS

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

BOARD ACTION

M/S (Westerberg/Hill): To adjourn the meeting at 12:08 pm (MDT). The motion carried 8-0.