

Bond Case Briefs

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SCHOOLS - ALABAMA

Sumter County Board of Education v. University of West Alabama

Supreme Court of Alabama - September 17, 2021 - So.3d - 2021 WL 4236438

County Board of Education brought action against public university and university's president and former president in their individual and official capacities, asserting claims of reformation of a deed, breach of contract, and fraud and also seeking declaratory and injunctive relief, which claims arose from university's allowance of a charter school to open on a school campus that the board of education had closed and sold to the university with the restrictive covenant that campus not be used as a K-12 school.

The Circuit Court dismissed action. Board of education appealed.

The Supreme Court held that the restrictive covenant was against public policy.

Restrictive covenant prohibiting a charter school to open on school campus that was closed and sold by county board of education was against public policy pursuant to the School Choice and Student Opportunity Act, and thus covenant was void, even though Act was enacted after covenant's execution; covenant contradicted Act's stated policy of making a closed or unused public school facility available to a qualified charter-school organization, and it thwarted Act's overall purpose of fostering competition in public education by encouraging the establishment and proliferation of charter schools.