



**STATE BOARD OF EDUCATION MEETING  
August 23, 2023  
Office of the State Board of Education  
650 West State Street, Suite 307  
Boise, ID 83720**

A regular meeting of the Idaho State Board of Education was held via Zoom teleconference August 23, 2023, with the call originating from the Office of the State Board of Education in Boise. Board President Dr. Linda Clark called the meeting to order at 8:30 a.m. (MT).

**Present**

Dr. Linda Clark, President	Shawn Keough
William G. Gilbert, Jr., Vice-President	Dr. David Hill
Superintendent Critchfield, Secretary	Cally Roach
Kurt Liebich	

**Absent**

Cindy Siddoway

**Wednesday, August 23, 2023 - 8:30 a.m. (Mountain Time)**

**EXECUTIVE SESSION – (Closed to the Public)**

Action Item to go into Executive Session - No action taken in Executive Session.

**M (Gilbert) I move the Board**

**1. Go into Executive Session pursuant to Idaho Code § 74-206(1)(b) “to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.”** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

**AND**

**M (Gilbert) I move the Board**

**2. Go into Executive Session pursuant to 74-206(1)(d) "to consider records that are exempt from disclosure" and Idaho Code Section 74-206(1)(f) "to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but**



**imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement."** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

The Board moved to Executive Session at 8:32 a.m. (MT).

#### **BOARD ACTION**

**M/S (Hill / Critchfield) I move to go out of Executive Session.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

The Board returned from Executive Session at 8:56 a.m. (MT). Board President Dr. Linda Clark stated that the Board concluded its discussion and took no action on the matter discussed.

**Wednesday, August 23, 2023 - 9:00 a.m. (Mountain Time)**

#### **BOARDWORK**

1. Agenda Review and Approval – Action Item

#### **BOARD ACTION**

**M (Gilbert) I move to approve the agenda as posted.** A roll call vote was taken, and the motion carried 5-0. Cindy Siddoway, Kurt Liebich and Shawn Keough were absent from voting.

2. Minutes Review and Approval – Action Item

#### **BOARD ACTION**

**M (Gilbert) I move to approve the minutes for the June 14, 2023 Regular Board meeting, the June 21, 2023, and July 7, 2023, Special Board meetings.** A roll call vote was taken, and the motion carried 5-0. Cindy Siddoway, Kurt Liebich and Shawn Keough were absent from voting.

3. Rolling Calendar – Action Item

#### **BOARD ACTION**

**M/S (Gilbert / Hill) I move to set August 21, 2024, as the date for the August 2024 regularly scheduled Board Meeting, to occur via videoconference originating from the Office of the State Board of Education in Boise.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.



## CONSENT

### BAHR

1. Boise State University – Aixtron Construction Cost Increase Authorization – Action Item

## BOARD ACTION

**M/S (Gilbert / Roach) I move to approve the request by Boise State University to increase the construction and installation authorization for the Aixtron system for a total cost not to exceed \$2.5M.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

2. Idaho State University – VP of Finance and University Planning – Action Item

## BOARD ACTION

**M/S (Gilbert / Roach) I move to approve the designation of Idaho State University's Senior Associate Vice President of Finance and Chief Fiscal Officer as a Vice President level position with the new title of Vice President of Finance and University Planning.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

3. University of Idaho - Utility P3 Capital Improvement: Ash Handling System Replacement - Action Item

## BOARD ACTION

**M/S (Gilbert / Roach) I move to approve the request by the University of Idaho for removal and replacement of the existing worn-out ash handling system for the wood waste solid fuel boiler at a cost of \$2,809,381.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

4. University of Idaho - Utility P3 Capital Improvement: Boiler Controls Modernization - Action Item

## BOARD ACTION

**M/S (Gilbert / Roach) I move to approve the request by the University of Idaho for the replacement of existing supervisory control and data acquisition (SCADA) in the energy plant for a total cost of \$4,658,600.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

5. University of Idaho - Utility P3 Capital Improvement: Electrical Transformer and Primary Component Equipment Reserve - Action Item



### **BOARD ACTION**

**M/S (Gilbert / Roach) I move to approve the request by the University of Idaho to replenish its reserve of critical major electrical spare parts inventory for a cost of \$1,391,742.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

6. University of Idaho - Amend site lease for Idaho Public Television (IPTV) - Action Item

### **BOARD ACTION**

**M/S (Gilbert / Roach) I move to approve the request by University of Idaho to execute the proposed site lease amendment and authorize the Operations Officer for Finance and Administration of the University to execute such amendment in substantial conformance to the draft submitted as part of this request, and any other documents associated with the above authorized action.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

### **IRSA**

7. EPSCoR Committee Appointments – Action Item

### **BOARD ACTION**

**M/S (Gilbert / Roach) I move to appoint Senator James Ruchti to the Established Program to Stimulate Competitive Research Idaho Committee to serve as the representative of the Idaho Senate.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

### **AND**

**M/S (Gilbert / Roach) I move to appoint Representative Britt Raybould to the Established Program to Stimulate Competitive Research Idaho Committee to serve as the representative of the Idaho House of Representatives.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

### **AND**

**M/S (Gilbert / Roach) I move to appoint Carmen Achabal to the Established Program to Stimulate Competitive Research Idaho Committee for a five (5)-year term ending on June 30, 2028.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.



**AND**

**M/S (Gilbert / Roach) I move to appoint Phillip Reppert to the Established Program to Stimulate Competitive Research Idaho Committee for a five (5)-year term ending on June 30, 2028.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

**AND**

**M/S (Gilbert / Roach) I move to appoint Will Osborne to the Established Program to Stimulate Competitive Research Idaho Committee for a five (5)-year term ending on June 30, 2028.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

**AND**

**M/S (Gilbert / Roach) I move to appoint Ronald Jones to the Established Program to Stimulate Competitive Research Idaho Committee for a five (5)-year term ending on June 30, 2028.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

8. Higher Education Research Council Re-Appointments – Action Item

**BOARD ACTION**

**M/S (Gilbert / Roach) I move to re-appoint Ms. Eileen Barber and Ms. Heather Messenger as noninstitutional representatives to the Higher Education Research Council, effective immediately and expiring June 30, 2026.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

**PPGA**

9. Indian Education Committee Appointment - Action Item

**BOARD ACTION**

**M/S (Gilbert / Roach) I move to appoint Mr. Allen Mayo, as the Shoshone-Bannock Bureau of Indian Education representative to the Idaho Indian Education Committee effective August 23, 2023 and expiring June 30, 2028.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

**AND**



**M/S (Gilbert / Roach) I move to appoint Mr. Gaylen Edmo, as the Shoshone-Bannock Tribes tribal designee to the Idaho Indian Education Committee effective August 23, 2023 and expiring June 30, 2027. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

**AND**

**M/S (Gilbert / Roach) I move to appoint Mr. Alex Harris, representing North Idaho College to the Idaho Indian Education Committee effective August 23, 2023 and expiring June 30, 2027. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

10. Accountability Oversight Committee Appointment – Action Item

**BOARD ACTION**

**M/S (Gilbert / Roach) I move to approve the reappointment of Iris Chimburas to the Accountability Oversight Committee, as an at-large member, for a term of 2 years commencing July 1, 2023 and ending on June 30, 2025. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

**AND**

**M/S (Gilbert / Roach) I move to approve the reappointment of Jodie Mills to the Accountability Oversight Committee, representing district level assessment and accountability, for a term of 2 years commencing July 1, 2023 and ending on June 30, 2025. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

11. Paraprofessional Academic Exam – Action Item

**BOARD ACTION**

**M/S (Gilbert / Roach) I move to approve the Paraprofessional Academic Assessment and cut score to be used as a State Board approved Academic Assessment for qualifying paraprofessionals, as submitted in Attachment 1. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

**SDE**

12. Appointments to the Professional Standards Commission Appointments - Action Item



### **BOARD ACTION**

**M/S (Gilbert / Roach) I move to appoint Marci Nuxoll of the Mountain View School District to the Professional Standards Commission, replacing Marianne Sletteland of the Moscow School District, for a term beginning immediately, and ending June 30, 2025, representing teachers of exceptional children.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

### 13. 2023 Curricular Materials Adoption – Action Item

### **BOARD ACTION**

**M/S (Gilbert / Roach) I move to approve the recommendation of the Curricular Materials Selection Committee to adopt curricular materials and related instructional materials for K-12 mathematics, as submitted in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

### **BOARD ACTION**

**M/S (Gilbert / Roach) I move to approve the consent agenda.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

### **STATE DEPARTMENT OF EDUCATION**

#### 1. Superintendent's Update – Information Only

Superintendent Critchfield gave the Board an update on the following items.

