

**CONSENT AGENDA
OCTOBER 20, 2016**

TAB	DESCRIPTION	ACTION
1	BAHR – SECTION II – IDAHO STATE UNIVERSITY MULTI-YEAR CONTRACT – SPEEDCONNECT	Motion to Approve
2	BAHR – SECTION II – UNIVERSITY OF IDAHO LICENSE AGREEMENT – SPRINT INFRASTRUCTURE – OPERATION AND MAINTENANCE OF THEOPHILUS TOWER	Motion to Approve
3	BAHR – SECTION II – UNIVERSITY OF IDAHO LICENSE AGREEMENT – SPRINT INFRASTRUCTURE– OPERATION AND MAINTENANCE OF UI “I” WATER TANK	Motion to Approve
4	BAHR – SECTION II – UNIVERSITY OF IDAHO DONATION TO COEUR D’ALENE CENTER “FIBER LINE”	Motion to Approve
5	PPGA – INDIAN EDUCATION COMMTEE APPOINTMENTS	Motion to Approve
6	PPGA – STATE REHABILITATION COUNCIL APPOINTMENTS	Motion to Approve
7	PPGA – PRESIDENT APPROVED ALCOHOL PERMITS	Information Item
8	SDE – 2015-2016 ADVANCEED ACCREDITATION REPORT	Motion to Approve
9	SDE – CASSIA COUNTY SCHOOL DISTRICT – ALBION ELEMENTARY SCHOOL – HARDSHIP STATUS	Information Item

**CONSENT AGENDA
OCTOBER 20, 2016**

BOARD ACTION

I move to approve the Consent Agenda as presented.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**CONSENT AGENDA
OCTOBER 20, 2016**

IDAHO STATE UNIVERSITY

SUBJECT

Approval of a thirty (30) year contract with SpeedConnect.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section V.I.

BACKGROUND/DISCUSSION

In 2006, the FCC granted Idaho State University (ISU) the right to lease its excess broadband capacity, and ISU entered into two (2) ten (10) year contracts with Teton Wireless Television, Inc. to lease these wireless frequencies for educational use in Idaho Falls and in Twin Falls. SpeedConnect purchased Teton Wireless Television, Inc. in 2012. The contracts expired on April 30, 2016; however, the contracts were extended through December 31, 2016.

On June 28, 2016, ISU released a Request for Bid (RFB) seeking a partner to utilize the 2.5 GHz wireless frequencies to provide developed solutions that ISU could use to meet its educational use requirement with the FCC and to create a revenue stream to further ISU's educational objectives. The RFB was released for open competition for a period of thirty (30) days. Respondents were required to provide, in detail, their intentions for the use of the available wireless frequencies, how they would meet ISU's educational use requirements, and how they would provide the best financial return for ISU.

The RFB was released to four (4) potential leasing partners, and two responded: 1) White Cloud Communications Inc., an Idaho company that specializes in two-way radio communications; and 2) SpeedConnect, a broadband wireless Internet service provider with an office in Idaho Falls, Idaho.

ISU evaluated the lease terms, annual payment increases, and any additional recompense described therein, and determined that the SpeedConnect proposal provided a clear financial advantage to ISU. The revenue generation offered by SpeedConnect, \$1.5 million, over the thirty (30) year life of the agreement, is \$497,300 over that of the White Cloud proposal. ISU plans to use the revenue generated through this agreement to further the ISU educational mission.

IMPACT

Approval of the agreement brings revenue to ISU in the amount of \$1,504,103.72 over a thirty (30) year period (see Schedule 2(a) Monthly Fee Schedule).

ATTACHMENTS

Attachment 1 – SpeedConnect Contract	Page 3
Attachment 2 – FCC Lease Approval WNC731-4.11.12-1	Page 25
Attachment 3 – FCC Lease Approval WND516-4.11.12-1	Page 27

**CONSENT AGENDA
OCTOBER 20, 2016**

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval.

