

**BOARDWORK**  
**DECEMBER 17, 2020**

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1. Agenda Approval

Changes or additions to the agenda

**BOARD ACTION**

**I move to approve the agenda as posted.**

2. Minutes Approval

**BOARD ACTION**

**I move to approve the minutes for the October 19, 2020, November 2, 2020, November 23, 2020, and December 7, 2020 Special Board Meetings, and the October 21, 2020 Regular Board Meeting minutes.**

3. Rolling Calendar

**BOARD ACTION**

**I move to set December 15, 2021 as the date for the December 2021 regularly scheduled Board Meeting, to occur via a videoconference originating from the Office of the State Board of Education in Boise.**



**STATE BOARD OF EDUCATION MEETING  
October 19, 2020**

**Office of the State Board of Education  
Len B. Jordan Building  
650 W State Street, 3<sup>rd</sup> Floor  
Boise, Idaho**

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on Monday, October 19, 2020. Board President Debbie Critchfield presided and called the meeting to order at 3:00pm (MST). A roll call of members was taken.

**Present**

Debbie Critchfield, President  
Andy Scoggin, Vice President  
Kurt Liebich, Secretary  
Dr. Linda Clark

Emma Atchley  
Shawn Keough  
Dr. Dave Hill  
Sherri Ybarra, State Superintendent

**Monday, October 19, 2020, 3:00 p.m. (MST)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

1. ClassWallet Contract – Action Item

**BOARD ACTION**

**M/S (Clark/Atchley): I move to authorize the Executive Director to execute the contract in substantial conformance to the form provided in Attachment 1. A roll call vote was taken and the motion carried 8-0.**

Board Member Clark introduced the item and provided background information. The Office of the Governor submitted a request to the Coronavirus Financial Advisory Committee (CFAC) for \$50M in Coronavirus Aid, Relief, and Economic Security (CARES) Act funds to be utilized for the *Strong Families, Strong Students* initiative. The *Strong Families, Strong Students* initiative will, “cover critical educational expenses due to school building closures caused by COVID-19 and provide economic support to parents so they do not have to exit the workforce to ensure their children receive a quality education experience.” CFAC recommended approval of the request and

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Governor Little approved the recommendation on September 15, 2020, and directed the Board office to administer the program.

Board Vice President Scoggin inquired about the process for selecting “ClassWallet” as the vendor for the program. Tracie Bent, Chief Planning and Policy Officer, discussed that the Board office went through a grant application process earlier this year with Bluum, which involved researching an identifying a possible vendor to administer the grant. Ms. Bent outlined that Board staff sought a company that could provide a virtual marketplace while simultaneously managing the application and approval process; the only vendor that could provide that service without designing a custom program was “ClassWallet”. Jenifer Marcus, Deputy Attorney General, added that the Board office was granted a purchasing exemption, which is attached as an exhibit to the contract that is provided within the meeting agenda materials.

Board Secretary Liebich inquired about the reimbursement process and asked how “ClassWallet” will determine if submitted expenses are reimbursable. Ms. Bent discussed that the Board office will be responsible for verifying reimbursement eligibility. She detailed that families will attest that submitted expenses are eligible for reimbursement, and the Board office will audit submissions.

Board Member Clark asked for examples of documentation that could be submitted to determine program eligibility. Ms. Bent stated that applicants may provide, among other forms of documentation, a printout of student information from their school’s learning management system, a report card from the previous term (between March 1-December 30, 2020), or an acceptance letter from a private school. She added that “ClassWallet” will provide customer service to assist families with determining eligibility as well as the application process.

Board President Critchfield stated that, upon approval of the motion, the Board office will begin the process of communicating program information broadly across the state.

There were no additional questions or comments from the Board.

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

**BOARD ACTION**

**M/S (Keough/Liebich): I move to adjourn the meeting at 3:13pm (MST). The motion carried 8-0.**

*The State Board of Education tentatively plans to convene weekly for a virtual Special Board Meeting during the COVID-19 pandemic to receive updates on the status of public education in Idaho and to take action as necessary.*



**DRAFT**

**STATE BOARD OF EDUCATION MEETING  
October 21, 2020**

**Office of the State Board of Education  
Len B. Jordan Building  
650 W State Street, 3<sup>rd</sup> Floor  
Boise, Idaho**

A regular meeting of the Idaho State Board of Education was held via Zoom teleconference on Wednesday, October 21, 2020. 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  
Andy Scoggin, Vice President  
Kurt Liebich\*, Secretary  
Dr. Linda Clark

Emma Atchley  
Shawn Keough  
Dr. Dave Hill  
Sherri Ybarra, State Superintendent

\*Except where noted

**Wednesday, October 21, 2020, 9:00 a.m. (MST)**

**BOARDWORK**

1. Agenda Review / Approval

**BOARD ACTION**

**M/S (Scoggin/Atchley): I move to approve the agenda as posted.** A roll call vote was taken and the motion carried 8-0.

2. Minutes Review / Approval

**BOARD ACTION**

**M/S (Scoggin/Clark): I move to approve the minutes for the August 17, 2020, August 24, 2020, and September 28, 2020 Special Board meetings, and the**

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**August 26, 2020 Regular Board meeting minutes.** A roll call vote was taken and the motion carried 8-0.

3. Rolling Calendar

**BOARD ACTION**

**M/S (Scoggin/Hill):** I move to set October 20-21, 2021 as the date and Lewis-Clark State College as the location for the October 2021 regularly scheduled Board Meeting. A roll call vote was taken and the motion carried 8-0.

**CONSENT**

**BAHR**

1. Idaho State University – Marketing and Advertising Services Agreement with Mitchell Palmer LLC

**BOARD ACTION**

**M/S (Scoggin/Atchley):** I move to approve the request by Idaho State University to enter into a marketing and advertising contract with Mitchell Palmer LLC as proposed in Attachment 1 for an amount not to exceed \$410,500 in FY2021, bringing the total of all three phases with Mitchell Palmer to \$2,324,500. A roll call vote was taken and the motion carried 8-0.

2. University of Idaho – Conveyance of Real Property

**BOARD ACTION**

**M/S (Scoggin/Atchley):** I move to approve the request from the University of Idaho for the Idaho State Board of Education to convey its undivided interest in these four parcels to the Board of Regents of the University of Idaho and to authorize the State Board of Education to execute the attached quitclaim deed for such purpose. A roll call vote was taken and the motion carried 8-0.

**IRSA**

3. Graduate Medical Education Committee Appointments

**BOARD ACTION**

**M/S (Scoggin/Atchley):** I move to appoint Dr. Thomas Mohr and Dr. John Grider to serve on the Graduate Medical Education Committee, replacing and completing the current terms of Dr. Kevin Wilson and Dr. Doug Whatmore, with terms expiring in 2022. A roll call vote was taken and the motion carried 8-0.

4. University of Idaho – Master of Science in Dietetics

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**M/S (Scoggin/Atchley):** I move to approve the request by University of Idaho to offer a **Master of Science in Dietetics as presented in Attachment 1**. A roll call vote was taken and the motion carried 8-0.

**PPGA**

5. State Rehabilitation Council Appointments

**BOARD ACTION**

**M/S (Scoggin/Atchley):** I move to approve the appointment of **Christine Meeuwesen as a representative of the Client Assistance Program and Randi Coles as a representative of the State Department of Education for three year terms, effective immediately through June 30, 2023**. A roll call vote was taken and the motion carried 8-0.

**SDE**

6. Accreditation Report – 2019-2020

**BOARD ACTION**

**M/S (Scoggin/Atchley):** I move to accept the **2019-2020 Accreditation Summary Report of Idaho Schools as submitted in Attachment 1**. A roll call vote was taken and the motion carried 8-0.

**OPEN FORUM**

There was 1 participant for the Open Forum:

- *Holly Paquette* – Ms. Paquette, parent of a high school senior student and assistant professor of Microbiology at the College of Western Idaho, addressed the Board regarding the SAT/ACT graduation requirement. Ms. Paquette shared her opinion that the Board should waive the SAT/ACT graduation requirement for the 2020-2021 academic year, since many institutions of higher education have waived the SAT/ACT admissions requirement for the 2021-2022 academic year due to the effects of the COVID-19 pandemic.

**STATE DEPARTMENT OF EDUCATION**

1. Developments in K-12 Education

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

Superintendent Ybarra began her update by expressing her gratitude for teachers and administrators for their continued dedication to ensure the safe reopening of schools. She shared that she has been conducting in-person visits to schools around the state as often as possible. Most recently, she visited Wood River Middle School in Hailey, Idaho and hosted a roundtable discussion for teachers in Twin Falls, Idaho. Supt. Ybarra continues to reach out to superintendents across the state for one-on-one

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updates, and she shared that the general consensus is that districts are feeling overwhelmed as they continue efforts to find safety solutions for transportation, meals, athletics, and general school operations.

The State Department of Education (SDE) is providing ongoing opportunities for superintendents to check in with their peers to share best practices and provide social-emotional support. The United States Department of Agriculture has extended free student meals through the end of the 2020-2021 academic year. Supt. Ybarra stated that districts are on track to spend their allocations of the Elementary and Secondary School Emergency Relief (ESSER) funds prior to the December 30, 2020 deadline, and the SDE is working to assist with the spending and distribution of these funds.

The SDE's Content & Curriculum and Assessment & Accountability teams, in conjunction with the Idaho Digital Learning Alliance, are providing various professional development opportunities and resources for teachers who are shifting to online or hybrid learning, including online training videos that will be released sporadically throughout the academic year to support educators as well as "hyperdocs" which encompass all components of the learning cycle. Supt. Ybarra shared that the SDE recently hosted the 5<sup>th</sup> Annual Family and Community Engagement Conference, which was held virtually over the course of three days. Each year, the conference focuses on providing school staff personnel with knowledge of practical, effective, and sustainable methods and strategies for community involvement as a way to building meaningful partnerships with parents and families.

Supt. Ybarra discussed that the SDE's Special Education department is supporting principals statewide with various resources that are linked to the SDE website within the "Principal's Corner" on the Idaho Training Clearinghouse. These resources provide support and guidance in a variety of areas including discipline, IEPs, and evaluations.

The SDE's Content & Curriculum team is continuing to support teachers by resources in the areas of English language arts and math. Supt. Ybarra shared that English language arts coaches are focused on literacy with an additional emphasis on K-3 reading skills as well as the utilization of Idaho Reading Indicator data to guide the provision of professional development content for teachers. Math coaches are also supporting teachers by offering resources in a variety of content areas.

Supt. Ybarra announced two staffing changes within the SDE. Tim Hill has worked for the SDE for 23 years, the last 15 of which as the Associate Deputy Superintendent of School Finance, and celebrated his retirement on September 18, 2020. Julie Oberle, who formerly served as the SDE's Senior Financial Management Analyst, took over Mr. Hill's role on September 20, 2020 with the title of Chief Financial Officer for Public School Finance. Supt. Ybarra also announced that Kevin Whitman was named as the SDE's Director of Assessment and Accountability; Mr. Whitman has worked for the SDE



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since 2016 as the State Coordinator of Accountability and coordinator for the National Assessment of Education Progress (NAEP).

Supt. Ybarra shared that Idaho's English language arts and math assessments have met all peer review requirements as established by the US Department of Education, and shared her appreciation for the SDE's Assessment and Accountability for their efforts. She also stated that Idaho's new science assessment will be administered for the first time in the spring of 2021.

Supt. Ybarra stated that two schools have received National Blue Ribbon School Honors this year. Schools that earn this achievement are recognized by the U.S. Secretary of Education, Betsy DeVos, for overall academic performance or progress in closing achievement gaps within student population subgroups. Beutler Middle School within the West Side Joint School District was recognized as an Exemplary Achievement Gap Closing School; 74.4% of students were proficient in English language arts and 67.4% were proficient in math. Over 40% of students at Beutler Middle School come from an economically disadvantaged background. Fairview Elementary School within the Bonneville Joint School District was recognized as an Exemplary High-Performing School, with 71.9% proficient in English language arts and 72.3% proficient in math. Over 40% of students at Fairview Elementary School come from an economically disadvantaged background.

Board Member Atchley shared her appreciation for Idaho's teachers, staff, and administrators and all the efforts that have gone into safely and effectively reopening schools this fall.

Board Secretary Liebich inquired if Supt. Ybarra has heard any feedback as to what the Board can be doing to support schools and districts in light of the pandemic. Supt. Ybarra responded that, during her visits to schools and conversations with superintendents, the overwhelming need is for the Board to continue to relay to the public how difficult the shift to online and hybrid learning has been. She added that the general mood of teachers, staff, and administrators is positive overall, and that it is important to recognize that that teachers are being asked to take on many extra responsibilities in addition to their normal duties.

There were no additional questions or comments from the Board.