**Empowering Parents Parent Advisory Panel** - The Parent Panel met for the second time in Rexburg last week. The final meeting will happen in Lewiston. SDE is still working through the questions the panel has. The panel's official work concludes in September and the panel's final recommendations will be brought to the October Board meeting. One of the recommendations would be for the Empowering Parents Program to coincide with the start of the school year, instead of happening in the middle of the year.

**Modernizing School Funding** - A meeting will take place on August 31<sup>st</sup>. One of the focus issues will be the topic of enrollment vs. attendance.

**Math & Literacy** - Working with the Board and the Governor's office SDE was able to access \$2.5 million in GEER funds that was set to expire at the end of September. SDE was able to spend all of the money except \$120,000. Ryan Cantrell, Chief Deputy Superintendent, State Department of Education, said SDE focused getting the money to



early literacy programs. What SDE asked of the school districts was that they commit to a base level professional development so their teachers knew how to use the curriculum, and second, provide evidence in their master schedule that they had the time to use this curriculum. The Superintendent also mentioned that her office added the option for districts to use the IRI in grades 4 & 5 this year.

Matt Freeman, Executive Director, Idaho State Board of Education asked if the extension to grades 4 & 5 was in the iStation contract or was additional funding required? Superintendent Critchfield said additional funding was required but SDE was able to piece together this funding for this year. If the districts like this option SDE will look for how to fund this option moving forward. Mr. Freeman then asked if the data from the highest performing districts was being shared out to the other districts to show them best practices. Mr. Cantrell said SDE is compiling a list of the top 25 performers and asking what they are doing to achieve their success and pushing that information out to the other districts. SDE is also helping the districts connect with each other.

**Two new directors have been hired.** Joshua Noteboom, Director of Federal Programs and Chynna Hirasaki as the Director of Special Education.

There were no further comments or questions from the Board.

## 2. Federal Coronavirus Relief – Action Item

Mr. Cantrell reminded the Board that the Coronavirus Response and Relief Supplemental Appropriation (CRRSA) Act was signed into law on December 27, 2020. Included in the CRRSA Act, the performance period for the Coronavirus Relief Fund (CRF) was extended from December 30, 2020, to December 31, 2021. DFM closed the Coronavirus Relief Funds on June 30, 2021, which means SDE's last GRA payment to LEAs was made on June 25, 2021.

The CRRSA Act provided Idaho an additional \$195,890,413 for K-12 public education under ESSER II. Of this amount, 90%, or \$176,301,372 was allocated to local education agencies (LEAs) based on each LEA's proportional share of Title I-A funds for 2020-2021. All CARES ESSER I and CRRSA ESSER II funds must relate to preventing, preparing for, and responding to COVID-19.

CRRSA ESSER II funds must be obligated by September 30, 2023.

At this time, several non-Title I-A and low Title I-A LEAs that were awarded a portion of CRRSA State Set-Aside funding through the Board-approved formula have reported



that they will not be able to obligate all funds currently allocated to them by the September 30, 2023, deadline. The SDE estimates that these are approximately \$350,000.

Therefore, the SDE is requesting permission to redistribute the remaining CRRSA funds to non-Title I-A and low Title I-A LEAs that are able to obligate the funds by September 30, 2023. The original formula included a distribution factor that accounted for all non-Title I-A and low Title I-A LEAs. Redistribution of the remaining funds to only those LEAs who can use the funds will require modifying the formula to account for a distribution factor that includes a sub-set of all nontitle I-A and low Title I-A LEAs.

### **BOARD ACTION**

**M/S (Critchfield / Gilbert) I move to approve a reallocation of up to \$350,000 of unobligated CRRSA State Set-Aside funds to non-Title I-A and low Title I-A schools who can obligate the funds prior to September 30, 2023.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Board President Clark asked what types of things they could use the money for. Mr. Cantrell said districts could purchase curricula and use it throughout the year as long as it was purchased by the September 30, 2023 deadline.

There were no further comments or questions from the Board.

### **3. Less than 10 Students Reported in Average Daily Attendance – Action Item**

Greg Wilson, Chief of Staff, State Department of Education said Idaho Code § 33-1003(2)(f) states that “Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.”

Eight (8) schools have requested to operate with less than ten (10) average daily attendance during the 2023-2024 school year. Superintendent Critchfield has approved all of the requests.

The districts are; Garden Valley, Butte County, Prairie, Mountain View, Jerome, S. Lemhi, Pleasant Valley and Three Creek.

These approved schools will generate state funding for their school districts, per Chapter 10, Title 33, Idaho Code.



## **BOARD ACTION**

**M/S (Critchfield / Hill) I move to accept the Superintendent's recommendation of approval of the eight (8) requests to operate with less than ten (10) pupils in average daily attendance during the 2023-2024 school year for the following schools as presented in Attachment 1. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

There were no comments or questions from the Board.

## **INSTRUCTION, RESEARCH AND STUDENT AFFAIRS**

1. Board Policy III.N. – Statewide General Education – First Reading - Action Item

Dr. TJ Bliss, Chief Academic Affairs Officer, Idaho State Board of Education, reviewed the issues concerning this policy.

Board Policy III.N., General Education, outlines the statewide General Education Framework, which provides guidance to Idaho's public institutions in identifying courses that meet the General Education Matriculation (GEM) competencies for the facilitation of seamless credit transfer for students. The Framework establishes 36 credits of general education for Associate of Arts, Associate of Science, and baccalaureate degrees. The proposed amendment to this policy creates space for carefully-designed, transfer-specific associate degrees that include fewer general education courses at the associate degree level.

Approval of the proposed amendments will create a transfer-friendly experience for community college students who intend to matriculate into specialized degrees at four-year institutions.

Associate degree general education requirements are established to improve transferability for community college students because it ensures that they are ready to move into their majors after transferring to a four-year institution. However, in some limited cases, a student enrolled at a four-year institution has more flexibility to spread some of their general education over their degree experience while also beginning their major requirements earlier, while a community college student in the same degree track might not. For example, students who are completing an associate degree at a two-year institution with the intent to transfer into an engineering program at a four-year institution cannot get started as quickly on their math and science courses because they must complete all general education requirements. If the same student were to begin at a four-year institution on an engineering degree, they would take some general education and some major-specific courses from their first semester in college. This



results in a community college student spending an additional semester or two in college after they have transferred, and it also makes their last two years of college even more challenging than it is for the traditional four-year students (because they have to exclusively complete major courses). This policy will create more parity between four-year and two-year students within specialized degree programs with careful articulation agreements (often called 2+2 agreements).

### **BOARD ACTION**

**M/S (Roach / Critchfield) 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 7-0. Cindy Siddoway was absent from voting.

Board President Dr. Linda Clark asked if any of these changes would impact dual credit students in getting their associate degrees. Dr. Bliss said he was unsure how often a dual credit student was taking a specialized associate degree versus a general study associate degree. This change will give the students the option now to go for a specialized associate degree.

Dr. Clark asked what was the mechanism for students to utilize this. Dr. Bliss said this is really a 2+2 program. The primary mechanism is the collaboration between a two-year and a four-year institution to ensure they agree this is the pathway and this is how they will distribute the credits between the two institutions. This change was instigated by Boise State University and College of Western Idaho with a desire to create a 2+2 program for an associate in engineering degree program.

Dr. David Hill stated that if someone follows this path they would have an associate degree with fewer GEM courses and there is no requirement as they go on to fulfill the GEM requirements. Dr. Bliss said that was the concern. Dr. Hill then asked about General Education Requirements, Subsection A (IRSA Tab1, Page4) which specifically mentions Associate of Arts, Associate of Science, and Baccalaureate degrees. Subsection B is silent on that and subsection C says it pertains to Associate of Applied Science (AAS) degrees. What does subsection B apply to? Dr. Bliss said subsection B applies to specialized associate degrees which is not an associate of applied science degree.

Matt Freeman, Executive Director, Idaho State Board of Education, asked if a specialized associate degree will be a defined term. Dr. Bliss said no it would not be a defined term it will be an associate of science degree.



There were no further comments or questions from the Board.

