

Agenda of Special Meeting

The Board of Trustees Canutillo ISD

A Special meeting of the Board of Trustees of Canutillo ISD will be held July 23, 2024, beginning at 6:00 PM in the Canutillo ISD Administration Office, 7965 Artcraft, El Paso, TX 79932.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

1. **GENERAL FUNCTIONS-OTHER**

- A. Call to Order
- B. Roll Call

2. **OPEN FORUM-OTHER**

Any person wishing to address the Board during the period reserved for public comment at a Board meeting must sign up to be heard, in accordance with District policy BED(LOCAL):

Each participant will be limited to **THREE MINUTES** to make comments to the Board. The Board is **NOT** permitted to discuss or act upon any issues that are not posted on the agenda for tonight's meeting.

For further information on those policies, contact the Superintendent's Administrative Assistant.

3. **BOARD OF TRUSTEE BUSINESS**

- A. Discussion and Possible Action to Renew the District of Innovation Plan 2024-2025 3
Presenter: Julieta Melendez
- B. Discussion and Possible Action to Add Bond Job Accounting Coordinator Using Bond Interest Funds 27
Presenter: Martha Carrasco
- C. Discussion and Possible Action to Add an At-Risk Teacher at Canutillo High School Using State Compensatory Funds 29
Presenter: M. Carrasco
- D. Discussion and Possible Action to Approve an El Paso Water Utilities Easment 31
Presenter: Dr. Oscar Rico
- E. Discussion Regarding Past Acquisition and Sale of District Owned Real Property. 38
Presenter: Armando Rodriguez
- F. Discussion and Possible Action Of The Creation Of The Canutillo ISD Public Facility Corporation Under Chapter 303 Of The Texas Local Government Code To Act On Behalf Of The Canutillo Independent School District; Approval of The Certificate of Formation and Bylaws

Related to Thereto; and Resolving Other Matters in Connection
Therewith.

Presenter: Cantu Harden Montoya LLP

G. Update Regarding the Closing of the Canutillo ISD Series 2024AB

Presenter: Nickel Hayden

4. **EXECUTIVE SESSION**

**To Consult with Attorney Under Sections 551.071, 551.072 and 551.074 of the
Texas Government Code:**

A. Discussion and Update Regarding Potential Acquisition of Real Property for District
Needs.

Presenter: Ernesto Ortiz

B. Discussion Regarding the Recommendation of Administration to Terminate the
Probationary Contract of R.M.F. For Job Abandonment Without Good Cause and
Issue Appropriate Notice to SBEC.

Presenter: M Carrasco

5. **NEW BUSINESS (continued); OTHER**

A. Discussion and Possible Action Regarding Potential Acquisition of Real Property
for District Needs.

B. Discussion and Possible Action Regarding the Recommendation of Administration
to Terminate the Probationary Contract of R.M.F. for Job Abandonment Without
Good Cause and Issue Appropriate Notice to SBEC.

Presenter: M Carrasco

6. **ADJOURNMENT**

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.



District of Innovation (DOI) Local Innovation Plan Renewal

Five year Plan
2024-25 through 2029-30

7965 Artcraft | El Paso, TX 79932
915.877.7400 | www.canutillo-isd.org
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| VII. Mandatory removal to DAEP for possessing controlled substances (New)..... | 22 |

Canutillo Independent School District

District of Innovation Renewal Plan

Background:

The District of Innovation was created by the 84 th Legislature through the Texas Education Code (TEC) Chapter 12A. The purpose of TEC Chapter 12A is to allow traditional independent school districts the opportunity to obtain exemptions from certain provisions of the TEC. Designation as a District of Innovation allows a school district to increase local control and to support innovations as a means to improve educational outcomes for the benefit of all district stakeholders. With the unanimous support from the Canutillo ISD Board of Trustees that passed a resolution on November 27, 2018, to consider developing a District of Innovation (DOI) Plan, would ensure that our schools are academically successful and provide the best instruction possible for our students. The renewal plan will continue to support Canutillo ISD with meeting our Mission, Vision and Goals through the local control of the District of Innovation Plan.

Renewal Requirement: Local Innovation Plans must be renewed every five years to maintain a District of Innovation Status

Canutillo ISD remains committed to meeting the needs of every student while supporting staff. Therefore, it was determined that the increased flexibility and opportunities afforded by the District of Innovation status: it was imperative to renew with changes that will best serve our students. Consequently, the original members of the Local Innovation Committee and replacements as applicable were convened in the Fall 2023 to review the Local Innovation Plan to consider the renewal process. It was determined that the plan would be renewed with changes of current exceptions and updated the plan to include current Board Goals. The committee agreed to renew the exemptions to First Day of Instruction, Teacher certification of CTE teachers and hard to fill positions. The committee agreed to eliminate exemptions to teacher appraisal waivers and student discipline. Further, the committee agreed to add exemptions Sec. § 25.092 (a-1): Minimum Attendance for Class Credit and Sec. § 37.006: Mandatory removal to DAEP for possessing controlled substances.

Canutillo ISD Renewal Timeline:

| Date | Event |
|--------------------|--|
| September 20, 2023 | District Advisory Committee (DAC): Initiate DOI renewal plan and calendar process. |
| September 28, 2023 | District of Innovation (DOI): Calendar Committee planning |
| November 2, 2023 | District of Innovation (DOI): Calendar Committee planning and discussing feedback. |
| November 15, 2023 | District Advisory Committee(DAC): Presenting calendar options to DAC |
| January 25, 2024 | District of Innovation (DOI): Continue, Remove & Possible New Exemptions |

| | |
|--------------------|---|
| February, 26, 2024 | District of Innovation (DOI): Possible New Exemptions |
| March 27, 2024 | District of Innovation (DOI): Feedback & Timeline |
| April 9, 2024 | Attendance exemption review |
| April 15, 2024 | District of Innovation (DOI): Feedback, Timeline & Voting Ballot |
| April 17, 2024 | District Advisory Committee(DAC): Presenting final exemptions and asking for feedback |
| May 15, 2024 | District Advisory Committee(DAC): Presenting final feedback and DOI exemptions |

Local Innovation Committee Members for Renewal Plan

Facilitator: Julie Melendez, Program Compliance Director

| Name | Role in Community |
|--------------------|---|
| Sabina Lazos | Bill Childress El. Assistant Principal |
| Martha Bueno | Bill Childress El. Counselor |
| Rosario Valdez | Bill Childress El. Teacher |
| Christopher Ambriz | Canutillo Elementary Teacher |
| Jeannette Morales | Canutillo Elementary Teacher |
| Sarah Spencer | Deanna Davenport El. Teacher |
| Sylvia Nunez | Deanna Davenport El. Librarian |
| Maria Alarcon | Garcia Elementary Principal |
| Camila Ramos-Pena | Garcia Elementary Teacher |
| Maggie Castillo | Jose Damian El. Principal |
| Rocio Montes | Jose Damian El. Teacher |
| Alma Ramos | Reyes Elementary Teacher |
| Jessica Carrillo | Reyes Elementary Principal |
| Nidia Avila | Alderete Middle School Principal |
| Angela Porras | Alderete Middle School Nurse |
| Debra Larson | Canutillo Middle School Instructional Coach |
| Lisa Roskosky | Canutillo Middle School Teacher |
| Kendra Smith | Canutillo High School Parent |
| Ana Ortiz | Canutillo High School Parent |
| Jenny Patino | Canutillo High School Assistant Principal |
| Annette Gonzalez | Canutillo High School Intervention Specialist |
| Ernesto Villanueva | Canutillo High School Teacher |
| Frank Clark | Northwest Early College HS Principal |

| | |
|--------------------|--|
| Deyanira Fronce | Northwest Early College HS Counselor |
| Debra Kerney | Canutillo ISD Associate Superintendent |
| Elvia Moreno | Canutillo ISD Special Education Director |
| Gustavo Reveles | Canutillo ISD Communications Director |
| Jessica Arellano | Canutillo ISD Executive Director Of Curriculum & Instruction |
| Martha Carrasco | Canutillo ISD Chief Human Resources Officer |
| Michelle Hernandez | Canutillo ISD Payroll Supervisor |
| Monica Reyes | Canutillo ISD Executive Director Of Student Support Services |
| Oscar Rico | Canutillo ISD Executive Director Information Technology Services |
| Irma Barraza | Local business owner |
| Cruz Gutierrez | Local business owner |

