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THE NEW YORK UNIVERSITY EQUITY ASSISTANCE  
CENTER PERIODIC E-MAIL NEWSLETTER

EQUITY BITS & BYTES

THE Metropolitan Center FOR Urban Education

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**In the Courts:**

**Recent Cases Impacting  
School Equity**



**In *Priester v. Lowndes County School District***  
the U.S. District Court for the Northern District of Mississippi affirmed a lower court decision that a racially motivated attack that occurred during a high school football practice did not constitute a valid civil rights claim against district officials.

In this case, a black high school football player at New Hope High School in Columbus, Mississippi sued the district superintendent and the high school principal and football coaches. In the suit, Priester alleged that there was a conspiracy between the assailant (another football player) and the coaches to deprive the black student of his federal civil rights.

The case arose during a football practice when a white teammate thrust his hands through Priester's helmet and gorged his eye resulting in permanent damage to the eye. The coaches allegedly heard the preceding racial epithets and witnessed previous assaults but did nothing to protect Priester. On previous occasions, the head football coach subjected Priester to "numerous racial epithets." The suit alleged that the coach contributed to the racially hostile atmosphere by using racial epithets himself and did not respond to the use of epithets by white students, his actions and omissions amounted to a conspiracy to deprive Priester of his federal civil rights.

The primary consideration for the court was whether the person who deprived someone of a federal right (the white student) was acting under color of law. For a private citizen, the person must have conspired with state actors in order to be liable. The court determined that there was no agreement between the coaches and the white

student sufficient to sustain the federal civil rights claim.

The court also rejected the 14<sup>th</sup> Amendment claim that because the coaches failed to protect Priester from the violence inflicted upon him, he was denied due process. Here, the court found that none of the limited circumstances when due process confers an entitlement to governmental aid applied and, therefore, no due process violation existed.

Notably, the court considered and rejected the "special relationship exception" as applied to school sponsored activities because the football practice in question was a school activity that occurred "outside the time during which students are required to attend school."

*Priester* is a 5<sup>th</sup> Circuit decision, directly applicable to Mississippi, Louisiana and Texas.

***Priester v. Lowndes County School District***, No. 02-60750 (5th Cir. January 7, 2004) Access: <http://caselaw.lp.findlaw.com/data2/circs/5th/0260750cv0p.pdf> to read the case online.

**Featured in this Issue:**

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4. Equity Calendar

## District Highlight:

### EAC presents on NCLB in Puerto Rico



In December, the NYU EAC worked with the Southeast Regional Resource Center from Auburn University and attorney, Leigh Manasevit on No Child Left Behind training sessions to the Puerto Rico Department of Education.

The 2-day conference focused on providing the following:

- a train the trainers experience for the Puerto Rico Department of education Legal Division on the NCLB and IDEA reauthorization;
- opportunities for participants to problem solve on the interface of both Acts; and,
- opportunities for participants to form training teams and develop action plans.

The training included sessions on the particulars of NCLB including the structure of the law, analysis of recent developments in Title 1 and the reauthorization of the Individuals with Disabilities Education Act (IDEA) and how it overlays the NCLB.

EAC Director, Dr. Joan O. Dawson presented a session on utilizing the NCLB information to effectively implement Puerto Rico's Consolidated State Application. EAC staff also presented on collaboration and team building in order to accomplish NCLB-driven tasks and responsibilities.

In order to find out more about how your organization and/or schools might benefit from working with EAC, e-mail or call us!

### EAC offering technical assistance on NJ Comprehensive Equity Plans

All school districts and charter schools in New Jersey are required to complete the revised Comprehensive Equity Plan (CEP) by May 5, 2004. The NYU EAC has supported New Jersey schools in developing and implementing CEPs in the past and will offer technical assistance to schools and districts in need of such assistance again this year.

The three year CEP must detail how schools and districts will comply with federal and state equity and equality laws from 2004 to the 2006-2007 school year. The Plans are to be submitted to both County Offices of Education and the Office of Specialized Populations in Trenton. Among the revised CEP requirements is that districts and charter schools appoint both an Affirmative action Officer AND an Affirmative Action Team to assist the officer in conducting a school/district needs assessment and developing the CEP. Implementation of the new CEP is to begin July 1, 2004.

Contact EAC to request technical assistance with your school/district CEP. To obtain further information on the CEP on the web, access: <http://www.state.nj.us/njded/equity/cep.pdf>

**Data Source:** NCES, Projections of Education Statistics to 2013, accessible on-line at: <http://www.nces.ed.gov/programs/projections/>

## Did you know?

Projected percent increases/decreases in public elementary and secondary school enrollment by state: 2001-2013