2. Board Policy III. W. – Higher Education Research – First Reading – Action Item

Dr. Bliss walked the Board through this policy. The Higher Education Research Council (HERC) has worked to align its vision, mission, and structure more closely with the newly adopted 2023-2027 Higher Education Research Strategic Plan. The amendments include an update to the purpose and coverage of the policy, removal of the research philosophy section (which will be moved to HERC's bylaws), clarification about which funding programs are required versus optional, inclusion of undergraduate research as a required funding program, removal of specific reporting criteria/procedures with direction for HERC to establish as needed, and updates to the organizational structure of the Council. The amendments also remove the University of Wyoming as one of the partners of the Center for Advanced Energy Studies (CAES), as this institution withdrew from the collaboration in 2022. The Memorandum of Understanding establishing CAES in collaboration with the Idaho National Laboratory (INL) was last amended by the Board at a special meeting in October 2014. With Wyoming's withdraw from CAES, the memorandum will need to be updated.

Approval of the amendments to Board Policy III.W. will establish more clear alignment between the vision, mission, and structure of HERC with the newly adopted 2023-2027 Higher Education Research Strategic Plan. The amendments also provide more flexibility to the Council in administering state research funds to achieve the goals of the Strategic Plan.

**BOARD ACTION**

**M/S (Roach / Hill) I move to approve the first reading of Board Policy III.W., Higher Education Research as submitted in Attachment 1, and to direct staff to work with INL to develop any necessary updates to the CAES MOU and bring proposed updates to the Board for its consideration.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

3. Board Policy III.Z. – Planning and Delivery of Postsecondary Programs and Courses – First Reading – Action Item

Dr. Bliss said this agenda item is a continuation of the discussion of the April 25, 2023 Board meeting concerning prison education. At that meeting the Board did take action on a first reading on a certain path to allow Lewis-Clark State College and the University



of Idaho to serve prison education in various ways. The Board entertained a motion for exempting prison education from policy, but the vote on this motion was not successful. The Board then entertained a motion for creating a new designated service region, and the vote on this motion was successful, but not unanimous.

After that first reading, the Board office received more input from the community particularly from the Idaho Department of Correction (IDOC). The IDOC shared that they would prefer the Board to approve exempting face-to-face academic undergraduate education in prison facilities from the restrictions in Board policy. IDOC leadership cited a desire for “maximum flexibility around which institution can provide on-site programming,” and that they would also like more direct influence over what programs are offered in the prison system by the institutions.

Board approval of the exemption language would allow Lewis Clark State College to offer face-to-face academic undergraduate education in other Service Regions in the upcoming academic year. It would also allow IDOC to work with other institutions in the future, if desired.

## **BOARD ACTION**

**M/S (Roach / Gilbert) I move to approve the first reading of proposed amendments to Board Policy III.Z., Planning and Delivery of Postsecondary Education Programs and Courses as submitted in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

### **4. Three-Year Program Plan – Action Item**

Dr. Bliss began by informing the Board that the Three-Year Program Plan provides a comprehensive, system-wide picture of anticipated institutional academic program and career technical program development. The Plan is intended to serve as the foundation for guiding the Board in its efforts to coordinate the efficient delivery of educational programs throughout the state and provides the Board with a systemwide look at all the programs that are delivered or plan to be delivered in the next three years. Approval of the Plan will provide the institutions with the option to proceed with the development of program proposals that will be considered by the Board, as applicable to the level of program impact, for approval and implementation over the next three years.

Each institution submitted an institution plan representing program projections for Academic Years 2024-2025, 2025-2026, and/or 2026-2027. Several institutions have



not yet identified programs for 2025-2026 or 2026-2027. Academic leaders evaluated each other's plans from the perspective of the institutions' individual strategic plans and budget requests to ensure alignment between program plans, capital project plans, and budget requests.

Dr. Bliss emphasized that by the Board approving the three year plans they were not approving the programs. These are only plans the institutions are hoping to offer moving forward.

Patty Sanchez, Academic Affairs Program Manager, Idaho State Board of Education, said that Idaho Code § 33-113 requires the Board, in the interest of efficiency, to define the limits of instruction at all publicly funded institutions, and to limit wasteful duplication to the extent practicable.

Board Policy III.Z. sets the method by which the Board limits duplication or evaluates the need for duplication as well as assigns program responsibilities for assessing the educational and workforce needs around the state.

Some of the planning session highlights include;

Lewis-Clark State College has identified their first master's degree

- MSN Nursing Leadership and Administration

Applied Baccalaureate Degrees by Community Colleges

- CEI – Health Care Management, BAS, Fall 2024
- CEI – Operations Management, BAS, Fall 2024
- CEI – Technical Supervision, BAS, Fall 2024
- CEI – Cyber Forensics and Data Analytics, BAS, Fall 2025
- CSI – Teacher Education, BAS (added Teacher Education, Apprenticeship)
- CWI – Business Administration, BAS, Fall 2024
- CWI – Elementary Education, BAS, Fall 2026
- CWI – Healthcare Administration, BAS, Fall 2026
- NIC – Diesel Technology, BAS, Fall 2024
- NIC – Registered Nursing, BSN, Fall 2024

Dr. Bliss added that community colleges have been legally allowed to propose baccalaureate degrees since the 1960's but they could not use general funds from the state to support these programs. During the last legislative session, House Bill 311 was passed which allows the legislature to appropriate funds for any upper division courses and bachelor's degree programs community colleges may offer. The intent is to allow



community colleges to create highly affordable and employable degree opportunities and this could be the impetus in seeing these plans now.

Ms. Sanchez continued by sharing that Boise State University and University of Idaho are exploring options to offer joint degrees in the following:

- Criminal Justice and Law, M.A./J.D., Summer/Fall 2024
- Environmental Management and Law, M.N.R./J.D., Summer/Fall 2024
- Political Science and Law, M.A./J.D., Summer/Fall 2024
- Public Administration and Law, M.P.A./J.D., Summer/Fall 2024
- Public Administration and Law, Ph.D./J.D., Summer/Fall 2024

Idaho State University and University of Idaho are also researching a collaborative option to offer a Master of Science in Health Policy & Law, 2025-2026.

College of Eastern Idaho and College of Southern Idaho are joining the Idaho Consortium for Medical Laboratory Technology Education, which is a partnership between NIC, CEI, and CSI to expand medical lab technician training in Idaho. Didactic components of the program will be delivered online by NIC. Laboratory, clinical, and supportive classwork will be provided by each individual institution. CSI obtained approval for their AAS in Medical Laboratory Technology in May 2022. CEI anticipates bringing forward a proposal with a projected delivery timeframe of Fall 2025. Memoranda of Understanding are in development.

## **BOARD ACTION**

**M/S (Roach / Gilbert) I move to approve the Three-Year Program Plan as submitted in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Mr. Gilbert, Jr. wanted to ensure that these various bachelor of arts and sciences degrees would be brought to the Board for approval, particularly the ones that look like a general baccalaureate. Dr. Bliss said these course plans will be coming forward at least by next Fall.

Board President Dr. Linda Clark asked about the cost of setting up the structure for upper division courses and in hiring staff who need to have more training and higher degrees at community colleges. She would like to see cost projections before moving forward.

Mrs. Roach asked about the market studies all the schools are doing and how reliable are those studies. Dr. Bliss said that part of the path to move forward is that every



program being proposed has to be approved by the institutions' accrediting body. Mr. Gilbert said even if approved by the accrediting body it still does not mean that the program is needed.

Dr. Hill said there should be a state-wide needs assessment done instead of individual assessments. He used the example of the high demand for nurses and to think about the need for training new nurses as a state-wide need and not an individual institution need.

There were no further comments or questions from the Board.

Graduate Medical Education Committee (GME) Annual Report – Information Item

Dr. Ted Epperly, CEO, Full Circle Health, addressed the Board and gave the GME annual report.

Graduate Medical Education (GME) represents the period of professional medical training after medical school (students) in which a physician (residents) learns to be an independent, competent, safe and skilled clinician who will become licensed and certified in their particular specialty. This training period typically lasts from 3-7 years of training after medical school. Medical students are recruited from medical schools nationally and globally to Idaho GME programs. Completion of the residency program also marks completion of the necessary physician training for medical students to become future skilled and caring physicians. In order to become a practicing physician, licensure depends on completing a residency.

A Ten Year GME Strategic Plan was created in 2017 to increase the number of GME programs in Idaho from nine to twenty-one over the course of a decade. Additionally, there will be an expansion from four fellowships to nine during this timeframe. Fellowships consist of extended GME training for medical students after they have completed residency in a specialized area. This will increase the number of residents and fellows in training from 141 in 2017 to 356 in 2028. This will result in the number of graduates each year from Idaho's GME programs going from 52 per year in 2017 to 124 per year in 2028.