**Overview of Plan Components included in the Local Innovation Plan Renewal
(included in entirety in this document beginning on page 16.)**

Statutory Exemptions:

- a. **First Day of Instruction-** Canutillo ISD will not be required to delay the start of school to the fourth Friday in August. The exemption allows the calendar development committee to determine an appropriate start date, to occur before the second Monday in August.
- b. **Teacher Certification-** Canutillo ISD will continue to seek traditionally certified candidates for all teaching positions. However, for Career and Technical Education (CTE) courses and Montessori for which a traditionally certified candidate is not identified, the District will be allowed to recruit instructors with an appropriate industry certification/experience in the field of need for CTE and Montessori.
- c. **Minimum Attendance for Class Credit (the 90% Rule)-** Canutillo ISD is allowed to consider circumstances of life and health in addition to provide increased active learning opportunities for students while focusing on a student’s demonstrated learning and mastery of content. With this waiver, school personnel will form an attendance committee process to determine if credit could be granted for a student who fails to meet attendance requirements.
- d. **Mandatory removal to DAEP for possessing controlled substances-** Canutillo ISD believes that students possessing a nicotine e-cigarette (vape) would be best served by providing educational support regarding nicotine's harmful effects and appropriate consequences rather than removing the student to the DAEP. The removal of students to the DAEP, a much more restrictive setting, is done cautiously. Our primary goal is to keep students at their assigned campuses with the teachers and staff who know them best and provide the necessary support.

Canutillo ISD Board DOI Resolution:
Passed Unanimously November 27, 2018



December 7, 2018

Via Electronic and Regular Mail

commissioner@tea.texas.gov
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701

Re: Canutillo Independent School District
Notice of Board Approval of Local District of Innovation Plan

Dear Commissioner Morath:

On November 27, 2018, the Canutillo Independent School District Board of Trustees voted to approve and adopt a District of Innovation Plan. Notice of the Plan adoption and the website link to the Plan were sent by email to your office. Enclosed with this letter is the "Figure" form setting forth the list of exemptions claimed within the Canutillo ISD Plan.

Sincerely,


Dr. Pedro Galaviz,
Superintendent of Schools

Enclosures: Canutillo ISD Innovation Plan
Canutillo ISD "Figure" Form

Cc: accred@tea.texas.gov



Street Address: 7965 Aircraft Rd. • El Paso, TX 79932 | Mailing Address: P.O. Box 100 • Canutillo, TX 79835
Phone (915) 877-7444 • Fax (915) 877-7414 • www.canutillo-isd.org

The Canutillo Independent School District does not discriminate on the basis of race, color, national origin, gender, age or disability in its employment practices, or in providing education services, activities and programs, including technical education programs.

I. Mission, Vision, Core Beliefs, District Goals

MISSION:

We provide Equitable Opportunities to ensure our future-ready students are empowered to Explore, Learn, Grow, and Excel.

VISION: LEAD Today. IMPACT Tomorrow.

CORE BELIEFS:

- Culture of Excellence
- Student Centered
- High Expectations
- Accountability
- Transparency

DISTRICT GOALS:

GOAL 1- Student Success:

*Student Safety & Security *Academic Growth *College Career Military Readiness

GOAL 2- Staff Success:

*Staff Safety & Security *Professional Learning & Quality Staff *Staff Satisfaction

GOAL 3- Community Engagement and Partnerships:

*Family Engagement *Community Partnerships *Customer Satisfaction

GOAL 4- Fiscal and Operational Systems:

*Fiscal Responsibility *Strategic Allocation of Resources *Planning for Growth
* Well Maintained Facilities

GOAL 5- Technology Resources:

*Apple Refresh *Wireless access/ Testing *Infrastructure/Safety
*Community Connectivity

Renewal Term of Plan:

The renewal term of the Canutillo ISD Innovation plan will be extended for five years, from August 2024-2025 to May 2030 covering school years 2024-25 through 2029-2030 unless terminated or amended earlier by the Board of Trustees in accordance with the law. The Committee will continually monitor the effectiveness of the Plan and make recommendations to the Board as needed.

Canutillo ISD Plan for Innovation Original Plan

INTRODUCTION

District of Innovation was created by the 84th Legislature through the Texas Education Code (TEC) Chapter 12A. The purpose of TEC Chapter 12A is to allow traditional independent school districts the opportunity to obtain exemptions from certain provisions of the TEC. Designation as a District of Innovation allows a school district to increase local control and to support innovations as a means to improve educational outcomes for the benefit of all district stakeholders. With the unanimous support from the Canutillo ISD Board of Trustees that passed a resolution on April 24, 2018, to consider developing a District of Innovation (DOI) Plan, would ensure that our schools are academically successful and provide the best instruction possible for our students. Because of the flexibility of this process, the plan could support Canutillo ISD with meeting our Mission, Vision and Goals through the local control of the District of Innovation Plan.

CANUTILLO INDEPENDENT SCHOOL DISTRICT TIMELINE FOR ATTAINING STATUS AS A DISTRICT OF INNOVATION

| DATE | EVENT |
|---|---|
| JANUARY 25, 2018 | Leadership Presentation: Present Information to Leadership Team regarding the intention to become District of Innovation, present petition/resolution and announce public hearing. |
| APRIL 24, 2018 | Public Hearing Canutillo ISD Trustees holds a public hearing to solicit input on the District of Innovation opportunity. |
| APRIL 24, 2018 | Resolution Adoption Canutillo ISD Trustees review a resolution to initiate the process of designation as a District of Innovation |
| APRIL 24, 2018 | Committee Appointment Canutillo ISD Trustees appoints a Committee to develop a Local Innovation Plan |
| MAY 2, 2018 MAY 16, 2018 MAY 23, 2018 | Planning Canutillo ISD Innovation Committee will develop the Canutillo Innovation Plan |
| OCTOBER 2018 | District Advisory Committee Approval Canutillo ISD Advisory Committee will vote to approve the proposed Canutillo ISD Innovation Plan |
| OCTOBER 2018 | Texas Education Agency Notification Canutillo ISD will notify the Texas Education Agency of its Board of Trustees intention to develop a Canutillo ISD Innovation Plan. |
| OCTOBER 2018 | Canutillo ISD Innovation Plan Posted Proposed Canutillo ISD Innovation Plan will be posted online for 30 days |
| NOVEMBER 2018 | Board of Trustees Approval The Canutillo ISD Board of Trustees will be asked to approve the Canutillo ISD Innovation Plan proposal. |

