



THOUGHT LEADERS

IMMUNIZATION LAWS

State law enacted earlier this year creates challenges for educators



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Legal, educational and medical aspects of the state's immunization regulations were the topic of a recent Thought Leaders discussion at Hodgson Russ LLP. Panelists, from left, were Andrew Freedman, Lindsay Menasco, Melinda Saran and David Evans.

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Educators have long had to manage immunization requirements for students, with a goal of protecting the student population along with faculty and staffers.

Those requirements became more difficult this school year with a state law passed in June that eliminates religious exemptions. The legislation followed last year's national measles outbreak, which included more than 1,000 cases in New York.

According to the law, unless they have a valid medical exemption, all children must complete age-appropriate immunizations to enroll or remain in school. They

also must provide evidence to their school of completed or scheduled appointments.

Schools face civil penalties for disregarding the law, which applies to all K-12 public, private and parochial schools in New York, as well as public and private preschool and day care centers.

For schools, the law has pluses and minuses, said David Evans, assistant superintendent of pupil personnel services at Cleveland Hill Union Free School District, which last year had four students who claimed religious exemptions.

"We were seeing more requests for religious exemptions," he said. "Our building educators would have to spend their evenings looking up

tenets of these religions to see if these were truly deeply held beliefs, then notify the parents they're denying the exemption, which is an uncomfortable position for them."

Evans discussed the effect of the new law with attorneys from Hodgson Russ LLP and an administrator and professor from the University at Buffalo School of Law as part of a Buffalo Business First Thought Leaders discussion hosted by the law firm.

All agreed the new law certainly has had an impact on families and schools.

Melinda Saran is vice dean for social justice initiatives at the law school but her background is as an education attorney. She said the law brings up issues around personal lib-

erties, as well as population health, and leads to questions about what's right for the greater good of society.

Another issue is the requirement that parents provide the information rather than it coming directly from the pediatrician.

"You have HIPAA blocking that disclosure of information directly to the school districts and that creates another barrier," she said. "It's a very tough balance."

Lindsay Menasco, senior associate at Hodgson Russ, said the key is treating all families with compassion and dignity but helping them understand the importance of the law.

"I don't think these conversations have ever been easy. Many of our school district clients have had those

with DAVID EVANS AND MELINDA SARAN



“When this law first came out, for our building principals there was a bit of a sigh of relief that they were no longer the judge and jury on whether this was actually a deeply held belief by a parent.”

DAVID EVANS, assistant superintendent of pupil personnel services, Cleveland Hill Union Free School District



“We also get into the question of personal liberty. Most of the religious aspect is the same idea, that ‘it’s my body, so how can the state dictate what I do to my body?’ versus the police state, that we need to protect all people.”

MELINDA SARAN, vice dean for social justice initiatives, University at Buffalo School of Law



“We’re walking clients through the procedures and how to navigate the law and those requirements, but we’re also sort of counseling them on how to deal with their families with compassion and dignity throughout the process.”

LINDSAY MENASCO, senior associate, Hodgson Russ LLP



“Schools have lots of different people coming in and some of those people are immune-compromised. So while people who don’t have vaccinations generally believe it only affects them, that’s a misperception.”

ANDREW FREEDMAN, partner, Hodgson Russ LLP

► CLOSER LOOK AT THOUGHT LEADERS

Thought Leaders is an ongoing series of discussions with Western New York business leaders and attorneys at Hodgson Russ LLP.

Each month, leaders in diverse industries meet for a roundtable discussion moderated by Business First journalists. Excerpts from the conversation are published after the roundtable.

Discussions are held in the law firm’s Pearl Street offices in Buffalo.

conversations with the parents, so this is not a decision taken lightly,” Menasco said.

Evans said part of the problem with some families is the perception they are losing control.

“When they are upset, they’re upset more of the loss of choice: They’ve had their ability of having choice taken away from them rather than the school district taking something away,” he said. “They understand where this is coming from; they’re just upset about it.”

Districts have hired more nurses and other administrators to help manage the requirements, with some relying on complex Excel databases to track who had what immunization and when, and who is due. Because the law is so new, there’s no software to help manage the process yet, nor funding from the state to help pay for



Melinda Saran, vice dean for social justice initiatives at UB School of Law, and David Evans of the Cleveland Hill school district shared their experiences dealing with immunization regulations.

tools to help with compliance.

The schools also are dealing with families who may have difficulty accessing medical care for their children, as well as immigrant and refugee families who lack proper documentation or face language barriers to prove compliance.

Another issue is how to manage

students who are 18 or older, including those with disabilities who attend school through age 21 and are not covered by the law as it is currently written.

More guidance is needed and expected to emerge throughout the first year as the law is implemented, said Andrew Freedman, partner at

Hodgson Russ.

“School districts are just trying to make it through this period, trying to keep their heads above water and make sure they’re compliant. But at some point when we can catch our breath and breathe, we’ll look at the long term and what this looks like,” he said.