BOARD ACTION

I move to approve the request by Idaho State University to enter into a long-term contract with SpeedConnect as presented in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**CONSENT AGENDA
OCTOBER 20, 2016**

UNIVERSITY OF IDAHO

SUBJECT

License Agreement with Sprint to permit continued operation and maintenance of Sprint infrastructure on the University of Idaho's (UI) Theophilus Tower.

REFERENCE

March 2004	The Idaho State Board of Education (Board) approved License Agreement with Verizon Wireless Services
February 2007	The Board approved extension of License Agreement with Verizon Wireless Services
August 2014	The Board approved License Agreement with AT&T Wireless Services
October 2014	The Board approved License Agreement with Verizon Wireless Services

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section V.I.5.b.i.

BACKGROUND/DISCUSSION

Since 2001 Sprint has been permitted, through a prior license agreement, to install and maintain transmission equipment on the rooftop of UI's Theophilus Tower. This equipment is used by Sprint to provide its customers with wireless personal communication service in the surrounding area. The original agreement provided for an annual payment of \$16,800 to UI, and the agreement could be terminated by either party with at least one year's prior notice. As permitted by the current agreement, the site has been periodically updated to install newer technology for personal phone and data. Because the existing license did not provide for escalations in the use fee, UI administration has proposed—and Sprint has tentatively agreed--to revise the terms of this agreement to increase the annual fee paid to \$24,000/yr. The proposed agreement also provides Sprint with permission to use the building rooftop for five years with the ability for Sprint to extend for two additional five year periods. These renewal periods provide fee increases of 15% to UI for each of the two extensions.

IMPACT

UI will receive a substantial increase in payment to extend the license agreement. The installations do not interfere with UI operations in this student residential building.

ATTACHMENTS

Attachment 1 – Proposed License

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval.

**CONSENT AGENDA
OCTOBER 20, 2016**

BOARD ACTION

I move to approve the request by the University of Idaho for authority to grant a five year license to Sprint in substantial conformance to the form submitted to the Board in Attachment 1 and to authorize UI's Vice President for Infrastructure to execute the license and any related documents.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**CONSENT AGENDA
OCTOBER 20, 2016**

UNIVERSITY OF IDAHO

SUBJECT

License Agreement with Sprint to permit continued operation and maintenance of Sprint infrastructure on the University of Idaho's (UI) "I" Water Tank.

REFERENCE

March 2004	The Idaho State Board of Education (Board) approved License Agreement with Verizon Wireless Services
February 2007	The Board approved extension of License Agreement with Verizon Wireless Services
August 2014	The Board approved License Agreement with AT&T Wireless Services
October 2014	The Board approved License Agreement with Verizon Wireless Services

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section V.I.5.b.i.

BACKGROUND/DISCUSSION

Since 2005 Sprint has been permitted, through a prior license agreement, to install and maintain transmission equipment on the leg of UI's "I" Water Tank. This equipment is used by Sprint to provide its customers with wireless personal communication service in the surrounding area. The original agreement provided for an annual payment of \$9,600 to UI. The agreement provided for escalations to a current annual fee of \$11,616 and could be terminated by either party with at least one year's prior notice. As permitted by the current agreement, the site has been periodically updated to install newer technology for personal phone and data. UI administration has proposed—and Sprint has tentatively agreed—to revise the terms of this agreement to increase the annual fee paid to \$24,000/yr. The proposed agreement also provides Sprint with permission to use the site for five years, with the ability for Sprint to extend for two additional five year periods. These renewal periods provide fee increases of 15% to UI for each of the two extensions.

IMPACT

UI will receive a substantial increase in payment to extend the license agreement. The installations do not interfere with UI operations at this water storage facility.

ATTACHMENTS

Attachment 1 – Proposed License

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval.