DISTRICT OF INNOVATION COMMITTEE

Facilitator: Elvia Moreno, Program Compliance Director

| LAST NAME | FIRST NAME | POSITION |
|------------|------------|--|
| ARELLANO | JESICA | PRINCIPAL, GES |
| BARBA | JESUS | PRINCIPAL, JDE |
| BROOKS | KAREN | SPECIALIST TEACHER, CES |
| CARBAJAL | GRACE | NURSE, RES |
| CLAPSADDLE | THERESA | PRINCIPAL, CHS |
| COLORADO | ERIKA | PARENT, JDE |
| GONZALEZ | DEBORAH | INSTRUCTIONAL COACH, BCE |
| KERNEY | DEBRA | PRINCIPAL, RES |
| LIVENGOOD | PERLA | SPED TEACHER, GES |
| MALDONADO | LILIA | TEACHER, CES |
| MONTIEL | PATRICIA | TEACHER, CMS |
| MORALES | JEANETTE | TEACHER, CES |
| NUNEZ | SYLVIA | LIBRARIAN, DEANNA DAVENPORT |
| O'KEEFE | JAMES | TEACHER, NWECHS |
| ORTIZ | ANA | PARENT (CMS/CHS) |
| PAPPAN | TISHA | PARENT, JOSE DAMIAN ELEMENTARY |
| PATON | RITA | TEACHER, AMS |
| PULLEY | CHRISTINE | DIRECTOR OF FINANCE |
| REYES | MONICA | DIRECTOR OF STUDENT SUPPORT SERVICES |
| RICO | OSCAR | PRINCIPAL, AMS |
| ROCHA | MARNIE | EXECUTIVE DIRECTOR OF CURRICULUM & INSTRUCTION |
| SANCHEZ | DENNA | PARENT (GES/CHS) |
| SHERMAN | NANCY | TEACHER, CMS |
| WATTS | RAQUEL | TEACHER, CHS |
| WHEATLEY | MARYELLEN | BUSINESS |
| WIERSON | MELANIE | TEACHER, CHS |

TERM OF PLAN

The term of the Canutillo ISD Innovation Plan will be for five years, from August 2019 to May 2024 covering school years 2019-2020 through 2023-2024 unless terminated or amended earlier by the Board of Trustees in accordance with the law. The Committee will continually monitor the effectiveness of the Plan and make recommendations to the Board on an annual basis, or as needed.

Comprehensive Educational Program

This Plan revises the current comprehensive educational program through specific identified innovations and exemptions from certain Texas Education Code provisions. Each exemption and planned innovation is set forth in the following sections.

MISSION

Our mission is to create rigorous, student-centered classrooms which develop future-ready students to compete in a global economy and thrive in a multicultural world.

VISION

Canutillo ISD is a premier district preparing tomorrow's best today with innovative, future-focused learning opportunities for every student.

CORE BELIEFS

- Culture of Excellence
- Student Centered
- High Expectations
- Accountability
- Transparency

DISTRICT GOALS

- GOAL 1- To provide a Safe and Secure Environment
- GOAL 2- To increase Student Academic Achievement
- GOAL 3- Enhance Student Character and drive towards a Career and/or a Profession
- GOAL 4- To build a meaningful Parent Partnerships for their Empowerment and Engagement in their child's education
- GOAL 5- To convey and share a Positive Image to all Canutillo ISD and Community Stakeholders

INNOVATIONS

In order to achieve the district's mission, vision and align our practices and operations to meet our priorities our focus is to;

- Modify our school year;
- Promote innovative ideas by taking a proactive model regarding student discipline;
- Promote effective, much needed time and innovative instructional methods to support our teachers;

The flexibilities will allow for improved student outcomes by focusing on college and career readiness, character development, and social-emotional learning. These exceptions will allow the expansion of potential by providing high-quality, meaningful professional development opportunities for staff so they can build their professional capacity and collaborate regarding best practices so they can best support students.

Adoption and implementation of the Canutillo ISD Innovation Plan will require the Board of Trustees to review, revise and approve the local innovation plan. These innovations will be executed through the processes and procedures that will involve pertinent central office and campus based stakeholders.

Anytime during the term of the innovation plan, Canutillo ISD may seek for additional exemptions through the Innovation Planning Committee (committee must be reconvened to develop amendments to the plan).

Canutillo ISD Innovation Planning Committee identified innovations it would like to see implemented through 2025. The innovative ideas are identified as triggers to move forward robustly and vigorously by executing the plan within a timely manner.

Key goals that have been identified for long term are as follow:

- **Pre- Kindergarten**
 - The Curriculum and Instruction (C&I) department recognizes the benefits of a full day prekindergarten program. Currently, we work with Region 19 Head Start to identify children who meet the criteria for ½ day prekindergarten and ½ day Head Start. At this time, a full day prekindergarten program has not been identified by the superintendent or the school board as one of its priorities. Budgetary costs continue to be an ongoing issue. However, the C&I department is committed to bringing high quality professional development and technical assistance to the Pre-Kindergarten teachers with its partnership with The Institute of Public School Initiatives and The University of Texas College of Education. A full day Prekindergarten program is a goal for the department pending funding from the Canutillo ISD school board.
 - This is to provide substantial cognitive and socio-cultural benefits of education to as many students as possible, and as early as possible. The committee recommends using innovative ideas to find a way of providing a universal all-day Prekindergarten by initiating pilot campuses pending on future funds.
 - A prekindergarten pilot would be conducive to recruitment and retention of scholars and assist in the prediction of enrollment from prekindergarten to 12th grade.
 - Canutillo ISD would be able to provide a solid support system for the implementation of research-based instruction and best practices that guide children academically, socially, and emotionally.
 - Prekindergarten full day programs reflect the belief that children are active learners. Children build meaning and understanding through full participation in their learning environments, a Canutillo ISD full day program would be designed to promote children's knowledge and skills in all developmental areas, cognitive, social-emotional, physical, and aesthetic, while establishing a foundation for lifelong learning.

- **Parental Engagement**
 - In creating literacy initiative for students and families and by creating and expanding a parent university in partnership with local institutions
 - Grow and sustain parent and family engagement through the development of both district and campus road maps utilizing the framework outlining the six types of parent involvement; parenting, communicating, volunteering, learning at home, decision making and collaborating with the community.
 - Continue to build a robust Parent University.
 - Schools will develop teams to create their own collaborative and coordinated system for family and community engagement.

Procedures and Requirements for Exemptions

MODIFICATIONS TO THE DISTRICT ACADEMIC CALENDAR

Exemption

First Day of Instruction - Texas Education Code (TEC) Section 25.0811

Canutillo ISD seeks flexibility to begin the school year before the fourth Monday of August.