The impact of the Ten Year GME plan will be to produce an additional 1,440 physicians over what would have been produced without this Ten-Year Plan. The State of Idaho will only contribute one-third of the expense to train a physician and will eventually pay approximately \$14 million/year when the plan is fully built out. At least 50% of these physicians will be retained in the State of Idaho. Since each physician will generate approximately \$1.9M per year in economic impact and 12 jobs per physician, the



economic impact to Idaho will be approximately \$1.9 billion and 12,000 new jobs. This will represent a 15.9 to 1 return on investment to Idaho while at the same time ensuring more accessible and affordable care that is of high quality and at a lower cost to the citizens of Idaho.

The FY 2025 budget guidance requires a 3% cap in General Fund requests, resulting in some further slowing in addressing the objectives of the Plan.

Dr. Hill asked if this program is working as it seems to be with delivering more doctors into rural Idaho. Dr. Epperly said it is absolutely working. Nationally, Idaho has gone from 50th to 47th in the U.S. for the number of GME “residency” positions per capita, and Idaho is the third fastest growing state for graduate medical education over the last 12 years. Idaho has also been able to show that we keep 50% of these physicians in the state and over 30% in rural areas.

Mr. Liebich asked if Idaho was keeping up with the rapid expansion of population in regards to the ratio of citizens to physicians. Dr. Epperly said Idaho is not keeping pace with the population expansion. He stressed growing the program will be difficult if they are held to the 3% cap.

There were no further comments or questions from the Board.

At this time the Board took a 15-minute break returning at 10:30 a.m. (MT)

## **BUSINESS AFFAIRS AND HUMAN RESOURCES**

1. Board Policy II.P. – General Policies and Procedures – All Employees - First Reading - Action Item

Patrick Coulson, Chief Financial Officer, State Board of Education, reviewed this policy with the Board. At the April 2023 Board Meeting, the Board directed staff to develop an amendment to Board Policy regarding Diversity Equity and Inclusion statements for review at the August 2023 Board Meeting.

Approval of the proposed Board Policy amendment would prohibit the use of diversity statements in hiring practices. It also reaffirms the Board’s goal to continue to create and nurture a safe, welcoming, and dynamic learning environment of belonging for all students.

Subsection H reads as follows: Institutions shall create a welcoming and dynamic learning environment of belonging by administrators, faculty, and staff who are invested



in the success of every student. Hiring decisions, however, shall not be conditioned on a requirement that applicants submit a written diversity statement.

## **BOARD ACTION**

**M/S (Hill / Roach) I move to approve the first reading of proposed amendments to Policy II.P as provided in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

### 2. Board Policy V.K. - Construction Projects - First Reading - Action Item

Mr. Coulson said Board Policy V.K. outlines the authority limits for institutions when undertaking construction projects. Proposed changes include increases to approval limits as well as providing needed definitions and clarifications regarding the approval process.

Proposed increase approval limits:

- Approval limits of Original Project Costs
- Approval limits for Cumulative Value of Change(s) of Aggregate Revised Project Costs for Projects Originally Authorized by Local Agency
- Approval limits for Cumulative Value of Change(s) of Aggregate Revised Project Cost for Projects Originally Authorized by Executive Director
- Approval limits for Cumulative Value of Change(s) of Aggregate Revised Project Cost for Projects Originally Authorized by State Board of Education (SBOE)

Proposed changes also include a requirement that design-build projects include a preliminary project budget and financing plan to be submitted when an institution requires approval to utilize the design-build method.

Proposed changes also require that if a project budget increases above the total Board or executive director authorized amount by 5% or more, then the institution will be required to request further authorization.

Approval of the proposed amendments would provide updated guidelines and increase approval limits to higher, more suitable contemporary pricing thresholds.



### **BOARD ACTION**

**M/S (Hill / Roach) I move to approve the first reading of proposed amendments to Policy V.K. as provided in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

3. Board Policy V.I. - Real and Personal Property and Services - Second Reading - Action Item

Mr. Coulson said Board Policy V.I. outlines the authority limits for institutions when purchasing real and personal property.

Approval of the proposed amendments would provide updated guidelines and increase approval limits to higher thresholds, more suitable to contemporary pricing. The language was also reorganized in this policy for readability and easier interpretation.

The changes primarily consist of increasing approval limits and reorganizing for readability. These changes have been vetted through the BAHR Committee at its May 31, 2023, meeting and the Board approved the first reading of the proposed amendments of V.I. at its June 14, 2023, meeting.

There have been no changes between the first reading of the proposed amendments to V.I. to the second reading.

### **BOARD ACTION**

**M/S (Hill / Roach) I move to approve the second reading of proposed amendments to Policy V.I. as provided in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

4. FY2025 Capital Budget Requests and 6-Year Plans - Action Item - Patrick Coulson

### **Boise State University**

Drew Alexander, Associate Vice President for Campus Operations, Boise State University, said Boise State University (BSU) has three major capital projects.

- BSU's first project is for additional funding for the buildout of the 3rd floor labs in the Micron Center for Materials Research. This FY25 \$6M PBF funding request



will finish out the remainder of the shelled space, approximately 4,820 square feet) providing six additional labs and shared equipment space.

- BSU's second project is additional funding for the new Science Research Building. BSU is requesting \$15M in permanent building funds in FY25.
- BSU's third project is renewal of Building 034 (Riverfront Hall) which was built in 1971. In order to ensure future use of the building, a renewal and refresh of the building is warranted. Project funds will support the entire scope of the building renewal, with a goal of consolidating the School of Public Service in the renewed building. BSU is requesting \$15M in PBF funds in FY 25.

### **Idaho State University**

Kevin Satterlee, President, Idaho State University, said ISU has two major capital projects.

- The first project is a new Life Science Complex which will create essential and modern teaching and research facilities to train the next generation of Biological Sciences researchers and Health Sciences professionals. ISU has not determined how much PBF funds will be requested in FY25.
- ISU's second project is the Physician Assistant Program Expansion. For accreditation, the program needs to expand to at least 10,000 square feet to meet the needs of the students. It is currently at 7,000 square feet. ISU is requesting \$7M in PBF in FY25.

### **Lewis-Clark State College**

Julie Crea, Vice President for Finance and Administration, Lewis-Clark State College, said Lewis-Clark State College (LCSC) has two major capital projects.

- LCSC's first priority is the Wittman Complex/Mechanical Technical Building System Updates. This request is to finish the necessary updates to these facilities; bringing them up to acceptable safety standards (particularly important given the programs housed – diesel, welding, collision repair, etc.). LCSC is requesting \$6.115 in PBF funds in FY25.
- LCSC's second priority is for the Sam Glenn Complex Remodel. This project involves replacing the failing plumbing, electrical, building insulation and HVAC systems as well as ceiling tile structure, installing new flooring/carpeting, window replacement, enlargement and additions, and addresses other minor repairs and needed painting. LCSC is requesting \$4.733M in PBF funds in FY25.



## University of Idaho

Kim Salisbury, Associate Vice President, Budget and Planning, University of Idaho, said the University of Idaho (UI) has four major capital projects.

- UI's first priority is the Meat Science and Innovation Center. The building should be an academic learning center that places high value on experiential learning opportunities. UI is seeking \$2M in PBF funding for FY2025.
- UI's second priority is for improvements to the McCall K-12 STEM Education Campus. UI is seeking \$2M in PBF funding for FY2025.
- UI's third priority is for the Joint ROTC Facility and Nez Perce Neighborhood Improvements. UI is requesting the full \$9M from the PBF for FY2025.
- UI's fourth priority is for the West Campus Transportation Infrastructure and Parking Improvements. The project consists of two fully developed and landscaped surface parking facilities west of the Kibbie Dome, the ICCU Idaho Arena, and Lot 34. UI is requesting the full \$5M from the PBF for FY2025.

## BOARD ACTION

**M/S (Hill / Roach) I move to approve the capital projects listed in the table in Attachment 1 from Boise State University, Idaho State University, University of Idaho, and Lewis-Clark State College and to submit projects requesting Permanent Building Funds to the Permanent Building Fund Advisory Council for the FY 2025 budget cycle. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

## AND

**M/S (Hill / Roach) I move to approve the Six-Year Capital Improvement Plans for FY 2025 through FY 2030 for Boise State University, Idaho State University, the University of Idaho, and Lewis-Clark State College, as provided in attachments 2-5. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

Mr. Liebich asked President Satterlee if they could repurpose the building in question or will they need to demolish and start from scratch. President Satterlee said the building was built at a time when they tried experimenting with the construction and it has been decided that it is not worthy of repurposing and would need to be replaced.

