

Bond Case Briefs

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CHARTER SCHOOLS - NEW MEXICO

Kreutzer v. Aldo Leopold High School

Court of Appeals of New Mexico - August 7, 2017 - P.3d - 2017 WL 3392759

Student brought negligence action against charter school and others based on assault on student by another student in school parking lot.

The District Court granted school's motion for summary judgment. Student appealed.

The Court of Appeals held that:

- As a matter of first impression, a charter school is a "public school" subject to suit only as permitted by an exception to the Tort Claims Act's (TCA) general rule of immunity, and
- Exception to sovereign immunity did not apply.

Provision of Tort Claims Act (TCA) waiving sovereign immunity for damages resulting from bodily injury caused by negligence of public employees while acting within scope of their duties in operation or maintenance of any building, public park, machinery, equipment, or furnishings did not waive charter schools' immunity from student's claims against school for negligence arising from attack of student by another student in school parking lot; claim relied on theory of negligent supervision.