

**LIFE SCHOOL PROPERTY GENERALLY.**

The Board of Directors of Life School shall be the final authority for authorizing the use of Public Property. Life School shall not authorize use or application of public property inconsistent with this policy.

**Sec. 1.9.1. PUBLIC PROPERTY DEFINED.**

An interest in real estate or personal property acquired, improved, or maintained using state funds that were received by the Board of Directors of Life School 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 TAC § 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.

**Sec. 1.9.2. FIDUCIARY RESPONSIBILITIES.**

Public property is held by the charter holder in trust for the benefit of the students of the charter school. With respect to the public property they manage, the Board and officers of Life School are trustees under Texas law; and the students enrolled in the school 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.

Public property may be used only for a purpose for which a school district may use school district property, implementing a program described in Life School’s open-enrollment charter and only to implement a program that is described in the open-enrollment charter and is consistent with law and Rule.

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

**Sec. 1.9.3. PERSONAL USE OF PUBLIC PROPERTY.**

In compliance with Commissioner of Education Rule, Life School employees shall use Life School public property only for purposes described in the Life School charter. Life School employees may, however, use local telephone service, Life School-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 Life School administration, impede Life School functions or, result in direct cost(s) paid with state funds. Should said employee use result in direct cost paid with state funds, Life School shall require the employee incurring the cost to reimburse Life School for such cost within five business days of Life School’s having incurred the costs.

In further compliance with Commissioner Rule, 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.

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 Life School administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees.

**Sec. 1.9.4. USE OF PUBLIC PROPERTY REAL ESTATE FOR CHARTER AND NON-CHARTER ACTIVITIES.**

Joint use of Life School’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 Directors of Life School, setting forth the methodology to be used to allocate shared costs and the percentage allocation basis between charter and non-charter activities.

**Sec. 1.9.5. CONTRACT FOR USE OF PUBLIC PROPERTY.**

Subject to the Board’s final authority to authorize the obligation and expenditure of state funds and the use of public property, the Superintendent or designee may negotiate and agree to a contract provision that authorizes the use of public and other property for the purpose of providing goods or services under the contract, so long as the total value of the contract for use does not exceed \$5,000.00. Upon the mutual agreement to contract terms, the Superintendent or designee may allow the contractor to use public and other property to provide the goods or services set forth in the contract provided that such use is an express contract term and factored into the price of the contract. Additionally, the Board shall receive updates at regularly-scheduled Board meetings on the amount of funds generated through such agreements.

Any contract for the use of public property that exceeds a total value of \$5,000.00 must be approved by the Board.

**Sec. 1.9.6. ACCOUNTING FOR PUBLIC PROPERTY.**

Life School’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 Life School’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 Life School’s charter, and all property presently held by the charter holder Board, is public property.

**Sec. 1.9.7. RETURN OF LIFE SCHOOL PROPERTY.**

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

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