



**STATE BOARD OF EDUCATION MEETING
November 2, 2021
Idaho State Board of Education
OSBE Conference Room
650 West State Street, Suite 307
Boise, ID 83720**

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on November 2, 2021, with the call originating from the Office of the State Board of Education in Boise. Board President Kurt Liebich called the meeting to order at 2:00 p.m. (MT).

Present

Kurt Liebich, President
Dr. Dave Hill, Vice-President
Dr. Linda Clark, Secretary
Shawn Keough

Bill Gilbert
Cally J. Roach
Cindy Siddoway
Superintendent Sherri Ybarra

Absent

None

Tuesday, November 2, 2021, 2:00 p.m. (Mountain Time)

Board President Liebich opened the meeting by saying that even though Idaho institutions have done a great job with managing the pandemic this meeting was called to deal with the vaccination mandate as outlined in President Biden's Executive Order (EO) 14042. As previously disclosed, Idaho joined a national lawsuit against this executive order, which was filed on Friday, October 29, 2021; however lawsuits take time to be heard which precipitated the need to address the vaccination deadline of December 8th as part of EO 14042.

Pending the outcome of this litigation, the Board's institutions will need to comply with the federal mandate in order to avoid putting federal contracts at risk, which are integral to the institutions' academic and research missions. The institutions therefore request a formal directive from the Board to proceed with compliance with EO 14042.

Executive Director Matt Freeman clarified that the EO only applies to federal *contracts* and not federal *grants*. In Idaho that would equate to a loss to the institutions of approximately \$89 million.

BOARD ACTION

M/S (Clark / Gilbert) I move to ratify the Idaho State Board of Education, in its capacity as Regents of the University of Idaho, and Boards of Trustees of Idaho State University, Boise State University and Lewis-Clark State College, joining the lawsuit filed on October 29, 2021 in federal district court of Georgia challenging the legality of President Biden’s Executive Order 14042. A roll call vote was taken, and the motion passed 8-0.

AND

M/S (Clark / Gilbert) I move to approve the institutions’ commencement of actions to the extent necessary to comply with federal Executive Order 14042. A roll call vote was taken, and the motion passed 8-0.

Dr. Hill asked for clarification; will the actions in EO 14042 pertain to everyone who works for any institution in any capacity (janitors, human resources employees, classified staff, etc.) and not just to the employees working on the federal contracts? Jenifer Marcus, Deputy Attorney General, Idaho State Board of Education, said EO 14042 is pretty expansive, and it could impact all college employees, and not only those working on federal contracts. It could also affect those students who are employed by the institutions, but not the general student population.

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

M/S (Hill / Clark) I move to adjourn the meeting at 2:13 p.m. (MT). A roll call vote was taken, and the motion carried 8-0.