Mrs. Roach asked President Satterlee why there were no funds allocated in FY2025 for that building. President Satterlee said they realize that the original plan for that building is not attainable from a financial perspective. They are in the redesigning phase right



now and until they have the specific itemizations for the building cost they cannot put a dollar amount forward.

Mr. Freeman gave a reminder to the Board members that once the 6-year capital plans are approved by the Board that gives the institutions permission to begin fundraising for capital projects included in the plans.

There were no further comments or questions from the Board.

5. Boise State University - Albertsons Stadium North End Zone Addition - Action Item

Mr. Alexander reminded the Board that in October 2022, Boise State University (Boise State) sought and received Board approval to proceed with planning and design of the North End Zone expansion in Albertsons Stadium. Based on preliminary cost estimates, Boise State is requesting approval to increase the budget for planning and design from \$2.5M to \$5M. This increase will allow the university to avoid potentially costly project delays if planning and design expenses exceed projections.

**BOARD ACTION**

**M/S (Hill / Roach) I move to approve the request by Boise State University to increase the North End Zone expansion project planning and design budget to \$5M.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

6. Boise State University - Joint Powers Agreement, Lusk Street Project - Action Item

Mr. Alexander said Boise State University (BSU) and the City of Boise (the "City") own contiguous parcels of property in the Lusk District adjacent to Boise State's main campus. Mutually beneficial components of the Project include housing, parking, retail, office and service uses.

Developing this project is part of BSU's overall plan to address housing shortages for students and faculty and to locate needed services near campus. BSU has already entered into a master lease for approximately 278 additional beds for student housing in this area, which was approved by the State Board of Education in October 2022 and will open for occupancy in August 2024.



Idaho Code requires governing board approval of a Joint Powers Agreement. There is no financial impact at this time. Updates for this project will be provided by Boise State University at future Board meetings.

### **BOARD ACTION**

**M/S (Hill / Gilbert) I move to approve the request by Boise State University to enter into a Joint Powers Agreement with the City of Boise and to authorize the President and the Chief Financial and Operating Officer, or a designee, to execute the agreement in substantial conformance to the form submitted to the Board in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Mr. Gilbert, Jr. asked who JF Development Group was. Mr. Alexander said they are a company based out of Salt Lake City and have most recently worked on a housing development locally here in Boise.

Mr. Liebich asked what the process was to select the development company. Mr. Alexander said it was a standard RFI (request for information).

Mr. Liebich then mentioned concerns in co-developing this project with the City. He asked for clarification on who is doing the building, how the project will be funded, how will it be financed. So, for clarification, is what will come back to the Board how each of these issues will be handled? Mr. Alexander said that was Boise State University's intent.

There were no further comments or questions from the Board.

Boise State University - Park Apartments Purchase and Sale Agreement - Action Item

Nikki Pantera, Deputy General Counsel, Boise State University, lead the discussion. Boise State University (BSU) requests approval to sell the real property and improvements located at 860 W. Sherwood St., Boise, Idaho, 83706 and commonly referred to as Park Apartments (the "Property") to the City of Boise (the "City") for a purchase price of eight million one hundred forty thousand dollars (\$8,140,000), plus incidental closing costs.

Due to the unique nature of the transaction, the Purchase and Sale Agreement contains provisions whereby the City agrees to utilize the Property as a permanent supporting housing facility geared toward families, and further agrees to:



- 1) Continue working with BSU to redevelop its nearby property located in the Lusk District, under a nonbinding development Memorandum of Understanding between the City, BSU, and a developer; and a joint powers agreement between the City and BSU relating to the Lusk Project; and
- 2) Lease back the Park Apartments to BSU through June 2024 for continued use as student housing during the initial period of design and development of the Lusk Project.

### **BOARD ACTION**

**M/S (Hill / Roach) I move to approve the request by Boise State University to sell the Property and improvements located at 860 W. Sherwood St., Boise, Idaho, 83706, for a price of \$8,140,000 plus related closing costs, and to authorize the Chief Financial and Operating Officer to execute the Purchase and Sale Agreement together with all necessary documents to complete the purchase as outlined therein.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Mr. Liebich asked if the check from the city for the \$8.8 million would sit in an escrow account pending the development of the Lusk Street district. Ms. Pantera said that was correct.

There were no further comments or questions from the Board.

#### **7. University of Idaho - Ground lease to The Home Depot - Action Item**

Board President Dr. Linda Clark made a brief statement prior to the presentation. She shared that the Board office had received a significant number of emails in opposition to this action item. Mr. Gilbert asked Brian Foisy, Chief Financial Officer, University of Idaho to address this proposal.

Mr. Foisy said the plan being brought forward is consistent with the planned use of the site that has been in place for decades. Home Depot approached the U of I and there are no undisclosed financial arrangements. The appraised value of the building will be subject to property taxes since Home Depot will own the building during the term of the lease. As to the Home Depot in Lewiston, Home Depot retail tracking data show that many people in Moscow are actually ordering their construction needs via the Lewiston Home Depot store.

Mr. Foisy then said in 1926 the Board of Regents of the University of Idaho (Regents) acquired 248 acres of undeveloped land located less than a mile northwest of campus.



That land was initially utilized for grazing and crops related to the University of Idaho's (UI) agricultural programs and is the current site of a small dairy operated by UI's College of Agricultural and Life Sciences. In 1973 the Regents leased out approximately 45 acres of this property along State Highway 8 for commercial development by the owners of the Palouse Mall. The subject property for the current proposal is immediately north of the Palouse Mall, near the intersection of Farm Road and A Street, and is being proposed for development by The Home Depot for a 136,000 sq. ft retail store and garden center.

The site lease will generate a long-term return from the property and maintains the Regents' permanent ownership of the land, providing opportunities for continued commercial returns or re-use for future university related activities. The proposed site lease establishes a term of 20 years with a series of eight, five-year options and a rent schedule with rent escalations over the term of the lease and options.

UI will provide at no cost a publicly dedicated road right-of-way for a portion of the unfinished segment of A Street that passes through UI's North Farm property. The Home Depot will pay all site development and operating costs attributable to their use, including the construction costs for any University capital projects anticipated by the lease and subject to the terms of agreements previously approved by the Regents. The Regents will provide the land only. The rent schedule attached to the lease provides a fixed (though escalating) payment for the duration of the lease.

## **BOARD ACTION**

**M/S (Hill / Gilbert) I move to approve the University of Idaho's Operations Officer for Finance and Administration to 1) execute the attached Ground Site Lease in substantial consistency with the draft submitted, and 2) execute related documents anticipated by that lease.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Mr. Liebich asked if there would be any local discussions with the city planning and zoning to hear comments from the public. Mr. Foisy said the city would require a building permit but there would be no public hearings because the use of this land is consistent with the planned use of the land.

Ms. Keough asked if any other use for this land was discussed. Mr. Foisy said no other planned uses were explored for that land. The land is in the university's long-range plan as commercial real estate.

Mr. Liebich state that "this was not the only piece of land in Moscow that Home Depot could have secured for their new building. If the University of Idaho did not do this deal



to the benefit of the University of Idaho and its students, then Home Depot would have found another piece of property in Moscow to build on." He would be voting in favor of this motion.

There were no further comments or questions from the Board.

8. University of Idaho - Resolution of Disputed Claims Related to an Employee - Action Item

Kent Nelson, General Counsel, University of Idaho, said this matter involves proposed resolution of disputed personnel claims that are subject to the confidentiality of personnel information mandated by Idaho Code § 74-106(1). Deliberations relating to confidential personnel records and information may be held in executive session provided that any decision is made in the public session.

The Board met in executive session to discuss resolution of litigation between the University of Idaho and one of its employees. Board Policy V.W.3. requires Board approval of settlements in excess of \$200,000.

**BOARD ACTION**

**M/S (Hill / Roach) I move to approve the proposed settlement agreement pursuant to the deliberations of the Board in executive session, and to authorize the President of the University of Idaho, or the President's designee, to execute the final agreement in substantial conformance with the agreement presented to the Board, along with such other documents necessary to carry out the terms of the agreement.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

9. University of Idaho – Temporary Exception Request for UI Foundation and Advancement Staffing - Action Item

Mr. Nelson shared that the University of Idaho Foundation (UIF) is currently working with the University of Idaho Administration on a restructuring of the UIF and of the Advancement/Fundraising arm of the University to integrate the Advancement/Fundraising function into the UIF. The University and UIF anticipate having a full proposal for the restructuring for consideration by the Board at the regularly scheduled board meeting in December. However, while this work continues, the UIF is experiencing the loss of three key personnel including their Interim Executive Director



(pending retirement), the Chief Financial Officer (resigned June 30, 2023), and the Director of Gift and Endowment Administration (pending retirement). The UIF Board of Directors (UIF Board) has requested the University provide operating assistance at this time, recognizing the State Board of Education will likely be considering integration of University Advancement and UIF.

