



Administrative Procedure

Chapter 3 – General Institution

AP 3440 – SERVICE ANIMALS

The San Diego Community College District will permit qualified individuals with disabilities to use service animals in District facilities and on District campuses in compliance with state and federal law. Board of Trustees Policy, *BP 5140, Support Services, Programs and Disability Discrimination Procedures for Students with Disabilities*, was established pursuant to the Americans with Disabilities Amendments Act of 2008 (ADAA) and Section 504 of the Rehabilitation Act of 1973. This procedure shall also be applicable to individuals who are training a service animal.

The purpose of this procedure is to ensure that individuals with disabilities can participate in and benefit from District services, programs, and activities, and to ensure that the District does not discriminate because of a disability.

This procedure implements the Board of Trustees Policy, *BP 5140, Support Services, Programs and Disability Discrimination Procedures for Students with Disabilities*, regarding service animals on campus.

1. SERVICE ANIMAL DEFINED:

If an animal meets the definitions herein, it is considered a service animal under the ADAA, even if it has not been licensed or certified by a state or local government, or by a private agency. A handler may choose to produce a San Diego County brass medal identification tag as proof of a service animal. Only dogs are eligible to apply for service animal identification tags (from DAS-195, rev. 01-10) in California. Students that may have service animals in the classroom may be informed about the availability of DSPS services; however, participation in DSPS is voluntary.

- a. A “service animal” for purposes of this procedure means any dog (or miniature horse, as provided herein) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- b. 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 purposes of this definition. The service animal’s work must recognize and respond to the need for the benefit of the individual.
- c. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition.

2. USE OF SERVICE ANIMAL ON DISTRICT PROPERTY:

- a. A person with a disability may be accompanied by their service animal in all areas of the District's facilities where members of the public, prospective students, or students are allowed to go. A service animal may be taken into all areas where the public is normally allowed to go without being referred to DSPS. These procedures shall also be applicable to an individual who is training a service animal.
- b. District employees requesting to be accompanied by their service animal in their workplace should be directed to the Employee Request for Job Accommodation process.
- c. The work or specific tasks performed by a service animal must be related to the individual's disability. The service animal shall recognize their handler's need and respond with an action that benefits the individual. Examples of work or tasks include, but are not limited to:
 - 1) Assisting individuals who are blind or have low vision with navigation and other tasks;
 - 2) Alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
 - 3) Providing non-violent protection or rescue work;
 - 4) Pulling a wheelchair;
 - 5) Assisting an individual during a seizure;
 - 6) Alerting individuals to the presence of allergens;
 - 7) Retrieving items such as medicine or the telephone;
 - 8) Providing physical support and assistance with stability or balance to individuals with mobility disabilities; and
 - 9) Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- d. District employees may make two inquiries to determine whether an animal qualifies as a service animal:
 - 1) Whether the animal is required because of a disability; and
 - 2) What work or task the animal has been trained to perform.

Neither of these inquiries will be made when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., a dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

- e. Animals other than service animals are not permitted on campus.

3. ASSESSMENT FACTORS FOR MINIATURE HORSES:

The District shall make reasonable modification in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability (28 C. F.R., § 35.136(i)).

The District shall consider the following factors:

- a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- b. Whether the handler has sufficient control of the miniature horse;
- c. Whether the miniature horse is housebroken; and
- d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements necessary for safe operation.

Persons requesting to use a miniature horse as a service animal should be directed to Disability Support Programs and Services (DSPS).

4. RESPONSIBILITIES AND EXPECTATIONS:

- a. The District is not responsible for the safety, care, or supervision of a service animal. .
- b. An individual with a disability may be charged for any damage done to the premises or facility by the service animal (Civil Code Section § 54.2).
- c. The service animal must have a harness, leash, or other tether, unless:
- d. The handler is unable because of a disability to use a harness, leash, or other tether; or
- e. The use of a harness, leash, or other 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
- f. State of California Health and Safety Code § 121690, requires that all service animals be immunized.
- g. The District or College 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 comply with other requirements not applicable to people without pets.

5. EXCEPTIONS:

District or College personnel may ask an individual with a disability to remove a service animal from the premises if the animal is out of control and the animal's handler does not take effective action to control it, or the animal is not housebroken.

If the problem is identified, District or College personnel will make an individualized assessment to determine whether the presence of the service animal poses a direct threat to the health or safety of other persons that cannot be eliminated by a modification of policies, practices, procedures, or by the provision of auxiliary aids or services. If the District determines that the presence of the service animal does pose a direct threat to the health or safety of persons participating in District services, programs, or activities, the District may exclude the animal from its facilities and campuses (Title II of the ADA Regulations, 28 C.F.R., § 35.139).

If the District or College excludes a service animal, the District shall 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.

6. COMPLAINT PROCESS:

An individual with a disability who is denied or excluded the use of a service animal may file a complaint through the complaint process identified in Administrative Procedure, *AP 3435, Discrimination and Harassment Investigations*.

Reference: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
 The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
 The Americans with Disabilities Amendments Act of 2008, 28 C.F.R., § 1630
 The Americans with Disabilities Act Revised Requirements, 28 C.F.R., §35.136

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the Chancellor: June 28, 2023

Supersedes: AP 3105.2 – 09/21/06; 04/02/08; 04/13/10; 01/10/12; 10/07/13; 06/26/14;
 03/02/15; 05/07/15; 02/23/16; 10/17/16; (*Renumbered AP 3440*)