

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**APRIL 16, 2020**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>BOARD POLICY – I.J. USE OF INSTITUTIONAL FACILITIES – SECOND READING</b>	Action Item
2	<b>CORONAVIRUS SOFT CLOSURE RE-ENTRY CRITERIA (RETURN FROM SOFT CLOSURE)</b>	Action Item

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**PRESIDENTS LEADERSHIP COUNCIL**

**SUBJECT**

Board Policy I.J. Use of Institutional Facilities and Services – Second Reading

**REFERENCE**

April 2011	The Board approved additions to Board Policy I.J. to make permanent the conditions under which the Board can approve the sale or consumption of alcohol in conjunction with NCAA football games (section 2.c). Prior to this policy change, the institutions were bringing requests for exceptions to Board Policy I.J. annually to allow for the consumption of alcohol in suite areas and at pregame corporate events.
June 2015	The Board approved requests from the universities to establish secure areas for pregame events for ticket holders with structured alcohol service for the 2015 football season.
June 2016	The Board denied requests from the universities to establish secure areas for pregame events for ticket holders with structured alcohol service for the 2016 football season. In addition the Board denied the request by the University of Idaho to allow game patrons for home football games to bring alcohol for personal consumption to designated tailgating areas.
June 2017	The Board deferred consideration of proposed amendments to Board Policy I.J. until such time as a single proposal could be brought forward from the universities.
August 2017	The Board approved the first reading of proposed amendments to Board Policy I.J. with the stipulation that the requirement for a “written or electronic” invitation be added and the term “youth” be changed to “minors,” add no students are allowed in alcohol service areas and maintain the separation of alcohol service areas from areas where no alcohol is served.
October 2017	Board approved the second reading of proposed amendments to Board Policy I.J.
October 2019	The Board approved the first reading of proposed amendment to Board Policy I.J. to remove the reporting requirement for president-approved alcohol permits at each regularly scheduled Board meeting, and allow events in conjunction with student athletic events to be approved by the institution’s chief executive officer within the same restrictions as other permissible

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events. The Board requested that the policy be referred back to the Planning, Policy, and Governmental Affairs committee to develop policy revisions delegating all alcohol permit approval to the CEOs of the institutions, including those in conjunction with student athletic events and tailgating operations, within reasonable parameters.

The Board approved the first reading of proposed amendment to Board Policy I.J. to remove the reporting requirement for president-approved alcohol permits at each regularly scheduled Board meeting, and allow events in conjunction with student athletic events to be approved by the institution's chief executive officer within the same restrictions as other permissible events. The Board requested that additional changes be made to ensure complete delegation to the CEO's of the institutions, specifically to remove the stipulation that attendees of a Permitted Event must receive a ticket, registration, or invitation.

**APPLICABLE STATUTE, RULE, OR POLICY**

Attachment 1 – Board Policy I.J. Use of Institutional Facilities and Services with Regard to the Private Sector, Second Reading

**BACKGROUND/DISCUSSION**

Board Policy I.J. Use of Institutional Facilities and Services in Regards to the Private Sector requires the use be related to the mission of the institution and not directly competitive with services and facilities reasonably available from the private sector and sets out limited provisions under which the consumption of alcohol in institutional facilities is authorized. At the October 2019 Regular Board meeting, the Board approved a first reading of amendments to Board policy I.J. requested by the four-year institutions. The Board requested that the institutions include an additional policy revision to delegate to the chief executive officers of the institutions all alcohol permit approval, including those in conjunction with student athletic events and tailgating operations, within reasonable parameters.

The proposed amendments to Board Policy I.J. have been collaboratively developed by the Presidents Leadership Council, with support from the University of Idaho, Lewis-Clark State College, Idaho State University, and Boise State University. The policy draft has been simplified from the previous version presented in October to ensure clarity. In addition, since the first reading presented to the Board in February, the requirement for entry to be contingent upon paid admission through purchase of a ticket or through payment of a registration fee or one where admission is by written or electric personal invitation, was removed. The goal of removing that requirement was to ensure that events open to the public, such as free concerts could include designated areas for alcohol service.

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**IMPACT**

Approval of the proposed amendments will delegate to the chief executive officers of the postsecondary institutions all alcohol permit approval authority including those in conjunction with student athletic events and tailgate operations within the same restrictions as other permissible events. The amendments also remove the reporting requirement for president-approved alcohol permits at each regularly scheduled Board meeting.

**ATTACHMENTS**

Attachment 1 – Board Policy I.J. Use of Institutional Facilities and Services with Regard to the Private Sector, Second Reading

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed amendments between the first and second reading in Attachment 1 are identified by red text in Attachment 1. One substantive change has been made to the proposed policy between the first and second reading, which removes the requirement for individuals to have a ticket or written invitation to enter the permitted event area. These amendments are on page 3 and 4 of Attachment 1.

**BOARD ACTION**

I move to approve the second reading of amendments to Board Policy I.J. Use of Institutional Facilities and Services with Regard to the Private Sector, as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: J. Use of Institutional Facilities and Services with Regard to the  
Private Sector April 2020

1. Use of Institutional Facilities and Services

- a. Consistent with education's primary responsibilities of teaching, research, and public service, the institutions, under the governance of the State Board of Education and Board of Regents of the University of Idaho (Board), have and will continue to provide facilities and services for educational purposes. Such services and facilities, when provided, should be related to the mission of the institution and not directly competitive with services and facilities reasonably available from the private sector. The institutions' provision of services and facilities should be educationally related. In addition, the Board recognizes that the institutions have a role in assisting community and economic development in a manner that supports the activities of the private sector. To this end, cooperation with local, state, and federal agencies is encouraged.
- b. Priority and guidelines for use of institutional services and facilities isare as follows:
  - i. Institutionally sponsored programs and projects.
  - ii. Community programs or projects of an educational nature where the services or facilities provided by the institutions are directly related to the teaching, research, or service mission of the institution.
  - iii. Local, state, or federally sponsored programs and projects.
  - iv. The institutions will maintain a list of special events, services and facilities provided in those special events, the sponsor's name, the date of the use, and the approximateplanned or expected number of persons attending. This list will be available for public inspection. Individual institutional policies should be adopted in accordance with this general philosophy and policy statement of the Board. To this end, a coordinated effort between the public and private sector is encouraged.