The proposed temporary solution would loan three key University Advancement Employees to UIF: the Vice President for Advancement, the Associate Vice President for Advancement Solutions, and the Director of Stewardship. The intent of temporarily loaning the three University employees to UIF for a percentage of their time will temporarily expand their scope of work to ensure continuity of UIF operations.

Continuity during a time of transition ensures essential business functions will continue without interruption. Temporary University loaned employees will not have the ultimate authority for Foundation policy making, financial oversight, spending authority, investment, or employment decisions, and the ultimate authority will rest with the UIF Board of Directors.

#### **BOARD ACTION**

**M/S (Hill / Gilbert) I move to approve the request by the University of Idaho for a temporary waiver through December 2023 of Board Policy Section V. E. subsections 2.b.i.1 and 2.b.iii.3 so as to allow temporary loaning of University employees to the University of Idaho Foundation in the fashion described in the materials presented to the Board; and further to authorize the President of the University, or the President's designee, to execute the Temporary Amendment to Operating Agreement, and the loaned employment agreements in substantial conformance to the Attachments presented to the Board. This approval is conditioned on UI and UIF formally providing the Board a well-defined staff restructuring proposal at its regularly scheduled December 13, 2023 Board meeting.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Dr. Hill asked if these would be half-time appointments. Mr. Nelson said that correct they would be 50/50. Dr. Hill then asked if the full restructured proposal would be brought forward at the December Board of Education meeting. Mr. Nelson said that was the plan.

There were no further comments or questions from the Board.



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

1. Board Policy Repeal IV.E. and New Sections VII.A.-VII.D – Division of Career Technical Education – Second Reading – Action Item

Jenn Thompson, Chief Policy and Governmental Affairs Officer, State Board of Education, said this change is a repeal of IV.E adding in new sections, VII with subsections of A, B, C and D. The old policy had grown to 25 pages and was too large to be effective.

The only substantive change was to ensure compliance with legislative changes that went into effect on July 1, 2023. The proposed amendments would make only one policy change from the current policy requirements. The proposed change would delegate to the Division the responsibility of evaluating and approving instructional staff career pathways professional development.

Tracie Bent, Chief Administrative Officer, Career Technical Education, said one additional change made was to add the reference to the First Step Standards, and there were no changes made between the first and second reading of the proposed policy changes.

## **BOARD ACTION**

**M/S (Liebich / Roach) I move to repeal Board Policy Section IV.E. Division of Career Technical Education and I move to approve the second reading of Board Policy Section VII. Division of Career Technical Education, including subsections VII.A., VII.B., VII.C., and VII.D. as submitted in Attachment 1. A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.**

There were no comments or questions from the Board.

2. Board Policy I.K. – Naming/Memorializing Buildings and Facilities –First Reading – Action Item

Ms. Thompson said the proposed amendment adds a new section, 1.c. which would allow a facility to be named for an individual or an entity that has contracted with the institution to purchase the naming rights of the facility.

The need to consider revisions was identified as a result of recent waivers of the policy (i.e. Boise State University Albertsons Stadium and University of Idaho P1FCU Kibbie Dome).



## **BOARD ACTION**

**M/S (Liebich / Keough) I move to approve the first reading of the proposed revisions to Board Policy I.K. Naming/Memorializing Building and Facilities.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

3. Proposed Rule Docket No. 08-0203-2301 – Rules Governing Thoroughness – Action Item

Ms. Thompson said IDAPA 08.02.03, Rules Governing Thoroughness, sets out provisions aimed at ensuring a thorough system of public education. These minimum requirements include, but are not limited to content standards, high school graduation requirements, comprehensive statewide assessment system, and Idaho's state and federal accountability framework.

Two meetings for the purpose of gathering initial public feedback were held on June 22, 2023 and June 23, 2023.

If approved, the proposed rule will be submitted to the Division of Financial Management Office of the Administrative Rules Coordinator and will be published as a proposed rule.

A 21-day public feedback period follows the publication of proposed rules. During this time stakeholders and members of the public may provide additional feedback on the drafted text. Based on comments received during the feedback window and Board direction, changes may be made to proposed rules prior to final Board consideration. Final Board approval converts a proposed rule to a pending rule.

## **BOARD ACTION**

**M/S (Liebich / Critchfield) I move to approve proposed rule – Docket Number 08-0203-2301 as submitted in Attachment 2.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

4. Proposed Rule Docket No. 08-0401-2301 – Rules of the Idaho Digital Learning Academy – Action Item



Ms. Thompson said following the Governor's Executive Order 2020-01, Zero Based Regulations, created an ongoing review process for all existing rules as of June 30, 2020.

IDAPA 08.04.01. Rules of the Idaho Digital Learning Academy are due for review under the Zero-Based Regulation initiative. These rules have been thoroughly reviewed for simplification and streamlining. Recommended additions are indicated in red text and serve to clarify the language that is proposed to remain. Recommended deletions are indicated in blue text.

Recommended deletions from IDAPA rules such as consequences for plagiarism (Subsection 102.02.b) and teacher interaction with students (Subsection 102.02.d) continue to exist in policy established by the IDLA governing board. Removing these provisions from IDAPA serves to place their governance at the local level, but does not require any change to current practices.

In reviewing this section of rule with the impacted stakeholders, the IDLA Superintendent requested a change to Subsection 102.01, regarding the requirement of proctored exams. The current text requires a proctored exam for all courses. The proposed language is broader and would allow for proctored exams as well as comprehensive final projects as determined by a Local Education Agency. This would allow for final assessments to include portfolios, projects, or other demonstrations of mastery in cases where a formal exam may not be the most appropriate assessment method, such as in a physical education course.

## **BOARD ACTION**

**M/S (Liebich / Gilbert) I move to approve proposed rule – Docket Number 08-0401-2301, as submitted in Attachment 2.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

5. Proposed Rule Docket No. 55-0103-2301 – Rules of Career Technical Schools – Action Item

Ms. Thompson said IDAPA 55-01.03 Rules Governing Career Technical Schools have been thoroughly reviewed for simplification and streamlining.



The proposed rule amendments will streamline the language currently established in IDAPA 55.01.03, remove duplicative language within the rule and remove provisions that are established in Section 33-1002G, Idaho Code.

Two meetings for the purpose of gathering initial public feedback were held at the OSBE office on June 22, 2023 and June 23, 2023. The Division of Career Technical Education (DCTE) provided recommended revisions. No additional feedback or requests to participate in the negotiated rulemaking process was received by either the DCTE or OSBE staff.

## **BOARD ACTION**

**M/S (Liebich / Gilbert) I move to approve proposed rule – Docket Number 55-0103-2301, as submitted in Attachment 2.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

6. Proposed Rule Docket No. 55-0104-2301– Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants - Action Item

Ms. Thompson said IDAPA 55-01.04 Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants is due for review under the Zero-Based Regulation initiative.

The Board is required to maintain rules regarding the implementation of the program. However, the proposed revisions seek to remove specific procedural instructions from rule to allow the Division of Career Technical Education (DCTE) administrative team to manage these procedures at a more local level.

Two meetings for the purpose of gathering initial public feedback were held at the OSBE office on June 22, 2023 and June 23, 2023. The DCTE provided recommended revisions. No additional feedback or requests to participate in the negotiated rulemaking process was received by either the DCTE or OSBE staff.



## **BOARD ACTION**

**M/S (Liebich / Roach) I move to approve proposed rule – Docket Number 55-0104-2301, as submitted in Attachment 2.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Ms. Keough asked about the appeal process language that is being struck, noted on Attachment 2, page 5. Ms. Bent said because of the appeal process that goes with all administrative rules it wasn't deemed necessary for there to be a separate process specific to these grant programs.

There were no further comments or questions from the Board.

7. Proposed Rule Docket No 08-0113-2302 – Rules Governing the Opportunity Scholarship Program - Action Item

Ms. Thompson said a lot of these changes came about from the changes to House Bill 24 which enacted the Launch Grant.

Some of the changes noted were:

1. The new application process is being addressed to coincide with the new FAFSA application that is being developed.
2. Announcement of award has been moved from June 1st to December 31st to be in alignment with other scholarship awards in our state.
3. The Opportunity Scholarship is awarded on a 70/30 split of need and merit for students. Additional language added provides that the Board may determine monetary value without the FAFSA Submission Summary if the delay is due only to federal delay and may modify any final award or payment upon receipt of the FAFSA Submission Summary.
4. The Board may not award any new scholarship, excluding renewals, to any student attending community college on or after July 1, 2023. Community college students who received their awards prior to this date will be grandfathered.

