

## Gates Chili challenges service dog ruling

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STAFF WRITER

The Gates Chili Central School District has asked the Department of Justice to clarify and possibly revoke a ruling that found the district in violation of federal law for refusing to allow an 8-year-old girl to bring her service dog to school on her own.

The ruling was issued two weeks ago in response to a nearly two-year investigation of a dispute between the district and the family of Devyn Pereira, a second-grader at Neil Armstrong Elementary School in Gates with Angelman Syndrome, which manifests itself in severe autism and epilepsy.

A prepared statement released Wednesday by the district read that the ruling was "at odds with the language and application of the existing officially published Americans with Disabilities Act service dog rules."

"As a result, the district has concluded that it is not only appropriate but necessary to ask DOJ for clarity, reconsideration and perhaps substantially modify or revoke its Letter of Findings ...," the statement read in part.

At issue was not whether Devyn could bring her service dog, a white bouvier named Hannah, to school. But rather whether the district's policy that the dog be accompanied by a "handler" provided and paid for by Devyn's family was in step with ADA rules.

Heather Pereira, Devyn's mother, objected to the demand, arguing that Devyn was the handler and that her daughter only needed minimal assistance from school staff to work with Hannah.

The Department of Justice and, subsequently, the state Department of Education agreed. The DOJ ordered the district to reverse its policy and pay damages to the Pereiras that cover their expenses, among other things. Since the dispute began in September 2012, Pereira has paid a handler over \$25,000, according to the DOJ. The DOJ ruling and the district's challenge of it are significant because it could have implications for service dogs in public schools nationwide. In its statement, the district indicated that it was also challenging the state Department of Education's stance on the matter.

"If I was a taxpayer in Gates Chili, I would want to know why my dollars were being used to pay lawyers rather than provide assistance to a medically fragile little girl who just wants to bring her service dog to school," said Kristin Small, a disability rights lawyer with the Empire Justice Center who is handling the Pereiras's case. "Two government agencies have found that the district's interpretation of the law was mistaken. It is time to move on."

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**Heather Pereira, right, poses with her daughter, Devyn, left, and Devyn's nanny, Jenn Horozko, center, with Devyn's**

**service dog, Hannah.**

ANNETTE LEIN/@BIKEBIZZLE/ STAFF PHOTOGRAPHER

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**KRISTIN SMALL, DISABILITY RIGHTS LAWYER WITH THE EMPIRE JUSTICE CENTER WHO IS HANDLING THE PEREIRAS' CASE**

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