

Bond Case Briefs

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CHARTER SCHOOLS - GEORGIA

Cobb County School District v. Learning Center Foundation of Central Cobb, Inc.

Court of Appeals of Georgia - November 2, 2018 - S.E.2d - 2018 WL 5729222

Charter school brought action for breach of contract against school district, alleging that district violated its obligations under the Charter Schools Act.

The Superior Court denied district's motion to dismiss. District appealed.

The Court of Appeals held that terms of the Charter Schools Act were incorporated into charter school's charter agreement, and thus, because the Georgia Constitution waived sovereign immunity for actions ex contractu, school's action for breach of contract against school district alleging violations of the district's obligations under the Act was not barred by sovereign immunity; the Act defined a "charter" in part as "a performance based contract," the Act provided that parties to a charter were deemed to have agreed to be bound by the provisions of the Act, and the Act essentially created the basic terms of a charter agreement.