2. Possession, Consumption, and Sale of Alcohol Beverages at Institutional Facilities

- a. ~~Board Administrative Rules IDAPA 08.01.08 provides requirements relative to alcoholic beverages on campus grounds. Said rules generally prohibit the~~ The possession or consumption, and sale of alcoholic beverages ~~in areas open to and most commonly used by the general public on campus grounds. The rules~~

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~~authorize the Board to waive the prohibition pursuant to Board policies~~ generally prohibited at institutional facilities except as allowed through the Board's Governing Policies and procedures Procedures. The chief executive officer ("CEO") of each institution may ~~waive~~ approve the ~~prohibition against~~ possession, sale, or consumption of alcoholic beverages only as permitted by and in compliance with this policy. ~~The grant of any such waiver shall be determined by the chief executive officer ("CEO") only in compliance with this Policy and in accordance with the provisions set forth herein, and not as a matter of right to any other person or party, in doing so, the chief executive officer~~ The CEO must ensure that the decisions to allow possession and consumption of alcoholic beverages are consistent with the proper image and the mission of the institution.

- b. Each institution shall maintain a policy providing for an institutional Alcohol Beverage Permit process. For purposes of this policy, the term "alcoholic beverage" shall include any beverage containing alcoholic liquor as defined in Idaho Code Section 23-105. ~~Waiver~~ Approval of the ~~prohibition against~~ possession, sale, or consumption of alcoholic beverages shall be evidenced by issuance of a written Alcohol Beverage Permit issued by the CEO of the institution which may be issued only in response to a completed written or electronic application ~~therefore. Staff of the State Board of Education shall prepare and make available to the institutions the form for an Alcohol Beverage Permit and the form for an Application for Alcohol Beverage Permit which is consistent with this Policy. Upon issuance of an Alcohol Beverage Permit, a copy of the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board.~~ An Alcohol Beverage Permit may only be issued to allow the sale ~~or~~ consumption or possession of alcoholic beverages on ~~public use areas of~~ the campus grounds provided that all of the following minimum conditions shall be met. An institution may develop and apply additional, more restrictive, requirements for the issuance of an Alcohol Beverage Permit. The CEO has the authority by the Board to issue Alcohol Beverage Permits that meet or exceed the following requirements.

- i. An Alcohol Beverage Permit may be granted only for a specifically designated event (hereinafter "Permitted Event"). Each Permitted Event shall be defined by the activity planned, the area or location in which the activity will take place and the period of time during which the activity will take place. The activity planned for the Permitted Event must be consistent with the proper image and mission of the institution. The area or location in which the activity will take place must be defined with particularity, and must encompass a restricted space or area suitable for properly controlling the possession ~~and~~ service, consumption of alcoholic beverages. The time period for the activity must be a single contiguous continuous time period for a separate defined occurrence (such as a dinner, a conference, a reception, a concert, a sporting competition ~~and the like~~ or similar event). An ~~extended series of events or a continuous activity~~ event with no ~~pre-determined~~ predetermined conclusion shall not be a Permitted Event. The area or location of the Permitted Event, the restricted

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space or area therein for the service possession, and consumption of alcoholic beverages and the applicable time periods for the Permitted Event must each be set forth in the Alcohol Beverage Permit and in the application therefore.

ii. ~~The serving of alcoholic beverages must be part of a planned food and beverage program for the Permitted Event, rather than a program serving alcoholic beverages only.~~ Food must be available at the Permitted Event. Consumption of alcoholic beverages and food cannot be the sole purpose of a Permitted Event.

iii. Non-alcoholic beverages must be ~~as~~ readily available ~~as alcoholic beverages~~ at ~~the every~~ Permitted Event.

iv. ~~A Permitted Event must be one requiring paid admission through purchase of a ticket or through payment of a registration fee, or one where admission is by written or electronic personal invitation. Events generally open to participation by the public without admission charges or without written or electronic personal invitation shall not be eligible for an alcoholic beverage permit. Only persons who have purchased a ticket or paid a registration fee for attendance at a Permitted Event, or who have received a written or electronic invitation to a Permitted Event, and Only those who are of lawful age to consume alcoholic beverages, will be authorized to possess and consume alcoholic beverages at the Permitted Event.~~

~~i. Permitted Events which are generally open to the public through purchase of a ticket (such as sporting events, concerts or other entertainment events) must set out a confined and defined area where alcoholic beverages may be possessed and consumed. For such events, the defined area where alcoholic beverages may be possessed and consumed shall be clearly marked as such, and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area. Only those individuals lawfully attending the Permitted Event who are of lawful age to consume alcoholic beverages may be allowed into the area where alcohol is served, provided that such individuals may be accompanied by minors for whom they are responsible, but only if such minors are, at all times, under the supervision and control of such individuals. For such events there shall be sufficient space outside of the area where alcoholic beverages may be possessed and consumed to accommodate the participating public who do not wish to be present where alcoholic beverages are being consumed.~~

~~ii. Except as provided for in c. and d. below, no student athletic events, (including without limitation NCAA, NIT, NAIA and intramural student athletic events) occurring in college or university owned, leased or operated facilities, or anywhere on campus grounds, shall be Permitted Events, nor shall a~~

