Sec. 1. MIDLAND ACADEMY CHARTER PROPERTY GENERALLY

The Board of Midland Academy Charter shall be the final authority for authorizing the use of Public Property. Midland Academy Charter 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 Midland Academy Charter 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. 3. FIDUCIARY RESPONSIBILITIES

Public property is held by Midland Academy Charter in trust for the benefit of Midland Academy Charter's students. With respect to the public property they manage, the Board and officers of Midland Academy Charter and Midland Academy Charter are trustees under Texas law and the students enrolled in Midland Academy Charter 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 Midland Academy Charter'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 Midland Academy Charter and Midland Academy Charter 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

In compliance with Commissioner of Education Rule, Midland Academy Charter employees shall use Midland Academy Charter public property only for purposes described in the Midland Academy Charter Charter.

Midland Academy Charter employees may, however, use local telephone service, Midland Academy Charter-issued cellular phones, electronic mail, Internet connections, and similar

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property for incidental personal use, provided that such personal use does not, as determined by the Midland Academy Charter administration, impede Midland Academy Charter functions or result in direct cost(s) paid with state funds. Should employee use result in direct cost paid with state funds, Midland Academy Charter shall require the employee incurring the cost(s) to reimburse Midland Academy Charter for such cost(s) within five business days of Midland Academy Charter's having incurred the cost(s).

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 the Midland Academy Charter administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees.

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

Joint use of Midland Academy Charter'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 Midland Academy Charter, setting forth the methodology to be used to allocate shared costs and the percentage allocation basis between charter and non-charter activities.

Sec. 6. CONTRACT FOR USE OF PUBLIC PROPERTY

Midland Academy Charter 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.

Sec. 7. ACCOUNTING FOR PUBLIC PROPERTY

Midland Academy Charter'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 Midland Academy Charter'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 Midland Academy Charter's charter, and all property presently held by the charter holder Board, is public property.

Sec. 8. RETURN OF MIDLAND ACADEMY CHARTER PROPERTY

Upon separation of employment with Midland Academy Charter or cessation of volunteer services, or upon the request of Midland Academy Charter, an individual will return to Midland Academy

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Charter 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 Midland Academy Charter, whichever comes first.

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

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