Required Criteria (if appropriate):

- Canutillo ISD must meet 75,600 instructional minutes
- Canutillo ISD must meet 187 days of teacher contract days

Benefits from Exemption:

- Maximizing instructional days prior to state mandated assessments;
- Dual credit students schedules would be aligned with EPCC and UTEP calendar (higher education institutions);
- Canutillo ISD would be aligned with EPISD calendar for Canutillo students attending CTE classes in El Paso ISD;
- Provision would aide in balancing instructional time in semesters, allowing for a better pace and delivery of instruction;
- The flexibility will provide EOC students who need to retest state mandated assessments with additional instructional days prior to the retest opportunity in December;
- Provide summer school teachers and students the opportunity to plan and prepare a more targeted and focused academic instructional plan for those students that need to retest in the month of June;

TEACHER APPRAISALS

Exemption from: Texas Education Code (TEC): 21.352- Canutillo ISD is seeking to have relief for teachers from the annual appraisal system under chapter 21.352. Teachers who have shown proficient or above in all domains of the TTESS system for the previous year will be eligible for a waiver provided they meet the qualifications listed below:

Required Criteria:

In accordance with DNA (LOCAL), certain teachers are eligible for less-than-annual appraisals. The requirement of an employee to be appraised annually may be waived every other year, the district will follow DNA regulation to define schedule if the employee meets the following criteria:

- Be employed on an educator term contract;
- Be evaluated by T-TESS;
- Be rated at least “proficient” in all domains and criteria;
- Not be new to the campus;
- Has completed three consecutive years of service in the district;
- Employee agrees in writing by signing a letter to waive the formal observation;

The following criteria disqualifies teachers from waiver eligibility:

- Teacher is new to grade level;
- Teacher is new to content area;
- The campus does not meet overall state accountability rating system;
- Teacher is on an improvement plan;
- There are new Administrators (Principals &/or Assistant Principals) at the campus for the first appraisal year;

Please note that an Appraiser / Supervisor may at any time, with appropriate documentation, place the educator back on the traditional annual appraisal cycle.

Appropriate documentation: cumulative data attained through goal / professional development setting, informal class visits, walk-through's, conference, completion of SLO's, that may indicate any deficiency in the Texas Teacher Evaluation and Support System performance criteria.

Teachers that are waived for the current year are responsible for the following:

- TTESS goals, which will be collaboratively developed by teacher and administrator in alignment to the Texas Educator Performance Standards;
- Student Learning Objectives must be completed in collaboration with administration;

Benefits from Exemption:

- Administration will be able to provide support to those teachers who need it most;
- Administration will be able to place more concentration on areas of teacher growth by collaboratively developing individualized professional development plan;
- The teacher will work with their campus administrator collaboratively to develop data sources that support TTESS goals and Student Learning Objectives (SLO), to drive instruction and use best practices. This will allow more time for in depth collaboration to differentiate the curriculum and provide appropriate intervention(s);
- Teachers who have met criteria will not feel the regimented stress of a formal observation;
- Administrators will be required a minimum of two documented walkthroughs per semester and one feedback meeting per semester;

STUDENT DISCIPLINE

Exemption from: Texas Education Code (TEC) 37.0012- requires the designation of a campus behavior coordinator at each campus. Canutillo ISD is seeking relief from TEC 37.0012 for Secondary Campuses only. This requirement inhibits social and emotional learning because it restricts the District's ability to promote a more collaborative team approach. All stakeholder's will work as a team to provide social and emotional support to students. The goal is to shift from punitive consequences of discipline to positive support interventions in disciplinary actions.

Required Criteria: Secondary

Each incident will be dealt with on an individual basis according to the district's Student Code of Conduct, based on the severity of the infraction and the best interest of the student.

Canutillo ISD will adopt a team based approach and create a process for student discipline issues. Team members may include but are not limited to: Campus Administrator, Counselor, Diagnostician, Nurse, Campus Police/Security, Teacher, Prevention Specialist, At Risk Coordinator, Case Manager, and Parent(s). The team will work collaboratively to develop a disciplinary intervention plan for each case to ensure every child is safe and secure.

Benefits from Exemption: The plan will distribute responsibility amongst all team members and decentralize discipline. This will empower and engage all stakeholders in a collaborative process. It is the responsibility of all district employees to communicate safety and security. To this end, we will expand and continue to develop our PBIS systems and other positive behavior programs which include, but are not limited, to Character Counts, Nonviolent Crisis teams, and Restorative Discipline Circles.

The main goals to achieve this commitment are to:

- Improve safety and security practices at every campus;
- Enhance district-wide responsible citizenship practices and programs;
- Expand and develop our PBIS system in a proactive role by fostering the development of individual responsibility, and encouraging the social and emotional development of each student and his/her responsibility toward their school and community;

TEACHER CERTIFICATION CAREER AND TECHNICAL EDUCATION (CTE) COURSES ONLY

Exemption from: TEXAS EDUCATION CODE (TEC): SECTION 21.003- Canutillo ISD will not pursue exemption to Teacher Certification in Texas Education Code: Sec. 21.003. However, we ask that the district abide by 19 TAC Chapter 233.13 and 233.14 regarding certifications of CTE teachers in areas requiring experience and preparation in a skilled area.

Required Criteria:

Canutillo will complete the following process for hiring CTE teachers.

- The district will post positions for CTE teachers requiring the appropriate certifications;
- All certified applicants that qualify will go through the interview process;
- In order to trigger the 19 TAC Chapter 233.13 and 233.14 Canutillo ISD must exhaust all recruiting efforts in hiring a SBEC certified teacher for CTE programs only;
- The district will post again if there are no applicants that have the required certification, and will repost by using 19 TAC Chapter 233.13 and 233.14 regarding certifications of CTE teachers in areas requiring experience and preparation in a skilled area;

Benefits from Exemption:

- The district will remain in compliance with TAC which requires highly qualified teachers
- The district will be able to find personnel in hard to fill positions within CTE programs
- Students will benefit from high demand programs within Canutillo ISD instead of having to leave the district
- Allows qualified individuals, through alternative certification, to work in the district as teachers before attaining certification
- All personnel falling under ruling 19 TAC Chapter 233.13 and 233.14 must be approved by Human Resources and the Board of Trustees, as appropriate

Canutillo ISD District Plan Of Innovation

II. First Day of Instruction (*Renew & Remain Unchanged*)

Canutillo ISD seeks flexibility to begin the school year before the fourth Monday of August.

Required Criteria (if appropriate):

- Canutillo ISD must meet 75,600 instructional minutes
- Canutillo ISD must meet 187 days of teacher contract days

Benefits from Exemption:

- Maximizing instructional days prior to state mandated assessments;
- Dual credit students schedules would be aligned with EPCC and UTEP calendar (higher education institutions);
- Canutillo ISD would be aligned with EPISD calendar for Canutillo students attending CTE classes in El Paso ISD;
- Provision would aide in balancing instructional time in semesters, allowing for a better pace and delivery of instruction;
- The flexibility will provide EOC students who need to retest state mandated assessments with additional instructional days prior to the retest opportunity in December;
- Provide summer school teachers and students the opportunity to plan and prepare a more targeted and focused academic instructional plan for those students that need to retest in the month of June;

III. Teacher Appraisals (*Remove*)

Exemption from: Texas Education Code (TEC): 21.352- Canutillo ISD is seeking to have relief for teachers from the annual appraisal system under chapter 21.352. Teachers who have shown proficient or above in all domains of the TTESS system for the previous year will be eligible for a waiver provided they meet the qualifications listed below:

Required Criteria:

In accordance with DNA (LOCAL), certain teachers are eligible for less-than-annual appraisals. The requirement of an employee to be appraised annually may be waived every other year, the district will follow DNA regulation to define schedule if the employee meets the following criteria:

- Be employed on an educator term contract;

- Be evaluated by T-TESS;
- Be rated at least “proficient” in all domains and criteria;
- Not be new to the campus;
- Has completed three consecutive years of service in the district;
- Employee agrees in writing by signing a letter to waive the formal observation;

The following criteria disqualifies teachers from waiver eligibility:

- Teacher is new to grade level;
- Teacher is new to content area;
- The campus does not meet overall state accountability rating system;
- Teacher is on an improvement plan;
- There are new Administrators (Principals &/or Assistant Principals) at the campus for the first appraisal year;

Please note that an Appraiser / Supervisor may at any time, with appropriate documentation, place the educator back on the traditional annual appraisal cycle.

