



**STATE BOARD OF EDUCATION MEETING
December 18, 2024
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 on December 18, 2024, 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 9:00 a.m. (MT).

Present

Dr. Linda Clark, President
William G. Gilbert, Jr., Vice President
Superintendent Debbie Critchfield, Secretary
Cindy Siddoway

Kurt Liebich
Shawn Keough
Cally Roach
David Turnbull

Absent

None

BOARD ACTION

M/S (Gilbert / Roach) I move that the Board, pursuant to Idaho Code § 74-206(1)(f), convene into Executive Session “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.” Motion carried by roll call vote of 8 AYE, 0 NAY.

EXECUTIVE SESSION – (Closed to the Public)

The Board entered Executive Session at 9:00 a.m.

Upon return from Executive Session, Board President, Dr. Linda Clark stated, the Board concluded its discussion and took no action on the matter discussed.

Dr. Clark reconvened the meeting at 9:32 a.m.

BOARDWORK

1. Agenda Review and Approval – Action Item

BOARD ACTION

M/S (Gilbert / Roach) I move to approve the agenda as posted. Motion carried by voice vote.

2. Minutes Review and Approval – Action Item

BOARD ACTION

M/S (Gilbert / Roach) I move to approve the minutes for the October 16-17, 2024, Regular Board Meeting and the November 21, 2024, Special Board Meeting. *Motion carried by voice vote.*

3. Rolling Calendar – Action Item

BOARD ACTION

M/S (Gilbert / Roach) I move to set December 17, 2025, as the date for the December 2025 regularly scheduled Board Meeting to occur via videoconference originating from the Office of the State Board of Education in Boise. *Motion carried by voice vote.*

CONSENT

BUSINESS AFFAIRS AND HUMAN RESOURCES

1. Retirement Plan Committee – Idaho State Board of Education (Board) Updates to Optional Retirement Plan (ORP) 401(a) and Supplemental Plan 403(b) Amendments – Action Item
2. Boise State University – Employment Agreement for Athletic Director Jeramiah Dickey – Action Item
3. Boise State University – Employment Agreement for Head Softball Coach Justin Shults – Action Item
4. Boise State University – Employment Contract for Head Women’s Basketball Coach Gordon Presnell – Action Item
5. University of Idaho – Renewal by amendment of existing retail lease for Vandal Store in Boise – Action Item
6. University of Idaho – Renewal of existing farm lease for UI College of Agricultural and Life Science’s Aberdeen Research and Extension Center – Action Item
7. University of Idaho – Renewal of existing lease at UI Research Park in Post Falls for American Wagyu Association – Action Item
8. University of Idaho – Renewal of Existing Lease at UI Research Park in Post Falls for Sun Tropics – Action Item

INSTRUCTION, RESEARCH AND STUDENT AFFAIRS

9. Boise State University – Generative AI in Education Graduate Certificate Online Program Fee – Action Item
10. Higher Education Research Council Reappointment – Action Item

IDAHO DEPARTMENT OF EDUCATION

11. Emergency Provisional Certificate Recommendations – Action Item

BOARD ACTION

M/S (Gilbert / Roach) I move to approve the consent agenda. *Motion carried by voice vote.*

OPEN FORUM

Samuel N. Penney, Nez Perce Tribal Executive Committee, shared his concerns regarding the pending changes to Diversity, Equality and Inclusion (DEI) programs on higher-ed campuses. He recognized the proposed changes do not apply to tribal members; however, he is concerned the policy may be challenged in the future by individuals or organizations that do not understand the tribal relationship between the United States and the state of Idaho.

BUSINESS AFFAIRS AND HUMAN RESOURCES

1. FY2024 Financial Statement Audits by CliftonLarsenAllen, LLP

Bill Gilbert reported all four institutions received unmodified opinions and the reports are a true and fair reflection of their financial positions. There were no material weaknesses or significant deficiencies for any of the four institutions for the financial statements, however there were material weaknesses and significant deficiencies found in the federal awards, mostly pertaining to student financial aid. All institutions received unmodified opinions from CLA that their respective financial statements present a true and fair reflection on their financial statements and compliance for major federal programs.

