



STATE BOARD OF EDUCATION

May 15, 2019

**Boise State University
Alumni and Friends Center
1173 W. University Drive
Boise, Idaho**

A special meeting of the State Board of Education was held May 15, 2019 in the Alumni and Friends Center, on the campus of Boise State University, in Boise, Idaho. Board President Debbie Critchfield presided and called the meeting to order at 9:00am MST. A roll call of members was taken.

Present:

Debbie Critchfield*, President
Dr. David Hill, Vice President
Emma Atchley
Dr. Linda Clark

Don Soltman
Richard Westerberg
Sherri Ybarra*, State Superintendent

Absent:

Andrew Scoggin, Secretary

*Except Where Noted

BOARD WORK

1. Agenda Review/Approval

BOARD ACTION

M/S (Hill/Soltman): I move to approve the agenda as posted. The motion carried 7-0. Mr. Scoggin was absent from voting.

WORK SESSION

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

1. System Governance

Board President, Mrs. Debbie Critchfield, introduced the item and reported the purpose of the agenda items was for the Board and representatives from the institutions to discuss ways to leverage the Board's unique governance structure to develop a systemness approach to K-20 public education in Idaho.

Facilitating the discussion was Dr. Robert E. Anderson, President of the State Higher Education Executive Officers Association (SHEEO).

Four key points derived from the discussion were:

- I. Identifying and addressing the processes or policies that serve as barriers to growth and innovation;
- II. Transparency of data and how to convey to students and families how their data is utilized;
- III. Identifying functions that have become duplicated at the institution level that could be more appropriately be managed at the system office;
- IV. Balancing the Board's oversight with the need for each campus to maintain their identity and focus.

At 10:35am (MST) President Critchfield left the meeting at 10:35am (MST) and returned at 1:01pm (MST).

The Board recessed for 15 minutes, returning at 11:00am MST.

2. Administrative Rules Process Update – Notice of Omnibus Rulemaking (Fee/Non-Fee Rule)

BOARD ACTION

M/S (Clark/Atchley): I move to approve temporary and proposed rules, dockets 08-0000-1900, 08-0000-1900F, and 55-0000-1900 as provided in Attachments 1, 2, and 3. The motion carried 6-0. Mrs. Critchfield and Mr. Scoggin were absent from voting.

Planning, Policy and Governmental Affairs (PPGA) Committee Chair, Dr. David Hill, introduced the item and requested the Board's Chief Planning and Policy Officer, Ms. Tracie Bent, provide an update to the Board.

Ms. Bent reported each year Idaho's codified administrative code is scheduled to expire on June 30. As part of the legislature's annual duties during the legislative session, the legislature considers a bill to extend the codified rules, including those not rejected during the legislative session, until June 30 of the following year. During the 2019 Legislative Session, this bill did not pass and all currently codified rules are scheduled to expire on June 30, 2019. In response, Governor Brad Little authorized the approval of temporary and proposed rules through an omnibus process that would reinstate the rules on a temporary basis effective July 1, 2019 and start the rule promulgation process with a temporary and proposed rule for each section of the Idaho Administrative Procedures Act (IDAPA). As part of this process, agencies would also have the opportunity to identify any outdated or unneeded titles of rules and allow them to expire.

Board staff have identified eight chapters of Administrative Code that could be allowed to expire, one of which would be moved to Board policy with a first reading scheduled for the June regular Board meeting. Any other negotiated rulemaking initiated this year would be required to follow the normal negotiated rulemaking process and any proposed rules would be brought to the Board at the June or August Regular Board meetings for consideration. All approved rules are then published in the administrative bulleting, which triggers a 21-day public comment period. All pending rules, including those approved through this process, would be brought back to the Board for consideration at the close of the 21-day public comment period. Any pending rules approved by the Board would then be submitted to the legislature for consideration in 2020.

The currently codified rules identified by Board staff for expiration are:

- 08.01.01, Rules of the State Board of Education and Board of Regents
- 08.01.04, Residency (Tuition Purposes) – this will be moved to Board of Education Policy
- 08.01.07, State Professional Studies Program
- 08.01.08, Miscellaneous Rules of the State Board of Education
- 55.01.01, Rules Governing Administration (Career Technical Education)
- 55.01.02, Rules Governing Postsecondary Program Reduction or Termination (Career Technical Education)
- 47.01.01, Rules Governing Idaho Division of Vocational Rehabilitation
- 47.01.02, Rules Governing Extended Employment Services

There were no questions or comments from the Board.

3. Regular Board Meeting Work Session Topics

Planning, Policy and Governmental Affairs (PPGA) Committee Chair, Dr. David Hill, introduced the item and requested the Board's Executive Director, Mr. Matt Freeman, provide an overview of the item to the Board.

Mr. Freeman reported the purpose of the agenda item was for the Board to have an open conversation about the areas of interests Board members would like to have during future work sessions.