Appropriate documentation: cumulative data attained through goal / professional development setting, informal class visits, walkthrough's, conference, completion of SLO's, that may indicate any deficiency in the Texas Teacher Evaluation and Support System performance criteria.

Teachers that are waived for the current year are responsible for the following:

- TTESS goals, which will be collaboratively developed by teacher and administrator in alignment to the Texas Educator Performance Standards;
- Student Learning Objectives must be completed in collaboration with administration;

Benefits from Exemption:

- Administration will be able to provide support to those teachers who need it most;
- Administration will be able to place more concentration on areas of teacher growth by collaboratively developing individualized professional development plan;
- The teacher will work with their campus administrator collaboratively to develop data sources that support TTESS goals and Student Learning Objectives (SLO), to drive instruction and use best practices. This will allow more time for in depth collaboration to differentiate the curriculum and provide appropriate intervention(s);

- Teachers who have met criteria will not feel the regimented stress of a formal observation;
- Administrators will be required a minimum of two documented walkthroughs per semester and one feedback meeting per semester;

IV. Student Discipline (*Remove*)

Exemption from: Texas Education Code (TEC) 37.0012- requires the designation of a campus behavior coordinator at each campus. Canutillo ISD is seeking relief from TEC 37.0012 for Secondary Campuses only. This requirement inhibits social and emotional learning because it restricts the District’s ability to promote a more collaborative team approach. All stakeholders will work as a team to provide social and emotional support to students. The goal is to shift from punitive consequences of discipline to positive support interventions in disciplinary actions.

Required Criteria: Secondary

Each incident will be dealt with on an individual basis according to the district’s Student Code of Conduct, based on the severity of the infraction and the best interest of the student.

Canutillo ISD will adopt a team based approach and create a process for student discipline issues. Team members may include but are not limited to: Campus Administrator, Counselor, Diagnostician, Nurse, Campus Police/Security, Teacher, Prevention Specialist, At Risk Coordinator, Case Manager, and Parent(s). The team will work collaboratively to develop a disciplinary intervention plan for each case to ensure every child is safe and secure.

Benefits from Exemption: The plan will distribute responsibility amongst all team members and decentralize discipline. This will empower and engage all stakeholders in a collaborative process. It is the responsibility of all district employees to communicate safety and security. To this end, we will expand and continue to develop our PBIS systems and other positive behavior programs which include, but are not limited to, Character Counts, Nonviolent Crisis teams, and Restorative Discipline Circles.

The main goals to achieve this commitment are to:

- Improve safety and security practices at every campus;
- Enhance district-wide responsible citizenship practices and programs;
- Expand and develop our PBIS system in a proactive role by fostering the development of individual responsibility, and encouraging the social and emotional development of each student and his/her responsibility toward their school and community;

V. Teacher Certification Career and Technical Education (CTE) Courses & Montessori (*Renew with amendment*)

Exemption from: TEXAS EDUCATION CODE (TEC): SECTION 21.003- Canutillo ISD will not pursue exemption to Teacher Certification in Texas Education Code: Sec. 21.003. However, we ask that the district abide by 19 TAC Chapter 233.13 and 233.14 regarding certifications of CTE teachers in areas requiring experience and preparation in a skilled area.

Required Criteria:

Canutillo will complete the following process for hiring CTE teachers.

- The district will post positions for CTE teachers requiring the appropriate certifications;
- All certified applicants that qualify will go through the interview process;
- In order to trigger the 19 TAC Chapter 233.13 and 233.14 Canutillo ISD must exhaust all recruiting efforts in hiring a SBEC certified teacher for CTE programs only;
- The district will post again if there are no applicants that have the required certification, and will repost by using 19 TAC Chapter 233.13 and 233.14 regarding certifications of CTE teachers in areas requiring experience and preparation in a skilled area;

Benefits from Exemption:

- The district will remain in compliance with TAC which requires highly qualified teachers
- The district will be able to find personnel in hard to fill positions within CTE programs
- Students will benefit from high demand programs within Canutillo ISD instead of having to leave the district
- Allows qualified individuals, through alternative certification, to work in the district as teachers before attaining certification
- All personnel falling under ruling 19 TAC Chapter 233.13 and 233.14 must be approved by HumanResources and the Board of Trustees, as appropriate

Montessori teachers:

- Principal will submit a letter of need for the Montessori PreK-3 (for 3 year old students) position to Human Resources for approval in order to move forward with the hiring process.
- Candidates must have acquired a Montessori certification from an accredited Montessori training program (AMI- Association Montessori Internationale or AMS - American Montessori Society).
- Candidates must have experience in an early childhood setting.
- Candidates must have a bachelor's degree related to education.
- A letter of expectation will be signed and placed in file to ensure completion of courses and state assessments in acquiring the Texas Teacher

Certification in Early Childhood Education.

- Candidates will be required to complete 15 hours of annual professional development related to their field as per letter of expectations.
 - Training requirements can be based on the following: Local district, Region 19, state training, courses from a university and a book study related to Early Childhood. All options will be pre-approved by Human Resources or designee.
 - Candidates that do qualify will be paid on an alternate pay scale, until all requirements are met.
 - Human Resources department reserves the right to determine if teachers meet the criteria in these hard to fill positions.

Hard to Fill teacher positions: (Not to include SPED or Bilingual)

- Principal will submit a letter of need for Hard to Fill position to Human Resources for approval to move forward on the hiring process.
- Principal may request to allow a certified teacher to teach one subject out of their certified field.
- Candidates must have experience in an education setting for a minimum of 2 Years.
- Candidate must have a bachelor's degree related to education to apply for an Education Fellow position.
- A letter of expectation will be signed and placed in file to ensure completion of courses and state assessments in becoming a certified teacher and specific content.
- Candidates will be required to complete professional development related to their field as per letter of expectations.
 - Training requirements can be based on the following: Local district, Region 19, state training, courses from a university. All options will be pre-approved by Human Resources or designee.
 - Candidates that do qualify will be paid on an alternate pay scale, until all requirements are met.
 - Human Resources department reserves the right to determine if teachers meet the criteria in these hard to fill positions.
 - Candidates hired under this exception including out of state and international certifications would be expected to be certified in Texas within a period of two (2) years.

Benefits from Exemption:

The exemption from the current state teacher certification requirements will inhibit Canutillo ISD ability to hire teachers for hard to fill teaching positions that will allow our district to establish local qualifications and training requirements.

- The district will be able to find personnel in hard to fill positions for CTE, Montessori and Special Education.
- Students will benefit from programs in high demand instead of having to leave the District.
- Allows qualified community members, through alternative certification, to work in the district as teachers before attaining certification.
- This exemption directly supports the move from “highly qualified” requirements to Every Student Succeeds Act (ESSA).
- CISD will have the flexibility to hire external or internal applicants that do not have traditional state certifications.
- Human Resources will determine if the candidate meets all qualifications to proceed towards the interviewing process.
- All personnel falling under ruling 19 TAC Chapter 233.13 and 233.14 must be approved by Human Resources and the Board of Trustees, as appropriate.

VI. Minimum Attendance for Class Credit or Final Grade. (New)

Sec. 25.092 (a-1) A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade under this subsection without the consent of the judge presiding over the student's case.