## **BOARD ACTION**

**M/S (Liebich / Gilbert) I move to approve proposed rule – Docket Number 08.0113.2302, as submitted in Attachment 2.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.



At this time the Board took a 45-minute break and returned at 12:45 p.m. (MT)

## 8. Proposed Legislation – Action Item

Mr. Liebich started by reminding the Board that on June 14, 2023, the Board approved the following legislative ideas to move forward in the Executive Agency Legislative process:

1. Optional Retirement Program
2. Rural School Definition
3. Education Data
4. Institution Reporting Requirements
5. Career Technical Education – Instructor Career Ladder Movement

Two of the Board-approved ideas are not moving forward to proposed legislation. It was determined that the rural school definition idea may be impacted by any funding formula decisions made during the legislative session. For that reason, this piece of legislation is not going forward, but may be revisited in future years. The Division of Career Technical Education chose to withdraw its legislative idea due to the costs of implementation.

The three items moving forward are.

**1. Optional Retirement Program** – Idaho Code § 33-107A allows the State Board of Education to establish an optional retirement program (ORP). Currently, new employees of the Office of the State Board of Education may opt into PERSI only if they are already vested. This has limited the agency’s ability to recruit local candidates competitively. The proposed change would provide new employees of the Office of the State Board of Education the opportunity to select either PERSI or an OPR at the time of hire, regardless of whether the employee is already vested in PERSI. This change would provide an additional tool for recruiting highly qualified candidates to state government positions.

**2. Education Data** – Idaho Code § 33-133 sets out provisions for keeping Idaho student data secure and limiting access to personally identifiable student information. The proposed legislation would clarify reporting requirements on student data use, expand definitions to include educator and student personally identifiable information to assure the protection of educator data and align language with various education record security requirements.



**3. Institution Reporting Requirements** – Idaho Code § 33-3729(5) requires postsecondary institutions to report student transfer data to the State Board of Education. While the reporting requirement is important to retain in Idaho Code, the specific data points, which are currently also codified, are better suited to agency policy. Removing these specifics from Idaho Code would allow the agency to make adjustments when necessary as programs or technologies change without needing legislative action.

### **BOARD ACTION**

**M/S (Liebich / Hill) I move to approve the proposed legislation in substantial conformance to Attachments 2 through 4, and to authorize the Executive Director to make additional changes as necessary as the legislation moves forward through the legislative process.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

Mrs. Keough asked if on the student data piece, was the Board office anticipating any pushback from legislators. Mr. Freeman said this statute was former Senator Mortimer's legislation and the office believes its at a good place for presenting to the legislature.

There were no further comments or questions from the Board.

### **9. Hearing Officer Recommendation – Action Item**

Ms. Thompson refreshed the issue for the Board. She said Gage Burlile applied for the Armed Forces / Public Safety Officer Dependents Scholarship based on eligibility due to his father's disability determination. Mr. Burlile's application for the scholarship was denied based on the fact that his father was a resident of California at the time he entered service as reported on his DD form 214.

On November 23, 2022, Mr. Burlile appealed the denial of his eligibility for the scholarship. At its February 16, 2023 meeting, the Board directed that a hearing officer from the Office of Administrative Hearings be appointed to hear the appeal.

A hearing was held on May 4, 2023. The hearing officer issued a recommended order finding that the OSBE arbitrarily relied on the home of record recorded by the service member and reported in the service member's DD form 214 to determine Idaho residency. The hearing officer recommended that Mr. Burlile be awarded the scholarship.



The Idaho Legislature passed HB 219 (2023) amending Idaho Code § 33-4302 to clarify in statute that residency determinations shall be made by reference to the DD form 214, which will clarify administration of the program going forward.

Board staff disagree with conclusions reached by the hearing officer, but agree that Mr. Burlile's father did present evidence indicating his ties to Idaho. Given that the use of DD form 214 is now required by statute to determine residency, the hearing officer's decision will not impact further residency determinations. Board staff therefore recommend that Mr. Burlile be notified that he qualifies for the scholarship under the law as it existed at the time of his application.

### **BOARD ACTION**

**M/S (Liebich / Roach) I move that the Board's president issue the final order and direct the Office of the State Board of Education to notify Mr. Burlile that he will be awarded the armed forces scholarship. This action will constitute the Board's final order in this matter under the Administrative Procedure Act.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

#### 10. Empowering Parents Grant Program Update – Information Only

Mr. Liebich acknowledged that this program is under a large microscope and that much press has been written about it. With any program of such complexity it will not be 100% right. The program is, however, making a huge impact in the state of Idaho. Over 9,000 students have received funding equaling over \$33 million in transactions and the best part is that this program is needs based, and money went to families who need it the most.

Ms. Thompson then shared that the Office of the State Board of Education submitted a final report to the Governor's office on April 2, 2023 and these are some of the highlights.

- OSBE staff completed a review of 44,585 transactions that were made in the Marketplace between November and June based on reports provided by Odyssey. While numbers have fluctuated as we have worked to verify the eligibility of each purchase, at the end of this process OSBE staff has determined that 39,512 purchases (89% of the total) were eligible, 487 purchases (1% of the total) were identified as being likely ineligible, 1,050 purchases (2% of the total) were identified as potentially eligible, pending further review by the Parent



Advisory Panel and the Board, and 3,536 purchases (8% of the total) did not include sufficient documentation for a determination to be made.

- Odyssey has agreed to reimburse the State approximately \$180,000 for the cost of ineligible purchases made. This dollar amount was estimated by Odyssey and is based on the purchase price of items identified by OSBE as ineligible. The exact dollar amount of the final reimbursement for these purchases will fluctuate as final eligibility decisions are made (process described below).
- To date, Odyssey has earned approximately \$550,000 in interest on grant funds. Through a settlement process between Odyssey and the Division of Purchasing, OSBE anticipates approximately \$400,000 to be returned. Odyssey will retain only the amount necessary to cover its tax burden.
- OSBE has concluded its review of transactions. The program was found to be operating successfully, with only less than 1% of the total purchases determined ineligible. Odyssey will reimburse the state for those purchases.

There were no comments or questions from the Board.

#### 11. Educator Preparation Program Standards Approval – Action Item

Ms. Thompson said the Board Office created a work group in January 2023 to create a new Educator Preparation Provider review process at the direction of the State Board. The work group had a representative from each Board-approved Educator Preparation Program, State Department of Education Staff, and Career Technical Staff. The work group created the Idaho Standards for Educator Preparation Providers that would be used to evaluate the Educator Preparation Programs against for the state provider review. The Standards created were shared with stakeholders to obtain input. Two work sessions were held with the Professional Standards Commission (Joint Standards and Authorization's Committees) to review the standards and obtain input. The input from the first work session was shared with the work group and the input was accepted. The changes were made to the Idaho Standards for Educator Preparation Providers. The second work session was held, and the Professional Standards Commission voted to recommend the Idaho Standards for Educator Preparation Providers.

The work group met January 17, 2023, January 23, 2023, January 31, 2023, February 10, 2023, and March 24, 2023.

The Professional Standards Commission voted to recommend the Idaho Standards for Educator Preparation Providers at the June 2023 Professional Standards Commission Meeting (M/S - Enger/Brodwater & Voice Vote – Motion Carries) as indicated in the Professional Standards Commission June 2023 meeting minutes.



## **BOARD ACTION**

**M/S (Liebich / Gilbert) I move to approve the proposed Idaho Standards for Educator Preparation Providers for the state review of Educator Preparation Providers, new provider approval, and new program approval, as submitted in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.

### 12. Educator Preparation Program Performance Measures – Action Item

Ms. Thompson said annually, the Office of the State Board of Education certifies and submits Idaho's Title II report to the U.S. Department of Education (USDOE). The report includes data from public and private teacher preparation programs authorized by the State Board of Education to prepare individuals for certification in Idaho. On October 16, 2016, the USDOE released revised Title II requirements. The rule imposed new reporting measures which identify levels of program effectiveness to drive continuous improvement.

The four measures under consideration are:

- Feedback from graduates and their employers on the effectiveness of program preparation;
- Student learning outcomes measured by novice teachers' student growth, teacher evaluation results, and/or another state-determined measure that is relevant to students' outcomes, including academic performance, and meaningfully differentiates amongst teachers;
- Placement and retention rates of graduates in their first three years of teaching, including placement and retention in high-need schools;
- Other program characteristics, including assurances that the program has specialized accreditation or graduate candidates with content and pedagogical knowledge, and quality clinical preparation, who have met rigorous exit requirements.