BOARD ACTION

M/S (Gilbert / Keough) I move to accept the FY2024 College and University audit findings report prepared by CliftonLarsenAllen, LLP as submitted in Attachment 1. *Motion carried by voice vote.*

2. Boise State University – Authorization for issuance of 2025A General Revenue Project and Refunding Bonds

Alicia Estey, Chief Financial Officer, Boise State University, (BSU) and Jeff Banka, Treasurer, BSU, presented BSU's request for Board approval to issue tax-exempt general revenue and refunding bonds in an aggregate principal amount not to exceed \$51,045,000 pursuant to a Supplemental Resolution. Up to \$30 million will be used for the north end zone expansion and the remaining will be used to refund outstanding bonds to take advantage of lower interest rates.

BOARD ACTION

M/S (Gilbert / Turnbull) I move to approve the request by Boise State University to issue tax-exempt general revenue bonds; and to find that this project is necessary for the proper operation of Boise State University and is economically feasible.

AND

I move to approve a Supplemental Resolution for the Series 2025A Bonds, the title of which is as follows:

SUPPLEMENTAL RESOLUTION of the Board of Trustees of Boise State University authorizing the issuance of General Revenue Project Bonds and Refunding Bonds, in one or more series, of Boise State University; delegating authority to approve the terms and provisions of the bonds and the principal amount of the bonds up to \$51,045,000; authorizing the execution and delivery of a Bond Purchase Agreement upon sale of the bonds, and providing for other matters relating to the authorization, issuance, sale and payment of the bonds. *Motion carried by roll call vote of 8 AYE, 0 NAY.*

3. Idaho State University – Magnuson Alumni House Sale

Brian Sagendorf, Vice President, Operations, Idaho State University (ISU), presented ISU's request seeking Board approval of the sale of Magnuson House. After considering the deferred maintenance repair needs of the facility in comparison to other priority maintenance needs on campus, the institution has decided that the property no longer represents a mission-specific function for the faculty, staff, and students of Idaho State University. While the institution could choose to invest deferred maintenance funding into restoring the home, ISU feels it would be better served to invest limited deferred maintenance funds in other campus facilities that better serve the needs of students. ISU proposes the sale of the property in an "as-is" condition for no less than an appraised market value. ISU will continue to honor Mr. Magnuson's legacy in various ways on campus.

BOARD ACTION

M/S (Gilbert / Turnbull) I move to approve the request by Idaho State University to list the Magnuson House for sale and to authorize the University's vice president to sign the associated sales documents on behalf of the State Board of Education. *Motion carried by voice vote.*

4. Idaho State University – Campus Master Plan Update

Brian Sagendorf presented ISU's 30-year Master Plan. The Master Plan aligns all campus locations with the University's Strategic Plan and ensures their campuses develop in a cost effective and efficient manner that supports the strategic allocation of resources.

Responding to questions from the Board, Mr. Sagendorf stated the university will be using existing capital funding to create flexible research space for the University of Idaho (UI), Idaho National Laboratory (INL) and the College of Eastern Idaho (CEI) within the next 18 to 24 months.

President Wagner, ISU, shared the various ways he is making the Idaho Falls campus a priority, such as, hiring a campus administrator, signing a super agreement with INL to assist with research efforts and improving relationships with the College of Eastern Idaho (CEI).

The Board thanked ISU for making the Idaho Falls campus a priority and emphasized the importance of prioritizing and sequencing the projects that will be moving forward. President Wagner agreed sequencing will be critical to the success of their master plan and stated the Life Sciences building on the main campus will be the top priority of their plan.

BOARD ACTION

M/S (Gilbert / Turnbull) I move to approve the request by Idaho State University to approve its Campus Master Plan. *Motion carried by voice vote.*

5. University of Idaho - Interim Financing for Housing Project

Brian Foisy, Vice President, Finance and Administration, University of Idaho (UI), and Kim Salisbury, Associate Vice President, Budget and Planning, UI, presented UI's request to approve the issuance of a tax-exempt taxable general revenue note ("Series 2024 Note") pursuant to a Supplemental Resolution in an aggregate principal amount not to exceed \$42.5 million. The Series 2024 Note will be used as interim financing for (i) the acquisition and construction, renovation and/or redevelopment of the University's existing student housing facilities, including Wallace Residence Center, Theophilus Tower, and Elmwood Apartments, (ii) the development of approximately 400 apartment beds to be used for graduate and family housing, including a community building on the South Hill, (collectively, the "Housing Project") and (iii) payment of costs of issuance related to the Series 2024 Note.

