Sec. 1. TEJANO CENTER FOR COMMUNITY CONCERNS PROPERTY GENERALLY

The Board of Tejano Center for Community Concerns shall be the final authority for authorizing the use of Public Property. *19 TAC 100.1001(14)(C)(ii), 100.1063(c)(4)*. Tejano Center for Community Concerns shall not authorize use or application of public property inconsistent with this policy.

Sec. 2. PUBLIC PROPERTY DEFINED

An interest in real estate or personal property acquired, improved, or maintained using state funds that were received by Tejano Center for Community Concerns on or after September 1, 2001 is public property for all purposes under state law. The date on which the property was acquired, improved, or maintained is not determinative. An interest in real estate acquired, improved, or maintained using state funds that were received by the charter holder before September 1, 2001, is public property only to the extent specified by 19 Texas Administrative Code § 100.1065 (relating to Property Acquired with State Funds Received Before September 1, 2001–Special Rules). Where the property is acquired with federal funds, federal law may preempt this policy and state law in whole or part. *19 TAC 100.1063(a).*

Sec. 3. FIDUCIARY RESPONSIBILITIES

Public property is held by Tejano Center for Community Concerns in trust for the benefit of Raul Yzaguirre Schools for Success ("RYSS")'s students. With respect to the public property they manage, the Board and officers of Tejano Center for Community Concerns and RYSS are trustees under Texas law and the students enrolled in RYSS are beneficiaries of a trust. Each trustee shall be held to the standard of care and fiduciary duties that a trustee owes the beneficiary of a trust under Texas law. *Education Code 12.128; 19 TAC 100.1063(b).*

Public property may be used only for a purpose for which a school district may use school district property, implementing a program described in Tejano Center for Community Concerns' open-enrollment charter and only to implement a program that is described in the open-enrollment charter and is consistent with law and administrative rule. *Education Code 12.128; 19 TAC 100.1063(c).*

Notwithstanding the delegation of authority, the Board and officers of Tejano Center for Community Concerns and RYSS shall remain fully responsible to authorize all uses and applications of public property and to enforce this policy.

Sec. 4. PERSONAL USE OF PUBLIC PROPERTY

Except as provided below, RYSS employees shall use Tejano Center for Community Concerns public property only for purposes described in the Tejano Center for Community Concerns charter. *19 TAC 100.1063(c)(2).*

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RYSS employees may, however, use local telephone service, Tejano Center for Community Concerns -issued cellular phones, electronic mail, Internet connections, and similar property for incidental personal use, provided that such personal use does not, as determined by the RYSS administration, impede RYSS functions or result in direct cost(s) paid with state funds. Should employee use result in direct cost paid with state funds, RYSS shall require the employee incurring the cost(s) to reimburse Tejano Center for Community Concerns for such cost(s) within five business days of RYSS's having incurred the cost(s). *19 TAC 100.1063(c)(2).*

Only incidental amounts of employee time, comparable to a five–seven minute coffee break during each day, may be used by employees for such personal matters. *19 TAC 100.1063(c)(2).*

This policy does not authorize incidental personal use of public property for private commercial purposes. Any such incidental use of public property is a privilege not a right, and the RYSS administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees. *19 TAC 100.1063(c)(2).*

Sec. 5. USE OF PUBLIC PROPERTY REAL ESTATE FOR CHARTER AND NON-CHARTER ACTIVITIES

Joint use of Tejano Center for Community Concerns' public real property for charter and non-charter activities shall be approved by separate vote and recorded in the minutes of the meeting of the Board of Tejano Center for Community Concerns, setting forth the methodology to be used to allocate shared costs and the percentage allocation basis between charter and non-charter activities. *19 TAC 100.1063(c)(3).*

Sec. 6. CONTRACT FOR USE OF PUBLIC PROPERTY

Tejano Center for Community Concerns may contract for the use of its property for the purpose of providing goods or services under the contract, if such use is an express contract term, factored into the price of the contract, and the contract is one that is authorized by the Board. *19 TAC 100.1063(c)(6).*

Sec. 7. ACCOUNTING FOR PUBLIC PROPERTY

Tejano Center for Community Concerns' annual audit report shall separately disclose the cost basis and accumulated depreciation of public or privately held or owned property held, acquired, improved, or maintained by Tejano Center for Community Concerns' operating Board and charter holder, or provide with the annual audit report a statement that all property acquired, improved, or maintained during the term of Tejano Center for Community Concerns' charter, and all property presently held by the charter holder Board, is public property. *19 TAC 100.1063(f).*

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Sec. 8. RETURN OF CHARTER SCHOOL PROPERTY

Upon separation of employment with RYSS or cessation of volunteer services, or upon the request of RYSS, an individual will return to Tejano Center for Community Concerns all such materials, including copies thereof, in the individual's possession or under the individual's control. Such materials will be returned within 24 hours of notice of separation or upon request of RYSS, whichever comes first.

The cost of repairing or replacing any supplies, materials, or equipment belonging to Tejano Center for Community Concerns, or other property that is damaged (other than normal wear and tear), stolen, or lost by an employee or that is not returned to Tejano Center for Community Concerns upon separation of employment may be deducted from the employee's wages, so long as the deduction does not take the employee's pay below minimum wage or, if the employee is a salaried employee, reduce the salary below its predetermined amount and so long as the employee has signed an appropriate wage deduction authorization form.

Any materials created by staff members for use by RYSS, or created on RYSS's time, or produced using the staff or resources of RYSS, are considered works-for-hire and all intellectual property rights are vested exclusively in Tejano Center for Community Concerns.

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