## **BOARD ACTION**

**M/S (Liebich / Roach) I move to approve the proposed performance measures for determining Educator Preparation Provider program effectiveness, as submitted in Attachment 1.** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.

There were no comments or questions from the Board.



## **WORK SESSION**

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

#### **A. Accountability Oversight Committee**

Dr. Roger Stewart, Chair, Accountability Oversight Committee (AOC), started the work session sharing with the Board the following.

The AOC's annual reports are focused on recommendations to the Board and SDE as a result of the committee's review and analysis of substantial data, as presented in annual SDE Student Achievement Reports. In FY 22, the AOC focused the report on identifying data that appeared to indicate negative impacts of the pandemic. In the FY 23 Accountability Oversight Committee Report, the AOC put an emphasis on those areas identified in FY 22 to determine the extent to which student achievement recovered at end of the pandemic.

To ensure the Board and public could better identify the AOC's highest priority recommendations, the committee's FY 23 Report includes a focused Executive Summary, as provided to the Board for review at the April 2023 meeting. The full report includes conclusions summarizing data analysis by subject and then presents recommendations, divided between policy recommendations for the Board and implementation recommendations for SDE. The recommendations are further separated between short-term and long-term actions.

The following recommendations and corresponding data from the FY 23 AOC Recommendations Report have been identified as the most critical for the Board to understand in depth:

#### **Early Literacy**

##### **Priority Recommendation for the Board and Department (short-term):**

- Maintain commitment to the early literacy initiative, including financial and support resources, with a focus on subgroups and cohorts most impacted by the pandemic.

#### **Middle Grades Math**

##### **Priority Recommendation for the Board and Department (short-term):**

- Support the efforts of the newly formed Middle Grades Math Work Group. While awaiting the Work Group's recommendations, strongly encourage LEAs to focus a substantial portion of their remaining ARP ESSER funds and other resources on math interventions, accelerated instruction, and math-related professional development.



## **High School Graduation**

### **Priority Recommendation for the Board and Department (short-term):**

- Direct LEAs to establish early warning systems to identify students at risk for dropping out, coupled with robust interventions and supports for identified students.

## **Chronic Absenteeism**

### **Priority Recommendation for the Board and Department (short-term):**

- Expand the collaboration between the State Board and SDE to provide support and resources to districts and schools to reduce absenteeism.

For a complete review of the data that the AOC brought forward, see Work Session - (A) AOC FY23 Report - Attachment 1.

Mr. Gilbert asked where the AOC was aiming, what was their anticipation and what represents success, mediocracy, and failure. Mr. Cantrell said one of the questions about the ISAT is does it accurately measure what Idaho wants students to know? Some schools say yes, and some say no. The guidelines for the State Department of Education, which must follow the federal requirements under ESSA, state specifically what needs to be assessed and there is little leeway on those standards.

Dr. Stewart said the AOC has requested Lexile scores and they will work on bringing that data forward at the next AOC annual report.

Superintendent Critchfield said SDE is helping districts access what is the best way to teach math. By giving the instructors best practices they hope to see a change in the math grades. Assessing the test scores is still only the first step, how to teach math and know that the student is actually learning is the other.

Dr. Hill asked if the math problems were unique to Idaho or were the test scores in Math a national problem. Dr. Stewart said it was all those things, a statewide and national problem and has been happening for many years.

Dr. Hill expressed a concern over the numbers of students who are in the advanced math category who then slide backwards into the proficient math category. Of all of the numbers shown that is the most concerning to him. If a student is behind in mathematics they normally never catch up. That matter needs to be addressed by the work group.



Superintendent Critchfield said the data around absenteeism will add to the discussion of modernizing funding.

Mr. Liebich said of all the data presented, the data on chronic absenteeism are the most concerning to him. How can we hold schools accountable for student achievement if parents can't get their kids to school?

Dr. Bliss asked if there were any data showing that absenteeism is related to student performance. Superintendent Critchfield said the fix for chronic absenteeism is how do we help the school districts look at the data during the school year instead of waiting until the end of the year. Early warning alerts have to be in place so that districts are contacting families early on in the school year so that they can work on getting the students back into school.

There were no further comments or questions from the Board.

At this time the Board took a 10-minute break returning at 2:45 p.m. (MT)

## **INSTRUCTION, RESEARCH AND STUDENT AFFAIRS**

### **B. Online Idaho: Revisiting Key Online Course Exchange Decision**

Dr. Jonathan Lashley, Academic Technologist, Idaho State Board of Education, lead this work session item. He shared the following with the Board.

In response to the mission-critical pivot of colleges and universities to online and remote instruction during Spring Semester 2020, the Board formed a working group to explore the concept of a “digital campus” that could drive new growth toward low-cost, high-quality, career-relevant, online-first postsecondary educational experiences that reach every Idahoan in times of crisis as well as calm.

Under Board direction and in partnership with other state agencies and institutions, Online Idaho has emerged as a collaborative effort to fortify digital teaching and learning infrastructure through new investments in interoperable software, services, and resources.

Perhaps the most novel investment, an online course exchange, has consolidated access to existing online courses and programs so that current students may more easily enroll in courses offered by other Idaho colleges and universities. When a student's home institution is unable to offer specific courses at a specific time or place, the Online Idaho course exchange streamlines how a student may maintain progress to



degree by enrolling in courses that better fit their needs at another public institution. In an emerging use case, faculty contributing curricula to an interinstitutional path of study (e.g., a shared certificate in Nuclear Safeguards and Security) may offer a consistent registration experience for students regardless of which institution is teaching which course. New consortium agreements and deep integrations established with existing institutional systems make these and other processes more efficient and predictable for everyone involved.

Some students have already benefitted from enrolling in courses at other institutions through Online Idaho. By updating or further endorsing existing strategy for system-like course sharing across Idaho's eight public colleges and universities, the Board will afford institution stakeholders clearer direction and certainty as they continue to launch content and opportunities in the course exchange.

Dr. Hill provided some history. Online Idaho started as a Board driven discussion and Dr. Hill took the lead. At a certain point, to move it forward, a working group was started by the institutions. They have unfortunately now reached a point where the decisions required are above their pay grades. Higher level decisions now need to be made. This item is once again before the Board to provide the necessary leadership to move this forward.

Dr. Bliss said the underlying request was that the Board empower Board staff to work collaboratively with the institutions and the groups already formed to lay out the program charter that will lay out the vision.

Mr. Liebich asked what sort of data points were available for the Board to look at to see how things are going. Dr. Lashley said he had no data on hand but that is something that needs to be looked at. Such as why certain metrics aren't higher than they would have thought they would be. Also, what is advantageous is that Idaho is in active conversations with other states such as Montana, California, and other states who have leveraged a similar structure so they can help flush out what success metrics will look like moving forward.

Dr. Hill asked about the funding for Canvas and associated technologies. Dr. Bliss said the remaining GEER funds were accessed and used to pay for three more years of Canvas service for 7 of Idaho's institutions. The last institution (CWI) is using Blackboard. In addition, Quotly / Parchment has been funded for one more year ending December 31, 2024. Dr. Hill asked if there were any other core technologies. Dr. Lashley said yes, and there is funding for them. Dr. Hill asked if the Board should be seeking to get funding from the State level for the whole backbone because its a



state enterprise or should we redistribute the costs to the institutions? Dr. Lashley replied that the answer to that question, and the costs for both options will be part of the final report that will come from the working group.

Mr. Liebich said that Idaho needs to have one Learning Management System (LMS) for all eight of Idaho's institutions. Dr. Bliss said ISU will be piloting their program this fall. They are currently collecting data from students and faculty and determining how best to cut over to Canvas from Blackboard.

There were no further comments or questions from the Board.

## **INFORMATIONAL**

### **BAHR**

1. FY2025 – Budget Line Items Approved by OSBE Executive Director - Information Item
2. NCAA Academic Report of Approved Program Requests – Information Item

### **IRSA**

#### **3. Semi-Annual Report of Approved Program Requests – Information Item**

### **PPGA**

4. Proposed Rule Docket No. 08-0102-2301- Rules Governing the Postsecondary Scholarship Program, Acknowledgment of Statutorily Required Repeal – Information Item

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

## **BOARD ACTION**

**M/S (Gilbert / Roach) I move to adjourn the meeting at 3:22 p.m. (MT).** A roll call vote was taken, and the motion carried 7-0. Cindy Siddoway was absent from voting.