

Feds sue district over service dog

BRIAN SHARP

@SHARPROC AND **MEAGHAN M. MCDERMOTT** @MEAGMC

The Department of Justice sued the Gates Chili Central School District on Tuesday for refusing to allow a child to bring her service dog to school unless accompanied by a handler, paid for by her family.

Federal officials previously determined that the district's actions were illegal, a position similarly taken by the state Department of Education. This three-year-long dispute involves the family of Devyn Pereira, and dates to when the child began kindergarten at

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Terry Taylor Elementary School in the Spencerport Central School District. Devyn has always attended school in Monroe 2-Orleans Board of Cooperative Education classrooms funded by the Gates Chili school district, but the classrooms have not always been in Gates Chili school buildings. She currently attends third grade at Neil Armstrong Elementary School on Lyell Road in a special class for medically fragile children.

In a statement, U.S. Attorney William Hochul said the Gates Chili district had ignored repeated requests to allow the student's 1:1 aide or other staff to assist with the dog.

The Pereira family has paid more than \$25,000 for the handler to date. The Department of Justice directed the district to reimburse the family earlier this year. The district instead challenged the ruling and filed an appeal with the state Education Department. As of August, the district had spent more than \$34,000 on legal fees associated with the case.

"It is no longer acceptable — if ever it was — for a district to refuse reasonable modifications to a child who seeks to handle her own service dog," Hochul said. "Certainly since passage of the American with Disabilities Act in 1990, such failure not only violates the dictates of conscience, it also violates the law."

The lawsuit seeks an order finding the district in violation of the ADA, requiring that the student be allowed to act as the handler for her dog with the assistance of school staff, and for the district to pay compensatory damages.

"I am extremely excited that we are moving in this direction," said Heather Pereira, Devyn's mom. "It has been a long time coming."

She continued: "It means everything to us to know that the United States of America is willing to sue Gates Chili because of the discrimination they have shown to my little girl."

Devyn has significant special needs stemming from a neurodevelopmental genetic disorder called Angelman syndrome, severe epilepsy, autism and other disabilities. She is non-verbal and has limited communication via a speech-generating device called a DynaVox and some approximate sign language.

Her service dog, a Bouvier des Flandres named Hannah, has been trained to spot the subtle signs of Devyn's oncoming seizures and alert her caregivers.

School district spokeswoman Jackie Finn said the district believes the suit is without merit. The district has previously argued that the Department of Justice finding was at odds with the language and application of the ADA service dog rules.

Heather Pereira said she and Devyn are grateful for the support from the Department of Justice, nonprofit legal group Empire Justice, state Assemblyman Joseph Morelle, D-Irondequoit, and the community, which has “helped keep us in this, even when the district has worked so hard to exhaust us and make us feel defeated.”

BDSHARP@Gannett

.com MCDERMOT@Gannett.com



Heather Pereira, right, with her daughter, Devyn; Devyn's nanny, Jenn Horozko, and Devyn's service dog, Hannah.

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