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~~Permitted Event be allowed in conjunction with any such student athletic event.~~

- v. An Alcohol Beverage Permit for a Permitted Event ~~to which attendance is limited to individuals who have received a personal written or electronic invitation, or to those who have registered to participate in a particular conference (for example, a reception, a dinner, an exclusive or conference)~~ may allow alcoholic beverages to be possessed and consumed throughout the Permitted Event ~~area of the event~~, provided that the area ~~of the event~~ is fully enclosed, and provided further that the area ~~of the event~~ must be such that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area. ~~Additionally, the area of the Permitted Event must not be open to access by the general public, or to access by persons other than those properly participating in the Permitted Event by virtue of a ticket, registration, or invitation.~~
- iii. ~~Application for an Alcohol Beverage Permit must be made by the organizers of the event. Such organizers must comply with all applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession sale and consumption of alcoholic beverages.~~
- vi. The Alcohol Beverage Permit, any required local catering permit, and applicable state or local alcoholic beverages permits shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed or shall be readily available upon request.
- vii. When the institution is the sponsor/host of the Permitted Event, the institutional unit responsible for the event completes the Alcohol Beverage Permit application. Any event sponsored/hosted by any recognized unit of the institution for an institutional purpose is an institution sponsored event. When a non-institution third party is the sponsor/host of the Permitted Event, the third party completes the application. The third party is responsible for compliance with all applicable laws of the state of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession, sale, and consumption of alcoholic beverages.
- vii.viii. The sale, service and consumption of alcoholic beverages at a Permitted Event shall be confined to the specific event, area or activity identified on the Beverage Permit application. ~~Any alcoholic beverages allowed~~ Service of alcohol at the Permitted Event shall must be supplied through done by authorized institutional employees or through institution approved third-party contractors ~~of the organizers~~ (such as caterers ~~hired by~~ or institution food service providers) TIPS training shall be required for all individuals responsible for alcohol service. For approved third party



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~~contractors, responsibility for TIPS training lies with the organizers). In no event shall the institution supply or sell alcoholic beverages directly contractor.~~  
In no event shall the general public or any participants in a Permitted Event be allowed to bring alcoholic beverages into a Permitted Event, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.

~~viii.ix. \_\_\_\_\_ The person/group issued the Beverage Permit event sponsor and those individuals and contractors supplying the alcoholic beverages furnishing alcohol at the Permitted Event shall assume full responsibility to ensure be responsible for ensuring that no one under the legal drinking age, or visibly intoxicated person is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the Permitted Event. Further, the person/group must provide proof of All third party event sponsors and all third party contract alcohol providers shall indemnify the institution, State Board of Education and the State of Idaho for all damages resulting from that entity's negligence. All third party event sponsors and all contract alcohol providers must provide proof of appropriate insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage limits sufficient to meet the needs of the institution, but in no case less than \$1,000,000 minimum coverage per occurrence, and \$2,000,000 general aggregate. Such insurance must list the permitted person/group, the contractor, the institution, its officers, directors, employees, agents and volunteers, the State Board of Education and the State of Idaho as additional insured's, and the proof insureds. Proof of the required insurance must be in the form a formal endorsement to the policy evidencing the coverage and the required additional insured's insureds for the duration of the event.~~

~~ix.x. The Alcohol Beverage Permit shall set forth the time at which sale, service, possession and consumption of alcoholic beverages will be permitted, which times shall be strictly enforced. Service and sale of alcoholic beverages shall stop at a time in advance of the time of closure of the event sufficient to allow an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the event prior to closure of the event.~~

~~x.xi. These guidelines shall apply to both institutional and non-institutional groups using institutional facilities.~~

~~a. The sale or consumption of alcoholic beverages on campus grounds in conjunction with NCAA athletic events is prohibited except for certain listed pre-game events and service in venue suite areas as described below. Alcohol service at pre-game events and in suite areas is limited to the locations listed below only. No other locations are allowed. 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. The~~

~~proposal must include detailed descriptions and drawings of the areas where events which will include alcohol service will occur. The proposal must meet the following criteria and, upon review by the Board, may also include further criteria and restrictions in the Board's discretion. An institution's proposal shall be subject to the following minimum conditions:~~

~~i. Approved Locations:~~

~~1) Boise State University:~~

- ~~• Caven-Williams Sports Complex (Pre-game football)~~
- ~~• Allen Noble Hall of Fame Gallery (Pre-game football)~~
- ~~• Alumni and Friends Center (Pre-game football)~~
- ~~• Stueckle Sky Center (In-suite football)~~
- ~~• Double R Ranch Club Room — Taco Bell Arena (In-suite/Club room basketball)~~

~~2) Idaho State University:~~

- ~~• Exterior of Holt Arena - east end area adjacent to the Sports Medicine Center (Pre-game football)~~

~~3) University of Idaho:~~

- ~~• Lighthouse Center/Bud and June Ford Club Room (In-suite/Club Room football and basketball)~~
- ~~• President's/Corporate Tents — activities field north end (Pre-game football)~~

~~Institutions may bring to the Board requests to seek approval to add new or additional facilities to the approved locations list. Such requests will require amendment to the policy.~~

~~ii. Pre-game events~~

- ~~1) The event must be conducted during pre-game only, no more than three-hours in duration, ending at kick-off.~~
- ~~2) Only patrons who hold tickets to the football game shall be allowed into the event.~~
- ~~3) The event must be conducted in a secured area surrounded by a fence or other methods to control access to and from the area. There must be no more than two entry points manned by security personnel where ID's are checked and special colored wrist bands issued (or similar identification system).~~
- ~~4) A color-coded wrist band (or similar identification) system must identify attendees and invited guests, as well as those of drinking age. No one under the legal drinking age shall be admitted into the alcohol service and consumption area of an event. The area shall be clearly marked and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area.~~