**CONSENT AGENDA
OCTOBER 20, 2016**

BOARD ACTION

I move to approve the request by the University of Idaho for authority to grant a five year license to Sprint in substantial conformance to the form submitted to the Board in Attachment 1 and to authorize the University's Vice President for Infrastructure to execute the license and any related documents.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**CONSENT AGENDA
OCTOBER 20, 2016**

UNIVERSITY OF IDAHO

SUBJECT

Donation of two high-speed lit fiber lines for a period of fifty years, and ten years of 1Gb of high speed Internet service to the Post Falls Research Park

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section V.E.5

BACKGROUND/DISCUSSION

The University of Idaho (UI) is seeking approval from the Idaho State Board of Education (Board) to approve an agreement with Fatbeam LLC for the donation of two (2) high speed lit fiber lines for a period of fifty (50) years. The lines stretch from Liberty Lake, WA across the greater Coeur d' Alene, ID area. The agreement also includes ten (10) years of 1GB of high-speed Internet service for the Post Falls Research Park facility.

The donation has been valued by Fatbeam at \$3,275,510.00. The components of the gift include \$122,500 in Internet Service and \$3,153,000.00 for the lit fiber lines.

IMPACT

There is no cost to the UI for this gift. The gift will enhance and complement UI's existing cyber-infrastructure at the Research Park to the benefit of the Cybersecurity Training and Operations Center at the Coeur d' Alene campus.

ATTACHMENTS

Attachment 1 – Fatbeam IRU Agreement – 50 years	Page 3
Attachment 2 – Fatbeam Terms of Service – 10 years	Page 31

STAFF COMMENTS AND RECOMMENDATIONS

Board Policy V.E.5 states that Board approval is required for donations worth more than \$500,000. Staff recommends approval.

BOARD ACTION

I move to approve the request by the University of Idaho to enter into agreements with Fatbeam for the donation of two lit fiber lines for a period of fifty years and 1Gb of high-speed Internet service for a period of ten years, in substantial conformance to the materials submitted to the Board.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**CONSENT AGENDA
OCTOBER 20, 2016**

SUBJECT

Idaho Indian Education Committee Appointments

REFERENCE

June 18, 2014	The Board approved the appointment of Dani Hansing to the Committee.
August 14, 2014	The Board approved the appointment of Kathy Albin and Bill Picard.
October 16, 2014	The Board approved the appointment of Mitzi Sabori to the Committee.
February 19, 2015	The Board approved the appointment of Pete Putra and Will Fanning.
June 18, 2015	The Board approved the appointment of Nolan Goubeaux.
October 22, 2015	The Board approved the appointment of Donovan Chase and Shawna Daniels.
April 14, 2016	The Board approved the appointment of Tomas Puga and reappointments of Selena Grace, Bob Sobotta, and Chris Meyer.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.P.

BACKGROUND/DISCUSSION

The Idaho Indian Education Committee serves as an advisory committee to the State Board of Education (Board) and the State Department of Education (Department) on educational issues and how they affect Idaho's American Indian student population. The committee also serves as a link between Idaho's American Indian tribes.

Pursuant to Board Policy I.P. the Idaho Indian Education Committee consists of 19 members appointed by the Board. Each member serves a term of five years. Appointments to vacant positions during a previous incumbent's term are filled for the remainder of the open term. The membership consists of:

- One representative from each of the eight public postsecondary institutions
- One representative from each of the five tribal chairs or designee
- One representative from each of the five tribal education affiliations (K-12)
- One representative from each of the two Bureau of Indian Education schools
- One representative from the State Board of Education, as an ex-officio member

Eastern Idaho Technical College (EITC) has forwarded Dr. Sharee Anderson's name for consideration as their representative. Dr. Anderson is the Vice President of Instruction and Student Service at EITC.

**CONSENT AGENDA
OCTOBER 20, 2016**

The Shoshone-Bannock Tribes have forwarded the following names for consideration: Ms. Donna Bollinger as the tribal chair designee, Ms. Jessica James-Grant as the K-12 tribal education representative, and Mr. Hank McArthur as the Bureau of Indian Education (BIE) representative.

