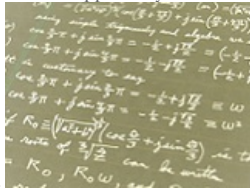


DID SCHOOL DISTRICT VIOLATE RIGHTS BY NOT OFFERING EMPLOYEE CONTRACT?



A woman employed by the Orleans Parish Recovery School District in Louisiana filed a lawsuit alleging a violation of equal protection rights. She had not been given a contract, while the other principals working for the school district had been employed under contract. The woman was the principal of the Booker T. Washington school for the 2009-10 school year and was terminated on January 25, 2010. She believed that her lack of a contract violated her due process rights, as the school district had allegedly neglected remedial steps that the state law requires. Accordingly, the suit was filed under Louisiana state law but was removed to federal court. The plaintiff initially sued the school district, but she later amended her complaint to name the Louisiana Department of Education as the defendant. Her charges included 42 U.S.C. §§ 1981 ("Equal rights under the law"), 1983 ("Deprivation of rights") and 1985 ("Conspiracy to interfere with civil rights"). The district court granted a motion for partial summary judgment for the defendant, dismissing with prejudice the § 1983 claim, as the Louisiana Department of Education was "an arm" (a state-created entity or organization) of the state of Louisiana and not a "person" who can be sued under § 1983. The court also dismissed the § 1981 claim, associating it with the charge of deprivation of rights, and the § 1985 claim, because the woman had offered no evidence to support any interference from her employer. As only the state law claims remained, the district court



remanded the lawsuit right back to state court. The woman appealed the court's dismissal with prejudice of the § 1983 claim. This section of the law provides allowance for a person to initiate action for being deprived of "any rights, privileges or immunities secured by the Constitution and laws." The "person" named in the suit, however, cannot be states or arms of a state. Consequently, action cannot be brought against corresponding entities or anyone acting on behalf of said entities. The woman's originally named defendant, the school district, falls under this category, an entity that cannot be sued. She was granted leave by the court to name a "proper defendant," but the state's Department of Education was likewise protected under Section 1983. In her argument to the U.S. Court of Appeals, Fifth Circuit, the plaintiff denoted the district court's summary judgment as "inappropriate," since the school district is regarded as a "person" under § 1983 and should not receive any immunity under the Eleventh Amendment of the Constitution. Alas, the school district was no longer the defendant named in the woman's lawsuit, since she had altered her complaint to identify the Louisiana Department of Education as the defendant. The appeals court therefore discounted her argument and, believing that the district court had rightly dismissed the plaintiff's claims, affirmed its decision.