~~iii. In-Suites/Club Rooms~~

- ~~1) Attendance is limited to ticketed patrons and guests,~~
- ~~2) Adult patrons may be accompanied by minors for whom they are responsible, but only if such minors are, at all times, under the supervision and control of such adult patrons.~~
- ~~2) The sale of alcohol must begin no sooner than three hours prior to the start of the athletic contest and must end seventy-five (75) percent of the way into the contest to allow for an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the game prior to the end of the game.~~

~~iv. All events, pre-game and in-suite, must meet the following requirements:~~

- ~~1) All ticket holders to the event must be sent a communication outlining the location and Board alcohol policy. The communication must state the minimum drinking age in Idaho is 21 and that at no time is underage drinking and/or serving of alcohol to visibly intoxicated persons allowed.~~
- ~~2) Alcohol-making or distributing companies are not allowed to sponsor the event. In no event shall the institution supply or sell alcoholic beverages directly. In no event shall invitees or participants in such event be allowed to bring alcoholic beverages into the area, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.~~
- ~~3) The food provider must provide TIPS trained personnel who monitor the sale and consumption of all alcoholic beverages to those of drinking age. Any required local catering permit, and applicable state or local alcoholic beverage permits, shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.~~
- ~~4) Food must be available at the event. Non-alcoholic beverages must be as readily available as alcoholic beverages.~~
- ~~5) Security personnel located throughout the area must monitor all alcohol wristband policies and patron behavior.~~
- ~~6) Event sponsors/food providers must be required to insure and indemnify the State of Idaho, the State Board of Education and the institution for a minimum of \$2,000,000, and must obtain all proper permits and licenses as required by local and state ordinances. All applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession, sale and consumption of alcoholic beverages, must be complied with. Event sponsors/food providers supplying the alcoholic beverages shall assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or~~

~~allowed to consume any alcoholic beverage at the event. Further, event sponsors/food providers must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage and coverage limits sufficient to meet the needs of the institution, but in no case less than \$1,000,000 minimum coverage per occurrence. Such insurance must list the event sponsor/food provider, the institution, the State Board of Education and the State of Idaho as additional insureds, and the proof of insurance must be in the form of a formal endorsement to the policy evidencing the coverage and the required additional insureds.~~

~~7) A report must be submitted to the Board annually with details on alcohol service in conjunction with athletic events including any alcohol related incidents reported at a time and in a format set by the Executive Director.~~

~~c. d. In addition to the Institution sponsored game-day events described in c. above, the CEO of each institution may designate (subject to annual board approval) specific~~The CEO of each institution has the authority to authorize tailgating that meets or exceed the following requirements.

~~1) Specific parking lots or limited areas of university campus grounds with controlled access as tailgate may be designated as tailgating areas for home NCAA football games or NCAA bowl games hosted by the institution. Only game patrons authorized by the institution will be allowed to park and tailgate in the designated tailgate areas with their private guests. Locations, times and dates will be submitted to the Board for approval.~~

~~2) Within tailgate areas, authorized game patrons and their private guests may consume alcohol as long as they abide by all local and state regulations governing alcohol usage including, but not limited to, minor in possession or consumption of alcoholic beverages and public intoxication.~~

~~3) Alcohol consumption in tailgating areas shall be limited to the times approved by the Board and at no time shall extend beyond 10:00am through 10:00pm of the same day of each NCAA football game an event hosted by the institution. Alcohol~~

~~2)4) Alcoholic beverages must be held in an opaque container that is not labeled or branded by an alcohol manufacturer or distributor. Alcohol may not be taken from the designated tailgate area into any other area.~~

~~3)5) \_\_\_\_\_ The institutions shall not sell alcohol or serve alcohol in the tailgate area nor license or allow any vendor to sell or dispense alcohol in the tailgate area. unless approved as a Permitted Event. Only private individuals authorized to be in the tailgate area may bring alcohol into the tailgate area for personal use by themselves and their guests. Each institution may place additional restrictions on activities in the tailgate area as seen fit to maintain order in the area.~~

~~Institution sponsored private game-day events at which alcohol may be served~~

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~~by the institution remain subject to the requirements set forth in c. above. Institutions will report to the Board regarding the tailgate area at the same time as they report to the Board regarding the private game-day events under Board Policy.~~

~~e. The sale or consumption of alcoholic beverages on campus grounds in conjunction with NCAA post season athletic competition shall be permitted under the same conditions ii. through iv., as described in subsection c. above, except that the minimum amount of insurance/indemnification shall be \$5,000,000.~~

f. Within residential facilities owned, leased or operated by an institution, the CEO may allow the possession or consumption of alcoholic beverages by persons of legal drinking age within the living quarters of persons of legal drinking age. Consumption of alcohol shall not be permitted in the general use areas of any such residence facility. Possession of alcohol within the general use areas of a residential facility may only be done in a facility where consumption has been authorized by the CEO, and such possession shall be only as is incidental to, and reasonably necessary for, transporting the alcohol by the person of legal drinking age to living quarters where consumption is allowed. The term "living quarters" as used herein shall mean, and be limited to, the specific room or rooms of a residential facility which are assigned to students of the institution (either individually or in conjunction with another ~~room-mate~~roommate or roommates) as their individual living space.

3. ~~Alcohol-making or distributing companies~~Institutions shall not ~~be allowed to~~ advertise ~~goods or services~~alcoholic beverages on campus grounds or in any institutional facilities. Provided, however, responsible drinking campaigns or advertising are not prohibited.

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**SUBJECT**

Coronavirus Pandemic (COVID-19) Public School Re-entry Criteria

**REFERENCE**

March 23, 2020	Board approved a soft closure of all public schools in Idaho through April 20, 2020.
April 6, 2020	Board extended the public school soft closure through the remainder of the academic school year with the option of an earlier entry under certain criteria. Additional action included recommendations to the Governor on statutory provision suspensions, and waiver of the number of hours of instruction that make up a semester credit.

