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State Says Deaf Student May Take Service Dog to School

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More than a year after the East Meadow School District in Nassau County barred a deaf high school student from taking his service dog to school, a state official ruled on Monday that the district had violated the state's Human Rights Law.



Kirk Condyles for The New York Times

John Cave Jr., who is deaf, was barred from taking his service dog, Simba, to school, but the state overturned the ruling.

The 21-page ruling by Kumiki Gibson, the commissioner of the Division of Human Rights, found that students with disabilities were entitled to have a service dog with them in school under state law and ordered the East Meadow district to change its policy immediately.

In a phone interview, Commissioner Gibson said the ruling set a precedent for public school districts across the state, though she currently knew of no other district where the issue had been raised. "State law provides for an absolute right to students with disabilities to use a guide, hearing or service dog in school," she said.

The Division of Human Rights began investigating East Meadow's policy after learning that John Cave Jr., now 15, had been denied permission to take his dog — a yellow Labrador retriever named Simba — to his classes at W. Tresper Clarke, a combined middle and high school campus with 1,500 students.

Leon J. Campo, the East Meadow schools superintendent, said that the district had reached its decision after concluding that having a dog in school would provide no instructional benefit to the student, and could pose a health risk to students with severe allergies and create safety issues during fire drills and practice lockdowns.

“We are responsible for all the students in our care,” he said. “You really have to think health and safety first, and then you educate.”

Mr. Campo said that the district housed a county program for hearing-impaired students and that none of those students had requested the presence of a service dog.

Carol Melnick, a lawyer for the district, said that the ruling would be appealed in State Supreme Court, automatically staying the order for the change of policy.

John Cave's mother, Nancy, said that her son, who has cochlear implants, was trained to handle the dog and that air filters could be installed for students with allergies. She said that Simba accompanied her son almost everywhere, alerting him to sounds he cannot hear, like fire alarms or someone calling his name.

In January 2007, the Cave family filed a federal lawsuit against the district over the issue, seeking \$150 million in damages for a violation of John Jr.'s civil rights. A federal court later dismissed the case, saying that the family had not pursued all its options with the school district.

Paul J. Margiotta, the family's lawyer, said on Monday that the family planned to file a state lawsuit against the district within a week, claiming \$150 million for violation of civil rights.