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Equal Protection

Schneider v. Sobol[444]
(decided June 28, 1990)

Plaintiffs, who were school principals, department chairpersons and other administrators who taught but were primarily administrators, challenged the definition adopted by the Commissioner of Education (Commissioner) under title 8 of the New York Code Rules and Regulations (NYCRR) section 175.35(e)(1)(i),[445] which specifies the class of teachers eligible for additional salary compensation pursuant to the Excellence In Teaching Supplemental Salary Program (EIT)[446] as violative of their equal protection rights under both the federal[447] and state[448] constitutions. Using a rational relation test, the court held that the "challenged regulation draws a legitimately discrete line, having a fair and substantial relationship to the purposes of the EIT legislation"[449] and declared section 175.35(e)(1)(i) constitutional. EIT is a statewide program established in 1986 that uses state funds to improve the salaries of teachers employed by local school districts. Its "goal was to promote the recruitment and retention of quality teachers by providing supplementary compensation to offset budget shortfalls experienced by local school districts and Board of Cooperative Educational Services."[450] The program's commissioner defined persons eligible as "anyone who teaches and is compensated under teachers' salary schedules."[451] Plaintiffs, administrators who also taught and were compensated under administrators' salary schedules, brought suit to challenge their ineligibility under the program. Plaintiffs' argued that the work they performed was primarily the same as that of teachers who also have

444. 76 N.Y.2d 309, 558 N.E.2d 23, 559 N.Y.S.2d 221 (1990).
445. N.Y. COMP. CODES R. & REGS. tit. 8, § 175.35(e)(1)(i) (1985).
446. N.Y. EDUC. LAW §§ 1900(15)(a), 3602(27)(a) (McKinney 1991).
447. U.S. CONST. amend. XIV, § 1.
448. N.Y. CONST. art. I, § 11.
449. *Sobol*, 76 N.Y.2d at 314, 558 N.E.2d at 25, 559 N.Y.S.2d at 223.
450. *Id.* at 313, 558 N.E.2d at 24, 559 N.Y.S.2d at 223.
451. *Id.; see* N.Y. COMP. CODES R. & REGS. tit. 8, § 175.35(e)(1)(i) (1985).

administrative duties but who are not considered primarily administrators. Therefore, plaintiffs argued, that the definition of eligibility treats similarly functioning persons unequally, rendering the disparate classification unconstitutional.

The New York Court of Appeals reasoned that the purpose of the legislation was to relieve some of the economic burden of underpaid educators. The court held that the regulation was not irrational because teachers who primarily teach, but also have administrative duties, are on lower salary schedules than full time administrators who also teach. The court stated that the identified state interest of enhancing the salaries of underpaid teachers enjoys a presumption of constitutionality.[452] The court reasoned that "the selection of 'teachers salaries' compensation schedules as the line of demarcation, allowing only some teaching administrators to qualify, is not bereft of legislative justification; rather, it is consistent with the words, history and intent of the statute."[453] The court found that the disparate treatment was not arbitrary, but rather, rationally related to the objectives of the program.

The rational relation test is applied when determining the constitutionality of economic and social legislation under both the federal and state constitutions. In *Dandridge v. Williams*,[454] the United States Supreme Court established that:

> In the area of economics and social welfare, a State does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect. If the classification has some "reasonable basis," it does not offend the Constitution simply because the classification "is not made with mathematical nicety or because in practice it results in some inequality."[455]

Therefore, if the state can reasonably justify its legislation, the statute will be upheld. In *Dandridge*, the Court upheld a

452. *Sobol*, 76 N.Y.2d at 315, 558 N.E.2d at 25, 559 N.Y.S.2d at 223.

453. *Id.* at 316, 558 N.E.2d at 26, 559 N.Y.S.2d at 224.

454. 397 U.S. 471 (1970).

455. *Id.* at 485 (quoting Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61, 78 (1911)).

Maryland economic assistance program.[456] The Court further wrote that a state did not have to "choose between attacking every aspect of a problem or not attacking the problem at all. It is enough that the state's action be rationally based and free from invidious discrimination."[457]

New York State has likewise adopted the rational basis standard enunciated in *Dandridge* when determining whether legislation is not unconstitutional under the equal protection clause of the New York State Constitution. In *Alevy v. Downstate Medical Center*,[458] the New York Court of Appeals referred to *Dandridge* and found that the rational relation standard is accepted as the proper test to be applied in the areas of economic and social welfare legislation.[459]

Therefore, in analyzing an equal protection claim under the New York State Constitution, the New York Court of Appeals utilizes the same principles as the United States Supreme Court uses in analyzing an equal protection claim under the United States Constitution.[460] To wit, social and economic legislation is subject to the lowest form of judicial scrutiny, the rational relation standard. Additionally, each court system condones a "one step at a time" program for dealing with social and economic reform.

Golden v. Clark[461]
(decided October 23, 1990)

Plaintiffs, various city and political party officials, voters, and political parties, challenged the constitutionality of New York

456. *Id.* at 487.

457. *Id.* at 486-87 (citations omitted).

458. 39 N.Y.2d 326, 348 N.E.2d 537, 384 N.Y.S.2d 82 (1976).

459. *Id.* at 332, 348 N.E.2d at 542, 384 N.Y.S.2d at 87.

460. *See, e.g.*, Diamond v. Cuomo, 70 N.Y.2d 338, 342, 514 N.E.2d 1356, 1357, 520 N.Y.S.2d 732, 733 (1987); Elmwood-Utica Houses, Inc., v. Buffalo Sewer Auth., 65 N.Y.2d 489, 495, 482 N.E.2d 549, 552, 492 N.Y.S.2d 931, 934 (1985); Under 21, Catholic Home Bureau for Dependent Children v. City of New York, 65 N.Y.2d 344, 364, 482 N.E.2d 1, 10, 492 N.Y.S.2d 522, 531 (1985).

461. 76 N.Y.2d 618, 564 N.E.2d 611, 563 N.Y.S.2d 1 (1990).