

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF HUMAN RIGHTS
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FOR IMMEDIATE RELEASE

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***New York State Division of Human Rights Rules Against
East Meadow School District, Finding that Students with
Disabilities Have an Absolute Right to Attend School
With Their Guide, Hearing, and Service Dogs***

In the first decision on the subject, the Commissioner of the New York State Division of Human Rights, Kumiki Gibson, issued a Final Order today, concluding that the State's Human Rights Law grants students with disabilities an absolute right to have their guide, hearing, and service dogs in school with them. Specifically, the Commissioner found that the East Meadow Union Free School District ("East Meadow") has violated and is violating two separate provisions of the Human Rights Law -- one that prohibits educational institutions from denying access to their facilities to people with disabilities, and another that prohibits all entities covered by the Law from discriminating against people with disabilities because of their use of guide, hearing, and/or service dogs.

The Final Order was issued in a case commenced against the East Meadow, which educates approximately 8,000 students in Long Island. East Meadow has refused to recognize this civil right, adopting instead a policy that uses a case-by-case analysis, based principally on the federal American with Disabilities Act ("ADA"). East Meadow's policy led to at least one student being denied access to his school with his service dog. That student had sued East Meadow in a separate action. The case before the Division, in which the Final Order was issued, was brought on behalf of all students with disabilities in the East Meadow School District and vindicates the rights of those students.

The Commissioner ordered East Meadow to immediately abolish its discriminatory policy and practice and to permit all students access to school grounds, facilities, classrooms, programs, and activities with their guide, hearing, and service dogs. In doing so, she distinguished between the broad and expansive protections for people with disabilities under the State's Human Rights Law from the more restrictive ADA.

Upon issuing the Final Order, the Commissioner said: "If there were any questions about the scope of our Law with respect to people with disabilities, I hope that this Order will put them to rest: New Yorkers have rights and protections under both the Federal ADA and the State's Human Rights Law; the State's law is much broader than the ADA; and the Division is committed fully to enforcing our great State law. And, I trust that our educational institutions will be leading the charge in protecting the rights of students with disabilities under our great law -- not blocking access to classrooms, programs, and activities."

A copy of the full decision is available on the Division's website at www.dhr.state.ny.us.

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New York has the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen "an equal opportunity to enjoy a full and productive life." The New York State Division of Human Rights was created to enforce this important law and does so through, among other things, the vigorous prosecution of unlawful discriminatory practices and the receipt, investigation, and resolution of complaints of discrimination. Please visit the Division's website at www.dhr.state.ny.us for additional information about the agency and its work