The University intends to issue general revenue bonds in the spring of 2025 to refinance the Series 2024 Note, finance additional Housing Project costs and pay the cost of issuance of the Bonds

BOARD ACTION

M/S (Gilbert / Liebich) I move to approve the request by the University of Idaho to issue a general revenue note; and find that this project is necessary for the proper operation of the University and is economically feasible.

AND

I move to approve a Supplemental Resolution for the Series 2024 Note, the title of which is as follows:

**SUPPLEMENTAL RESOLUTION of the Regents of the University of Idaho
Authorizing the Issuance and Providing for the Sale of General Revenue Note,**

Series 2024; Delegating Authority to Approve the Terms and Provisions of the Note and the Principal Amount of the Note up to \$42,500,000; Authorizing the Execution and Delivery of a Note Purchase Agreement upon Sale of the Note; and Providing for Other Matters Relating to the Authorization, Issuance, Sale and Payment of the Note. *Motion carried by roll call vote of 8 AYE, 0 NAY.*

6. University of Idaho – Restructuring of Strategic Initiatives Fund

Kent Nelson, Special Counsel, UI, provided the status of the University of Idaho’s Strategic Initiatives Fund, Inc. (SIF) and the implications of House Bill 708 from the 2024 Legislative Session to the SIF. Although it is not clear HB 708 applies to corporate entities created by the Board of Regents, out of caution UI proposes “disassociation” of the SIF from the state, as described in HB 708. In that regard, UI proposes amendments to the corporate articles and bylaws to:

- remove the UI President as the sole member of the SIF, and
- restructure the mechanism for appointment of the three SIF directors to ensure that state officials do not comprise a majority of directors.

The foregoing two proposed amendments to the SIF governance give rise to the need for further amendments necessary to maintain the SIF’s beneficial status as a Type I “supporting organization” under Sec. 509(a)(3) IRC. IRS requirements include that at least one supported organization of a Type I supporting organization have elements of governance control. In this regard, UI administration is engaged in discussions with the UI Foundation to add the Foundation as an additional supported organization of the SIF and to grant authority to the UI Foundation Board to appoint an SIF director.

Responding to questions from the board, Mr. Nelson stated the university’s president will remain active in the SIF but not be directly on the Board. President Green stated the university’s desire to comply with the law.

7. Boise State University – Athletic Conference Litigation – Action Item

BOARD ACTION

M/S (Gilbert / Turnbull) I move to approve Boise State University’s request to enter into litigation pursuant to Board Policy 5W. *Motion carried by voice vote.*

IDAHO DEPARTMENT OF EDUCATION

1. Superintendent’s Update – Discussion Item - Superintendent Critchfield

In an effort to model how the Board would like all districts to conduct their board meetings, Superintendent Critchfield began her update focused on reading and literacy. She reported the Spring 2024 IRI scores among all grades were 65% proficient, while 70% of Third Grade students were proficient. She discussed

with the board why reading with comprehension is important in the development of students and how that affects their academic journey.

The Board had a discussion regarding accountability of local school boards. Superintendent Critchfield stated the highest performing schools have high performing boards. The Board agreed accountability needs to be around growth. There was a considerable exchange of ideas around what various methods of accountability would work best for local boards, such as changes through legislation to the Continuous Improvement Plans districts are currently required through statute to file.

Superintendent Critchfield reported that the Governor's Emergency Education Relief Fund (GEER) money has assisted districts by providing Idaho Striving to Meet Achievement in Reading Together (SMART) training and the State Department of Education (SDE) has received 100% positive feedback from the districts who have received this training. She reviewed where the GEER money has gone and where it will be used in the future, such as dyslexia diagnostic tools and instructional materials.

Superintendent Critchfield discussed with the Board their responsibility to advocate for resources and legislation that provides appropriate measures to drive accountability and outcome. She also advised them to talk about what is working, what is not working, and how they may step in when appropriate.

