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	Revisions: 3/26/13; 10/20/15	

**AP 3440 Service Animals**

Reference:

***Civil Code sections 54 et seq.; Penal Code Section 365.5; The Americans with Disabilities Act of 1990 – 42 U.S. Code §12101 et seq.; 28 CFR Part 35; 28 CFR Part 36; 34 CFR Part 104.44(b)***

The following procedures implement Board Policy 3440, and apply to students, faculty and staff, as well as members of the community coming on campus for occasional use.

In compliance with state and federal law, the District will allow an individual with a disability to be accompanied by his or her service animal in all areas of the District’s facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go.

These procedures shall also be applicable to an individual who is training a service animal.

**Service Animal Defined**

A “service animal” for purposes of this procedure means a dog or miniature horse trained to do work or perform tasks for the benefit of an individual with a disability.

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition.

The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purpose of this definition. If an animal meets this definition, it is considered a service animal under the ADA, even if it has not been licensed or certified by a state or local government, or by a private agency. While it is reasonable to ask whether an animal is

necessary because of a disability and/or what tasks the animal is trained to perform, a demonstration cannot be required.

Licensure or certification is not required in order to meet the definition of service animal under this procedure.

### **Responsibilities of Persons Using Service Animals**

The care and supervision of a service animal is the responsibility of the individual with a disability using the animal's services. The service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use the harness, leash, or other tether, or the use of the harness, leash, or tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g. voice control, signals, or other effective means).

All service dogs must be immunized against rabies and wear a vaccination tag in accordance with State of California Health and Safety Code, §121690.

If the District normally charges individuals for damage caused by pets, an individual with a disability may be charged for damages caused by his or her service animal.

### **Responsibilities of the District**

The District may ask an individual with a disability to remove a service animal from the premises if:

- (A) The animal is out of control and the animal's handler does not take effective action to control it;
- (B) The animal is not housebroken;
- (C) The animal is a direct threat to the health or safety of others;
- (D) The animal causes a fundamental alteration in District services, programs or activities.

If a service animal is excluded under one of these exceptions, the District will give the individual with a disability the opportunity to obtain goods, services, and accommodations or to participate in the service, program, or activity without having the service animal on the premises.

The District will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

Should there be questions or concerns about permitting the presence of a service animal in classes, the matter will be referred to the Director of DSP&S. Should there be questions or concerns about permitting the presence of a service animal accompanying a visitor on campus, the matter will be referred to the District ADA Coordinator.

**Appeal Process**

An individual with a disability who is denied the use of a service animal may file a complaint with the District ADA Coordinator utilizing the District's Unlawful Discrimination Complaint Procedure. If the District ADA Coordinator is the person who denied the initial request, the complaint should be filed with the Director of DSP&S.