The Board's Chief Planning and Policy Officer, Ms. Tracie Bent, reported three of the Regular Board meetings have standing work session items; the K-20 Strategic Plan during the December Regular Board meeting, Tuition and Fees and Institution and Agency Strategic Plans during the April Regular Board meeting, and Performance Measure Reports for the K-20 System during the October Regular Board meeting.

Board member Atchley suggested the Board consider the topics of differential fees and program fees.

Board member Clark suggested the Board consider the topic of Board policies that are problematic to the institutions.

Board member Soltman suggested the Board consider the topic of legislative ideas and how the Board's legislative process affects the institutions.

Board member Hill suggested the Board consider the topic of Institutional Strategies. Dr. Hill reported this would be separate from the institution's strategic plans and would focus on how the Board envisions the future of each of the 4-year college and universities and how these futures fit together. Finally, Dr. Hill reported these topic would be intended to be speculative and not restrictive and it would be useful for the Board to have this discussion in an open forum.

Ms. Bent reported one of the items that comes forward to the Board during the Regular June Board meeting is Legislative ideas and that typically, there are few legislative ideas that affect higher education outside of the annual budget requests. Ms. Bent then asked if there was interest from the Board in conducting an earlier work session to discuss the Board's broader legislative agenda or interests, adding this discussion would help to inform Board staff on the Legislative ideas the Board would like to submit during the June Regular Board meeting. Dr. Hill responded in the affirmative.

At this time, the Board recessed for five minutes, returning at 12:00pm MST.

Superintendent Ybarra left the meeting at 11:55am (MST) and returned at 12:20pm (MST).

BUSINESS AFFAIRS AND HUMAN RESOURCES (BAHR)

Section II – Finances

1. University of Idaho – Idaho Central Credit Union Arena Construction Phase Authorization

BOARD ACTION

M/S (Atchley/Soltman): I move to approve the request by the University of Idaho to authorize a \$5,000,000 increase in the amount authorized by the Board on March 14, 2019 from \$46,000,000 to \$51,000,000 as described in Attachment 1. The motion carried 5-0. Mrs. Critchfield, Mr. Scoggin and Superintendent Ybarra were absent from voting.

Business Affairs and Human Resources (BAHR) Committee chair, Mrs. Emma Atchley, introduced the item and reported the University of Idaho (UI) is seeking approval from the Board to increase the authorized amount for the Idaho Central Credit Union Arena (ICCU Arena) by \$5M for a total construction cost of \$51M. Mrs. Atchley requested the Board's Chief Fiscal Officer, Dr. Carson Howell, provide an overview of the request to the Board. Representing the University of Idaho was Incoming President C. Scott Green.

Dr. Howell reported the Board approved the ICCU Arena project for a total amount of \$46M during the March 14, 2019 Special Board meeting. After the bid opening, the construction costs were \$3.5M more than expected. As a result, the UI is requesting authorization to increase the total project amount by \$3.5M plus a \$1.5M contingency for a total increase of \$5M.

President Green reported the increased costs were due primarily to the very active construction environment in the Pacific Northwest and nationally with notable increases from the trades that rely heavily on labor.

Mr. Green stated UI has secured commitments of \$25M in donations and sponsorships and \$18.3M in student fees to pay for the cost of the ICCU Arena. The increase in construction costs would require UI to secure an additional \$7.7M which would be achieved primarily through fundraising efforts. Mr. Green reported this target is a bit more of a challenge for the UI however, University of Idaho Vice President of Finance and Administration, Mr. Brian Foisy, has advised he believes the target is achievable if it is made a priority, which Mr. Green stated he intended to do.

Board member Soltman asked Mr. Green how the increase in the total construction cost affects the bonding and financing for the project. Mr. Green responded the increase to the total construction cost would increase the requirements for the annual debt service by \$300,000, including principal and interest that would be covered through a reduction of maturity of debt as it comes due and other sources such as student fees.

There were no additional questions or comments from the Board.

EXECUTIVE SESSION

M/S (Clark/Westerberg): I move to go into Executive Session pursuant to Section 74-206(1)(b), Idaho Code, "To consider the evaluation, dismissal or disciplining of a public officer, employee staff member or individual agent, or public school student". The motion carried 5-0. Mrs. Critchfield, Mr. Scoggin and Superintendent Ybarra were absent from voting.

Board members entered into Executive Session at 12:08 pm MST.

Superintendent Ybarra returned to the meeting at 12:20 pm MST.

Mrs. Critchfield returned to the meeting at 1:01 pm MST.

M/S (Westerberg/Atchley): I move to go out of Executive Session. The motion carried 7-0. Mr. Scoggin was absent from voting.

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

OTHER BUSINESS

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

M/S (Westerberg/Clark): To adjourn the meeting at 4:11 pm MST. The motion carried 7-0. Mr. Scoggin was absent from voting.