It was reported to the Board that SDE is working on providing a template for districts to use to better translate their finance reporting to their communities. The department is also working with various groups to gather data to better understand what teachers and administrators need to succeed when in the beginning stages of their careers.

2. Proposed Division of Mountain View School District #244 – Action Item

Superintendent Critchfield informed the Board that the Mountain View School District Board of Trustees has submitted a proposal to divide the district into the Clearwater School District and the Grangeville School District. The process for the division of a school district and what must be included in the Board of Trustees' proposal is outlined in Idaho Code Section 33-312. SDE staff reviewed Mountain View's proposal and verified the proposal is complete and meets the eligibility requirements. If the Board approves the proposal, it will be submitted to voters in the school district's boundaries in May 2025.

Mountain View School District Superintendent Alica Holthaus and Board Chairman, Tyler Harrington spoke to the merits of the proposal. Mr. Harrington cited the difficulties of having a large district covering 8,000 square miles and tension between the communities.

BOARD ACTION

M/S (Critchfield / Keough) I move to approve the proposal for the division of property of Mountain View School District #244 into Clearwater School District #245 and Grangeville School District #246 and to approve the proposal to be submitted to the electors for consideration pursuant to Section 33-312, Idaho Code.

President Clark placed the Board at ease at 11:39 am.

President Clark reconvened the meeting at 12:16 pm.

Joshua Whitworth, Executive Director, Idaho State Board of Education, addressed the Board to provide greater clarity and information on an item the Board voted on earlier during the Business Affairs and Human Resources (BAHR) agenda. Director Whitworth stated the Board convened into Executive Session with legal counsel from Boise State University earlier today to discuss potential litigation. The discussion included a request from Boise State University to receive Board approval to join Colorado State University and Utah State University in a lawsuit filed on December 16, 2024, against the Mountain West Conference. The subject of the lawsuit is the conference realignment activities that are occurring. If necessary, more information is available through Boise State University.

The Board repeated the earlier motion made during the BAHR agenda.

BOARD ACTION

M/S (Gilbert / Roach) I move to approve Boise State University's request to enter into litigation pursuant to Board Policy 5W. *Motion carried by voice vote.*

INSTRUCTION, RESEARCH AND STUDENT AFFAIRS

1. University of Idaho – Doctor of Philosophy in Cybersecurity – Action Item

Patty Sanchez, Academic Program Affairs Manager, State Board of Education, presented a request from the University of Idaho to offer a Doctor of Philosophy (Ph.D.) program in Cybersecurity. Ms. Sanchez stated the request has completed all preliminary approval processes and no concerns were raised.

Gwen Gorzelsky, Vice Provost for Academic Initiatives, University of Idaho, presented an overview of the program. Ms. Gorzelsky cited that workforce and student demand for this program are high.

Responding to questions from the Board, Terence Soule, Professor of Computer Science, University of Idaho, stated the graduate placement rate is 100%.

BOARD ACTION

M/S (Roach / Gilbert) I move to approve the request by the University of Idaho to create a Ph.D. in Cybersecurity as presented by the full proposal presented in Attachment 1. *Motion carried by voice vote.*

Superintendent Critchfield spoke regarding an on-line fee discussion that took place during the Instruction, Research and Student Affairs Committee meeting. The committee will have a discourse regarding fees and support of courses in the Cybersecurity program. Ms. Roach agreed and stated she would like to have standardized costs and more clarity surrounding the fees.

2. Board Resolutions on DEI Ideology; Governance; and Freedom of Expression in Higher Education – Action Item

Joshua Whitworth gave an overview of the proposed Resolutions, the feedback that was received and the process of how the Resolutions were developed. Director Whitworth stated these Resolutions are not intended to separate the importance of diversity in the state. Out of more than 41,000 students, 687 comments from students were received. Ten percent of the students were in support, 9% indifferent and 80% in opposition to the Resolutions. The Board has expressed the importance of all students feeling supported and having their needs met to be successful in their educational endeavors.

Dr. TJ Bliss, Chief Academic Officer, State Board of Education, highlighted the changes in the Resolutions since the Resolutions were presented at the Board meeting in November 2024. Dr. Bliss stated the changes are based on feedback from the institutions and the community at large. The implementation deadline is June 30, 2025 to provide the institutions adequate time to make any necessary changes.