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-116, and 33-512, Idaho Code.

**BACKGROUND/DISCUSSION**

At the March 23, 2020 Special Board meeting, the Board set a soft closure for all public schools in Idaho until April 20, 2020. The soft closure restricts schools from holding in-person classes in the buildings in alignment with Centers for Disease Control and Prevention (CDC) social distancing guidelines. The soft closure and subsequent guidelines posted on the Board website (<https://boardofed.idaho.gov/coronavirus-covid-19-resources/>) clarify distance learning expectations for the schools and additional operational areas designed to provide the schools with needed flexibility as they continue to educate Idaho students through this crisis, do their best to help students through the remainder of the school year and set them up to be able to continue their education in fall. In addition to this information, the State Department of Education has a Frequently Asked Questions page that provides guidance in specific programmatic areas.

At the April 6, 2020 Special Board meeting, the Board extended the soft closure through the end of the school. This action included a provision that would allow school districts and charter schools who can meet criteria set by the Board in consultation with our state public health officials to return to normal operation prior to the end of their local academic school year. The proposed guidance is provided in attachment 1. This guidance was developed with input from the K-12 Emergency Council, and state and district public health officials.

As the pandemic has progressed, additional models and guidance from state public health officials indicate the virus is likely to peak in Idaho in mid to late April if social distancing practices stay in place. Up to date projections can be viewed at the following link:

- <https://covid19.healthdata.org/projections> (select Idaho from the drop-down menu)

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**IMPACT**

Board action will provide school districts and charter schools with an option for returning to classroom instruction prior to the end of the school year if their school and community meet certain criteria.

**ATTACHMENTS**

Attachment 1 – State Board of Education Re-entry Criteria

Attachment 2 – Southwest and Central District Health School Guidance

**STAFF COMMENTS AND RECOMMENDATIONS**

The proposed criteria would allow school districts and charter schools to return to in-person instruction prior to the end of their school year based on their local conditions, should they so choose. An example of a school district that might want to take advantage of this flexibility would be a school district located in a county that has had no community spread or no confirmed cases of COVID-19. In order to be provided this flexibility, the school district would need to meet the minimum criteria approved by their local school board, including approval by the local public health district. These minimum criteria are based on the removal of any state and local social distancing restrictions, the schools being able to meet any social distancing criteria that may be in place at the time, the peak of the state infection curve having passed, approval by the local public health district, and having proper cleaning and sanitation protocol in place. Provided in attachment 2 is the combined Southwest District Health and Central District Health's School Guidance document, which is an example of what a school district or charter school would need to work through with their local district health officials.

Staff recommends adoption of the re-entry criteria.

**BOARD ACTION**

I move to approve the student re-entry minimum criteria has provided in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



## **School District and Charter School Re-entry Criteria (Return from Soft-Closure)**

This document is the Idaho State Board of Education minimum re-entry criteria for school districts and charter schools to return to normal operations. In order to move from soft closure operations to normal operations for staff and students, school districts and charter schools shall consider relevant local factors to their situation in addition to meeting the minimum re-entry criteria established by the Idaho State Board of Education. This minimum re-entry criteria document was completed in consultation with state and local public health officials. Social distancing criteria are based on the Centers for Disease Control and Prevention (CDC) and state health authority guidelines.

### **Idaho State Board of Education Minimum Re-entry Criteria:**

1. No statewide or local social distancing restrictions, including stay-home orders or extensive closures of businesses are in place.
  - a. Exceptions to the soft closure should continue to be considered for staff and student needs, on a case by case basis, as determined at the local level (e.g. small groups of students that can be distanced in a way that meets the social distancing criteria for the purpose of proctoring exams or working one-on-one with special education students, as long as the school district or charter school has sufficient capacity to maintain hygiene and sanitation).
2. The peak of the state infection curve has passed, as determined by the State Department of Health and Welfare, and a minimum of 14 days have passed from the identified peak. In those instances where local community spread has occurred, the local infection curve will be evaluated for determining the 14 consecutive days. School districts and charter schools located in counties that have experienced no community spread at the time state restrictions are lifted may have the 14 consecutive days criteria waived with approval by the local public health district.
3. Approval by the local public health district, after review of school district and charter school cleaning and disinfection protocols.
4. Re-entry plan approved by the local board of trustees identifying minimum school protocols (see list below).

#### Required Minimum School Protocols

- a. Cleaning and disinfection protocols.
- b. Identify and plan for vulnerable staff and students with a special emphasis on people over age 60 and those who are medically vulnerable.



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- c. Identify and plan for staff duties which require close contact.
- d. Absenteeism plan for staff and students whose parents do not feel comfortable returning their student to school and for students who show symptoms of the coronavirus.
- e. Communications plan for informing parents and staff of the school district and charter school response plans, protocols, and policies to manage the impact of the coronavirus.
- f. Verify point of contact for each school district and charter school for effective communication and collaboration with the local public health officials.
- g. Reopening plans are reviewed in consultation with local public health officials.

These re-entry criteria are subject to change in order to adapt to changing circumstances. Additional criteria will be developed for a fall start of the school year, based on conditions at the time.