Rationale:

Canutillo ISD believes that the attendance committees need the flexibility to establish relevant requirements for the successful completion of these courses. Relief from the “seat time” requirements in § 25.092 does not interfere with a teacher’s right to determine the student’s final grade under TEC § 28.214 and does not restrict a teacher’s right to assign student grades in accordance with TEC § 28.0216. 18 Proposed Innovation will benefit Canutillo ISD students by utilizing local campus attendance committees (may include district representation) to establish minimum criteria for attendance, course completion, and mastery.

The District strongly believes that a student’s mastery of learning outcomes should be the determining factor in earning credit and/or a final grade rather than measures such as “seat time” that do not consider the real objectives of the educational experience. Exemption from the requirement of TEC § 25.092 will allow the District to consider circumstances of life and health, while still providing increased active learning opportunities to its students while focusing on a student’s demonstrated learning and mastery of content. This exemption would allow school personnel to act as advocates for the student to grant credit for a student who fails to meet the 90 percent seat time rule with a mastery grade of 80.

Challenges/Obstacles:

As Canutillo ISD continues to expand the innovative and engaging instructional arrangements offered to students, such as college-based dual credit courses, internships, etc., the concept of how students participate in these instructional arrangements, also must be expanded

beyond the arbitrary assessment of “seat time.”

In addition, certain circumstances of life or extreme examples of health challenges (fragility, extended illness requiring hospitalization, etc.) can result in a student studying, preparing, and testing to demonstrate content mastery but falling short of attendance guidelines—thus catching the student in a trap of knowing the content but not sitting in a classroom long enough to meet the current code. An inventive approach to allow for a student to demonstrate mastery shall include an opportunity through innovative programming, such as student-directed self-study and exploration.

VII. Mandatory removal to DAEP for possessing controlled substances (New)

Sec. § 37.006 requires districts to remove a student from class and place in a disciplinary alternative education program as provided by Section 37.008 if the student possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.

Challenges/Obstacles:

The district seeks to prioritize student education in all subject areas and provide instruction on the harmful effects of nicotine and general wellness. Under the new provisions of the statute, students would be mandatorily placed at the DAEP for possessing an e-cigarette (vape) containing nicotine. However, a student possessing an actual cigarette containing nicotine would face other, lesser consequences under the student code of conduct.

The district believes that students possessing a nicotine e-cigarette (vape) would be best served by providing educational support regarding nicotine's harmful effects and appropriate consequences rather than removing the student to the DAEP. The removal of students to the DAEP, a much more restrictive setting, is done cautiously. Our primary goal is to keep students at their assigned campuses with the teachers and staff who know them best and provide the necessary support.

Proposed Innovation/Benefit:

Canutillo ISD wholly supports efforts to fight the rising use of e-cigarettes and vapes. However, we believe the District can more effectively combat these habits through proactive educational techniques and disciplinary options other than mandatory DAEP placements.

The district believes students possessing e-cigarettes containing nicotine would be best supported by providing additional wellness education and remaining on the campus with appropriate consequences. The district is not requesting exempt provisions under Section 37.006, which require mandatory removal to DAEP for possessing controlled substances such as marijuana and THC.

Canutillo Independent School District

Location:

CISD Administrative Offices
7965 Artcraft
El Paso, TX 79932

Phone:

(915) 877-7400

Facilitator:

Julie Melendez
Program Compliance Director
jhmelendez@canutillo-isd.org

Dr. Pedro Galaviz
Superintendent of Schools
pgalaviz@canutillo-isd.org

Dr. Debra Kerney
Associate Superintendent
dkerney@canutillo-isd.org

Board of Trustees

Meeting Date: [July 2023](#)

Executive Summary of Board Agenda Item

Subject/Title for Agenda Posting:

1. Request for Bond Project Staff to begin school year 2024-2025 (Bond Interest Funding)

Justification Statement:

1. Staff to assist in Bond Projects; The Duration of this position is contingent upon bond funding

Purpose of Agenda Item:

Information Discussion Action

Item Type:

Curriculum & Instruction HumanResources Business Services

Staff Responsible:

Martha Carrasco, Chief Human Resources Officer.

Signature of Requester(s)

Martha Carrasco, Chief Human Resources Officer.

Signature of Presenter(s)

Business Services Approval (Initials)

Date **July 2023**

Agenda Summary:

Request for Bond Project Staffing to begin school year 2024-2025 (Bond Interest Funding)

RECOMMENDATION:

PRIOR BOARD ACTION:

AWARDED:

AWARDED AMOUNT:

AMOUNT(S):

ACCOUNT

NO(S):

PROCUREMENT METHOD TYPE: (3 Quotes, Cooperative Contract Quotes, Sole Source, Formal Bid): **N/A**

REQUESTING DEPARTMENT:

HUMAN RESOURCES DIVISION

CONSEQUENCES OF NON-APPROVAL:

Staffing shortages in the area might hinder district personnel and operations.

IMPLEMENTATION TIMELINE: **School Year 2024-2025**

ATTACHMENT(S): **HR Personnel Recommendation**



| Department | Proposed Position | QTY | Days | | EST Base Salary | EST Fringes | EST Total |
|--|---------------------------------|-----|------|-----|-----------------|-------------|-------------|
| Business Services | Job Cost Accounting Coordinator | 1 | 224 | AP4 | \$80,000.00 | \$10,657.58 | \$90,657.58 |
| | | | | | | | |
| *ESTIMATIONS/PROJECTIONS MAY BE SUBJECT TO CHANGE | | | | | | | |
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Board of Trustees

Meeting Date: July 2023

Executive Summary of Board Agenda Item

Subject/Title for Agenda Posting:

1. Initial request for At Risk Teacher for Canutillo High School to begin school year 2024-2025 (Funded with State Compensatory Funds 185)

Justification Statement:

1. Reading support for incoming freshman to increase EOC's scores, literacy and be High School Ready and address deficiencies

Purpose of Agenda Item:

Information Discussion Action

Item Type:

Curriculum & Instruction HumanResources Business Services

Staff Responsible:

Martha Carrasco, Chief Human Resources Officer.

Signature of Requester(s)

Martha Carrasco, Chief Human Resources Officer.

Signature of Presenter(s)

Business Services Approval (Initials)

Date **July 2023**

Agenda Summary:

Request for At Risk Teacher for Canutillo High School to begin school year 2024-2025 (Funded with State Compensatory Funds 185)

RECOMMENDATION:

PRIOR BOARD ACTION:

AWARDED:

AWARDED AMOUNT:

AMOUNT(S):

ACCOUNT

NO(S):

PROCUREMENT METHOD TYPE: (3 Quotes, Cooperative Contract Quotes, Sole Source, Formal Bid): **N/A**

REQUESTING DEPARTMENT:

HUMAN RESOURCES DIVISION

CONSEQUENCES OF NON-APPROVAL:

Staffing shortages in the area might hinder district personnel and operations.

