

Bond Case Briefs

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ECCLESIASTICAL ABSTENTION - TEXAS

In re Episcopal School of Dallas, Inc.

Court of Appeals of Texas, Dallas - October 11, 2017 - S.W.3d - 2017 WL 4533800

Parents of student, who was asked to withdraw from private, college preparatory school in lieu of being expelled after he allegedly left school without permission and smoked marijuana, brought action against school complaining about its disciplinary actions and application of its policies and procedures.

The District Court denied school's plea to jurisdiction and motion to dismiss based on ecclesiastical abstention doctrine. School filed petition for writ of mandamus.

The Court of Appeals held that:

- As an issue of first impression, school was faith-based institution entitled to protection for free exercise of religion;
- Ecclesiastical abstention doctrine applied to parents' claims; and
- Doctrine of laches did not preclude mandamus relief.

Private, college preparatory school was faith-based institution entitled to First Amendment protection for free exercise of religion, even though school was not owned or operated by church. School's bylaws required that at least one-half of its directors were communicants of Episcopal Church, students and faculty were required to attend and participate in daily chapel and students were required to complete mandatory religious curriculum requirements, school was member of National Association of Episcopal Schools and its head of school was Association board member, school's website emphasized that it was faith-based institution, and school's mission and purpose were religious, as it endeavored to imbue its students and staff with Christian principles and values even if they did not already subscribe to them.

Ecclesiastical abstention doctrine applied to claims by parents of student, who was asked to withdraw from private, college preparatory school in lieu of being expelled after he allegedly left school without permission and smoked marijuana, against school complaining about its disciplinary actions and application of its policies and procedures; dispute derived solely from calculus of school's internal policies and management of its internal affairs, as breach of fiduciary duty, Deceptive Trade Practices Act, fraud, negligent misrepresentation, tortious interference, breach of contract, promissory estoppel, unjust enrichment, and intentional infliction of emotional distress claims were based on the application of internal policies, procedures, and guidelines set forth in the code of conduct and school handbooks.

Doctrine of laches did not preclude mandamus relief for private, college preparatory school following trial court's denial of its plea to jurisdiction in action by parents of school, who was asked to withdraw from school in lieu of being expelled after he allegedly left school without permission and smoked marijuana, complaining about its disciplinary actions and application of its policies and procedures, despite claim that school waited 19 months before raising ecclesiastical abstention doctrine; school explained that it was waiting to complete sufficient discovery to present

comprehensive plea to jurisdiction, parents did not identify any good faith and detrimental change in position resulting from delay in their suit, and relevant time period for laches was not measured from time that doctrine was raised but with reference to mandamus petition's filing, which was two weeks after plea was denied.