# 2019 Novel Coronavirus [COVID-19]

[cdc.gov/coronavirus/2019-ncov/index.html](https://cdc.gov/coronavirus/2019-ncov/index.html)

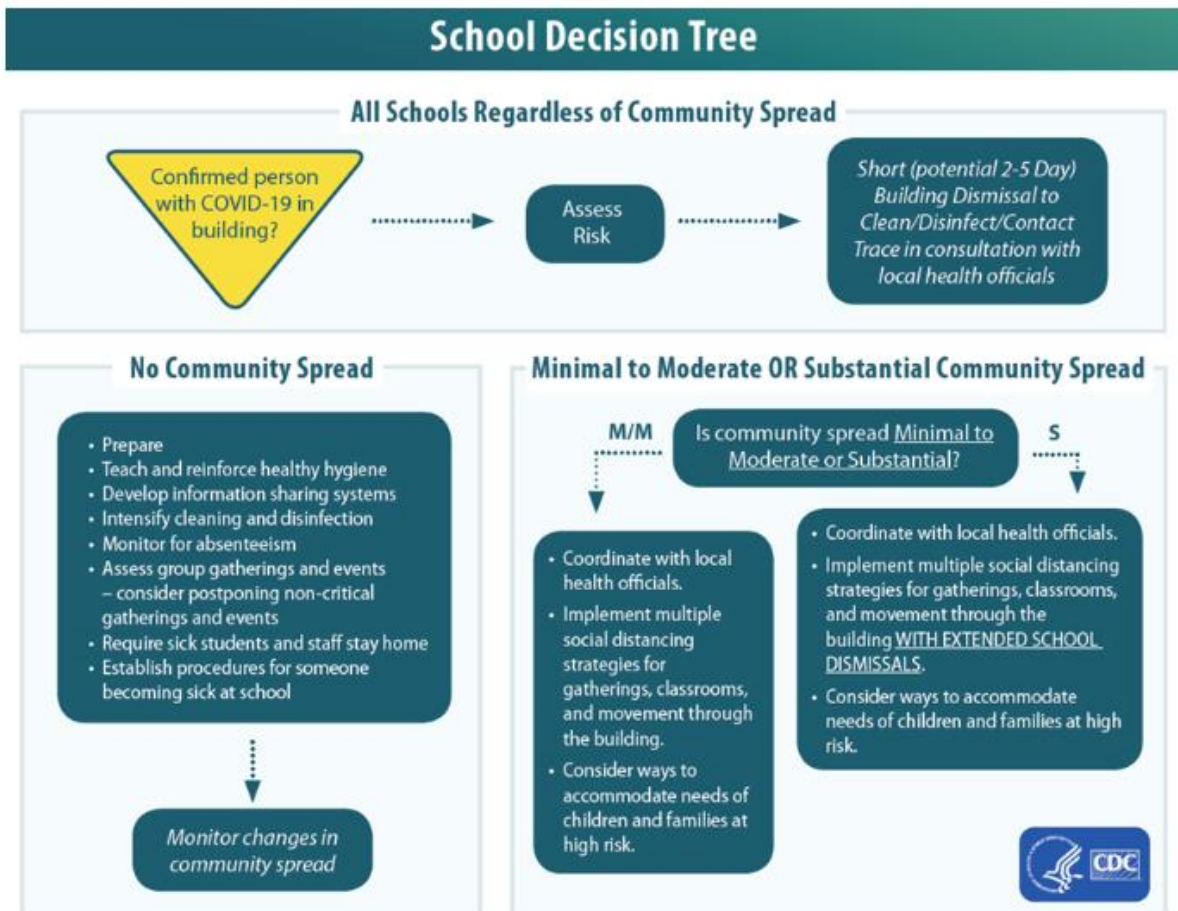
## School Guidance

This guidance uses the most up-to-date information available from the CDC and emerging best practices, thus subject to change.

Schools, working together with local public health districts, have an important role in slowing the spread of diseases to help ensure students have safe and healthy learning environments. Schools serve students, staff, and visitors from throughout the community. All of these people may have close contact in the school setting, often sharing spaces, equipment, and supplies.

Guidance for schools is organized into five sections:

- Confirmed Case in School, Regardless of Community Transmission
- Category 1: No community transmission (preparedness phase)
- Category 2: When there is minimal to moderate community transmission
- Category 3: When there is substantial community transmission
- Communication and Guidance for School Staff and Parents



## Confirmed Case in School, Regardless of Community Transmission

Any school in any community may need to implement short-term closure procedures regardless of community spread if an infected person has been in a school building. The CDC recommends the following procedures:

- **First experience: Coordinate with Central District Health or Southwest District Health.**
  - Contact your local public health agency and we will work with administrators to determine a course of action
    - Central District Health: Gina Pannell, [gpannell@cdh.idaho.gov](mailto:gpannell@cdh.idaho.gov), 208-327-8524
    - Southwest District Health: Kim Beckley, [Kimberly.Beckley@phd3.idaho.gov](mailto:Kimberly.Beckley@phd3.idaho.gov); 208-455-5432
  
- **Dismiss students and most staff for 2-5 days.**
  - Initial short-term dismissal allows time for the local health officials to gain a better understanding of the COVID-19 situation impacting the school. This allows the local health officials to help the school determine appropriate next steps, including whether an extended dismissal duration is needed to stop or slow further spread of COVID-19.
  - Local health officials' recommendations for the scope (e.g., a single school, multiple schools, the full district) and duration of school dismissals will be made on a case-by-case basis using the most up-to-date information about COVID-19.
  - During school dismissals, also cancel extracurricular group activities, school-based afterschool programs, and large events (e.g., assemblies, field trips, and sporting events).
  - Encourage and practice social distancing measures.
  