IMPLEMENTATION TIMELINE: **School Year 2024-2025**

ATTACHMENT(S): **HR Personnel Recommendation**



| Department | Proposed Position | QTY | Days | | EST Base Salary | EST Fringes | EST Total |
|--|-------------------|-----|------|------|-----------------|-------------|-------------|
| Canutillo High School | At-Risk Teacher | 1 | 187 | TCHR | \$62,000.00 | \$9,525.03 | \$71,525.03 |
| | | | | | | | |
| | | | | | | | |
| *ESTIMATIONS/PROJECTIONS MAY BE SUBJECT TO CHANGE | | | | | | | |
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Executive Summary of Board Agenda Item

Subject/Title for Agenda Posting:

Justification Statement:

Purpose of Agenda Item:

Information Discussion Action

Item Type:

Curriculum & Instruction HumanResources Business Services

Staff Responsible:

Signature of Requester(s)

Signature of Presenter(s)

Business Services Approval (Initials)

Date

Agenda Summary:

RECOMMENDATION:

PRIOR BOARD ACTION:

AWARDED:

AWARDED AMOUNT:

AMOUNT(S):

ACCOUNT NO(S):

PROCUREMENT METHOD TYPE: (3 Quotes, Cooperative Contract Quotes, Sole Source, Formal Bid)

REQUESTING DEPARTMENT:

CONSEQUENCES OF NON-APPROVAL:

IMPLEMENTATION TIMELINE:

ATTACHMENT(S):



The Grantor reserves the right to full use and enjoyment of the property encumbered by the Easement except as otherwise provided herein. Grantor's use shall not hinder, conflict, or interfere with the exercise of Grantee's rights hereunder. No building, reservoir, or permanent structure shall be constructed or maintained on said Easement. However, Grantor its successors and assigns may use the Easement Area for improvements such as paving (provided that any concrete paving is constructed in 20' x 20' segments with expansion joints around the perimeter), parking, driveways, surface drainage improvements, landscaping (provided trees are in compliance with city code requirements), light poles with bases, access areas, curbs, curb cuts, roads and signage (provided that Grantor shall coordinate with Grantee regarding the specific location of light poles with bases, signage with bases, and trees within the Easement to ensure that such improvements are not placed over the Facilities and will not interfere with Grantee's operation of its Facilities). Additionally, parking stalls cannot be placed above facilities such as manholes and vaults.

Grantor's employees, agents, and invitees, shall at all times, have access and use of the Easement and Grantee shall not unreasonably prohibit ingress to or egress from Grantor's adjacent land because of construction or for any other reason.

Grantor reserves the right to allow additional underground utilities and infrastructure to cross the Facilities, provided that the location of such additional utilities and infrastructure are marked and identifiable. Grantor, however, agrees not to collocate underground utilities and infrastructure in the Easement, except for the collocation of water and sewer lines which is expressly permitted. For purposes of this Easement, "*collocation*" shall mean the parallel placement of other underground utilities and infrastructure within the Easement.

Should one or more of the Grantors herein be natural persons and not be joined by the respective spouse, it is conclusively presumed that the Easement area is not the residence or business homestead of such Grantor(s) and that the Grantors have full authority to grant this Easement as their separate property. Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation. The payment of the consideration for the property conveyed herein shall be considered full compensation for the same and for any diminution in value that may result to the remaining property by virtue of the project, construction, installation, and repair of the utility lines and improvements, grade alignment, or the alteration of drainage patterns and facilities.

Grantee covenants and agrees not to unreasonably interfere with the use of the Easement by Grantor, its successor and assigns, and to restore the surface of the Easement and surrounding property, whenever disturbed by Grantee, to as good a condition as existed immediately prior to such disturbance, including, but not limited to, compaction of excavated areas, restoration of pavement areas, landscaping, sidewalks and other improvements.

The parties agree to cooperate with each other if an adjustment of the Easement is required at any time; however, any reasonable costs associated with adjusting or relocating facilities shall

be the responsibility of the party requesting the adjustment or relocation. Any consent for adjusting or relocating the facilities shall not be unreasonably withheld where required.

The Grantee warrants to Grantor that the undersigned has the full power and authority to execute this Easement and fulfill its obligations under this Easement as a condition to the validity of this Easement. Grantor warrants to Grantee that the undersigned has the full power and authority to execute this Easement and fulfill its obligations under this Easement.

The terms and provisions of this Easement run with the land and are binding upon and benefit the successors and assigns of Grantor and Grantee. When the context requires, singular nouns and pronouns include the plural.

To the greatest extent allowed by applicable law, Grantee agrees to indemnify and hold harmless Grantor from and against any claims, damages, or liabilities resulting from Grantee's or Grantee's contractors' or agents' acts or omissions in construction, testing, repair, reconstruction, restoration, operation, or maintenance activities on or about the Easement.

GRANTEE TAKES THE EASEMENT "AS IS", EXCEPT FOR THE WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN. GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION, LAYOUT, FOOTAGE, EXPENSES, ZONING, OPERATION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE EASEMENT, AND GRANTEE HEREBY EXPRESSLY ACKNOWLEDGES THAT NO SUCH REPRESENTATIONS HAVE BEEN MADE. GRANTOR MAKES NO AND DISCLAIMS ALL, AND GRANTEE DOES NOT RELY UPON ANY, OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY, MARKETABILITY, FITNESS OR SUITABILITY FOR A PARTICULAR PURPOSE, OR OTHERWISE EXCEPT AS SET FORTH AND LIMITED HEREIN. ANY IMPLIED WARRANTIES ARE EXPRESSLY DISCLAIMED AND EXCLUDED. GRANTEE ACKNOWLEDGES AND AGREES THAT THE DISCLAIMERS AND OTHER AGREEMENTS SET FORTH HEREIN ARE INTEGRAL PARTS OF THIS AGREEMENT AND THAT GRANTOR WOULD NOT HAVE AGREED TO ENTER INTO THIS AGREEMENT WITHOUT THE DISCLAIMERS AND OTHER AGREEMENTS SET FORTH ABOVE. THE FOREGOING WAIVERS, DISCLAIMERS, AND RELEASES SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, GRANTEE EXPRESSLY UNDERSTANDS THAT GRANTOR IS A POLITICAL SUBDIVISION OF THE STATE OF TEXAS, AND NOTHING IN THIS AGREEMENT WILL BE CONSTRUED AS A WAIVER OR RELINQUISHMENT BY GRANTOR OF ITS RIGHT TO CLAIM SUCH EXEMPTIONS, PRIVILEGES AND IMMUNITIES AS MAY BE PROVIDED BY LAW.

WITNESS THE EXECUTION HEREOF the _____ day of _____,
20__.

GRANTOR:

CANUTILLO INDEPENDENT SCHOOL DISTRICT

By: _____

PRINT NAME: _____

TITLE: _____

Executed on: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF EL PASO §

This instrument was acknowledged before me on this the _____ day of _____,
20__, by _____, _____ of _____.

