

AP 3440 Service Animals

References:

- Cal. Civil Code Sections 54 et seq.;
- Cal. Penal Code Section 365.5;
- Cal. Health and Safety Code, § 121690
- The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.;
- 28 Code of Federal Regulations Parts 35 and 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 campuses in compliance with state and federal law.

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.

The District will permit qualified students and employees with disabilities to use service animals in District facilities and on District campuses where education services are provided, and where employee work is performed, in compliance with state and federal law.

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. ()TETB1 0 0 1 216. TmP044>3e[]6. TmP044th12 Tf1 0

The District will allow an individual with a disability to use a miniature horse as a service animal in District facilities and on District campuses 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 following assessment factors, that a reasonable accommodation can be made:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

- Whether the handler has sufficient control of the miniature horse;

- Whether the miniature horse is housebroken; and

- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Control

The service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or 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).

Care or Supervision

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

Inquiries by the District

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

- Whether the animal is required because of a disability; and

- What work or task the animal has been trained to perform.

The District will not make either of these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the 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

Responsibilities of Persons Utilizing Service Animals:

Students: A student with a disability who intends to bring a service animal to class is encouraged to register the animal with the DSP&S Office or with the ADA Compliance Officer in order to record their animal's breed, name, license number, and immunization record. The student's participation in DSPS services is voluntary.

Non-students: Employees or community members with disabilities who intend to bring a service animal onto the Hartnell premises are encouraged to register their animal with the ADA Compliance Officer

a direct threat to the health or safety of others.