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Teacher lawsuit: Ed. Board illegal

By CARL CAMPANILE

EXCLUSIVE

A city teacher has sued her bosses at the Board of Education, charging that the seven-member body is illegal and should be abolished.

Veteran Bronx teacher Laura Spalter alleges that the board violates the principle of one-person, one-vote by giving each borough the same influence despite huge differences in population.

"I dream of dismantling the Board of Ed every day. It's a dysfunctional system — a dinosaur that can't be fixed," said Spalter, a social studies teacher at MS 80 in Norwood.

Her lawyer is James Fogel, a retired Bronx Criminal Court judge who now teaches at Frederick Douglass Academy in Harlem.

A conference is scheduled for tomorrow in Eastern District Court in Brooklyn.

Under the current structure, each of the five borough presidents, from Brooklyn, Queens, Manhattan, The Bronx and Staten Island, appoints a representative to the board. The mayor appoints two members.

The representative from Staten Island, with 430,000 residents, has the same one vote as the appointee from Brooklyn, with 2.5 million people.

"A vote for a Staten Island resident is worth five times more than a person in Brooklyn. You're not supposed to do that," Fogel said.

Consequently, he said, the current board violates the equal-protection clause of the U.S. Constitution.

He noted it's the same argument that was successfully used to dismantle the city Board of Estimate. The U.S. Supreme Court ruled it was unconstitutional to give the borough president from each county equal weight despite disparities in population.

But the city Law Department is defending the board and moving to have the case dismissed — although its boss, outgoing Mayor Giuliani, wants the board eliminated and the school system brought under City Hall's control.

"The composition of the Board of Ed does not violate the one-person, one-vote rule because it's an appointed board," said Georgia Pestano, deputy chief of the Law Department.

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