My Commission Expires

Notary Public, State of Texas

(Additional Signature Contained on Following Page)

GRANTEE:

**EL PASO WATER UTILITIES-
PUBLIC SERVICE BOARD, a component
unit of the CITY OF EL PASO, a Texas
municipal corporation**

By: _____
Ana I. Sanchez, Vice President

Executed on: _____

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Alma De Anda,
Utility Land and Water Rights Manger

Michaela Ainsa,
Senior Assistant General Counsel

ACKNOWLEDGMENT

**STATE OF TEXAS §
 §
COUNTY OF EL PASO §**

This instrument was acknowledged before me on this the ____ day of _____,
20__, by **Ana I. Sanchez, Vice President, of El Paso Water Utilities Public Service Board.**

My Commission Expires

Notary Public, State of Texas

EXHIBIT A

**BEING A PORTION OF TRACT 9-A-2, BLOCK 13, UPPER VALLEY SURVEYS, EL
PASO COUNTY, TEXAS**

Introduction to Public Facility Corporations

Presented to Canutillo Independent School District

Adam Harden | Arnold Cantu III
aharden@chmlp.com
acantu@chmlp.com
M: 469-688-4336
M: 956-460-1734

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Canutillo ISD PFC

What is a Public Facility Corporation:

A PFC is a nonprofit corporation created by a sponsoring governmental entity — a city, county, school district, hospital district, housing authority, or special district

PFC Powers:

PFCs have broad powers over public facilities, including financing, acquisition, construction, rehabilitation, renovation and repair. A PFC, once created, has the authority to issue bonds on behalf of its sponsoring public entity, and, once the bonds are funded, the money must be used in accordance with IRS rules and regulations, as well as those imposed by the Texas Attorney General

Canutillo ISD PFC

PFC's Purpose:

- Expands the District's ability to provide additional incentives for public/private partnership to facilitate and finance workforce housing by providing 100% ad valorem tax exemption – including both property and sales tax
- Will own workforce housing projects
 - Can be general partner or special limited partner brought into public/private partnerships
 - Can be outright owner of projects without post-closing developer involvement

Canutillo ISD PFC

PFC's Perspective:

- PFC's participation allows for an ad valorem tax exemption
- Creates more mixed income and workforce housing
- Can be used to generate revenue for the PFC
- Depending on the structure, private partner may assume all risk
- Depending on the structure, no monetary investment

Developer's Perspective:

- Property receives an ad valorem tax exemption that it otherwise would not have received, which increases cash flow and/or increases the amount of debt that can be placed on property or decreases the Developer's equity requirement
- Developer gives up ownership and potentially significant revenues due to rent restrictions on at least 50% of the units

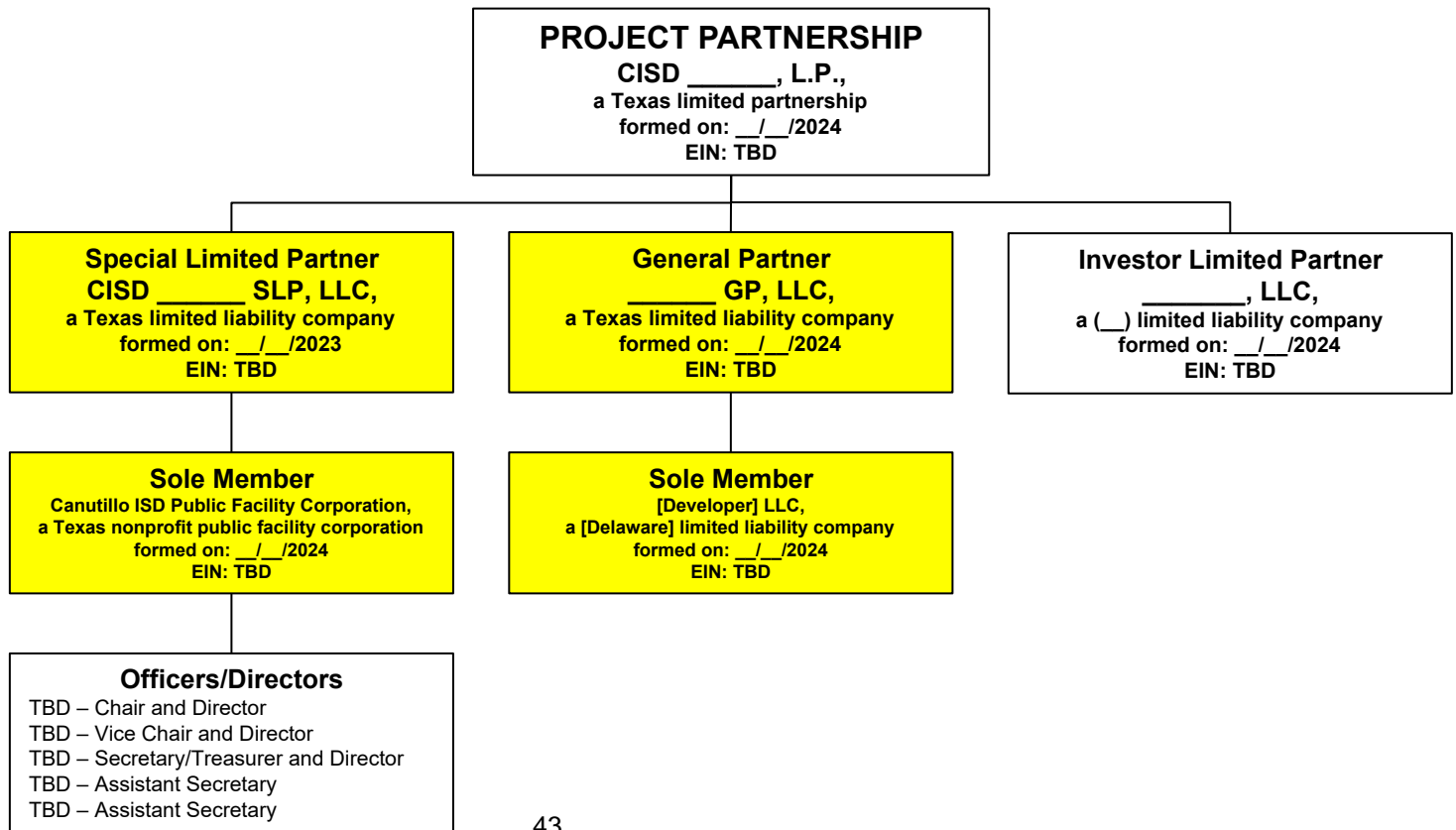
Canutillo ISD PFC

Risk Shifting Structure:

- 1) PFC should not assume the risk of construction, operations or debt.
- 2) PFC will enter into a partnership agreement, development agreement, and lease of the project with development entity.
- 3) Development entity must raise equity, obtain debt, and assume all risk.
- 4) Development Agreement will require development entity to construct project on leased land.

Canutillo ISD PFC

Sample Organizational Structure:



Entities/Individuals in yellow have the ability to exercise control

Canutillo ISD PFC

PFC Abilities and Requirements:

- PFC will create a single member limited liability company to serve as the general partner (GP) or special limited partner (SLP) of the partnership
 - Limited liability company has no assets except for partnership interest
 - PFC Risk of liability in LLC, but it is a separate legal entity with no assets
- PFC will own the land and lease it to the partnership generally for 60 years
- PFC will enter into a joint venture with the construction company to bring about a sales tax exemption for the purchase of materials
- PFC could also issue tax-exempt bonds to help finance the project
 - PFC Bond proceeds loaned to project and used to pay for construction
 - PFC Bonds would be 100%+ financed to include reserve funds and reduce risk of default
 - Could mature upon completion of construction (3 years or less)

Canutillo ISD PFC

Public Facility Corporation Potential Parameter Fees:

- For a Joint Venture new construction project –
 - \$300,000 Developer Fee paid upfront
 - 15% of property tax savings paid on an annual basis
 - 25% of sales tax savings
 - \$100/unit annual Compliance and Management Fee
 - 15% participation in capital event (subject to certain IRR)

Canutillo ISD PFC

Worst Case Scenarios:

- Might not make projected profits, but PFC will have no investment in the project
- Should a project fail, the equity provider or lender could take over the project and the PFC could lose control; however, in doing so, the equity provider or lender could jeopardize their tax-exempt status, so this is unlikely
- PFC may not be able to withdraw from the partnership once it is formed
- Because PFC is a political body, meetings are open to the public