2. Assessment and Accountability Update

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

Superintendent Ybarra introduced the item and stated that the update would focus on the development and implementation of Idaho's new science assessment, the alternative assessment in the areas of English language arts, math, and science, and a review of the annual report card. She then introduced Kevin Whitman, the State



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Department of Education's Director of Assessment and Accountability, who provided the remainder of the update.

Mr. Whitman provided some historical background information pertaining to the new science assessment, discussing that the Board adopted new standards for the assessment in 2016, which were not approved by the legislature at that time. The Board then approved revisions to the standards in 2017, which the legislature approved in 2018. In 2019, the Board approved a revision of the assessed grades (5, 8, and 11), and the State Department of Education (SDE) has since been working to develop a new science assessment that aligns with the revised standards. During the 2019-2020 academic year, the US Department of Education approved Idaho's request to waive assessing students in science and reporting science assessment results. The waivers were requested in order to ensure that students would not be required to participate in the field testing for the new assessment in addition to the legacy assessment within the same year. This waiver was extended to the 2020-2021 academic year due to the cancellation of testing in spring 2020 as a result of the COVID-19 pandemic, and the field testing will continue in spring 2021.

Mr. Whitman shared that the SDE is revising alternate assessments in the areas of English language arts and math. Idaho has previously developed alternate assessments as part of the National Center and State Collaborative (NCSC). The Every Student Succeeds Act (ESSA) Peer Review requirement directs that assessments are to be continually updated, and Idaho has been collaborating with other states to develop new alternate assessments in English language arts and math. The embedded field testing was conducted in spring 2019 and the operational field test was scheduled for spring 2020, but was cancelled as a result of the COVID-19 pandemic. Operational field testing will resume in spring 2021 and standard setting will occur in summer 2021. Reporting occurs after standard setting is complete, the normal reporting will be delayed from August to November. Mr. Whitman stated that the SDE has confirmed with the US Department of Education that this revised timeline is acceptable.

The SDE is also in the process of developing a new alternate assessment in science. Mr. Whitman shared that Idaho's previous portfolio-based assessment did not meet ESSA Peer Review requirements, and the SDE aims to develop an assessment that will align new extended content standards. The SDE submitted a request to waive the same ESSA provisions that were addressed by the waiver for the regular science assessment.

In regard to the Idaho Reading Indicator (IRI), Mr. Whitman shared that, as a result of the COVID-19 pandemic, the SDE worked with the proctoring vendor to deliver the IRI in a virtual format last spring. He added that the results of the virtual IRI are not comparable to the fall 2019 results since those results are from an in-person test, so the spring virtual results have been designated for local use only. Mr. Whitman discussed that the IRI was successfully administered this fall with broad at-school participation,

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and with the virtual IRI being implemented as necessary. He stated that fall IRI results serve as an annual baseline, and that fall to spring growth is the most important metric that the SDE utilizes to gauge literacy proficiency and growth.

Next, Mr. Whitman provided several updates regarding Idaho's annual Report Card. He stated that data disruptions during the 2019-2020 academic year that resulted from the COVID-19 pandemic affected various accountability metrics. Idaho, in addition to every other state and the District of Columbia, received a waiver for reporting and accountability determinations following the 2019-2020 academic year. As part of the waiver, Idaho agreed to maintain all accountability metrics for the 2019-2020 academic year, and this year's Report Card includes a banner explaining the missing data as well as the identification and recognition status.

Mr. Whitman shared the data points that will be updated, including school enrollment demographics, fall 2019 IRI scores, English learner progress and proficiency for spring 2020, class of 2019 4-year graduation rate, class of 2018 5-year graduation rate, college and career readiness, teacher workforce data, and general finance information (which will likely be available in February of 2021). He also shared the areas that would not be updated as a result of the disruption, including ISAT proficiency and growth (both metrics require 2 consecutive years of data), spring 2020 IRI and fall-to-spring IRI change for the 2019-2020 academic year, subgroup achievement, SAT benchmarks, and student, parent, and staff surveys. Mr. Whitman stated that the updated Report Card would be available during the first week of November.

Lastly, Mr. Whitman discussed future accountability considerations and implications of the COVID-19 pandemic that will be influential beyond 2020. Mr. Whitman outlined several decisions that will need to be addressed moving forward, including calculating growth without consecutive years of data and incorporating missing years into three year weighted averages. SDE staff have started to analyze these challenges and will support ongoing discussions within the Accountability Oversight Committee. Mr. Whitman states that the SDE anticipates receiving additional guidance from the US Department of Education in the coming weeks.

There were no questions or comments from the Board.

**3. CARES Act Fund Update**

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

Superintendent Ybarra introduced the item and asked Karen Seay, Director of Federal Programs for the State Department of Education (SDE), to provide an update regarding the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding that Idaho has received following the onset of the COVID-19 pandemic. The CARES Act provides financial relief to local education agencies (LEAs) from the Elementary and Secondary School Emergency Relief (ESSER) fund and the Coronavirus Relief Fund (CRF)

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through Governor Little’s Coronavirus Financial Advisory Committee. Ms. Seay stated that the SDE manages seven of the CARES Act funds totaling over \$179M, four of which are CRF funds that are federally administered by the US Department of Treasury and three of which are ESSER funds that are federally administered by the US Department of Education. A detailed breakdown of each of the funds, including allocated amounts and LEA draw down information, is included within the meeting agenda materials.

Ms. Seay also discussed the CRF Blended Learning Grant. The Board approved the distribution methodology and application process for this grant on July 15, 2020 through Governor Little’s Coronavirus Financial Advisory Committee, and the SDE has received applications from 164 districts and charters. The CRF Blended Learning Grant funds are intended to assist with closing the “digital divide” by providing funding for devices, connectivity, the implementation of a learning management system, professional development, and assistive technology. Ms. Seay discussed that, overall, districts have budgeted 70% of their allocation for devices, 11% for connectivity expenses, 8% for professional development, 7% for the implementation of a learning management system, and 3% for assistive technology.

Board Member Atchley voiced her concern regarding the low percentage of ESSER funds that have been drawn down by districts and charters, and Supt. Ybarra stated that, due to the way Board agenda materials are received and prepared, the data within the materials does not reflect the most recent information. Ms. Seay echoed Supt. Ybarra’s comments, and discussed that the general consensus among districts and charters is that they plan to draw down all allocated funds prior to the December 30, 2020 deadline.

Board Member Clark shared that she is aware of districts’ concerns that the devices they have ordered using ESSER and CRF funds may not arrive prior to the December 30, 2020 deadline. Supt. Ybarra responded that this is a supply chain issue that many states are facing, and Ms. Seay added that districts are encouraged to directly state on the purchase order or receipt that items must be received by December 30, 2020. If the district orders the items prior to the deadline and the items are not received prior to the deadline because of manufacturer or distributor delays, the LEA is not held at fault and the funds will still be applicable. Board Secretary Liebich echoed these comments.

There were no additional questions or comments from the Board.

4. Advanced Opportunity FY2020 Outcomes Report

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

Superintendent Ybarra introduced the item and asked Dr. Eric Studebaker, Director of Student Engagement and Safety Coordination for the State Department of Education, to provide an overview of the Advanced Opportunity Outcomes Report for FY2020. Dr.

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Studebaker began his report by sharing that Idaho's Advanced Opportunities Program was recently recognized in a report from the Manhattan Institute titled, "How Idaho is Reshaping High Schools by Empowering Students". The report discusses that most states in the US have laws to enable dual credit enrollment, but highlights that particular success of Idaho's Advanced Opportunities Program. Dr. Studebaker recognized Brock Astle, Statewide Advanced Opportunities Coordinator for his efforts to grow and improve the program.

Dr. Studebaker discussed the financial reimbursement proportions of the program, noting that student use of dual credit opportunities has increased since FY2019. He also discussed student demographic information and stated that student use of the Advanced Opportunities Program has increased 8% over the course of the past year. Graphical representations of the financial and demographic information is included within the meeting agenda materials.

Board Member Hill inquired about the workforce training portion of the program, and asked why the number of participants is lower than other areas. Dr. Studebaker responded that the SDE is working closely with the Division of Career Technical Education and the Workforce Development Council to promote these opportunities across the state in order to increase participation. Supt. Ybarra added that she recently met with Wendi Secrist, Executive Director of the Idaho Workforce Development Council, to discuss how the SDE can more effectively leverage apprenticeship opportunities.

Board Secretary Liebich shared his appreciation for the program and Dr. Studebaker's report, and inquired about the variability of usage between districts. He cited that participation is lower in rural districts, and asked what could be done to increase participation in those areas. Dr. Studebaker discussed that the program is striving to increase participation in rural areas but it is difficult to serve rural areas with the key providers being the institutions of higher education.

There were no additional questions or comments from the Board.

**5. Mastery-based Education Update**

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

Superintendent Ybarra introduced the item and reminded the Board that moving toward mastery-based education was a taskforce recommendation in 2013. Over the past three years, the Idaho Mastery Education Network (IMEN) has worked on implementing a framework for districts across the state who are interested in transitioning to mastery-based education. Supt. Ybarra introduced Aaron McKinnon, Mastery-Based Education Coordinator for the State Department of Education, who provided the remainder of the update.

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Mr. McKinnon first discussed the Idaho Mastery-Based Education Framework, which is based on statute and field observations, and shared that the framework is written with the perspectives that anyone can read it and understand it and that practitioners will see their efforts while recognizing opportunities for growth. Mr. McKinnon outlined the four pillars of student-centered learning that are defined in statute: students empowered, learning personalized, mastery recognized, and competencies demonstrated. The framework is included within the meeting agenda materials.

Mr. McKinnon also discussed the new grant application process, which has been split into two focuses – exploration grants and practicing grants, that will effectively distribute approximately \$1M that was appropriated by the legislature. The exploration grants will allow districts to gain a full year of reflection and goal-setting with an IMEN mentor and financial support in order to set a pattern for future success. Recipients of the exploration grant are guided to apply for the practicing grant following their first year. Mr. McKinnon outlined the benefits of the new grant program, increased communication with IMEN mentors, data collection, and accountability measures. He shared that there are over 100 teams, who were recipients of both exploration and practicing grants, currently working to achieve mastery-based education goals in Idaho.

Next, Mr. McKinnon discussed the staging guide, which is also included within the meeting agenda materials, stating that the guide provides support for exploration and practicing teams. The staging guide serves as an interactive collection of guidance documents, exemplars, and resources as a result of IMEN work since 2016. The IMEN team is currently developing a Sustainability and Evaluation Plan, which is expected to be completed by June 2021.

Mr. McKinnon then discussed the Idaho College and Career Readiness Competencies, which were approved by the Board. The competencies represent the same areas of emphasis that were approved by National Association of Colleges and Employers (NACE) in 2017. The workforce skills categories include academic skills, self-management skills, individual and teamwork skills, and thinking/information skills.

There were no questions or comments from the Board.

6. Less Than 10 Pupils in Average Daily Attendance Annual Report

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

Superintendent Ybarra discussed that this report stems from Idaho schools that have been approved to operate with less than 10 pupils in average daily attendance, and asked Julie Oberle, Chief Financial Officer for Public Schools within the State Department of Education, to provide background information.

Ms. Oberle discussed that Section 33-1003(2)(f), Idaho Code, states that, “Any elementary school having less than 10 pupils in average daily attendance shall not be



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allowed to participate in the state or county support program unless the school has been approved for operation by the State Board of Education.” She stated that the Board delegated authority to approve these requests to the State Superintendent of Public Instruction in 1999. Six schools, which are listed within the meeting agenda materials, have requested to operate with less than 10 pupils in average daily attendance during the 2020-2021 academic year, and Supt. Ybarra has approved each of these requests.

There were no questions or comments from the Board.

7. Update and Status Report on Rewrite of Idaho Content Standards in ELA, Math and Science

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

Superintendent Ybarra introduced the item and asked Marilyn Whitney, Deputy Superintendent for Communications and Policy within the State Department of Education, to provide an update on the rewrite of the Idaho Content Standards in the areas of English language arts, math, and science. The Idaho Content Standards are reviewed and updated every six years, and Superintendent Ybarra and Board President Critchfield received a letter jointly signed by the House and Senate Education Committee members directing a rewrite of the English language arts, math, and science content standards. The State Department of Education has assembled review committees consisting of teachers, parents, administrators, legislators, and industry partners, which began meeting in June 2020. The Board is expected to hear an update on the review process and intended next steps during the regular December 2020 Board Meeting.

Ms. Whitney provided an update of the review process so far, stating that the review committees have sought to understand the purpose, procedures and goals of the standard setting process, review current Idaho Content Standards and study content standards from other states and research best practices, and organize work to begin a rough draft of the updated standards. She provided several examples of areas that have been rewritten; these examples are included within the meeting agenda materials. Ms. Whitney also discussed the timeline for future review committee objectives, and stated that the final recommendations will be submitted to the Board for approval during the regular October 2021 Board Meeting.