Responding to questions from the Board, Kurt Liebich stated the DEI ideology at East Coast colleges is vastly different than what we have in Idaho. Mr. Liebich has concerns regarding what unintended consequences may occur from the proposed Resolutions.

The Board had a discussion with the Presidents of the institutions regarding the Resolutions. The Board inquired of the Presidents what changes have taken place on their campuses since the release of the draft of the Resolutions and which services will no longer be offered. President Wagner reported ISU has reorganized where the programs originate from and who is administering those programs. Responding to questions from the Board regarding why ISU made changes regarding DEI prior to the Board approving the Resolutions, President Wagner stated the changes did not come lightly and occurred after speaking with government leaders, students and members of the community. They made these changes because they saw an opportunity as an institution to effectively meet the

needs of their students. He took accountability as the president for making these changes to fulfill their mission to serve students.

Bill Gilbert, Superintendent Critchfield and President Clark reminded the institution's Presidents that the Board is the governing body, and while they value all external stakeholders, the Board weighs more heavily for this type of issue.

President Wagner stated he welcomes more Board involvement, and it was not their intention to do anything without Board approval, they had not received instruction to work with the Board before making the changes and the engagement they had was sufficient.

President Tromp, BSU, stated it grieves her deeply that their efforts to serve all of their students have been grossly misconstrued. They are dedicated to serving all students and improving students' outcomes. BSU has worked with Board staff for several months and had no intention of getting ahead of policy, rather, they were working towards stability.

President Pemberton, Lewis and Clark State College (LCSC), stated their operations are not impacted by the Resolutions.

President Green, University of Idaho (UI), believes UI has always served all students and the Resolutions prohibiting gender and race distinctions do affect their programs. He stated their programs are student driven and more students are graduating because of the programs.

The Presidents appreciate the guidance documents provided with the Resolutions and they are committed to meet the needs of their students. Staff explained the differences between the Resolutions and the guidance documents and importance of each.

The Board will be watching the results of the Resolutions closely to ensure no negative, unintended consequences are occurring.

BOARD ACTION

M/S (Roach / Turnbull) I move to approve the Resolution set forth in Attachment 2, the title of which is as follows: A Resolution on DEI Ideology in Higher Education
Motion carried by voice vote.

Dr. TJ Bliss stated the second Resolution reaffirms current Board policy with some references to Presidents' performance, faculty code of conduct and post tenure review.

BOARD ACTION

M/S (Roach / Turnbull) I move to approve the Resolution set forth in Attachment 3, the title of which is as follows: A Resolution on Governance in Higher Education. *Motion carried by voice vote.*

Joshua Whitworth cited the Resolution allows freedom of expression and freedom of assembly to conduct civil debates that are expected from the institutions. Dr. TJ Bliss reviewed the minor changes to the Resolution since the last meeting, such as, protecting campus safety, protecting legitimate functions of the institutions, providing a process for addressing disputes, and broadening curriculum information regarding courses.

BOARD ACTION

M/S (Turnbull / Roach) I move to amend the resolution to remove an errant reference to institutional neutrality and to add the words “In Higher Education” to the title of the Resolution. *Motion carried by voice vote.*

Board members discussed the institutions have done an excellent job fostering freedom of expression on Idaho campuses.

BOARD ACTION

M/S (Roach / Turnbull) I move to approve the Resolution set forth in Attachment 4, the title of which is as follows: A Resolution on Freedom of Expression in Higher Education as amended based on discussion here in the meeting. *Motion carried by voice vote.*

AND

M/S (Roach / Liebich) I move to direct staff to develop proposed amendments to Board policy codifying the principles of each adopted resolution, where applicable, and bring the amendments forward for first readings not later than the August 2025 Board meeting. *Motion carried by voice vote.*

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

1. Board Policy I.M. – Annual Planning and Reporting – First Reading – Action Item

Jennifer Thompson, Director, Policy and Government Affairs, State Board of Education, reviewed the changes to Policy 1.M. The changes separated the systemwide measures from the strategic planning process.

