

State, city still at odds over segregation of 3 hepatitis carriers

By SYDNEY FREEDBERG

The state and city appear to be at odds over the future of three New Springville public school children identified as carriers of hepatitis and excluded from regular classes since last October.

State educators, on the one hand, have condemned the segregation of the carrier children, all of them mentally retarded, from 147 other special education pupils at PS 69, Merrymount Ave., on the ground that such separation constitutes unlawful discrimination.

City health specialists, meanwhile, fearing a "remote risk" of transmission of the disease, are calling on the Board of Education to offer two sets of classes — one for carrier children and one for susceptible children.

The Board of Education which has the final word, says it is reviewing the seemingly contradictory recommendations of the two agencies, with a decision expected later this spring for implementation in September.

Whatever is decided, Board of Education officials concede, will be viewed as wrong by some party in what Melvin Warren, associate director of the board's health council, called a "no-win dispute."

The entire controversy emerged last October, when Frank Kelly, the principal at PS 69, told the school's parents that three carrier children, all former or current residents of the Willowbrook Developmental Center, had been attending special education classes there.

At some point at Willowbrook, the trio, along with at least 34 children attending 24 city schools, became unwitting carriers of Type B hepatitis, a disease commonly associated with large institutions that can cause nausea, jaundice and liver damage.

As carriers, the victims do not have the disease, but can, through unhygienic conditions transmit it.

Despite assurances from medical experts that the risk to susceptible children was "negligible" with no secondary cases reported, the parents remained wary.

School authorities acted swiftly to segregate the three pupils in a classroom with a teacher who volunteered to instruct them, promising a firm citywide policy sometime in the future.

And the three handicapped youngsters, all severely retarded, apparently realized they'd been accorded special treatment, but didn't understand just

why.

Dr. Hannah Flegenheimer, the state Education Department's associate coordinator for regional programs, said yesterday that her office reviewed the PS 69 case, and decided that the two-tier setup of classes there was unsatisfactory.

The segregatory practice, while concentrating on solving a "health risk," violated the spirit of a federal law calling for equal access to the handicapped and guaranteeing all impaired people the right to "mainstream" in society, Dr. Flegenheimer said.

But then, she added, a blue-ribbon panel convened by the city Health Department to consider guidelines for hepatitis carriers in the school, issued "recommendations quite different from our directive."

"We've tabled ours (directive)," Dr. Flegenheimer said, adding that she's hopeful "a compromise can and will be worked out" that weighs educational

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