Board Vice President Scoggin shared his appreciation for the work that has been done by the review committees, and inquired when the new standards will be put into effect. Ms. Whitney stated that, following Board approval in October 2021, the updated standards will be sent to the legislature during the 2020 Legislative Session and, if approved, be adopted. She added that, following legislative approval, there is extensive work that goes into preparing teachers to apply the new standards, and discussed that the standards would likely take effect during 2022-2023 academic year.

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Board Secretary Liebich encouraged the review committees to maintain rigor within the updated standards in order to ensure college and career readiness.

There were no additional questions or comments from the Board.

8. Idaho Standards for Initial Certification of Professional School Personnel

**BOARD ACTION**

***M/S (--/--): I move to support the preliminary amendments to the Idaho Standards for Initial Certification of Professional School Personnel. The Board did not take action on this item.***

Superintendent Ybarra introduced the item and stated that, in addition to the review English language arts, math, and science content standards, a review of the educator standards is also occurring. Supt. Ybarra asked Lisa Colon-Durham, Director of Certification and Professional Standards within the State Department of Education, to provide background information. She also noted that this item is presented as an action item, rather than an information item, because the review committee would like the Board's support before moving forward in their work.

Ms. Colon-Durham discussed that, during the 2020 Legislative Session, the legislature submitted a letter to express the need for revisions to the certification standards review process to reduce the regulatory burden upon teacher preparation programs while still upholding standards for new teachers. The House Education Committee also requested the evaluation of educator endorsement requirements.

A three phase plan was created to accomplish a complete review of the educator standards and certification requirements: Phase I-Educator Standards Review, Phase II-Certification and Endorsement Rule Review, and Phase III-Program Review and Approval Process. Phase I and Phase II work will culminate in 2021 rulemaking for consideration during the 2022 Legislative Session. Phase III work will result in recommendation for approval by the Board. Phase I has been completed after several meetings over the summer and the work group, comprised of representatives from various stakeholder groups, submitted a revised version of the standards within the meeting agenda materials. A detailed list of the revisions is also included within the meeting agenda materials.

Board Member Clark shared her appreciation for being included in the review process and expressed gratitude for the work that has been done so far. She discussed that she is not comfortable adopting the preliminary amendments as stated within the proposed motion before the full review process has been completed. Ms. Colon-Durham discussed that the work group is not comfortable moving into Phase II of the process without the support of the Board. Board Vice President Scoggin echoed Board Member Clark's comments. Supt. Ybarra responded that adding this item to the agenda as an



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action item was a request of the work group, but that it can be an information item if the Board is not comfortable having it included as an action item. She added that the main priority was to collect feedback from the Board before moving forward. Board Member Clark stated that she is comfortable with the established process and goals, and agreed that this item can be included as an information item rather than an action item.

There were no additional questions or comments from the Board.

At this time the Board recessed for 10 minutes, returning at 11:35am (MST).

**WORK SESSION**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

A. Annual K-20 Performance Measure Review

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

Board Member Clark introduced the item and discussed that the Board reviews the K-20 Performance Measures annually during the regular October Board Meeting. She also stated that Board President Critchfield identified Goal 2: Educational Readiness as an area that the Board should discuss in depth during the Work Session. Board Member Clark introduced Tracie Bent, Chief Planning and Policy Officer, and Bill Laude, Principal Research Analyst, who led the discussion. Ms. Bent stated that Mr. Laude would discuss the technical topics surrounding the data and that she would discuss policy areas that the Board may want to consider. The annual review of the K-20 Performance Measures is a backward look at data and outcomes based on the strategic plans approved by the Board during the previous year. In this case, the attached Performance Measures Reports for the institutions, agencies, and special programs that were submitted to the Division of Financial Management pertain to the 2019-2020 academic year. To provide additional context, Ms. Bent stated that the Board will review its Strategic Plan during the regular December Board Meeting, and the review of progress toward performance measures will aid in deciding upon possible revisions to the plan.

The performance measures in their entirety, encompassing data from FY2016 to present, are included within the meeting agenda materials. Mr. Laude reported on several areas of interest, beginning the presentation with an overview of the K-12 Accountability Metrics. He highlighted the Idaho Reading Indicator (IRI) testing results for FY2019 and FY2020, advanced mathematics for eighth and ninth graders (with breakout comparisons for economically disadvantaged students, English learners, and demographic groups), and College Board assessment testing (PSAT and SAT).

Mr. Laude then discussed Go On rates and dual credit degree attainment. He focused specifically on the percentage of dual credit students who graduate high school with an associate's degree, noting that while the percentage of students completing their associate's while in high school has slightly decreased, the number of dual credit

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courses students are taking has increased. Board Member Hill inquired about the percentage of high school students who go on after attaining their associate's degree, as well as high school students who attain the majority of credits needed for an associate's degree who do not go following graduation. Mr. Laude stated there are many reasons why a student may not go on after attaining dual credits toward an associate's degree during high school, and that this data point could be assessed for further discussion during the review of the Board's Strategic Plan in December.

Next, Mr. Laude discussed postsecondary retention, degree attainment, and on-time graduation rates. Detailed graphical representations of each of these measures is provided as part of the meeting agenda materials. Board President Critchfield noted that the institutions monitor this data as closely as the Board does.

Following the presentation, Board Member Clark asked for feedback from the Board, and inquired if any of the measures should be revised or adjusted. Matt Freeman, Executive Director, noted that the measures discussed within Mr. Laude's presentation pertain to Goal 2: Educational Readiness. Board Vice President Scoggin stated that he is content with the measures themselves, but is interested in having a more in-depth conversation about strategies to close the gap between benchmark data and performance goals.

Board Member Atchley discussed that she does not feel that it is helpful for the Board to continue to measure the number of students who graduate high school with an associate's degree, and noted that students who are taking dual credit courses likely hope to apply those credits toward a four-year degree rather than an associate's degree.

Board Member Atchley also mentioned she has read research that outlines that adding one year of educational attainment is important at any point in the educational process, whether it is at the beginning or at the end. She discussed that this is easier and more cost-efficient to accomplish at the beginning of the educational cycle, and added that Idaho is lacking in pre-kindergarten and full-day kindergarten programs. Board Member Clark echoed these comments and discussed that children who are not well-prepared when they enter the system will struggle to catch up throughout the educational process. She provided the Idaho Reading Indicator as an example, citing that the fall benchmark results reflect that 60% of students are below grade level. She discussed the Board's goal to have students reading proficiently by the time they enter the third grade, and elaborated that if students are behind when they enter the system it is difficult to bring students up to proficiency.

Board President Critchfield stated that Mr. Laude's presentation provided a look at Idaho's education system as a whole, and outlined that perhaps the Board should spend less time examining performance measure data and spend more time focusing on strategies to close achievement gaps. She suggested that the Board have an in-

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depth discussion of literacy and K-3 reading proficiency, and asked Board Member Clark, Board Member Keough, and Supt. Ybarra to discuss this separately as members of the PPGA committees in preparation for the Work Session during the December Board Meeting.

There were no additional questions or comments from the Board.

At this time the Board recessed for 20 minutes, returning at 1:30pm (MST).

**BUSINESS AFFAIRS AND HUMAN RESOURCES**

1. Retirement Plan Amendment

**BOARD ACTION**

**M/S (Hill/Scoggin): I move to amend the documents for the Optional Retirement Plan, and the 403(b) and 457(b) voluntary deferred compensation plans as proposed in Attachment 1. A roll call vote was taken and the motion carried 8-0.**

**AND**

**M/S (Hill/Scoggin): I move to approve the recommendation of the Retirement Plan Committee to authorize Board Staff to initiate an Invitation to Bid for a consultant to oversee a vendor search. A roll call vote was taken and the motion carried 8-0.**

Board Member Hill introduced the item and asked Board Vice President Scoggin, Chair of the Retirement Plan Committee, to provide background information. Board Vice President Scoggin discussed that the item pertains to an amendment to the Optional Retirement Plan (ORP). He stated that, historically, the Board has opted to defray the costs of consultants for the ORP. The Board maintains the authority to manage and control the operation and administration of ORP and the voluntary deferred compensation plans, as well as the authority to amend the plans and select trustees and custodians.

Board Vice President Scoggin stated that the Retirement Plan Committee has recently reviewed the plans as well as the best methods for managing the costs of managing the plans. Following their extensive review, the Retirement Plan Committee has recommended that the fees for consultants should be funded by the plan itself, which provides consistency and stability. Board Vice President Scoggin discussed that this model is consistent with industry standards and is very similar to how PERSI and the State Treasurer's Office manage investments and associated fees. The Retirement Plan Committee has also recommended that the Board retain the services of a consultant to do a vendor search through an Invitation to Bid process.

Board staff consulted with legal counsel regarding the Retirement Plan Committee's suggestions, and legal counsel advised that several revisions should be made to the

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plans and to Board Policy in order to: amend the plans to clarify that consultant fees/expenses may be paid from plan assets, authorize staff to move forward with an Invitation to Bid for a consultant (paid from the newly amended plans) who will oversee a vendor search to assure that plan participants maximize the return on their investments, and allow Executive Director authorization to retain the services of financial, legal, and other professionals recommended by the Retirement Plan Committee.

There were no additional questions or comments from the Board.

2. Amendment to Board Policy II R. – First Reading

**BOARD ACTION**

**M/S (Hill/Scoggin): I move to approve the first reading of policy V.R. to allow the Executive Director to authorize the hiring consultants to accommodate the recommendation of the Retirement Plan Committee as set forth in Attachment 1.**

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

Board Member Hill introduced the item and explained that this amendment is a necessary policy change that will allow the implementation of the action taken as part of the prior agenda item, "Retirement Plan Amendment". Todd Kilburn, Chief Financial Officer, discussed that the amendment gives the Executive Director authority to approve recommendations from the Retirement Plan Committee, and that the policy will come before the Board for a second reading during the regular December 2020 Board Meeting. The proposed policy revisions are outlined within the meeting agenda materials.

There were no questions or comments from the Board.

3. Sources and Uses Report

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

Board Member Hill introduced the item and asked Todd Kilburn, Chief Financial Officer, to provide background information. Mr. Kilburn shared that the Finance Vice Presidents from each of the institutions have discussed examining the annual Sources and Uses Report and revising it to make it more useful in the future. He stated that the report is submitted annually as part of the legislative budget book, and reflects the funds that were approved during the previous budget setting process as well as the institutions' spending plans for the upcoming year.

Board Member Hill inquired why this report is brought before the full Board, and Mr. Kilburn responded that it is beneficial for the Board Members to be aware of the information that is presented to the legislature. Matt Freeman, Executive Director,

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added that the report provides context for the Board Members in regard to how the institutions are budgeting their funds as well as budget trends from prior years.

Board Secretary Liebich discussed that it may be helpful to provide a separate, one-time report of expenses and fund allocations relating to the COVID-19 pandemic for later discussion.

There were no additional questions or comments from the Board.

4. Workforce Sharing Recommendation

**BOARD ACTION**

**M/S (Hill/Scoggin): I move to approve the recommendation of the System Optimization Subcommittee to consolidate Risk Management as a function of the Office of the State Board of Education and to direct Board staff to work with the institutions to develop and implement a consolidated model.** A roll call vote was taken and the motion carried 7-0. Mr. Liebich was absent from voting.

**AND**

**M/S (Hill/Scoggin): I move to approve the recommendation of the System Optimization Subcommittee to consolidate Internal Audit as a function of the Office of the State Board of Education and to direct Board staff to work with the institutions and the Audit Committee to develop and implement a consolidated model.** A roll call vote was taken and the motion carried 7-0. Mr. Liebich was absent from voting.

**AND**

**M/S (Hill/Scoggin): I move to approve the recommendation of the System Optimization Committee for the Office of the State Board of Education to hire a project manager through June 30, 2021 to coordinate the system optimization efforts between the Board and the institutions.** A roll call vote was taken and the motion carried 7-0. Mr. Liebich was absent from voting.

Board Member Hill introduced the item and asked Board Vice President Scoggin, Chair of the System Optimization Committee, to provide background information. Board Vice President Scoggin shared that the information presented as part of the meeting agenda materials summarizes the collaboration within the President's Leadership Council (PLC) to create system-wide efficiencies in the areas of risk management and internal audit. The consolidation of risk management and internal audit functions could potentially generate savings among the institutions while creating efficiency and standardization.

Board Vice President Scoggin stated that the System Optimization Committee has review PLC's proposals and has recommended that these functions be consolidated and housed within the Office of the State Board of Education, while still having strong connection to each of the institutions. The System Optimization Committee has also recommended that a project manager be hired to collect and report progress toward these initiatives.

