

**Sec. 1. SAN ANTONIO POSITIVE SOLUTIONS, INC. PROPERTY GENERALLY**

The Board of San Antonio Positive Solutions, Inc. shall be the final authority for authorizing the use of Public Property. San Antonio Positive Solutions, Inc. 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 San Antonio Positive Solutions, Inc. 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 San Antonio Positive Solutions, Inc. in trust for the benefit of Positive Solutions Charter School’s students. With respect to the public property they manage, the Board and officers of San Antonio Positive Solutions, Inc. and Positive Solutions Charter School are trustees under Texas law and the students enrolled in Positive Solutions Charter 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 San Antonio Positive Solutions, Inc.’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 San Antonio Positive Solutions, Inc. and Positive Solutions Charter School 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, Positive Solutions Charter School employees shall use San Antonio Positive Solutions, Inc. public property only for purposes described in the San Antonio Positive Solutions, Inc. charter.

Positive Solutions Charter School employees may, however, use local telephone service, San Antonio Positive Solutions, Inc.-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 Positive Solutions Charter School administration, impede Positive Solutions Charter School functions, or result in direct cost(s) paid with state funds. Should employee use result in direct cost paid with state funds, Positive Solutions Charter School shall require the employee incurring the cost(s) to reimburse San Antonio Positive Solutions, Inc. for such cost(s) within five business days of Positive Solutions Charter School'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 Positive Solutions Charter 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. 5. USE OF PUBLIC PROPERTY REAL ESTATE FOR CHARTER AND NON-CHARTER ACTIVITIES**

Joint use of San Antonio Positive Solutions, Inc.'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 San Antonio Positive Solutions, Inc., 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**

San Antonio Positive Solutions, Inc. 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**

San Antonio Positive Solutions, Inc.'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 San Antonio Positive Solutions, Inc.'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 San Antonio Positive Solutions, Inc.'s charter, and all property presently held by the charter holder Board, is public property.

**Sec. 8. RETURN OF SAN ANTONIO POSITIVE SOLUTIONS, INC. PROPERTY**

Upon separation of employment with Positive Solutions Charter School or cessation of volunteer services, or upon the request of Positive Solutions Charter School, an individual will return to San

Antonio Positive Solutions, Inc. 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 Positive Solutions Charter School, whichever comes first.

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