

Bond Case Briefs

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CHARTER SCHOOLS - TEXAS

El Paso Education Initiative, Inc. v. Amex Properties, LLC

Supreme Court of Texas - May 22, 2020 - S.W.3d - 2020 WL 2601641 - 63 Tex. Sup. Ct. J. 1166

Landlord/developer filed suit against charter school district for anticipatory breach of lease executed by district superintendent for development of new charter school, and for compensatory damages and attorney fees.

The County Court at Law denied district's plea to jurisdiction, on grounds of immunity, and district appealed. The El Paso Court of Appeals affirmed in relevant part, on basis that fact issues remained whether lease was properly executed, as condition precedent to waiver of school district's government immunity. Petition for review was granted.

The Supreme Court held that:

- As matter of first impression, charter school district was entitled to governmental immunity from liability and suit, to same extent as public school;
- Lease negotiated and signed by superintendent of charter school district for development of new open-enrollment charter school was not "properly executed," and thus, district did not waive its governmental immunity from suit and liability;
- School district was not estopped from asserting its entitlement to governmental immunity from suit.