Board Member Atchley inquired if there is adequate funding for third motion, which pertains to the hiring of a project manager to coordinate the system optimization efforts between the Board and the institutions through the end of FY2021. Matt Freeman, Executive Director, stated that there are funds in the Office of the State Board of Education Budget to cover this expense through the end of the current fiscal year. He added that the position will likely be part-time.

There were no additional questions or comments from the Board.

### **PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

1. Lewis-Clark State College – Annual Progress Report

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

Dr. Cynthia Pemberton, Lewis-Clark State College President, provided an annual progress report for LCSC. She noted that the full annual report is included within the meeting agenda materials, and added that while the report summarizes the past year, her presentation would focus on LCSC's goals and future initiatives. President Pemberton began her presentation by discussing the student demographic at LCSC, citing that 82% of students are Idaho residents, 78% are first-generation college students, and 45% of students are eligible to receive pell grants. LCSC aims to be accessible and affordable, connecting learning to life by means of post-graduation placement in the areas of Career Technical Education, graduate school, military, or other continuing education programs. President Pemberton discussed her three current "Presidential Priorities": enrollment and retention, responsiveness and sustainability, and communication and connection.

#### ***Enrollment and Retention***

President Pemberton discussed that LCSC's fall enrollment numbers have increased year over year despite the effects of the COVID-19 pandemic. She also discussed efficiencies and synergies that were in place prior to the COVID-19 pandemic, as well as challenges and opportunities that have presented themselves as a result of the pandemic. Before the pandemic, LCSC was focused on organizational efficiencies and synergies. President Pemberton discussed several milestones including the launch of a convocation program, the revamping of the Center for Student Leadership and Engagement, the creation of the "Warrior OneStop" online portal, and efforts to "marry" Career Technical Education programs with academic studies. She stated that these operational and organizational changes have created new ways of being for LCSC.



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LCSC continues to focus on serving and supporting students and connecting learning to life.

Following the onset of the pandemic, LCSC has rethought and rebuilt its educational experience by investing in instructional and student support, expanding instructional modality adaptations and options, and adapting the fall and spring instructional calendars to include both eight-week and sixteen-week terms of study. President Pemberton displayed a photo of the Williams Conference Center on the LCSC campus, noting that this is where the Board meeting would have been held, and proudly shared that the center is being used to house classes with appropriate social distancing.

President Pemberton outlined LCSC's instruction modalities and how those modalities have changed since the fall 2019 semester. The modalities are graphically represented within the meeting agenda materials, but the most notable change is the addition of virtual live remote courses in the spring of 2021. President Pemberton discussed that these courses will be virtual, synchronous courses where students are able to participate remotely regardless of their location. 20% of LCSC's spring 2021 courses will be delivered in a virtual live remote format, 20% will be online, 10% will be hybrid, and 50% will be face-to-face.

President Pemberton introduced Dr. Andrew Hanson, Vice President for Student Affairs at LCSC, who focused on student affairs, engagement, and support and the work his team is doing. Dr. Hansen discussed that the majority of student outreach and engagement has transitioned to a virtual format in response to an increasingly virtual world due to the effects of the COVID-19 pandemic. He shared that LCSC is focusing on relational recruiting by promoting multi-level and multi-campus community outreach messaging and correspondence, as well as partnerships and pathways by providing assistance with transfer processes and co-admissions to both LCSC and the College of Eastern Idaho. LCSC is also focusing on adult learner initiatives, micro-credentials, co-curricular engagement, and college to career preparedness.

Dr. Hansen then introduced Holly Daugherty, Coordinator of Student Involvement at LCSC, who discussed LCSC's new "Connecting Learning to Life" co-curricular portfolio option and two initiatives that have been launched by the Office of Student Involvement and the Center for Student Leadership. The purpose of these initiatives is to highlight student involvement opportunities outside of the classroom, and Ms. Daugherty discussed that increased student involvement is linked to higher retention rates. Ms. Daugherty discussed the LC State Do More app, which creates a digital co-curricular transcript for every LCSC student and tracks 20 soft skills within five overarching competencies – Communication & Technology, Teamwork & Leadership, Networking & Global Fluency, Problem Solving & Sustainability, and Professionalism & Enthusiasm. She also discussed LCSC's leadership micro-credential that can be earned through the Idaho SkillStack system. LCSC is the third state institution to offer the micro-credential,



which is made up of four digital badges and earned by mastery in the areas of leading self, leading others, managing processes, and leading for legacy.

***Responsiveness and Sustainability***

President Pemberton emphasized the importance of responsiveness and sustainability as they pertain to degree relevance and value and to institutional sustainability and viability. She introduced Dr. Lori Stinson, Provost and Vice President for Academic Affairs, who outlined LCSC's program performance and progress in producing successful leaders, engaged citizens, and lifelong learners. Dr. Stinson discussed LCSC's program prioritization process, noting that a faculty/staff focus group focused on program quality, student success, and program impact data in alignment with the institution's strategic plan as well as the Board's metrics and criteria. Moving forward, LCSC has renamed program prioritization and will refer to the process as "Program Performance Plans". The plans will assist programs with setting sustainable enrollment targets, increasing program efficiencies, meeting industry needs, and addressing necessary realignment and restructuring.

Dr. Stinson introduced Dr. Julie Crea, Vice President for Finance and Administration at LCSC, who discussed LCSC's efforts to maintain financial stability to support ongoing growth as well as budget reductions and reallocations in response to the COVID-19 pandemic. Dr. Crea shared that preceding and throughout the pandemic, LCSC has addressed several financial challenges including a prior structural deficit, a decline in revenue, a 2% state-based budget reduction, an enrollment workload adjustment, and an additional 5% state rescission. LCSC has compensated for these expenses with permanent personnel reductions, one-time funding, and furloughs, and is currently debt-free. Dr. Crea discussed that LCSC has been proactive in diversifying revenue by monetizing auxiliaries, leveraging grant opportunities, and fundraising. She also highlighted the Schweitzer Career & Technical Education Center, which, in addition to state allocations, was funded by grants and fundraising efforts.

***Communication and Connection***

President Pemberton shared that she aimed to model this priority in LCSC's presentation, demonstrating that LCSC operates as a team with a shared voice and values every member of the campus community. She discussed the importance of maintaining frequent and meaningful communication with the campus community and institutional partners. She also stated in her presentation that LCSC is committed to expanding access to higher education and ensuring success for all students while fostering inclusion throughout campus culture and processes. President Pemberton discussed the results of ongoing faculty/staff surveys following the onset of the COVID-19 pandemic, noting that the campus community has indicated that they are satisfied with LCSC's implemented communication strategies and safety measures.

To conclude her presentation, President Pemberton discussed several points of pride. She shared that during the 2019-2020 academic year, LCSC's student athletes held a

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collective 3.27 grade point average. She also shared that LCSC was recently ranked #4 in the west among public regional colleges by a U.S News and World Report titled “2021 Best Colleges). LCSC Coeur d’Alene is ranked as the #1 bachelor’s degree producing institution in Coeur d’Alene, offering 19 degrees in various areas of study. President Pemberton also discussed LCSC’s economic impact, noting that in FY2020: 1,247 students from 20 high schools completed dual credit or early college coursework through LCSC, 2,893 students participated in workforce training programs, and 420 clients (totaling over 2,047 consulting hours) were served through LCSC’s Small Business Development Center.

Following her presentation, President Pemberton showed a brief video showcasing the new Schweitzer Career & Technical Education Center, which formally opens on October 23, 2020.

There were no questions or comments from the Board.

2. Idaho Division of Vocational Rehabilitation – Annual Report

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

Board Member Clark introduced Jane Donnellan, Administrator of the Idaho Division of Vocational Rehabilitation, who provided the annual report for the IDVR. The IDVR has oversees three programs – the Council for the Deaf & Hard of Hearing, Extended Employment Services, and Vocational Rehabilitation. Before formally beginning her presentation, Ms. Donnellan briefly outlined IDVR’s FY2022 budget allocation request, noting minor increases in the requests for the Council for the Deaf and Hard of Hearing and Vocational Rehabilitation’s budgets for information technology services.

Ms. Donnellan stated that the Council for the Deaf and Hard of Hearing (CDHH), which is 100% general funded, is an independent agency that is under the jurisdiction of IDVR for administrative and fiscal purposes. The CDHH aims to create an environment for individuals who are deaf and hard of hearing in Idaho in equal opportunity for them to participate as citizens of the state. CDHH provides increased community awareness and education on issues that impact the deaf and hard of hearing.

Ms. Donnellan discussed the Extended Employment Services (EES) program, which provides skill development in a non-integrated and non-competitive setting in the form of Work Services (WS), or long-term, on-the-job supports in the form of Community-Supported Employment (CSE). The EES program provides support for individuals with traumatic brain injuries, developmental disabilities, specific learning disabilities, and chronic mental illness, and is 100% general funded. During the 2020 Legislative Session, the EES program was enacted into law by Senate Bill 1330, and IDVR has been engaged in virtual listening sessions throughout August, September, and October to collect public comments. Ms. Donnellan discussed demographic information for users

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of the EES program, which is graphically represented within the meeting agenda materials.

Ms. Donnellan then discussed Vocational Rehabilitation (VR), which assists Idahoans with a diverse array of disabilities to prepare, obtain, advance in, and retain employment based on their unique skills and abilities. Ms. Donnellan stated that VR is celebrating a century of service this year, marking 100 years since the Smith Fess Act, also known as the Civilian Rehabilitation Act, was passed in June of 1920. Governor Little declared June 2, 2020 to be Vocational Rehabilitation Day in Idaho. Ms. Donnellan stated that there are eight IDVR regions throughout the state, each of which are supported by 68 nationally certified counselors that hold master's degrees in rehabilitation counseling or related fields.

Ms. Donnellan outlined IDVR's FY2021 initiatives that are currently in progress. IDVR has added three Vocational Rehabilitation Pre-Case Case Managers for students with disabilities, which provide support for students and parents as they prepare to transition out of school. A counselor for the deaf was hired in August, who is able to address the unique needs of the deaf population. IDVR is currently recruiting for a Community Rehabilitation Program Manager that will serve as a liaison for the EES providers. IDVR is also exploring the option of offering benefits counseling.

In FY2020, IDVR served 5,869 individuals, with over 800 individuals employed and working an average of 29 hours per week. Ms. Donnellan shared that the average wage for program participants has increased from \$12.05/hour in FY2016 to \$13.88 in FY2020, and highlighted several of the high-paying professional positions which are outlined within the meeting agenda materials.

Ms. Donnellan discussed that Workforce Innovations and Opportunities Act requires that 15% of the federal grant go toward pre-employment transition services for students with disabilities. IDVR developed two information videos over the summer to provide information for students, parents, and teachers about pre-employment transition services, and one of the videos is included within the agenda materials as part of Ms. Donnellan's presentation.

IDVR collaborated with Idaho State University to create IDVR and ISU Virtual Academy NExT (New Exciting Transitions), which was a week-long program where students from across the state completed quests independently and as part of groups. The experience incorporated career exploration as well as college and career readiness using the various technological platforms.

Ms. Donnellan shared that IDVR held a successful Transition Institute event in November 2019, which allows participants to attend breakout sessions that provide information and best practices for working with students who are preparing to transition from high school to college or career. Collaborators, in addition to IDVR, included the

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State Department of Education, Boise State University, Idaho Parents Unlimited, the Idaho Council of Developmental Disabilities, the Idaho Commission for Blind and Visual Impairments, the Idaho Department of Labor, the Idaho Assistive Technology Project, and the Nampa, Idaho Falls, and Lake Pend Oreille school districts. Unfortunately, the 2020 institute was canceled as a result of the COVID-19 pandemic.

Ms. Donnellan also discussed IDVR's business engagement efforts to assist Idaho businesses with hiring and retaining qualified employees and highlighted a success story by showing a video that is included within the meeting agenda materials.

Ms. Donnellan provided an overview of several challenges that IDVR has faced within the last year, particularly challenges that have resulted from the effects of the COVID-19 pandemic. IDVR has seen a decrease in expenditures as a result of individuals not participating in their plans for employment, and pre-transition services have been significantly affected. Additionally, IDVR has had limited face-to-face access to students with schools operating remotely, and many summer programs, with the exception of the IDVR and ISU Virtual Academy NExT had to be canceled. Ms. Donnellan also noted that staff turnover is significant throughout the state, and shared that the specialized qualifications for counselors result in a smaller applicant pool.

Following her overview of challenges that IDVR has faced during the last year, Ms. Donnellan highlighted other IDVR success stories in addition to the individuals that she discussed earlier in her presentation. Ms. Donnellan concluded her presentation by expressing her gratitude for the Board's support and the hard work and dedication that her staff has exhibited during the past year.

Board Vice President Scoggin inquired about IDVR's specific degree requirement for counselors, asking if the requirement is driven by the law or if it was established within the organization. Ms. Donnellan discussed that the law allows state agencies to define its own standard for education requirements, and noted that IDVR prefers to seek candidates who have earned a master's degree in rehabilitation field because they have a deeper understanding of IDVR's unique customer needs.