Additionally, the Committee requests the terms for Selena Grace of Idaho State University, Bob Sobotta of Lewis-Clark State College, and Dr. Chris Meyer of the Coeur d'Alene Tribe be extended to June 2021 to be consistent with Board Policy I.P. The terms for these members, reappointed by the Board at the April 2016 Board meeting were calculated incorrectly and were set for three (3) years rather than the five (5) years established in Board Policy I.P.

IMPACT

The proposed appointment replaces the EITC representative on the Committee, replaces the Shoshone-Bannock representatives on the Committee and extends terms for three existing members that were approved in April 2016.

ATTACHMENTS

Attachment 1 – Current Committee Membership	Page 5
Attachment 2 – Nomination Letters	Page 7

STAFF COMMENTS AND RECOMMENDATIONS

Mr. Justin Gardner took another position within Eastern Idaho Technical College (EITC) and is unable to serve on the committee. Dr. Sharee Anderson has been identified to replace Mr. Gardner and serve as EITC's representative. Dr. Anderson has been with EITC for over 10 years as an instructor, Division manager of Healthcare and now in the current role of Vice President. If approved, Dr. Anderson's would complete Mr. Gardner's term which, as an original committee member, ran from July 1, 2013 – June 30, 2017.

Ms. Mitzi Sabori is no longer on the Fort Hall Business Council. Ms. Donna Bollinger has been identified to replace Ms. Sabori and serve as the tribal chair designee. Ms. Jessica James-Grant fills a vacancy for the K-12 tribal education representative and Mr. Hank McArthur replaces Mr. Eric Lords as the BIE representative. If approved, Ms. Bollinger and Ms. James-Grant would serve a new five-year term and Mr. Hank McArthur would complete Mr. Lords' term which runs from July 1, 2013 – June 30, 2018.

BOARD ACTION

I move to appoint Dr. Sharee Anderson, representing Eastern Idaho Technical College, effective immediately and expiring June 30, 2017.

I move to appoint Ms. Donna Bollinger, as the Shoshone-Bannock Tribes tribal designee, effective immediately and expiring June 30, 2017.

**CONSENT AGENDA
OCTOBER 20, 2016**

I move to appoint S. Jessica James-Grant representing the Shoshone-Bannock Tribes as the K-12 tribal education representative, effective immediately and expiring June 30, 2021.

Mr. Hank McArthur, representing the Shoshone-Bannock Bureau of Indian Education representative, effective immediately and expiring June 30, 2018.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

BOARD ACTION

I move to approve amendment to the terms of appointment for Selena Grace, representing Idaho State University, Mr. Bob Sobotta, representing Lewis-Clark State College, and Dr. Chris Meyer representing the Coeur d'Alene Tribe to the Idaho Indian Education Committee to expire June 30, 2021.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**CONSENT AGENDA
OCTOBER 20, 2016**

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**CONSENT AGENDA
OCTOBER 20, 2016**

IDAHO DIVISION OF VOCATIONAL REHABILITATION

SUBJECT

Idaho State Rehabilitation Council Membership

APPLICABLE STATUTE, RULE, OR POLICY

Federal Regulations 34 CFR §361

BACKGROUND/DISCUSSION

Federal Regulations (34 CFR §361.17), set out the requirements for the State Rehabilitation Council (Council), including the appointment and composition of the Council.

The members of the Council must be appointed by the Governor; in the case of a State which vests authority for the administration to an entity other than the Governor, the chief officer of that entity pursuant to § 33-2303, Idaho Code, designates the State Board for Career-Technical Education as that entity.