Alaska	17.0	New Hampshire	-0.2
Hawaii	16.1	North Carolina	-0.9
California	15.7	Wisconsin	-1.1
Idaho	15.1	Minnesota	-1.2
New Mexico	14.9	Iowa	-1.6
Nevada	13.8	Alabama	-1.7
Wyoming	13.1	Oklahoma	-1.7
Utah	12.7	Pennsylvania	-1.9
Arizona	12.0	Massachusetts	-2.4
Texas	11.2	Maine	-2.4
Colorado	8.8	Mississippi	-2.4
Georgia	6.8	District of Columbia	-2.8
Washington	5.7	Connecticut	-2.8
Oregon	5.4	Arkansas	-2.9
Florida	5.4	Ohio	-3.2
Montana	4.6	Vermont	-3.2
Virginia	4.3	<b>New York</b>	<b>-3.5</b>
South Dakota	2.6	North Dakota	-4.5
<b>New Jersey</b>	<b>2.5</b>	Kentucky	-5.5
Michigan	2.4	West Virginia	-6.1
Tennessee	2.4		
Nebraska	2.0		



**Take Note:**

**NYC seeking  
community  
members to serve  
on new CEC's**

This month, NYC Schools Chancellor Joel Klein announced the recruitment of parents to serve on the city's new Community Education Councils (CECs). These Councils were created to replace the previously existing 32 Community School Boards throughout the City. The CEC's will be constituted as follows:

- Each CEC will have nine parent members, two members appointed by the Borough President and one student representative.
- The Citywide Council on Special education will include nine parents, one student representative and two members appointed by the Public Advocate.
- The Citywide Council on High schools will have ten parent members and one student representative.

In order to serve on any of the CECs, parents will nominate themselves and then be selected to serve by the officers of Parent and Parent-Teacher Associations.

Because strong and engaged parents play a critical role in creating great schools, the Chancellor is encouraging all parents to consider nominating themselves. Applications are due by March 16, 2004.

Contact any Department of Education office for an application.

**NCLB Superintendents  
Hotline**

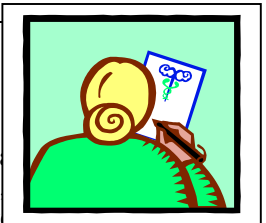
The U.S. Department of Education recently created a new resource for superintendents in need of assistance with NCLB. The **Superintendents Hotline** will provide live U.S. Department of Education employees to respond to questions on topics including Reading First, adequate yearly progress, public school choice options and supplemental educational services.

The Hotline will be available only to superintendents. It will be staffed on weekdays from 8 a.m. to 5 p.m., Eastern Standard Time but will receive messages after hours.

The **Hotline number is 1-888-NCLB-SUP**. Questions can also be submitted via e-mail at [NCLBSUP@ed.gov](mailto:NCLBSUP@ed.gov).

Each Superintendent in the nation should have received a Superintendents Hotline card for quick reference in using the new service. If you have not received one – contact the U.S. Department of Education at the e-mail address above so that you can have your NCLB questions addressed immediately.

**Girls Science Opportunity**



The Women's Technology Program at Massachusetts Institute of Technology (MIT) offers a 4-week summer residence opportunity for girls. The Program will introduce high school girls to electrical engineering and computer science. If you know a girl who is currently a high school junior with demonstrated math and science ability and an interest in finding out about EECS, please encourage her to visit the Women's Technology Program website for more information and for an application form at: <http://wtp.mit.edu>. Classes are taught in a supportive environment by a staff of women MIT PhD candidates and undergraduates. The full-time academic program includes hands-on experiments and team-based projects in computer science, electrical engineering, and mathematics.

## Equity Q & A



## Equity Calendar

Q: Where can I obtain information on the No Child Left Behind legislation in Spanish?

A: The New York State Education Department has posted NCLB information documents entitled, "Just the Facts for Parents," and "Exactamente los Detalles para los Padres de NY" on its website at <http://www.emsc.nysed.gov/deputy/nclb/parents/parents.htm>.

The New Jersey Department of Education also has NCLB information in Spanish on its website at: <http://education.state.nj.us/rc/>.

Q: Where can I find information on the New York State Regents Examination Schedule?

A: Access <http://www.emsc.nysed.gov/deputy/assessment/6-04examschedule.htm>.

Q: I heard that the NYC Schools Chancellor is holding community meetings throughout the city over the next few months. When and where?

A: The NYC Community Engagement meetings will be held from late January through mid-March in various locations throughout the city. To locate one convenient for you access <http://www.nycenet.edu/Parents/NewsInformation/ParentEngagement.htm>

## Recommended Reading:



U.S. Department of Education, The National Center for Educational Statistics, "Status and Trends in the Education of Blacks" (2003-034) at <http://www.nces.ed.gov/pubs2003/2003034.pdf>

"A Pernicious Silence: Confronting Race in the Elementary Classroom" Lillian Polite and Elizabeth Baird Saenger, Phi Delta Kappan, December 2003, Volume 84, Number 4 at <http://www.pdkintl.org/kappan/ktoc0312.htm>

### February 2004

Association for Gender Equity Leadership in Education – Call for Presenters  
**Proposals due February 20<sup>th</sup>**  
For more information contact:  
[www.agele.org](http://www.agele.org)

### March 2004

The Vermont Institutes  
Closing the Gap Conference  
**March 22-23, 2004**  
Burlington, Vermont  
For more information contact:  
<http://www.vermontinstitutes.org/equity/closingthegap>

### April 2004

Magnet Schools of America "MSA" –  
Annual Conference  
**April 18-22, 2004**  
Raleigh, North Carolina  
Contact MSA at (202)824-0672

## The Equity Assistance Center

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