There were no additional questions or comments from the Board.

At this time the Board recessed for 10 minutes, returning at 3:50pm.

3. Board Policies I.T. Title IX and III.P. Students – First Reading

**BOARD ACTION**

**M/S (Clark/Hill): I move to approve the first reading of the amendments to Board Policy I.T. Title IX, as provided in Attachment 1, and Board Policy III.P. Students, as provided in Attachment 2. A roll call vote was taken and the motion carried 8-0.**

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Board Member Clark introduced the item, stating that it is in response to a recent promulgation of federal rules regarding Title IX sexual harassment, and noted that the attorneys for the University of Idaho, Idaho State University, Boise State University, and Lewis-Clark State College determined that two Board Policies need to be amended to remain consistent with Title IX regulations and guidance from the US Department of Education and to not conflict with the new regulations. Board Member Clark asked Jenifer Marcus, Deputy Attorney General, to provide more information.

Ms. Marcus stated that the proposed amendments will align the Board Policies with the rules promulgated by the US Department of Education, which include revisions to terminology as well as a significant change that removes sexual harassment student code of conduct claims from consideration of the Board under Board Policy III.P.19. She provided further background information, noting that Board Policy III.P.12 states that institutions are required to have student codes of conduct and Board Policy III.P.19 states that institutions' codes of conduct must include procedures to ensure that an individual who is charged with a violation is provided with notice and an opportunity to be heard and present testimony in his or her defense, as well as an opportunity to appeal any disciplinary action. The proposed amendments would remove claims involving sexual harassment from consideration under Board Policy III.P.19.

Ms. Marcus stated that, under the new federal regulations, institutions are required to allow both parties the right to file an appeal in the case of a sexual harassment complaint. Under the new regulations, the appeal is limited to three claims – procedural irregularity that affected the outcome, new evidence that is not reasonably available at the time of determination of responsibility or dismissal which could affect the outcome, and the possibility that the Title IX Coordinator had a conflict of interest or bias.

Jim Craig, General Counsel at the University of Idaho, emphasized that institutions must give both parties the right to an appeal, and that violations are not limited to students but also apply to employees and other individuals participating in institutional programs or activities. He elaborated that Board Policy currently states that only the student would be able to appeal, but the proposed amendments would allow an individual who is not a student to appeal as well.

Board Vice President Scoggin asked for clarification about whom an individual would be appealing to, if not the Board, and Ms. Marcus stated that the individual would be submitting an appeal to a different decision making individual within the institution. Kevin Satterlee, Idaho State University President, discussed that the revision to remove the appeal to the Board or Executive Director relates to the way that the Title IX policy is written in regard to the procedure and training requirements for appeals. He asked Blake Christensen, General Counsel at Idaho State University, to explain why it is beneficial for individuals to file an appeal with the institution rather than filing an appeal with the Board. Mr. Christensen reiterated the three rights to appeal that Ms. Marcus

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stated earlier, and stated that if the Board wanted to continue to accept appeals on the basis of procedural irregularity they would need to expand the grievances that are allowed within the policy. Additionally, the Board would need to receive the same training that the institutional hearing officers receive.

President Satterlee noted that all other areas of appeals will remain the same, with the option to appeal to the Board, but because the area of sexual harassment violations is heavily regulated and requires extensive training to address, it is logical that these appeals will stay within the institutions. Dr. Cynthia Pemberton, Lewis-Clark State College President, echoed these comments.

Matt Freeman, Executive Director, outlined the process of student appeals in general. He noted that Board Policy does not allow for institution employees to air grievances of any kind to the Board, but it does allow for procedural student appeals for code of conduct violations, which are handled by the Executive Director. He reiterated Mr. Christensen's earlier comments, stating that it is a Board decision whether to continue to have limited appeal rights afforded under Board Policy III.P.19 in code of conduct violations involving public harassment. He also added that if the Board chooses to expand the grievances that are allowed within the policy, necessary training will need to be completed by Board staff.

Alicia Estey, Chief of Staff and Vice President for Compliance, Legal, and Audit at Boise State University, shared her perspective as a former Title IX Coordinator. Ms. Estey discussed that, because of the complex nature of the Title IX regulations, she does not recommend that the appeal responsibility be delegated to a party who will only deal with the process on an occasional basis. She added that appeal boards within the institutions have the necessary experience, ongoing training, and the opportunity to discuss interpretations of the regulations with colleagues. Ms. Estey recommended that these appeals remain within the institutions.

Board President Critchfield reminded the Board that this is the first reading of this policy, and stated that it will come back before the Board for a second reading at the regular December 2020 Board Meeting.

There were no additional questions or comments from the Board.

4. Board Policy I.O. Data Management Council – Second Reading

**BOARD ACTION**

**M/S (Clark/Atchley): I move to approve the second reading of Board Policy I.O. Data Management Council as presented in Attachment 1. A roll call vote was taken and the motion carried 8-0.**



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Board Member Clark stated that this item pertains to the second reading of Board Policy I.O. – Data Management Council, and reminded the Board that this policy was brought before the Board for its first reading during the regular August 2020 Board Meeting. She summarized that the policy amendment provides two seats on the Data Management Council for the Office of the State Board of Education and one seat for the State Department of Education as a result of the transition of State Department of Education’s Technology Services staff, and adds one at-large member from an outside entity. She noted that there were no comments or revisions since the policy’s first reading in August.

There were no additional questions or comments from the Board.

5. Board Policy IV.E. Career Technical Education – Administration - Second Reading

**BOARD ACTION**

**M/S (Clark/Scoggin): I move to approve the second reading of Board Policy IV.E. Division of Career Technical Education as provided in Attachment 1. A roll call vote was taken and the motion carried 8-0.**

Board Member Clark stated that this item pertains to the second reading of Board Policy IV.E. – Division of Career Technical Education, and reminded the Board that this policy was brought before the Board for its initial reading during the regular August 2020 Board Meeting. She discussed that the policy amendment is in response to a request to identify within Board Policy that fire service training falls under the Division of Career Technical Education’s responsibility, rather than that of the College of Eastern Idaho. There were no comments or revisions since the policy’s first reading in August.

There were no additional questions or comments from the Board.

6. IDAPA 08.02.03.105 – Graduation Requirements – Senior Project – Partial Waiver

**BOARD ACTION**

**M/S (Clark/Keough): I move to waive IDAPA 08.02.03.105.04 Senior Project as a requirement for students graduating at the end of the 2020-2021 school year. A roll call vote was taken and the motion carried 8-0.**

Board Member Clark introduced the item and discussed that, if approved, the motion would effectively remove the senior project as a graduation requirement for the 2020-2021 academic year at the state level while allowing districts to maintain it as a requirement at the district level if they choose to do so.



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Board President Critchfield discussed that it would be beneficial for the Board to waive the requirement now rather than in the spring to provide flexibility for districts in the midst of the COVID-19 pandemic. Supt. Ybarra stated that many senior projects include hands-on activities rather than just reports, and that she has received feedback from districts requesting flexibility to make the senior project optional. Board Secretary Liebich echoed these comments, and added that since many projects have a mentorship component, he is in support of providing the districts with flexibility since teachers are already being asked to take on extra responsibilities.

There were no additional questions or comments from the Board.

7. Idaho Back to School Framework

**BOARD ACTION**

**M/S (Clark/Keough): I move to adopt the Idaho Back to School Framework as provided in Attachment 1.** A roll call vote was taken and the motion carried 8-0.

Board Member Clark introduced the item and asked Board President Critchfield to provide background information. Board President Critchfield stated that the Idaho Back to School Framework was initiated in July, and that new knowledge has been acquired since the original framework was approved.

The framework encourages collaboration between school districts and local public health districts to determine the category for risk. Initially the framework outlined three categories (green, yellow, and red), but the proposed amendment would add a fourth category (orange). Board President Critchfield stated that, in addition to adding a fourth category, the other key amendment is that the framework no longer signals a specific delivery method. The initial framework noted that districts in red should implement fully remote instructional delivery, but the Board now encourages as much in-person instruction as possible.

Board President Critchfield stated that infection rates in schools are low. She added that the Board's initial role was to provide a framework by which local decisions could be guided, but that the Board now needs to update the categories and allow for more flexibility within the districts. Board Secretary Liebich echoed these comments and discussed that there is variability in what the local public health districts are assessing as risk. Board President Critchfield agreed and stated that it's important to initiate conversations at the district level, rather than directing districts as to how they should make local decisions.

Board Member Clark discussed there have been concerns during meetings of the K-12 Emergency Council surrounding the confusion about implementing different approaches based on different health districts, and expressed her opinion that it is prudent to make revisions to the framework now that more information is available. Greg Wilson, Senior

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Education Policy Advisor to Governor Little, reiterated that the initial framework was approved in July, and shared that districts and charters have done an excellent job transitioning to reopening efforts this fall. He stated that all 115 districts in the state are now operating in a hybrid or fully in-person model, and added that it is crucial to encourage ongoing collaboration between the school districts and local public health districts.

Board Member Scoggin asked for clarification on the addition of a fourth category. Board President Critchfield discussed the initial framework stated that districts should operate in a fully remote format if they are placed in the red category, and that new information has shown that districts can operate with a face-to-face component in the red category. She clarified that the key amendment to the framework provides more flexibility allows districts to decide on their modes of instructional delivery regardless of the category their public health district places them in. Mr. Wilson echoed these comments. Board Member Clark added that, because there is such a wide variety of class sizes and building layouts across the state, this issue needs to be a local decision to ensure maximum flexibility for districts.

Board Vice President Scoggin also inquired about the safety measures that are listed within the categories, and asked if the addition of the orange category alters any of the preventative measures listed. Board President Critchfield stated that the safety measures listed within the framework are not requirements, but suggestions for districts. Board Member Clark added that the Board has never required any safety measures, but has provided recommendations within the framework. Board Secretary Liebich discussed that the framework will likely become a living document that will be revised as needed.

There were no additional questions or comments from the Board.

**INSTRUCTION, RESEARCH AND STUDENT AFFAIRS**

1. Board Policy III.N. – General Education – First Reading

**BOARD ACTION**

**M/S (Liebich/Hill): I move to approve the first reading of proposed amendments to Board Policy III.N., Statewide General Education, as submitted in Attachment 1.** A roll call vote was taken and the motion carried 8-0.

Board Secretary Liebich introduced the item and discussed that the revisions to Board Policy III.N. provide more flexibility for Board staff. Dr. TJ Bliss, Chief Academic Officer, stated that the revisions are primarily technical in nature. The primary proposed amendment designates the Executive Director (or his designee) as the Chair of the General Education Matriculation (GEM) Committee, while current the current policy designates the Chief Academic Officer as the Chair of that committee. This revision would align Board Policy III.N. with other Board Policies, with the Executive Director (or

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designee) designated as the primary functionary within the Board office. The other key amendment requires that institutions provide transfer information on their own websites. All other revisions to the policy are minor technical corrections that provide greater flexibility and effectiveness for education work throughout the state.

There were no additional questions or comments from the Board.

2. Board Policy III.S. – Remedial Education – First Reading

**BOARD ACTION**

**M/S (Hill/Clark): I move to approve the first reading of proposed amendments to Board Policy III.S., Remedial Education, as submitted in Attachment 1.** A roll call vote was taken and the motion carried 8-0.

Board Secretary Liebich introduced the item and asked Dr. TJ Bliss, Chief Academic Officer, to provide background information. Dr. Bliss stated that the purpose of the proposed amendments is to more clearly define the concept of college readiness and clarify the requirements related to college students who need additional in general education math and English language arts courses. The proposed policy amendments define three levels of student readiness – academically prepared, academically underprepared, and academically unprepared. Dr. Bliss shared that the amendments were developed through a statewide collaborative process last summer, with representation from each of Idaho’s eight public institutions of higher education.

Dr. Bliss discussed that the policy has been significantly reformatted based on the readiness level distinctions, which enhances readability and interpretation. The amendments to the policy include the update of several definitions, removed the definition of “College Level Course”, and provided an expanded definition for “Student Readiness”. The policy in its entirety, including the proposed amendments as part of the first reading, can be found within the meeting agenda materials.

Board Member Atchley shared that she was impressed by the clarity that has stemmed from the policy amendments. Board Member Clark echoed these comments and thanked the Instruction, Research and Student Affairs committee for the work that has been done on this policy.

There were no additional questions or comments from the Board.

3. EPSCoR Annual Report

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

Board Secretary Liebich introduced the item and discussed that the Experimental Program to Stimulate Competitive Research (EPSCoR) is required to provide an annual report to the Board. EPSCoR recently provided a formal presentation of its annual

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report to the Instruction, Research and Student Affairs committee, and the full report is included within the meeting agenda materials. Board Secretary Liebich asked Dr. TJ Bliss, Chief Academic Officer to provide a brief overview of the report for the Board.