Further Federal Regulations establish that the Council must be composed of at least fifteen (15) members, including:

- i. At least one representative of the Statewide Independent Living Council, who must be the chairperson or other designee of the Statewide Independent Living Council;
- ii. At least one representative of a parent training and information center established pursuant to § 682(a) of the Individuals with Disabilities Education Act;
- iii. At least one representative of the Client Assistance Program established under 34 CFR § 370, who must be the director of or other individual recommended by the Client Assistance Program;
- iv. At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs who serves as an ex officio, non-voting member of the Council if employed by the designated State agency;
- v. At least one representative from the community rehabilitation program service providers;
- vi. Four representatives of business, industry, and labor;
- vii. Representatives of disability groups that include a cross section of (A) Individuals with physical, cognitive, sensory, and mental disabilities; and (B) Representatives of individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves;
- viii. Current or former applicants for, or recipients of, vocational rehabilitation services;

**CONSENT AGENDA
OCTOBER 20, 2016**

- ix. In a State in which one or more projects are carried out under § 121 of the American Indian Vocational Rehabilitation Services Act, at least one representative of the directors of the projects;
- x. At least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this part and part B of the Individuals with Disabilities Education Act;
- xi. At least one representative of the State workforce investment board; and
- xii. The director of the designated State unit as an ex officio, non-voting member of the Council.

Additionally, Federal Regulations specify that a majority of the council members must be individuals with disabilities who meet the requirements of 34 CFR §361.5(b)(29) and are not employed by the designated State unit. Members are appointed for a term of no more than three (3) years, and each member of the Council, may serve for not more than two consecutive full terms. A member appointed to fill a vacancy occurring prior to the end of the term must be appointed for the remainder of the predecessor's term. A vacancy in membership of the Council must be filled in the same manner as the original appointment, except the appointing authority may delegate the authority to fill that vacancy to the remaining members of the Council after making the original appointment.

The Council currently has one (1) nomination for Board approval; Kendrick Lester was chosen to fulfill the Federal Regulations as a representative of the State Department of Education. The Council has two resignations: Lonnie Pitt, who filled the position of a representative of a Former Applicant or Recipient, and Jayne Womack, who filled a position as a representative for Disability Advocacy Groups.

IMPACT

The above appointment and two resignations will bring the Council membership to a total of fifteen (15) with two vacancies on the Council; one for a representative of business, industry and labor and the other for a representative of a Former Applicant or Recipient. Minimum composition for the Council is 15 members.

ATTACHMENTS

Attachment 1 - Current Council Membership	Page 5
Attachment 2 – Kendrick Lester Nomination Letter & Resume	Page 7

**CONSENT AGENDA
OCTOBER 20, 2016**

BOARD ACTION

I move to approve the appointment of Kendrick Lester to the State Rehabilitation Council as a representative for the State Department of Education to complete the term vacated by Alison Lowenthal, effective immediately and ending June 30, 2017.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**CONSENT AGENDA
OCTOBER 20, 2016**

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**CONSENT AGENDA
OCTOBER 20, 2016**

SUBJECT

President Approved Alcohol Permits Report

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies and Procedures, I.J.2.b.

BACKGROUND/DISCUSSION

The chief executive officer of each institution may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by, and in compliance with, Board policy. Immediately upon issuance of an Alcohol Beverage Permit, a complete copy of the application and the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board no later than the next Board meeting.

The last update presented to the Board was at the August 2016 Board meeting. Since that meeting, Board staff has received forty-nine (49) permits from Boise State University, nineteen (19) permits from Idaho State University, seventeen (17) permits from the University of Idaho, and four (4) permits from Lewis-Clark State College.

Board staff has prepared a brief listing of the permits issued for use. The list is attached for the Board's review.

ATTACHMENTS

Attachment 1 - List of Approved Permits by Institution

Page 3

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

**CONSENT AGENDA
OCTOBER 20, 2016**

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**CONSENT AGENDA
OCTOBER 20, 2016**

SUBJECT

2015-2016 Accreditation Summary Report of Idaho Schools

REFERENCE

August 2011	Board accepted the 2010-2011 Accreditation Report.
August 2012	Board accepted the 2011-2012 Accreditation Report.
August 2015	Board accepted the 2014-2015 Accreditation Report.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-119, Idaho Code
Idaho Administrative Code, IDAPA 08.02.02.140 – Accreditation

BACKGROUND/DISCUSSION

Pursuant to IDAPA 08.02.02.140, “All public secondary schools, serving any grade(s) 9-12, will be accredited. Accreditation is voluntary for elementary schools, grades K-8, private and parochial schools, and alternative schools...” Section 33-119, Idaho Code, authorizes the Board to establish the accreditation standards. Through administrative rule, the Idaho State Board of Education (Board) requires schools to meet the accreditation standards of the Northwest Accreditation Commission (NWAC), a division of AdvancED.