- **Communicate with staff, parents, and students regarding dismissal decisions and possible COVID-19 exposure.**
  - Include messages to counter potential stigma and discrimination
  - Maintain confidentiality
  - Outline intended response efforts
  
- **Clean and disinfect thoroughly.**
  - Close off areas used by the individual with COVID-19 and wait as long as possible, up to 24 hours, before beginning cleaning and disinfecting. Open doors and windows if possible.
  - Clean all other areas, especially highly touched surfaces, such as doorknobs, lights, desks, phones, keyboards, faucets, sinks. Resource: [Cleaning and Disinfecting Your Facility](#)
  
- **Determine whether an extended school dismissal is needed after cleaning and disinfecting.**
  - Work with local health officials on whether staying open for staff while students stay home is advised, or re-instate telecommuting or other alternative work opportunities.
  - Administrators are not expected to make extended school dismissal decisions or determine when students and staff should return to schools on their own and should work in close collaboration and coordination with local health officials.
  - Students and staff who are well but are taking care of or share a home with someone with a case of COVID-19 should follow instructions from local health officials to determine when to return to school.

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Adapted from the Centers for Disease Control

- Reinstatement strategies to continue education and related supports to students as needed

## Category 1 No Community Spread

Evidence of isolated cases or limited community transmission, case investigations underway, no evidence of exposure in large communal setting, e.g., healthcare facility, school, mass gathering.

### Review, update, and implement emergency operations plan and reinforce healthy hygiene practices.

- Include strategies (Non-pharmaceutical interventions, or NPI) to reduce the spread of a wide variety of infectious diseases, including social distancing and school dismissals that can be used to stop the spread.
- Emphasize everyday preventive actions for students and staff
  - [CDC Staying Home When Sick Flyer](#) / [What To Do If You're Sick](#)
  - [CDC Avoid Spreading Germs At Work Flyer](#) / [Stop the Spread of Germs](#)
  - [CDC Handwashing Posters for Children and Teens](#)
  - [CDC Cover Your Cough Flyer](#)

### Intensify cleaning and disinfection efforts

- Enhance cleaning of high touch surfaces like door knobs, toilet handles, light switches, classroom and bathroom sink handles, countertops.
- Ensure that hand sanitizer, soap/paper towels and tissues are widely available in school facilities.

### Monitor and plan for absenteeism

- Day-to-day reporting (absenteeism) and review for patterns for large increases.
- Encourage students and staff to stay home when sick, even without documentation from doctors. Use flexibility, when possible, to allow staff to stay home to care for sick family members, especially for those with common cold and flu symptoms, which are similar to COVID-19.

### Assess group gatherings and events

- Review any planned events (e.g. assemblies, field days, athletic events) and determine if social distancing strategies can be put place. If not, consider cancelling or rescheduling.

### Create and test communication plans for use within the school community.

- Strategies for communicating with staff, students, and their families, including sharing steps being taken to prepare, how information will be shared in the future.

### Require sick students and staff to stay home. Establish procedures for students and staff sick at school.

- Sick staff and students should be sent home as soon as possible, and keep them separate and isolated from well students and staff until they can leave.
- **Schools are not expected to screen students or staff to identify cases of COVID-19.** If a school has cases of COVID-19, local health officials will help identify those individuals and will follow up on next steps. Resource: Flyer - [Steps to help prevent the spread of COVID-19 if you are sick](#)

### Plan for when community spread occurs (non-pharmaceutical interventions or NPIs)

- [Personal NPIs](#) (e.g. stay home when sick, cover coughs, wash hands, etc.)
- [Community NPIs](#) (e.g. social distancing)
- [Environmental NPIs](#) (e.g. routine cleaning practices)

## Category 2 Minimal to Moderate Community Transmission

Widespread and/or sustained transmission with high likelihood or confirmed exposure within communal settings, with potential for rapid increase in suspected cases.

If local health officials report there are multiple cases of COVID-19 in the community, schools may need to implement additional strategies in response to prevent spread in the school, but they should continue using the strategies they implemented when there was no community transmission. These additional strategies include:

### Coordinate with local health officials.

- This should be a first step in making decisions about responses to the presence of COVID-19 in the community. Health officials can help a school determine which set of strategies might be most appropriate for their specific community's situation.

**Implement multiple social distancing strategies.** Select strategies based on feasibility given the unique space and needs of the school:

- **Cancel field trips, assemblies, and other large gatherings.**
- **Cancel or modify classes where students are likely to be in very close contact.** In physical education or other close contact classes, consider having teachers come to classrooms to prevent classes mixing with others in the gymnasium or music room.
- **Increase the space between desks.** Rearrange student desks to maximize the space between students. Turn desks to face in the same direction (rather than facing each other) to reduce transmission caused from virus-containing droplets (e.g., from talking, coughing, sneezing).
- **Avoid mixing students in common areas.**
  - Allow students to eat lunch and breakfast in their classrooms or stagger lunch.
  - Stagger recess times and/or separate recess areas by class.
  - Send a few students into the library to pick out books rather than going as a class.
  - Restrict hallway use through homeroom stays or staggered release of classes.
  - Try to avoid taking multiple classes to bathrooms at once (e.g., avoid having all classes use the bathroom right after lunch or recess).
- **Stagger arrival and/or dismissal times.** These approaches can limit the amount of close contact between students in high-traffic situations and times.
- **Reduce congestion in the health office.** Use the health office for children with flu-like symptoms and a satellite location for first aid or medication distribution.
- **Limit nonessential visitors.** Limit the presence of volunteers for classroom activities, mystery readers, cafeteria support, and other activities.
- **Limit cross-school transfer for special programs.** If students are brought from multiple schools for special programs (e.g., music, robotics, academic clubs), consider using distance learning to deliver the instruction or temporarily offering duplicate programs in the participating schools.
- **Teach staff, students, and their families to maintain distance from each other in the school.** Educate staff, students, and their families at the same time and explain why this is important.
- **Consider alternative class size and structure.**
  - Create hybrid classrooms where students can attend virtually and in-person, reducing social contacts
  - Hold physical education and music classes outside and encourage students to spread out
  - Turn desks to face same direction and space at least 6 feet apart
  - Stagger days or instructional blocks of time (morning/afternoon)