EPSCoR is a federal-state partnership designed to enhance the science and engineering research, education, and technology capabilities of states that traditional have received smaller amounts of federal research and development funds. Dr. Bliss stated that Idaho institutions received three new EPSCoR awards during the past year – a Track-2 award of \$6M focused on EPSCoR collaborations and two Track-4 awards for EPSCoR fellows totaling upwards of \$365,000. He also stated that Idaho’s National Science Foundation (NSF) award percentage has risen to .27%; he outlined that states are eligible to receive EPSCoR funding when their award percentage is below .75%, although the goal of EPSCoR is to assist states with raising their NSF award percentage to a point where EPSCoR funding is no longer needed.

Board Member Hill noted that the Track-1 award is a result of the Board’s \$8M Higher Education Research Council matching grant funds, and is a collaborative effort among Idaho’s three research institutions. He also noted that the EPSCoR program seeks to provide research experience as part of the higher education process at the undergraduate and graduate level, and added that the individual projects aim to serve the state of Idaho.

There were no additional questions or comments from the Board.

4. President’s Leadership Council Report

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

Board Secretary Liebich introduced the item and asked Kevin Satterlee, Idaho State University President and Chair of the President’s Leadership Council to provide background information. The item was in response to a Board request for an update regarding the fall semester as well as the institutions’ responses to the COVID-19 pandemic. President Satterlee stated that all of Idaho’s public institutions of higher education are open because of the Board’s goal of continuing to serve students. He expressed his gratitude for the dedication of faculty and staff throughout the state, and discussed the weekly system collaboration calls that have been occurring since March under the leadership of Danielle Dunstan, Chief of Staff to the President at Idaho State University.

Each of the Presidents provided a brief update on their respective institutions:

***Boise State University***

Dr. Marlene Tromp, Boise State University President, shared that, overall, BSU students have reported that they are satisfied with the university’s response to the COVID-19 pandemic. Faculty have participated in over 16,000 hours of training and professional

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development over the summer to prepare for the fall semester and the potential for remote delivery. BSU has hired a staff of 30 individuals to assist with public health decisions and is sharing best practices with other institutions as well as the K-12 system. BSU has seen \$29M in salary savings and \$3.5 M in furlough savings in response to losses incurred due to the COVID-19 pandemic. Dr. Tromp also stated that Huron, a higher education consulting group, recently reached out to her to utilize BSU as a national model for responding to the financial crisis by shaping the university's future in the midst of the pandemic.

***College of Southern Idaho***

Dr. Dean Fisher, College of Southern Idaho President, echoed President Satterlee and President Tromp's comments about collegiality and collaboration among the institutions. CSI's enrollment for the fall 2020 semester increase .1% over last year, with a 74% increase in online-only enrollment. Dr. Fisher expressed his appreciation for CSI's faculty and staff and their efforts to ensure the continuation of student learning in light of the uncertainty created by the pandemic. He shared that he charged the Fine Arts department of with creating an uplifting video to the tune of "Lean on Me" by Bill Withers, which featured CSI's faculty and staff. The full video can be found on YouTube: <https://youtu.be/lsAFEZ-X-5s>.

***University of Idaho***

Scott Green, University of Idaho President, discussed UI's preparations over the summer to ensure a safe campus reopening this fall. In conjunction with the Gritman Medical Center in Moscow, UI ensured that all students were tested before stepping foot on campus in August, and retested all students in mid-October. The UI lab also provided service to local nursing homes, LCSC nursing students, and other community partners. President Green stated that UI has successfully isolated students who have tested positive for COVID-19, and has continued to enforce all safety measures that have previously been discussed with the Board. UI will go fully remote after Thanksgiving and then test students before they return for the spring semester in January. UI's overall enrollment has decreased slightly over last year. President Green stated that UI has recently hired a new Vice President of Research and Development and a new Chief Marketing Officer/Executive Director of Communications, and proudly shared that UI was recently rated #1 Best Value in the West by U.S. News & World Report.

***North Idaho College***

On behalf of Dr. Rick MacLennan, North Idaho College President, Dr. Lita Burns, Vice President for Instruction at NIC, discussed that while enrollment has slightly decreased, student enthusiasm on campus has increased this fall. NIC has been employing multiple learning modalities and enforcing strict safety measures on campus, including mandated facemasks. Dr. Burns noted that students have been compliant with safety, and that NIC is continuing to monitor local conditions in conjunction with the Panhandle Health District. NIC has closed its campus to members of the public, and Dr. Burns

shared that NIC remains hopeful that it will be able to invite members of the public back onto campus in the near future.

***Lewis-Clark State College***

Dr. Cynthia Pemberton, Lewis-Clark State University President, reminded the Board that she provided updates during the LCSC annual report earlier in the agenda. She stated that the financial impact of the COVID-19 pandemic will be ongoing for all of the institutions, and noted that funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act will offset approximately one-third of these expenses. LCSC is collaborating with several community partners on pandemic-related initiatives and continues to maintain several regular occasions each week to communicate with the campus community. President Pemberton shared that over 200 faculty and staff members participated in online training during the summer to familiarize themselves with the “Canvas” learning management system, and added that 100% of LCSC courses utilize “Canvas” to some degree. President Pemberton expressed her gratitude for the ongoing hard work and dedication of LCSC’s faculty and staff throughout the pandemic.

***College of Eastern Idaho***

Dr. Rick Aman, College of Eastern Idaho President, shared that CEI’s enrollment has increased by 11%. CEI is operating parallel with guidance provided by the Eastern Idaho Health District, and has mandated face coverings on their campus. President Aman shared two key concerns, noting that CEI is not permitted to test individuals who may have been exposed and that there is not an adequate counseling staff available to address the mental health concerns of students and other members of the counseling community. One-third of CEI’s courses are online, and all in-person courses have been moved to larger capacity spaces to allow adequate social distancing. President Aman echoed his fellow Presidents’ comments regarding the collaboration among the institutions.

***College of Western Idaho***

Dr. Bert Glandon, College of Western Idaho President, shared that CWI is delivering 35% of courses in-person, 35% of courses online, and 30% in a hybrid/flex model. CWI’s enrollment has decreased 1.2% since last year. President Glandon discussed that CWI is employing several safety measures including mandated facemasks, enhanced cleaning protocols, and social distancing, but noted that mitigation efforts are difficult because CWI is a commuter campus that welcomes students from different areas of the Treasure Valley.

***Idaho State University***

President Satterlee concluded the update, sharing that ISU communicated with students early to let them know that campus would be open this fall. ISU’s enrollment has decreased by approximately 2%, and that graduate student enrollment has increased by about 7%. ISU has relocated over 1,500 classes to different locations to allow for proper



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social distancing and reduced housing capacity by 50% to allow for distancing and designated quarantine beds. President Satterlee shared the results of a recent mid-semester student survey, which determined that 90% of students feel confident in their major, 92% of students are aware that they have an advisor at ISU, and 89% of students indicated that they plan to register for courses next spring. Like the University of Idaho, ISU will be fully remote after Thanksgiving.

There were no additional questions or comments from the Board.

5. IRSA Committee Priorities and Milestones 2020-2021

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

Board Secretary Liebich, Chair of the Instruction, Research and Student Affairs (IRSA) committee, discussed that the full IRSA committee met earlier this year to determine long-term priorities. He stated that an outline of the priorities that the committee identified for the upcoming year is included within the agenda materials, and asked the Board to review the materials and provide feedback. Board Secretary Liebich asked that feedback be sent to himself or Dr. TJ Bliss, Chief Academic Officer.

There were no additional questions or comments from the Board.

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

**BOARD ACTION**

**M/S (Keough/Atchley): I move to adjourn the meeting at 5:48pm (MST). The motion carried 8-0.**





**DRAFT**

**STATE BOARD OF EDUCATION MEETING  
November 2, 2020**

**Office of the State Board of Education  
Len B. Jordan Building  
650 W State Street, 3<sup>rd</sup> Floor  
Boise, Idaho**

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on Monday, November 2, 2020. Board President Debbie Critchfield presided and called the meeting to order at 3:00pm (MST). A roll call of members was taken.

**Present**

Debbie Critchfield, President  
Andy Scoggin, Vice President  
Kurt Liebich, Secretary  
Dr. Linda Clark

Emma Atchley  
Shawn Keough  
Dr. Dave Hill  
Sherri Ybarra, State Superintendent

**Monday, November 2, 2020, 3:00 p.m. (Mountain Daylight Time)**

**BUSINESS AFFAIRS AND HUMAN RESOURCES**

1. University of Idaho – Public Private Partnership Utility Transaction

**BOARD ACTION**

**M/S (Hill/Clark): I move to approve the Resolution proposed by the University of Idaho, the title of which is as follows:**

**A RESOLUTION of the Regents of the University of Idaho Authorizing That Certain Long-Term Lease and Concession Agreement for the University of Idaho Utility System, Including Authorization of the Lessee and Concessionaire Thereunder, Performance of all Obligations Thereunder and Executive and Delivery of Documents in Connection Therewith.**

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

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Board Member Hill introduced the item and asked Scott Green, University of Idaho President, to provide background information. President Green discussed that the UI has collaborated over the last year with legal, financial, and operational experts to consider a public-private partnership for its utility systems. The UI will lease its utility systems for a term of 50 years, a term that is standard for this type of agreement, in order to generate cash flow, implement a disciplined capital improvement and deferred maintenance plan for UI's aging utility system, and turn a cost center into a revenue center. President Green discussed that the transaction as a whole will be \$225M in total with money flowing into and out of the UI each year, and added that UI can expect more than \$6M in annual cash flow to help fund revenue-generating activities over the term of the partnership.

Brian Foisy, Vice President for Finance and Administration at the UI, outlined the composition of the advisory team that has collaborated to draft the agreement over the past year. The advisory team has representatives from Reith Jones Advisors (UI Advisor), PFM Financial Management (UI Financial Advisor), Hawley Troxell Ennis & Hawley (UI Outside Legal Counsel), Wells Fargo Securities (Transaction Strategic Advisor), Jones Day (Transaction Legal Counsel), and Ernst & Young (Transaction Tax Advisor). Mr. Foisy stated that the parties involved with the advisory team have extensive experience with private-public partnership transactions within the higher education space.

Mr. Foisy outlined that the UI's interest in a public-private partnership is driven by four main objectives: 1. Drive improvements and efficiencies within the existing utility system, 2. Utilize the expertise of the private market to advance utility-system goals and objectives through future capital projects, 3. Establish a disciplined deferred maintenance funding plan for utility-system assets, and 4. Receive upfront capital to fund strategic initiatives. Mr. Foisy stated that in order to achieve these objectives, the UI will grant the potential partner or Concessionaire the rights to operate the university's utility systems that are currently operated by the UI, invest in a strong credit over a 50-year term, finance and construct improvements to the system approved by the university, and receive an annual utility fee comprised of a fixed fee, operations and maintenance costs, and project cost recovery.

Kent Nelson, Special Associate General Counsel at the UI, provided a legal overview of the transaction structure and primary agreements. He discussed the basic model of a public-private partnership, which is graphically represented within the meeting agenda materials, as well as the Lease and Concession Agreement (L&CA) and the Operator Agreement (OA). The L&CA serves the primary governing document between the University and the Concessionaire, and outlines all of the UI and Concessionaire requirements for the duration of the term as well as details on existing system/assets, performance requirements, and methodology for transactions between the parties. The OA governs the day-to-day operations and financial arrangement between the

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Concessionaire and the private operator, which is not the UI, and is subject to the requirements listed within the L&CA.

President Green discussed the strategic initiatives that the revenue from the public-private partnership will be utilized for, including undergraduate success and scholarships, graduate student success, general scholarships and research, and telling the UI's story through marketing and recruiting efforts. Mr. Nelson provided a supplementary overview of the strategic initiatives fund, noting that approximately \$153M of the upfront proceeds is anticipated to be invested in the newly created Idaho Non-Profit Idaho Strategic Initiatives Fund (SIF). The SIF Board will consist of 3 members that have yet to be determined, and will contract with the UI Foundation for investment management. The SIF will amortize principal over the 50-year term by making annual distributions of both principal and interest to the UI. Return assumptions, approximately 5% per year have been confirmed with the UI foundation and contemplate annual increases in funding to the university.

Mr. Foisy discussed that the annual utility fee paid to the Concessionaire is comprised of three components: a fixed, pre-determined annual fee (\$7.6M per year escalating by 1.5% beginning on July 1, 2026), a reimbursement for normal operations and maintenance costs, and a variable fee that encompasses principal and interest costs of projects approved by the UI and funded and executed by the Concessionaire. Mr. Foisy also provided an overview of the projected capital expenditures, detailing that the UI has identified \$167.7M of capital expenditure projects to sustain the existing system (\$100.3M) and enhance/grow the utility system (\$67.4M). He noted that these projects would be approved by the UI and funded/executed by the Concessionaire.