In accordance with IDAPA 08.02.02.140, an annual accreditation report will be submitted to the Board. This report outlines the accreditation status of Idaho’s schools that serve any grade(s) 9-12 as well as those elementary schools, schools serving grades K-8, private, and parochial schools that voluntarily seek accreditation.

ATTACHMENTS

Attachment 1 – 2015-2016 Accreditation Summary Report of Idaho Schools	Page 3
Attachment 2 – AdvancED Accreditation Policies and Procedures	Page 13

STAFF COMMENTS AND RECOMMENDATIONS

AdvancED accredits both individual schools as well as school systems (school district) Once a school becomes accredited, they may have one of two accreditation statuses. The accreditation status is based on the performance of a school in areas related to the accreditation standards, policies, assurances, student performance results and stakeholder feedback. The two statuses are “accredited” or “accredited under review.” The term “accredited under review” has replaced the term “accredited probation.”

All institutions that are accredited conduct a five year External Review during their final year of the accreditation cycle facilitated by AdvancED. In addition, all schools have a mid-term accreditation progress report that is done through AdvancED’s online accreditation application. This report is done at the end of the second (2nd) year in the cycle for all schools with the “accredited” status.

**CONSENT AGENDA
OCTOBER 20, 2016**

Those schools with “accredited under review” status have a more frequent reporting cycle. The “accredited under review” cycle can be every year, or more often dependent on the situation. All “accredited under review” institutions conduct an onsite accreditation progress report review facilitated by AdvancED. The Accreditation Progress report specifically addresses the required actions given by the External Review Team at the five year onsite review. There are two circumstances under which a school may be placed in “accredited under review” status. The first is based on the institution scoring in the bottom fifth percentile of AdvancED’s Index of Education Quality. The second circumstance is based on the school not meeting AdvancED Standards, a complaint has been filed against the school, the school is in violation of AdvancED’s Accreditation Policies and Procedures, or based on and on-site team review.

BOARD ACTION

I move to accept the 2015-2016 Accreditation Summary Report of Idaho Schools as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**CONSENT AGENDA
OCTOBER 20, 2016**

SUBJECT

Cassia County School District #151, Albion Elementary School - Hardship Elementary School Annual Report

REFERENCE

October 1999	Board approved the request by Cassia County School District #151 for Albion Elementary School to be designated as a hardship elementary school with the addition that the designation exists for one year.
October 2000 – 2011	Board received Albion Elementary School annual hardship report. No action was taken.
June 2015	Board received Albion Elementary School annual hardship report. No action was taken.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-1003(2)(b), Idaho Code

BACKGROUND/DISCUSSION

At the October 1999 meeting, the Board approved the request by Cassia County School District #151 for Albion Elementary School to be designated as a hardship elementary school and required an annual report. The 2000 Legislature amended Section 33-1003(2)(b), Idaho Code, by adding, "An elementary school operating as a previously approved hardship elementary school shall continue to be considered as a separate attendance unit, unless the hardship status of the elementary school is rescinded by the state board of education." Therefore, no action is required unless the Board chooses to rescind the hardship status. Conditions supporting the October 1999 decision to approve the Albion Elementary School as a hardship elementary school have not changed.

IMPACT

Cassia County School District #151 would have received \$107,000 less in FY2016 if Albion Elementary School was not considered a separate school.

ATTACHMENTS

Attachment 1 – Letter from Gaylen Smyer to Sherri Ybarra (4/4/2016) Page 3
Attachment 2 – Letter from Jerry Doggett to Marilyn Howard (9/29/1999) Page 5

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

**CONSENT AGENDA
OCTOBER 20, 2016**

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