



A.W. BROWN  
LEADERSHIP ACADEMY

## Sec. 1. Purpose of Policy.

The Board of Directors (the “Board”) and Superintendent of A.W. Brown Leadership Academy (the “School”) shall endeavor to adopt a new School property policy. Through this policy, the Board shall address the legal requirements, as applicable, promulgated in:

- Texas Education Code § 12.128- (Charter) Property Purchased with State Funds
- 19 Texas Administrative Code §100.1063- Use of Public Property by a Charter Holder
- 19 Texas Administrative Code §100.1065- Property Acquired with State Funds Received Before September 1, 2001--Special Rules
- 19 Texas Administrative Code §100.1067- Possession and Control of the Public Property of a Former Charter Holder
- 19 Texas Administrative Code §100.1069- Rights and Duties Not Affected
- 19 Texas Administrative Code §100.1071- Real Property Held in Trust
- 19 Texas Administrative Code §100.1073- Improvements to Real Property

## Sec. 2. Applicability of Policy.

This policy pertains to all real estate acquired, improved, or maintained using state funds that were received by the charter.

## Sec. 3. Final Authority.

The Superintendent of Schools or designee shall be authorized to approve or deny the use or application of public property. However, the decision may be appealed by the Applicant. The Applicant has 15 days within receipt of the initial decision to appeal this decision to the Board of Directors. Once appealed, the Board shall be the final authority for authorizing the use of Public Property.

The District shall not authorize the use or application of public property inconsistent with this policy.

## Sec. 4. Definitions.

“District facilities” include school buildings, portable buildings, office buildings, playgrounds, athletic fields, stadiums, field houses, swimming pools, parklands, parking lots, and all other District-owned real property or improvements. “District facilities” do not include materials, supplies, equipment, or motor vehicles.

“School facilities” are defined as buildings, portables, playgrounds, athletic fields, and parking lots associated with a school.

“School-sponsored organizations” include those groups or activities directly supervised by District employees as part of the District’s instructional, athletic, cocurricular, or extracurricular programs.

“School-support organizations” are District-associated parent-teacher associations, booster clubs, parent clubs, youth/athletic organizations, and 501(c)(3) tax-exempt alumni associations and/or scholarship foundations whose requested use of a school facility directly benefit the school, students, staff, and/or parents of the school.

School-support organizations may hold fundraising activities at a school facility when the District, students, or staff are the direct beneficiaries of the funds raised.

School-support organizations shall reimburse the District for any paid staff time incurred by the District as a result of a school-supports organization's use of a school facility.

"Non-school organizations" include all organizations that do not meet the definition of a "school-sponsored" or "school-support" organization as defined above, including for-profit and not-for-profit groups, regardless of whether their intended purpose is to provide a service or benefit to the District, its students, parents, or employees.

A non-school organization whose activity is free of charge and is made up of 60-percent District student participants/attendees shall be deemed a school-support organization.

The following non-school organizations may have free use of school facilities for regular meetings being held on a school day when classes are not in session: Neighborhood associations, nonprofit community organizations, homeowner's associations, crime watch groups, and governmental agencies. Activities other than regular meetings by these non-school organizations may result in a rental fee.

Non-school organizations whose non-revenue-generating activities are of a direct benefit to the school, students, staff, and/or school parents may receive a 25-percent reduction in the rental fee of a school facility.

Non-school organizations whose revenue-generating activities are of a direct benefit to the school, students, staff, and/or school parents may receive a 15-percent reduction in the rental fee of a school facility.

Officers include all of the Central Administration team.

### **Sec. 5. Property Generally.**

An interest in real estate or personal property acquired, improved, or maintained using state funds that were received by the 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 a 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. 6. Fiduciary Responsibilities.**

Public property is held by the School in trust for the benefit of the School's students. With respect to the public property they manage, the Board and officers of the 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 the 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 Commissioner's Rules.

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

## **Sec. 7. Personal Use of Public Property.**

In compliance with the Commissioner of Education's Rules, School employees shall use School public property only for purposes described in the School's charter.

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 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. 8. Use of Public Property for Charter and Non-Charter Activities**

The school facilities are the responsibility of the District; consequently, all school-sponsored organizations/activities shall be given priority at all times in the use of any District facility. All District facilities shall be under the general control and supervision of the Superintendent of Schools, subject to terms and provisions of this policy and other rules and regulations that may be enacted by the Board and the Superintendent of Schools.

The Superintendent of Schools or designee shall be authorized to approve or deny use of District facilities in accordance with the following guidelines:

1. Non-school and school-support organizations may not rent District facilities if the proposed use would conflict with scheduled school activities. District facilities may be rented when classes are not in session, when the facility is not required for school-sponsored activities, and when the appropriate District staff is available to work and oversee the facility.
2. Organizations that may rent District facilities shall include, but are not limited to, political, civic, community, and religious groups.
3. District facilities may be used as polling places during elections, with prior arrangements made between the District and county officials.
4. District facilities may not be used for programs or activities tending to incite a breach of the peace, that contain obscenity, that advocates the overthrow of the governments of the United States and/or the state of Texas by any other than constitutional means, or that would be destructive to District property.
5. The rental of District facilities shall require prior approval from:
  - a. The campus principal for school-related facilities or the Athletic Department for District-wide athletic facilities; and
  - b. The Superintendent of Schools or designee for all other District facilities and for general compliance with this policy.
6. Use of alcohol, tobacco products, or illegal substances is prohibited in all District facilities.
7. Rental rates charged for the use of District facilities shall be established by the administration. All organizations shall be charged according to the District's schedule of fees, and such charges

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shall at least cover all District costs for the use of the facility unless otherwise specified in the fee schedule.

8. The rental of District facilities on District holidays shall be subject to the availability of authorized District staff.

9. Any organization or individual seeking to rent a District facility that:

- a. Misrepresents themselves or their activity;
- b. Fails to comply with District policies and regulations;
- c. Fails to follow the terms of the rental agreement; or
- d. Causes damage or abuses a District facility may be subject to any or all of the following:
  - (1) Immediate termination of the rental agreement;
  - (2) Immediate vacating of the premises; and
  - (3) Denial of future use of a District facility.

10. Any organization or individual that rents a District facility prior to occupying the facility:

- a. Shall be provided a copy of applicable District policies and regulations;
- b. Shall be required to sign a rental agreement;
- c. Shall comply with all terms of the rental agreement; and
- d. Shall pay any applicable rental fee in advance.

11. Renewal of a rental agreement is not automatic.

12. Long-term rental of District facilities shall be subject to guidelines developed by the Superintendent of Schools. Any proposed rental of a District facility for a period exceeding six months shall require Board approval.

### **Sec. 9. Contract for Use of Public Property.**

The School 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. 10. Accounting for Public Property.**

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

### **Sec. 11. Return of A.W. Brown Leadership Academy of Property.**

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

The cost of repairing or replacing any supplies, materials, or equipment belonging the 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 the 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 the School, or created on the School's time, or produced using the staff or resources of the School, are considered works-for-hire and all intellectual property rights are vested exclusively in the School.