Richard Reith, a Partner of Reith Jones Advisors, provided a comparison of the UI's annual revenue and expenses. Mr. Reith discussed that the advisory team evaluated the feasibility of the transaction considering the projected annual revenue and total net benefit to the university, and noted that baseline and elevated scenarios reflect research growth assumptions and related impacts. A graphical representation of the baseline and elevated projections are included within the meeting agenda materials. Mr. Reith shared that expected revenues include strategic initiatives returns, debt defeasance savings, operations and maintenance cost savings, existing spending on operations and maintenance, and utility subsidy fund allocations. He stated that expected expenses are utility fees paid to the Concessionaire. Mr. Reith also stated that the anticipated net benefit to the UI over the term of the agreement is conservatively projected to be \$351M.

Mr. Foisy shared that, following a competitive bidding process, the UI has selected Sacyr Plenary Utility Partners of Idaho as the preferred Concessionaire. Sacyr Infrastructure USA and Plenary Americas USA comprise equal parts of Sacyr Plenary Utility Partners of Idaho, and Mr. Foisy shared that the group has successfully completed 70 public-private partnership projects over the past 22 years and has never

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exited a project. He noted that Sacyr Plenary's long-term focus gives the UI confidence that the partnership will run smoothly throughout the entire 50-year term. Sacyr Plenary has selected McKinstry Essention, based out of Seattle, Washington, to serve as the Operator for the agreement. McKinstry Essession has over 60 years of experience designing and delivering utility solutions for over 130 higher education institutions, and collaborated with the UI from 2008-2011 on a \$40M energy conservation project.

President Green expressed his gratitude for the work that has gone into the project, the efforts of the advisory team, and the ongoing support of the Board.

Board Member Clark inquired about the long length of the term, and President Green stated that a 50-year term is standard for this type of agreement. He added that a 50-year term is often required in order to see a return on investment.

Board Secretary Liebich stated that the initial presentation of this project reflected an upfront utility subsidy reserve of \$18M, and noted that that projection has risen to \$34.4M. Mr. Foisy responded that the initial agreement was for \$165M, and has risen to \$225M which, in turn, increased the amount of the subsidy reserve. Board Secretary Liebich also inquired about the anticipated annual \$6M revenue that would fund strategic initiatives, and President Green stated that this is a conservative figure that could increase over time.

Board Vice President Scoggin inquired about the risk factors of the partnership. Mr. Nelson responded that there are two main risk factors that the UI has taken into consideration, including the presumed benefits and revenue not being actualized, and issues with the operator. Mr. Nelson discussed that the advisory team considered risks and that much of the contract mitigates risk factors.

Board President Critchfield asked if the UI could provide an update on the project to the Board in the future. President Green agreed and stated that two years would be adequate to gather sufficient data to report back to the Board. President Green reiterated his gratitude for the Board's continued support.

There were no additional questions or comments from the Board.

2. Idaho Public Television – Corporation for Public Broadcasting Funding

**BOARD ACTION**

**M/S (Hill/Atchley): I move to approve the request by Idaho Public Television to enter into the alternate payee agreement attached as Exhibit 1 and authorize the Executive Director of the State Board of Education to execute future similar agreements between Idaho Public Television and the Corporation for Public Broadcasting, if required by the Corporation for Public Broadcasting, in**

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**conformance with all applicable statutes and policies.** A roll call vote was taken and the motion carried 8-0.

Board Member Hill introduced the item and asked Ron Pisaneschi, General Manager of Idaho Public Television (IPTV), to provide background information. Mr. Pisaneschi discussed that IPTV continues to maintain a strong partnership with the Corporation for Public Broadcasting and is eligible to receive grant funding.

The Corporation for Public Broadcasting requires that the Alternate Payee Agreement, which is included within the meeting agenda materials, include a representation from IPTV that “a resolution, motion, or similar action has been adopted, passed, or taken by the Grantee’s governing body authorizing it to enter into this agreement.” Mr. Pisaneschi explained that the Board has not provided such authorization in recent years, and added that this item requests for the Board to authorize the Executive Director of the State Board of Education to enter into such agreement with the Corporation for Public Broadcasting on behalf of IPTV in the future.

There were no questions or comments from the Board.

3. Coronavirus Relief Fund – Grant Program

**BOARD ACTION**

**M/S (Hill/Keough): I move to approve the expenditure of up to \$5,080,000 from the \$30 million CFAC allocation for the purchase of devices for use by students at school districts and charter schools, and to authorize Board staff to execute all necessary contracts for the purchase in accordance with all applicable State of Idaho statutes and Department of Treasury guidance.** A roll call vote was taken and the motion carried 8-0.

Board Member Hill introduced the item and asked Board Secretary Liebich, Co-Chair of the Digital Divide Taskforce, to provide background information. Board Secretary Liebich discussed that the Board previously approved the Digital Divide Taskforce recommendations for the expenditure of \$30M in Coronavirus Financial Advisory Committee (CFAC) funds to assist with bridging the “digital divide” that has been exemplified by the COVID-19 pandemic.

Board Secretary Liebich reiterated the importance of the “four legs of the stool” that comprise remote learning (devices, connectivity, the use of a learning management system, and professional development), and noted that the State Department of Education has been working to distribute the allocated grants to local education agencies for these expenses. The initial survey of local education agencies (LEAs) over the summer indicated that there were 180,000 students without devices. According to a recent survey of LEAs, there are still 22,000 students across the state who are without devices.

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Following the distribution of the initial LEA grants, there is still approximately \$5M from the original \$30M in CFAC funds that has yet to be allocated. Board Secretary Liebich discussed two possible uses for the remaining \$5M, the first of which being utilizing the original allocation method to send additional funds to the LEAs. He also discussed the delayed supply chain as a result of the COVID-19 pandemic and stated that it would be helpful and more effective for the Board to utilize the remaining \$5M to submit a large order for “Chromebooks” or similar devices that could be expeditiously produced and delivered to the LEAs by the manufacturer.

Board Member Keough inquired if “Chromebooks” are the best tool for students. Board Secretary Liebich and Board Member Hill discussed that there is no “one size fits all” option, but “Chromebooks” are what the majority of LEAs across the state are requesting. Superintendent Ybarra inquired how many “Chromebooks” could be purchased utilizing the \$5M, and Board Secretary Liebich estimated that the \$5M would be able to purchase approximately 15,000 devices.

Supt. Ybarra pointed out that LEAs were able to apply for funding for devices through the initial grant allocation, and inquired how the expenditure of the \$5M would be communicated since the LEAs were told there was \$30M available when the grant funding was initially announced. Board Secretary Liebich discussed that the \$5M was set aside when the funds were first made available and that LEAs were notified that they were eligible to apply for their share of the remaining \$25M. He reiterated that, because of the supply chain delay, it would be easier for the Board to place a large order for devices than it would be for LEAs to acquire them on their own. He added that the only device that would be attainable in a large quantity by the December 30, 2020 deadline are touchscreen Dell laptops. Supt. Ybarra inquired where the devices will come from and if all the devices would be new, and Board Secretary Liebich responded that all devices would be new and would be acquired through the State purchasing contract with Dell.

Board President Critchfield noted that this action would allow Board Staff to explore next steps, but would not guarantee the acquisition of devices. Board Member Clark added that, because many LEAs in Idaho are quite small, they are unable to move themselves forward within the supply chain without assistance.

There were no additional questions or comments from the Board.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

4. Pending Fee Rule – Docket Number 08-0000-2000F

**BOARD ACTION**

**M/S (Clark/Hill): I move to approve the pending omnibus fee docket 08-0000-**



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**2000F, as provided in Attachment 1.** A roll call vote was taken and the motion carried 8-0.

Board Member Clark introduced the item and explained that the proposed omnibus fee rule was published by the Department of Administration in a special bulletin on September 16, 2020, and no public comments were received during the 21-day public comments period. Board Member Clark stated that there have not been any revisions made to the pending rule since it was proposed to the Board during the regular August 2020 Board Meeting. If approved by the Board, the pending rule will be forwarded to the legislature for consideration during the 2021 Legislative Session. The pending rule document is included within the meeting agenda materials.

There were no questions or comments from the Board.

**INSTRUCTION, RESEARCH AND STUDENT AFFAIRS**

5. Online Idaho – Update

**BOARD ACTION**

**M/S (Hill/Keough): I move to approve “Online Idaho” as the name of Idaho’s digital campus initiative.** A roll call vote was taken and the motion carried 8-0.

**AND**

**M/S (Hill/Keough): I move to approve the request by the Office of the State Board of Education to enter into a contract with Instructure for Year Two and Year Three of a three-year statewide implementation of the Canvas Learning Management System, in conformance with the Terms and Conditions contained in Attachment #3 and in substantial conformance with Attachments #4 and #5, for an amount not to exceed \$1, 417,275, bringing the total of all three phases with Instructure to \$2,335,970.** A roll call vote was taken and the motion carried 8-0.

Board Secretary Liebich introduced the item and asked Board Member Hill, who has been actively involved with the steering committee for digital campus initiative and Dr. TJ Bliss, Chief Academic Officer, to provide background information. Board Member Hill stated that significant progress has been made since the Board received an update in August, and added that he continues to work closely with the steering committee.

Dr. Bliss highlighted the work being done by the steering committee, which is comprised of two Presidents, two provosts, a General Education Matriculation (GEM) committee member, the executive director of the Workforce Development Council (WDC), and Board staff. The steering committee has collaborated with communication and marketing staff at the institutions to develop the name for the digital campus – Online Idaho. Dr. Bliss discussed that the steering committee is working closely with the WDC because it is likely that Online Idaho will be closely connected with the WDC’s “Idaho

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LAUNCH” initiative. Because of the COVID-19 pandemic and subsequent jobs crisis, it is critical that Idahoans be able to access the postsecondary education and training necessary to move forward in their chosen career field.

Dr. Bliss displayed a graphical representation of Online Idaho, which can be found within the meeting agenda materials, that outlines the components of Online Idaho as well as the key third-party vendors that will be supporting those components. He discussed that Online Idaho is to be built on a foundation of services, tools, and resources that will be supported by a statewide learning management system (LMS), Canvas. Dr. Bliss discussed the other components of the model, including an online course catalog and course sharing platform, which will be developed and supported by a vendor called Quottly. He also noted that programs and certificates as well as pathway programs are possible additions to Online Idaho in the future, but they are not part of the contract that is currently being negotiated with Quottly.

Dr. Bliss introduced Alicia Policinski (Co-Founder and CEO of Quottly), James Gibson (Co-Founder and Chief Technology Officer for Quottly), and Lynn Colgin (Senior Vice President of Strategic Partnerships for Quottly), who provided a more in-depth overview of Quottly’s platform services and their role in the development of Online Idaho. Ms. Policinski discussed that Quottly’s mission is to help institutions of high education navigate a changing landscape by providing a configurable course exchange and searchable course transfer platform for accredited college courses and programs. Quottly currently serves 145 institutions with a combined enrollment of over 2.5 million students.

Ms. Policinski outlined that the Quottly online platform provides cross registration in order to unify the course discovery and registration experience across all campuses, as well as a transfer equivalency tool that guides students with program and course transferability information. She provided an overview of Quottly’s proposal for the Board, noting that Quottly would deliver configured course sharing and transfer equivalency modules, Student Information System (SIS) integration, and automated transfer equivalency creation. More information about the implementation phases, deliverables, and milestones can be found within the meeting agenda materials.

Mr. Gibson shared his screen to provide an overview of mock platform configurations that students might see on their computers, tablets, and smartphones in order to provide better understanding of the platform. He discussed key features that would be available within the platform, including a system-wide course search function with several filtering and sorting options. He also showed a demonstration of the transfer equivalency module.

Board President Critchfield inquired if it would be possible to see the platform once it is completed before it is accessible by students, and Mr. Gibson stated that he would be

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happy to provide a virtual tour of the platform once it is fully developed for anyone who is interested.

Board Secretary Liebich asked if the institutions have had an opportunity to see the Canvas and Quottly platforms. Dr. Jonathan Lashley, Associate Chief Academic Officer, discussed that institutional stakeholders have been presented with a similar demonstration of the Quottly platform and were given the opportunity to discuss technical needs. He noted that several of Idaho's institutions are already used Canvas as a learning management system on their campuses. Dr. Cynthia Pemberton, Lewis-Clark State College President, echoed these comments and stated that these proposals have the full support of the institutions in terms of functionality and potential future growth.

Board President Critchfield expressed her gratitude for the work that has been done so far by the steering committee, as well as the collaboration from the institution Presidents and Board Staff.

There were no additional questions or comments from the Board.

