



**STATE BOARD OF EDUCATION MEETING
April 5, 2021**

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

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on April 5, 2021. Board President Debbie Critchfield presided and called the meeting to order at 3:00pm (MT).

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, April 5, 2021, 3:00 p.m. (MT)

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

1. Decennial Census – School District and Community College Trustee Zones

BOARD ACTION

M/S (Clark/Keough): I move to approve the requirements for school district and community college trustee zone equalization proposals 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 discussed that it is a Federal requirement for the Board to equalize the trustee zones for all public schools and community colleges following each decennial census. She noted that the process has been delayed due to a delay in the receipt of census data as a result of the effects of the COVID-19 pandemic, and that the guidelines and requirements for the process can be found within the meeting agenda materials.

Board Vice President Scoggin inquired if the requirements are consistent with what was approved after the last decennial census, and if the requirements must be approved by the Board after every census. Board Member Clark stated that this is correct, and added that the Board last approved these requirements following the decennial census in 2011. Board President Critchfield inquired if the requirements and guidelines will be available on the Board's website, and Tracie Bent, Chief Planning and Policy Officer, stated that this information would be posted on the Board's website following Board approval.

There were no additional questions or comments from the Board.

2. Coronavirus Response and Relief Supplemental Appropriations Act, 2021 – Elementary and Secondary School Emergency Relief (ESSER II) Fund

BOARD ACTION

M/S (Clark/Hill): I move to approve use of \$11,851,300 of the \$19,589,000 in ESSER II 10% SEA reserve funds for distribution to local education agencies who receive no ESSER II or low ESSER II funding through the Title I formula distribution in substantial conformance to the methodology identified in Attachment 1; and to approve the use of up to \$300,000 in ESSER II SEA reserve funding for use by the State Department of Education to administer the distribution of ESSER funding to local education agencies. 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 discussed that it pertains to the distribution of Elementary and Secondary School Emergency Relief (ESSER) II funds. She asked Gideon Tolman, Senior Financial Management Analyst for the Division of Financial Management, to provide an overview of the proposal.

Mr. Tolman discussed that the plan that was approved by the Board of Examiners last year to reduce K-12 budgets by 5%, which later became part of Governor Little's budget recommendation to the Legislature for FY2022. Throughout the development of this plan, it was established that the statutory reductions (freezing the Career Ladder, leadership premiums, and other staff salary increases) would require statutory changes once the Legislature convened. He explained that, throughout the year, it became evident that the decline in revenue as a result of the COVID-19 pandemic would not be as severe as anticipated. As more Federal funding became available, Governor Little revised his recommendation to shift the amount equal to the statutory reductions to a commensurate reduction in discretionary funding.

Mr. Tolman discussed that the Federal government made approximately \$195M available in ESSER II funding, with \$176M designated for distribution to local education agencies based on Title I student populations. \$19M was designated as a 10% set-aside to be used at the state education agency's discretion. The distribution methodology for these funds is outlined within the meeting agenda materials.

Mr. Tolman discussed that several local education agencies did not receive ESSER II funds or received very little ESSER II funds because they do not have Title I students. If approved, this Board action would distribute \$11.9M (of the total \$19.6M) 10% set-aside to local education agencies that received no ESSER II funding or low ESSER II funding. Mr. Tolman emphasized that the distribution of these funds would allow these local education agencies to “break even”, with the Federal funds compensating for expenses incurred as a result of the COVID-19 pandemic. He also noted that once FY2022 begins, the general funds for local education agencies will be restored in addition to added funding for growth.

Supt. Ybarra discussed that there are 24 local education agencies that will not receive funds through ESSER II, but will receive funds from the American Rescue Plan (ARP ESSER) in order to “break even” in FY2021.

Board Secretary Liebich inquired about the Legislative elimination of the cap on charter growth, which required approximately \$6M from the 10% set-aside, and asked which schools would be receiving these funds. Mr. Tolman and Tracie Bent, Chief Planning and Policy Officer stated that Inspire Academy and Idaho Virtual Academy, both virtual charter schools, would receive these funds. Board Member Liebich and Vice President Scoggin inquired how the schools would utilize these funds, and Board President Critchfield suggested that they discuss this with the Idaho Public Charter School Commission.

Board Member Clark inquired about the \$300,000 that was requested by the State Department of Education to administer the ESSER funds. Supt. Ybarra discussed that there are laws pertaining to time and effort for grant work that outline that staff who are working on the administration of a grant must be paid from that particular grant. Karen Seay, Director of Federal Program for the State Department of Education, echoed these comments and explained that employees who administer grants code their time based on the grant they are working on.

There were no additional questions or comments from the Board.

3. American Rescue Plan Act, 2021 – Education Specific Funding

BOARD ACTION

M/S (Clark/Scoggin): I move to preliminarily designate the use of the 2.5% of the SEA reserve funds to local education agencies who receive no ARP ESSER funds or low ARP ESSER funds based on their Title I student populations, to be appropriated in FY2022 with carryover into FY2023, pending final state spending authority appropriations. 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 discussed that it pertains to the distribution of American Rescue Plan (ARP) funds. She asked Gideon Tolman, Senior

Financial Management Analyst for the Division of Financial Management, to provide an overview of the proposal.

