

**TRIUMPH PUBLIC HIGH SCHOOLS (TPHS) BOARD POLICY  
MANUAL**

**POLICY GROUP 1 – GOVERNANCE  
SCHOOL PROPERTY**

PG-1.9

**Sec. 1. TPHS PROPERTY GENERALLY**

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

TPHS employees may, however, use local telephone service, TPHS-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 TPHS administration, impede TPHS functions or result in direct cost(s) paid with state funds. Should employee use result in direct cost paid with state funds, TPHS shall require the employee incurring the cost(s) to reimburse TPHS for such cost(s) within five business days of TPHS’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 TPHS 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 TPHS’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 TPHS, 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**

TPHS 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**

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

**Sec. 8. RETURN OF TPHS PROPERTY**

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

The cost of repairing or replacing any supplies, materials, or equipment belonging to TPHS, or other property that is damaged (other than normal wear and tear), stolen, or lost by an employee or that is not returned to TPHS 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

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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 TPHS, or created on TPHS's time, or produced using the staff or resources of TPHS, are considered works-for-hire and all intellectual property rights are vested exclusively in TPHS.