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ANNEXATION - TEXAS

Lampasas Independent School District v. Morath

Court of Appeals of Texas, Austin - January 21, 2022 - S.W.3d - 2022 WL 193198

Independent school district sought judicial review of the Commissioner of Education's decision to allow land developer to detach its land from that school district and annex it to another.

The 53rd District Court upheld the Commissioner's decision. School District appealed.

On rehearing and as a matter of first impression, the Court of Appeals held that Commissioner lacked jurisdiction over developer's petition for review absent a decision denying detachment petition.

Commissioner of Education lacked jurisdiction over developer's petition for review seeking detachment and annexation of school territory, pursuant to statutory provision allowing parties aggrieved by school districts' split decisions regarding such petitions to appeal to the Commissioner, absent a decision by one school district's board of trustees denying the petition; while one school district's board of trustees failed to act on the petition, board's failure to act was not a denial of the petition.