Mr. Tolman discussed that the ARP is the next installment of ESSER funds, and that the allocation of funds has not yet been decided upon. Tracie Bent, Chief Planning and Policy Officer, discussed that the ARP ESSER funds will have a 10% state education agency set-aside, and only 2.5% of those funds have the complete allocation discretion of the state education agency. The proposed distribution methodology and allocation method for the ARP ESSER funds is included within the meeting agenda materials.

Board Secretary Liebich inquired if the Legislature can direct the use of these funds. Matt Freeman, Executive Director, responded that since the Legislature determines the spending authority for Federal funds, they will be able to direct the use of the ARP ESSER funds. Ms. Bent discussed that because it is not yet known how the Legislature will appropriate these funds, this item is only a preliminary discussion of how the funds should be appropriated and further Board action may be necessary moving forward. The preliminary action will serve as a Board recommendation to the Legislature for the allocation of the funds.

There were no additional questions or comments from the Board.

BUSINESS AFFAIRS AND HUMAN RESOURCES

1. Boise State University – Multi-Year Employment Agreement – Head Football Coach

BOARD ACTION

M/S (Hill/Clark): I move to approve the request by Boise State University to enter into a five-year, three-month multi-year agreement, as proposed, with Andrew Avalos as its head coach of football, commencing on January 10, 2021 and terminating on March 31, 2026, at a starting annual base salary of \$1,400,000 and such base salary increase and supplemental compensation provisions in substantial conformance with the terms of the agreement set forth in Attachments 1. A roll call vote was taken and the motion carried 7-0. Mrs. Atchley was absent from voting.

Board Member Hill introduced the item and asked Mark Heil, Vice President and Chief Financial Officer at Boise State University, and Matt Wilde, General Counsel at Boise State University, to provide an overview of the proposed contract for BSU's new head football coach, Andrew Avalos. Mr. Heil discussed that the contract closely follows the Board's contract template as a multi-year agreement with incentive elements that are similar to prior coach contracts at BSU. Mr. Wilde echoed Mr. Heil's comments.

Board Vice President Scoggin inquired if there are notable differences between the proposed contract and the Board's template or prior coach contracts. Mr. Wilde discussed that the inclusion of deferred compensation is a notable difference. Board

President Critchfield inquired about the inclusion of liquidated damages and asked about the conversations that led up to the final contract. Mr. Wilde discussed that the contract is similar to other coaches in the same conference, and that Mr. Avalos' representatives as well as representatives for BSU were comfortable with the contract that was offered.

The contract in its entirety is included within the meeting agenda materials.

There were no additional questions or comments from the Board.

2. Boise State University – Multi-Year Employment Agreement – Athletic Director

BOARD ACTION

M/S (Hill/Scoggin): I move to approve the request by Boise State University to enter into a five-year, multi-year agreement, as proposed, with Jeramiah Dickey as its Athletic Director commencing on January 16, 2021 and terminating on December 31, 2025, at a starting annual base salary of \$410,000 and such base salary increase and supplemental compensation provisions in substantial conformance with the terms of the Agreement set forth in Attachment 1. A roll call vote was taken and the motion carried 7-0. Mrs. Atchley was absent from voting.

Board Member Hill introduced the item and asked Matt Wilde, General Counsel at Boise State University, to provide an overview of the proposed contract for BSU's new Athletic Director, Jeremiah Dickey.

Mr. Wilde discussed that the contract closely follows the Board's contract template, with liquid damages, deferred compensation, and incentive elements included. The contract in its entirety is included within the meeting agenda materials.

There were no additional questions or comments from the Board.

3. Boise State University – Network and Security Hardware and Software Project

BOARD ACTION

M/S (Hill/Keough): I move to approve the purchase of network security hardware and software from CompuNet, Inc. at an aggregate cost not to exceed \$2,750,000.00 and authorize the Vice President and Chief Financial Officer of Boise State University to execute the Quotations and take all further action necessary for such purchase. A roll call vote was taken and the motion carried 7-0. Mrs. Atchley was absent from voting.

Board Member Hill introduced the item and asked Mark Heil, Vice President and Chief Financial Officer at Boise State University, to provide background information. Mr. Heil discussed that last summer, after transitioning to remote learning as a result of the onset of the COVID-19 pandemic, BSU invested in technology improvements to ensure

that all classrooms on campus are compatible with remote and hybrid instruction. He outlined that the proposed purchase will address network hardware and software needs to improve security, capacity, and reliability. Mr. Heil also noted that the purchase leverage's the State's procurement contract.

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/Keough): I move to adjourn the meeting at 4:01pm (MT). The motion carried 7-0. Mrs. Atchley was absent from voting.