BOARD ACTION

M/S (Liebich / Roach) I move to approve the first reading of the proposed amendment to Board Policy I.M. as presented in Attachment 1. *Motion carried by voice vote.*

2. Request to Approve Principal Educator Registered Apprenticeship Standards – Action Item

Jennifer Thompson, presented the Principal Educator Registered Apprenticeship Standards. Ms. Thompson stated it is a logical extension of the Principal Apprenticeship Program and by registering this as a formal program, allows principal's access to a federal program to assist for course expenses.

Katie Shoup, Educator Effectiveness Program Manager, State Board of Education, provided more details to the program.

Superintendent Critchfield raised awareness that because it is a federally recognized program, we are not removing the state requirements but adding the workforce component. President Clark stated it is imperative to find leaders to obtain these certifications.

BOARD ACTION

M/S (Liebich / Roach) I move to approve the Principal Educator Registered Apprenticeship Program Standards as submitted in Attachment 1. *Motion carried by voice vote.*

3. Request to Approve New Early Literacy Endorsement Program Application for Idaho State University – Action Item – Jenn Thompson

Jennifer Thompson presented ISU's request for an early literacy endorsement program. ISU underwent the endorsement program review process and is now seeking Board approval which would allow ISU to offer an Early Literacy endorsement program for teacher candidates.

BOARD ACTION

M/S (Liebich / Critchfield) I move to approve the request by the Office of the State Board of Education's review team to approve Idaho State University's new twenty (20) credit Early Literacy Endorsement Program Application leading to teacher certification as presented in Attachment 2.

4. Idaho Division of Vocational Rehabilitation Update – Discussion Item

Kurt Liebich reviewed the history of the Vocational Rehabilitation Department and their importance to the community. Joshua Whitworth stated the department is working through budgetary issues with legislative partners. He recognized Director Judy Taylor's leadership and the improvements she has brought to the department.

Judy Taylor, Director, Vocational Rehabilitation, provided more details regarding the department's current budget projections.

Responding to questions from the Board, Mr. Whitworth stated the Board's engagement will be significantly increased to support the Vocational Rehabilitation Department.

President Clark placed the Board in recess at 2:13 p.m.

President Clark reconvened the meeting at 2:23 p.m.

WORK SESSION

PLANNING, POLICY AND GOVERNMENT AFFAIRS

1. K-20 Strategic Planning Discussion – Discussion Item

Kurt Liebich reviewed what system-wide metrics are and why they are important to achieving the goals of the Board.

Jennifer Thompson discussed the process of strategic planning and reviewed the timeline. Ms. Thompson reported the committee found retention, persistence and graduation are the most common and important measurements.

Members of the committee shared with the Board reasons why shifting to “retention, persistency and graduation” metrics would retain three existing systemwide measures and narrow the focus on the most meaningful measures.

Jenn Thompson informed the Board they will have multiple opportunities to review the Strategic Plans and provide feedback. The Board discussed various reasons why they were tracking certain measurements and what their priorities are today. The committee will bring additional recommendations to the Board at the February 2025 meeting.

INFORMATIONAL

BUSINESS AFFAIRS AND HUMAN RESOURCES

1. College/Universities - Financial Ratios Annual Report
2. College/Universities - Net Position Balances Annual Report

INSTRUCTION, RESEARCH AND STUDENT AFFAIRS

3. Report to the Legislature on Senate Concurrent Resolution 111 - Veterinarians

PLANNING, POLICY AND GOVERNMENT AFFAIRS

4. Commission for Education Excellence Annual Report
5. Educator Preparation Provider Program Annual Reports
6. State Mandated Evaluation Annual Report
7. Federal Title II Programs that Prepare Teachers Annual Report
8. Educator Pipeline Annual Report
9. Annual Empowering Parents Program Report
10. Idaho Division of Vocational Rehabilitation (IDVR) Annual Report
11. OSBE College and Career Readiness Team Annual Report

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12. Advanced Opportunities Annual Report

13. English Language Learners Annual Report

14. Elementary, Secondary Accreditation Annual Report 2024, Cognia

15. Notification of Schools Approved to Operate with Less Than Ten (10) Students
Reported in Average Daily Attendance Annual Report

BOARD ACTION

M/S (Critchfield / Keough) I move to adjourn the meeting. *Meeting adjourned at 3:31 p.m.*