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- **Provide and/or ensure students have cloth face coverings while at school**
- **Communicate with local public health districts to determine if screening employees and students daily for COVID-19 symptoms upon entry to the facility, including check for low-grade fever with no-touch thermometer**

**Consider ways to accommodate the needs of children and families at [risk](#) for serious illness from COVID-19.**

- Honor requests of parents who may have concerns about their children attending school due to underlying medical conditions of those in their home.
- Staff who cannot be at school due to their own high-risk conditions can provide distance learning instruction to those students who are also unable to attend.
- The CDC lists underlying medical conditions that may increase the risk of serious COVID19 for people of any age:
  - **Blood disorders** (e.g., sickle cell disease or on blood thinners)
  - **Chronic kidney disease as defined by your doctor.** Patient has been told to avoid or reduce the dose of medications because kidney disease, or is under treatment for kidney disease, including receiving dialysis
  - **Chronic liver disease** as defined by your doctor. (e.g., cirrhosis, chronic hepatitis) Patient has been told to avoid or reduce the dose of medications because liver disease or is under treatment for liver disease.
  - **Compromised immune system** (immunosuppression) (e.g., seeing a doctor for cancer and treatment such as chemotherapy or radiation, received an organ or bone marrow transplant, taking high doses of corticosteroids or other immunosuppressant medications, HIV or AIDS) • Current or recent pregnancy in the last two weeks
  - **Endocrine disorders** (e.g., diabetes mellitus)
  - **Metabolic disorders** (such as inherited metabolic disorders and mitochondrial disorders)
  - **Heart disease** (such as congenital heart disease, congestive heart failure and coronary artery disease)
  - **Lung disease** including asthma or chronic obstructive pulmonary disease (chronic bronchitis or emphysema) or other chronic conditions associated with impaired lung function or that require home oxygen
  - **Neurological and neurologic and neurodevelopment conditions** [including disorders of the brain, spinal cord, peripheral nerve, and muscle such as cerebral palsy, epilepsy (seizure disorders), stroke, intellectual disability, moderate to severe developmental delay, muscular dystrophy, or spinal cord injury]
    - Resource: [CDC Mitigation Strategies - Appendix A](#)

**Category 3 Substantial Community Transmission**

Large scale community transmission, healthcare staffing significantly impacted, multiple cases within communal settings like healthcare facilities, schools, mass gatherings, etc.

Additional strategies should be considered when there is substantial transmission in the local community in addition to those implemented when there is no, minimal, or moderate transmission. These strategies include:

**Continue to coordinate with local health officials.**

- If local health officials have determined there is substantial transmission of COVID-19 within the community, they will provide guidance to administrators on the best course of action for schools. These strategies are expected to extend across multiple programs, schools, or school districts within the community, as they are not necessarily tied to cases within schools.

**Consider extended school dismissals.**

- In collaboration with local health officials, implement extended school dismissals (e.g., dismissals for longer than two weeks). This longer-term, and likely broader-reaching, dismissal strategy is intended to slow transmission rates of COVID-19 in the community.
- During extended school dismissals, also cancel extracurricular group activities, school-based afterschool programs, and large events (e.g., assemblies, spirit nights, field trips, and sporting events).
- Remember to implement strategies to ensure the continuity of education (e.g., distance learning) as well as meal programs and other essential services for students.

## Communication and Guidance for Parents and Staff

### My child attends a school where a COVID-19 case has been confirmed. What should I do?

- **Guidance from local public health districts may be given on a case-by-case basis.** Transmission takes place with close contact (shared a classroom, was seated next to the person for at least 10 minutes), and there is a chance your student was not exposed (in another wing of the school). Some examples of guidance may include:
  - Monitor for signs and symptoms – [Symptom Self Checker](#) or the [COVID-19 Screen Tool](#)
- If a student or staff is medium or high-risk reference:
  - [Who should self-quarantine after potential COVID-19 exposure.](#)
  - Encourage good hygiene – stop handshaking, clean hands at the door and at regular intervals, avoid touching your face and cover coughs and sneezes.
  - Stay home if you are sick or have a sick family member in your home.
  - If recommended by the CDC, wear a face covering, but keep in mind this may cause an increase in touching the eyes, nose, and mouth.
- The CDC does not recommend testing for people who do not have symptoms

### What is considered a “close contact”?

- The CDC defines it as *a person that has been within 6 feet of the infected person for a prolonged period of time (about 10 minutes).*

### When can a student or staff member discontinue home isolation?

- Persons who have tested positive for COVID-19 or who have not been tested and were directed to care for themselves at home may discontinue home isolation under the following conditions:
  - At least 3 days (72 hours) have passed *since recovery* defined as resolution of fever without the use of fever-reducing medications **and**
  - improvement in respiratory symptoms (e.g., cough, shortness of breath); **and,**
  - At least 7 days have passed *since symptoms first appeared.*

### What should I include in my message to our school community of a confirmed case that has been in our school?\*

\*Public Health Districts will work to identify, notify, and monitor close contacts of confirmed COVID-19 cases in school settings in accordance with CDC guidance. **This is not an expectation of the school or the district.**

- Possible dates of exposure
- Remind employees that there is current community spread of COVID-19. Advise them to watch for signs and symptoms which develop within 2 – 14 days of exposure.
- Remind employees how to best protect themselves from COVID-19 and the importance of staying home if they are sick.
- Let your employees know what your establishment is doing as a result of exposure (e.g. closing, cleaning)
- Remind your employees of the establishment’s illness policy.
- Where to find reputable sources and information for COVID-19
  - [Centers for Disease Control and Prevention](#)
  - [Central District Health](#) or [Southwest District Health](#)
  - [Governor’s Coronavirus Website](#)

Resource: [CDC FAQs](#)