

Hepatitis carriers barred from attending city schools

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A state mental hygiene official asked a federal judge yesterday to reinstate 52 children and young adults barred from attending city schools because they are hepatitis carriers.

The Board of Education Saturday sent Mailgrams to parents of the students, all of whom are mentally retarded, announcing it has decided to exclude hepatitis carriers from schools in the "interest of health and safety."

The pupils, most of whom are current or former residents of the Staten Island Developmental Center, were scheduled to start special education classes yesterday in schools throughout the city.

Some of the students were to attend school yesterday for the first time. But they were sent home soon after they arrived.

Among the schools affected by the board's decision is PS 69, Merrymount Ave., New Springville, where three carrier children were segregated last year and placed in their own classroom with a teacher who volunteered to teach them. It was the only city school where carrier children were segregated last year.

The court action attempting to overturn the Board of Education's decision was initiated by the Willowbrook Review Panel, a court-appointed monitor, with the backing of Thomas A. Coughlin, commissioner of the state Office of Mental Retardation and Developmental Disabilities.

Coughlin, in a brief filed in Brooklyn Federal Court, charged that the 52 students were being "unfairly and illegally" discriminated against.

There is no evidence, Coughlin and review panel member Michael S. Lottman said, that the hepatitis carriers pose any threat to non-carrier students.

Judge John R. Bartels, who has heard most federal cases involving the former Willowbrook State School, was scheduled to rule today on a request by Coughlin and Lottman to make the Board of Education reinstate the students pending a court hearing.

The controversy emerged last October, when Frank Kelly, the principal of PS 69, told the school's parents that three carrier children had been attending special education classes there.

At some point, the three children, among 42 former center residents affected by the board's decision, had become unwitting carriers of Type B hepatitis, a disease commonly associated with large institutions that can cause nausea, jaundice and liver damage.

As carriers, the students do not have the disease, but could, through blood contact, transmit it.

Because of concerns expressed by PS 69 parents, the Board of Education segregated the three youngsters and announced plans to develop a citywide policy concerning hepatitis carriers in the school.

The Board of Education is mandated by a federal law enacted last year to finance education, either in public or private schools, for all handicapped youngsters.

Robert Terte, a Board of Education spokesman, said the board decided on a policy banning the hepatitis carriers from the public schools after consultation with city Health Department officials. He declined to elaborate on the board's reasoning, saying the matter is before the courts.

Coughlin, in calling on Bartels to block the board's action, said medical experts estimate that four percent of the population is hepatitis carriers.

Yet, Coughlin said, the Board of Education tested only mentally retarded students to determine if they are hepatitis carriers.

Those students, Coughlin said, were therefore being denied equal access to education guaranteed by state and federal laws.

Center aide held in assault

Police last night arrested a 55-year-old Graniteville resident and charged him with a Sept. 2 assault of a 23-year-old resident of the Staten Island Developmental Center. Willowbrook.

According to police, Anthony Maroncelli of 21 Eunice Pl., a mental health therapy aide, threw a chair at the resident, causing him to need treatment at the U.S.P.H.S. Hospital.