

GENERAL INSTITUTION

AP 3440 SERVICE ANIMALS

References:

Civil Code Sections 54 et seq.;

Penal Code Section 365.5;

The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.;

28 Code of Federal Regulations Part 35;

28 Code of Federal Regulations Part 36;

34 Code of Federal Regulations Part 104.44(b)

The District will allow an individual with a disability to use a service animal in District facilities and on District property in compliance with state and federal law.

The District will allow an individual with a disability to use a miniature horse as a service animal in District facilities and on District property if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the District has determined, based on the assessment factors provided in this procedure, that a reasonable accommodation can be made.

The District will allow an individual with a disability to be accompanied by his/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 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.

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

The work or tasks performed by a service animal must be directly related to the handler's disability. 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.

35 **Exceptions**

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

- 38 • The animal is out of control and the animal's handler does not take effective
39 action to control it; or
- 40 • The animal is not housebroken.

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

45 **Assessment Factors for Miniature Horses**

46 The District shall consider the following factors:

- 47 • The type, size, and weight of the miniature horse and whether the facility can
48 accommodate these features;
- 49 • Whether the handler has sufficient control of the miniature horse;
- 50 • Whether the miniature horse is housebroken; and
- 51 • Whether the miniature horse's presence in a specific facility compromises
52 legitimate safety requirements that are necessary for safe operation.

53 **Control**

54 The service animal must have a harness, leash, or other tether, unless either the
55 handler is unable because of a disability to use a harness, leash, or other tether, or the
56 use of a harness, leash, or other tether would interfere with the service animal's safe,
57 effective performance of work or tasks, in which case the service animal must be
58 otherwise under the handler's control (e.g., voice control, signals, or other effective
59 means).

60 **Care or Supervision**

61 The District is not responsible for the care or supervision of the animal.

62 **Inquiries by the District**

63 The District may make two inquiries to determine whether an animal qualifies as a
64 service animal:

- 65 • Whether the animal is required because of a disability; and
- 66 • What work or task the animal has been trained to perform.

67 The District will not make either of these inquiries when it is readily apparent that an

68 animal is trained to do work or perform tasks for an individual with a disability (e.g., the
69 dog is observed guiding an individual who is blind or has low vision, pulling a person's
70 wheelchair, or providing assistance with stability or balance to an individual with an
71 observable mobility disability).

72 An individual may choose to produce a county service dog license or identification tag
73 as proof that the animal is a service animal. Licensure or certification is not required in
74 order to meet the definition of service animal under this procedure. There are no
75 licensing or certification requirements for miniature horses.

76 **No Surcharge**

77 The District will not ask or require an individual with a disability to pay a surcharge, even
78 if people accompanied by pets are required to pay fees, or to comply with other
79 requirements generally not applicable to people without pets. If the District normally
80 charges individuals for damage caused by pets, an individual with a disability may be
81 charged for damaged caused by his/her service animal.

82 Office of Primary Responsibility: Student Services