Sec. 1. ACADEMY OF ACCELERATED LEARNING, INC. PROPERTY GENERALLY

The Board of Academy of Accelerated Learning, Inc. (AAL) shall be the final authority for authorizing the use of Public Property. AAL shall not authorize use or application of public property inconsistent with this policy. *19 Tex. Admin. Code §§ 100.1113(a)(1)(B), 100.1091(c)(4).*

Sec. 2. PUBLIC PROPERTY DEFINED

An interest in real estate or personal property acquired, improved, or maintained using state funds that were received by AAL 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 § 100.1093 (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 Tex. Admin. Code § 100.1091(a).*

Sec. 3. FIDUCIARY RESPONSIBILITIES

Public property is held by AAL in trust for the benefit of AAL's students. With respect to the public property they manage, the Board and officers of AAL and AAL are trustees under Texas law and the students enrolled in AAL 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. *Tex. Educ. Code § 12.128; 19 Tex. Admin. Code § 100.1091(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 AAL's 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. *Tex. Educ. Code § 12.128; 19 Tex. Admin. Code § 100.1091(c).*

Notwithstanding delegation of authority, the Board and officers of AAL and AAL shall remain fully responsible to authorize all uses and applications of public property and to enforce this policy.

The person or entity to which any power or duty is delegated shall be held to the same standards as the governing body with respect to use of property, funds or resources, and including as fiduciaries to the students enrolled in the charter school and must act in the best interest of the students, and may be held liable under Texas Education Code §12.122, for breach of fiduciary duty, including misapplication of public funds. *19 Tex. Admin. Code § 100.1113(e).*

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Sec. 4. PERSONAL USE OF PUBLIC PROPERTY

Except as provided below, AAL employees shall use AAL public property only for purposes described in the AAL charter. *19 Tex. Admin. Code § 100.1091(c)(2).*

AAL employees may, however, use local telephone service, AAL-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 AAL administration, impede AAL functions or result in direct cost(s) paid with state funds. Should employee use result in direct cost paid with state funds, AAL shall require the employee incurring the cost(s) to reimburse AAL for such cost(s) within five business days of AAL's having incurred the cost(s). *19 Tex. Admin. Code § 100.1091(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 Tex. Admin. Code § 100.1091(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 AAL administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees. *19 Tex. Admin. Code § 100.1091(c)(2).*

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

Joint use of AAL's 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 AAL, setting forth the methodology to be used to allocate shared costs and the percentage allocation basis between charter and non-charter activities. *19 Tex. Admin. Code § 100.1091(c)(3).*

Sec. 6. CONTRACT FOR USE OF PUBLIC PROPERTY

AAL 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 Tex. Admin. Code § 100.1091(c)(6).*

Sec. 7. ACCOUNTING FOR PUBLIC PROPERTY

AAL's 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 AAL's 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 AAL's charter, and all property presently held by the charter holder Board, is public property. *19 Tex. Admin. Code § 100.1091(f).*

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Sec. 8. RETURN OF CHARTER SCHOOL PROPERTY

Upon separation of employment with AAL or cessation of volunteer services, or upon the request of AAL, an individual will return to AAL 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 AAL, whichever comes first.

The cost of repairing or replacing any supplies, materials, or equipment belonging to AAL, or other property that is damaged (other than normal wear and tear), stolen, or lost by an employee or that is not returned to AAL 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 AAL, or created on AAL's time, or produced using the staff or resources of AAL, are considered works-for-hire and all intellectual property rights are vested exclusively in AAL.

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