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

**BOARD ACTION**

**M/S (Hill/Liebich): I move to adjourn the meeting at pm 4:42pm (MST).** The motion carried 8-0.

*The State Board of Education tentatively plans to convene weekly for a virtual Special Board Meeting during the COVID-19 pandemic to receive updates on the status of public education in Idaho and to take action as necessary.*



STATE BOARD OF EDUCATION MEETING  
November 23, 2020

Office of the State Board of Education  
Len B. Jordan Building  
650 W State Street, 3<sup>rd</sup> Floor  
Boise, Idaho

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on Monday, November 23, 2020. Board President Debbie Critchfield presided and called the meeting to order at 3:00pm (MST). A roll call of members was taken.

**Present**

Debbie Critchfield, President  
Andy Scoggin, Vice President  
Kurt Liebich, Secretary  
Dr. Linda Clark

Shawn Keough  
Dr. Dave Hill  
Sherri Ybarra, State Superintendent

**Absent**

Emma Atchley

**Monday, November 23, 2020, 3:00 p.m. (MST)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

1. Temporary and Pending Rule – Docket 08-0201-2001 – Average Daily Attendance and Full-Time Equivalent Enrollment Reporting

**BOARD ACTION**

**M/S (Clark/Keough): I move to approve the amended temporary and pending rule Docket 08-0201-2001, establishing enrollment full-time equivalencies reporting, as submitted in Attachment 1. A roll call vote was taken and the motion carried 7-0.**

Board Member Clark introduced the item and asked Tracie Bent, Chief Planning and Policy Officer, to provide an overview of the changes that were made to this temporary and pending rule since it first came before the Board during the August 26, 2020 regular

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Board Meeting. Ms. Bent noted that the changes to the proposed rule since its initial reading in August are highlighted in yellow within the meeting agenda materials. The amendments are also outlined within the meeting agenda materials, and include the addition of language needed to account for the conversion from FTE enrollment for reporting purposes and using FTE enrollment for calculating average daily attendance. This additional language added to IDAPA 08.02.02.250.06 accounts for the unique way that support units are calculated for summer school programs, as well as minor technical corrections.

Board Secretary Liebich inquired about the process for ensuring that a student is not counted as more than one FTE. Julie Oberle, Chief Financial Officer for Public Schools within the State Department of Education, discussed that the October enrollment measured by Idaho Code 33-127 requires that students who are included in the data must have at least one positive day of attendance within the previous ten school days. She added that 2.5 hours is equivalent to .5 days average daily attendance, and 4 hours is equivalent to a 1 day average daily attendance. Board Secretary Liebich discussed that districts' learning management systems should be able to track whether students are attending school while learning virtual. Ms. Oberle stated that the SDE is relying on attendance being reported for each student, and added that each student must be showing adequate progress and be in contact with their teacher in order to receive credit for attendance. Board Member Clark suggested that it might be beneficial to survey the local education agencies to determine if adequate measures are in place to track virtual attendance.

There were no additional questions or comments from the Board.

2. Pending Rule – Docket 08-0202-2002 – Educator Certification

**BOARD ACTION**

**M/S (Clark/Hill): I move to approve pending rule Docket 08-0202-2002, as submitted in Attachment 1.** A roll call vote was taken and the motion carried 7-0. Mrs. Atchley was absent from voting.

Board Member Clark introduced the item and noted that there were no revisions made to the pending rule since it initially came before the Board during the August 26, 2020 regular Board Meeting. She added that no comments were received during the public comment period.

There were no questions or comments from the Board.

3. Pending Rule – Docket 08-0501-2001 – Seed Certification (Chapter Repeal)

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**M/S (Clark/Scoggin): I move to approve pending rule Docket 08-0501-2001, Rules Governing Seed and Plant Certification, repealing the chapter in its entirety as provided in Attachment 1.** A roll call vote was taken and the motion carried 7-0. Mrs. Atchley was absent from voting.

Board Member Clark introduced the item and noted that there were no revisions made to the pending rule since it initially came before the Board during the August 26, 2020 regular Board Meeting. She added that no comments were received during the public comment period.

There were no questions or comments from the Board.

4. Pending Rule – Docket 47-0101-2001 – Vocational Rehabilitation Services

**BOARD ACTION**

**M/S (Clark/Hill): I move to approve pending rule Docket 47-0101-2001 as submitted in Attachment 1.** A roll call vote was taken and the motion carried 7-0. Mrs. Atchley was absent from voting.

Board Member Clark introduced the item and asked Tracie Bent, Chief Planning and Policy Officer, to provide background information. Ms. Bent explained that Idaho Administrative Code, IDAPA 47.01.01, was not extended by the 2019 Legislature and expired on June 30, 2021. The Board approved a temporary rule during its November 26, 2020 Special Board Meeting that reestablished the rules for vocational rehabilitation services provided by the Idaho Division of Vocational Rehabilitation (IDVR). These rules were approved as a temporary rule rather than proposed and pending rules to allow IDVR to go through a two-year revision process with stakeholders to effectively rewrite the chapter. The temporary rule approved by the Board in November expired at the end of the 2020 Legislative Session.

Following the completion of the revision, IDVR submitted a new temporary and proposed rule that the Board approved during the June 2020 Regular Board Meeting. The amendments were posted to IDVR's website for public comment, and IDVR considered and incorporated the majority of the recommendations into the pending document. The comments received during the public comment period and their corresponding responses are included within the meeting agenda materials.

There were no questions or comments from the Board.

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

**BOARD ACTION**

**M/S (Ybarra/Hill): I move to adjourn the meeting at 3:23pm (MST).** The motion carried 7-0. Mrs. Atchley was absent from voting.





**STATE BOARD OF EDUCATION MEETING  
December 7, 2020**

**Office of the State Board of Education  
Len B. Jordan Building  
650 W State Street, 3<sup>rd</sup> Floor  
Boise, Idaho**

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on Monday, December 7, 2020. Board President Debbie Critchfield presided and called the meeting to order at 3:00pm (MST). A roll call of members was taken.

**Present**

Debbie Critchfield, President  
Andy Scoggin, Vice President  
Kurt Liebich, Secretary  
Dr. Linda Clark

Dr. Dave Hill  
Shawn Keough  
Emma Atchley  
Sherri Ybarra, State Superintendent

**Monday, December 7, 2020, 3:00 p.m. (MST)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

1. IDAPA 08.04.01 – Idaho Digital Learning Academy – Partial Waiver – Proctored Exams

**BOARD ACTION**

**M/S (Clark/Scoggin): I move to waive IDAPA 08.05.01.102.01 proctored final exam requirement for the 2020-2021 academic school year.** A roll call vote was taken and the motion carried 8-0.

Board Member Clark introduced the item and discussed that, as outlined in IDAPA 08.04.01.102.01, all Idaho Digital Learning Academy (IDLA) courses require that students take a comprehensive final exam at an approved testing site with the supervision of a proctor. Many school districts and charters are operating in a virtual or hybrid modality as a result of the COVID-19 pandemic, and IDLA is not able to conduct all final exams in-person, under the supervision of a proctor at this time. During the spring 2020 semester, IDLA requested that the Board waive this requirement for the

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remainder of the 2019-2020 academic year, and is now requested that the Board waive the requirement for the 2020-2021 academic year. The waiver does not prevent IDLA from requiring proctored exams at the end of the 2020-2021 academic year, should the public health situation improve, but allows flexibility in regard to final exam requirements as the year progresses.

Board Vice President Scoggin inquired if this is the same waiver that the Board passed earlier this year, and Board Member Clark confirmed that it is an extension of the same waiver through the end of the 2020-2021 academic year.

Board Secretary Liebich inquired about the format of IDLA exams prior to the onset of the COVID-19 pandemic. Jacob Smith, Director of Operations for IDLA explained that exams are usually administered in a school district computer lab with the supervision of a proctor. Board Secretary Liebich also inquired if there is a way to administer proctored exams in a remote format, and Mr. Smith discussed that IDLA has explored third party options for virtual exam proctoring. He noted that the options available are quite expensive, but IDLA will continue to investigate options for virtual proctoring moving forward.

There were no additional questions or comments from the Board.

2. Temporary and Pending Rule – Docket 08-0201-2001 – FTE Enrollment and Attendance Reporting

**BOARD ACTION**

**M/S (Clark/Keough): I move to rescind the motion to approve the amendments to the temporary and pending rule Docket 08-0201-2001 on November 23, 2020.** A roll call vote was taken and the motion carried 8-0.

**AND**

**M/S (Clark/Keough): I move to approve the pending rule Docket 08-0201-2001, establishing full-time equivalent student enrollment reporting, as submitted in Attachment 1.** A roll call vote was taken and the motion carried 8-0.

Board Member Clark introduced the item, and Board President Critchfield discussed that the proposed amendment makes the rule solely temporary rather than temporary and pending. She noted that following the Board's Special Meeting on November 23, 2020, more information and data become available and reopened the discussion pertaining to this rule. Board Member Clark discussed the specific details of the amendment and proposed Board action.

During the November 23, 2020 Special Board Meeting, the Board approved amendments to temporary and pending rule Docket 08-0201-2001, which included the

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addition of language needed to account for the conversion from full-time equivalent (FTE) enrollment for reporting purposes as well as using FTE enrollment for calculating average daily attendance. The amendments were based on comments received from State Department of Education staff as well as school district and charter personnel. At the time, preliminary data reported in FY2021 showed a higher variance between projected average daily attendance and FTE equivalent enrollment than was identified in earlier projections utilizing FY2020 data. The variance is primarily due to the challenges schools are experiencing in regard to students being instructed through remote and hybrid models. The preliminary FTE enrollment data projects an estimated 4% decline in overall students across the system in FY2021. If the projections are correct, school districts and charter schools would experience a reduction in state funding that is generated based on support units.

Following the Board's action during the November 23, 2020 Special Board Meeting, the Division of Financial Management (DFM) expressed concerns with the potential ongoing fiscal impact of utilizing FTE student enrollment for calculating average daily attendance. DFM has asked the Board to reconsider including this provision in the final pending rule that would take effect when the 2021 Legislature adjourns. DFM has also given permission for the Board to promulgate a second temporary rule that will incorporate the provisions for utilizing average FTE student enrollment to calculate average daily attendance during the current fiscal year, and to resubmit the pending rule without this provision. The amendments, which are identical to the amendments that the Board approved on November 23, 2020, include an additional amendment that removes all proposed amendments to IDAPA 08.02.01.250.06. Average Daily Attendance. The amendments are outlined within the agenda materials.

Superintendent Ybarra echoed Board President Critchfield's comments and added that she has heard concerns from school districts across the state surrounding funding, and noted that conversations about this temporary rule will continue in the spring once more data is available to inform decisions.

Board Vice President Scoggin asked for clarification, inquiring if this action would change the substance of the rule. Board President Critchfield reiterated that the action would not change the substance of the rule, but would only make it temporary rather than temporary and pending.

Board Secretary Liebich inquired when complete enrollment data will be available. Supt. Ybarra stated that school districts have multiple opportunities throughout the academic year to upload data, and that the Board will likely have a more complete data representation in January. Julie Oberle, Chief Financial Officer for Public Schools within the State Department of Education (SDE), shared that the SDE just received updated data from districts on December 4 and that the SDE is working quickly to review the data. Board Member Clark stated that it is important to note that this is the first time in over 20 years that Idaho has experienced a decrease in public school enrollment, and

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that districts utilize their enrollment data to create their budgets. Board President Critchfield echoed these comments and discussed that the Board is hopeful that making this rule temporary rather than temporary and pending will provide some reassurance for districts and keep the ongoing conversation open.

There were no additional questions or comments from the Board.

3. Temporary Rule – Docket 08-0201-2002 – FTE Enrollment Reporting and Average Daily Attendance Computation

**BOARD ACTION**

**M/S (Clark/Hill): I move to approve the temporary rule Docket 08-0201-2002, establishing full-time equivalent student enrollment reporting for the current school year and allowing average FTE student enrollment to be used for calculating average daily attendance, as submitted in Attachment 1. A roll call vote was taken and the motion carried 8-0.**

Temporary Rule Docket 08-0201 is a companion rule to the pending rule in Docket 08-0201-2001. The temporary rule takes all of the language negotiated through Docket 08-0201-2001, establishing full-time student enrollment reporting methodologies and the administrative/technical corrections to provisions for eligible days of attendance and adds language removed from the pending rule, Docket 08-0201-2001, allowing an average of the FTE student enrollment to be used in calculating average daily attendance. If approved, Docket 08-0201-2002 would allow averaging of the FTE student enrollment numbers to be used for calculating average daily attendance until the 2021 Legislature adjourns.

There were no questions or comments from the Board.

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

**BOARD ACTION**

**M/S (Liebich/Keough): I move to adjourn the meeting at 3:18pm (MST). The motion carried 8-0.**