

HARTNELL COMMUNITY COLLEGE DISTRICT

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 as defined by law 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 within District facilities, campuses, and programs where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go in compliance with state and federal law.

Service Animal Defined

A “service animal” for purposes of this procedure means any dog (or miniature horse, as provided herein) that is individually trained for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other disability. The work or tasks performed by a service animal must be directly related to the individual’s disability.

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

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. Emotional Support Animals are not service animals.

Miniature Horses

The District will allow an individual with a disability to use a miniature horse as a service animal if the miniature horse has been individually trained to do work or perform specific tasks directly related to the 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.

Inquiries by the District

The District may make only two inquiries to determine whether an animal qualifies as a service animal if it is not readily apparent:

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

Control

The service animal must be under the handler's control at all times. A service animal must wear 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, which includes toileting, grooming, feeding, and veterinary care for the service animal.

For health and safety needs of campus and community members at-large, service animals are not permitted to drink or eat directly from water and food service devices. Individuals with disabilities who bring a service animal to the District are required to bring any necessary food and water receptacles for the service animal's hydration/consumption, and ensure any spillage is cleaned when it occurs. Animal relief is permitted on natural grass covered areas of campus, located outside of most buildings at the District. Animal relief is to be avoided on sidewalks and near building entrances. A service animal's handler is responsible for picking up animal waste at the time it occurs, and properly disposing of it; such as in a sealed container in area trash receptacles.

Licensure and Vaccinations

District programs and activities are a place of public accommodation. Monterey County requires all animals in areas of public accommodation be licensed and to have current vaccination records. Failure to comply with these requirements may lead to involvement of Animal Control.

Applicants and employees desiring the use of an assistive or support animal, or similar accommodation on campus, are to contact the District's Human Resources Department. The District will make reasonable accommodations for applicants and employees with disabilities in compliance with federal and state law.

Students with disabilities using a service animal are encouraged to schedule an appointment with a Department of Supportive Programs and Services (DSPS) counselor, in a confidential environment, for further information and guidance and voluntary registration of the service animal and any third party handler/Personal Care Attendant. With voluntary registration, a photo identification of the service animal and a supporting District certificate will be issued.

The photo ID of the animal may be attached to the collar/harness of the service animal so that campus members and constituents recognize it is a working service animal.

No Surcharge

The District will not ask or require an individual with a disability utilizing a service animal 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. If the District normally charges individuals for damage caused by pets, an individual with a disability may be charged for damage caused by his or her service animal.

Exceptions and Exclusions

The District may make an individualized assessment, if a problem is identified, to determine whether the presence of the service animal poses a direct threat to the health or safety of other persons. The individualized assessment will be based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modification of policies, practices, or procedures, or the provision of auxiliary aids or services will mitigate the risk. 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. (See 28 C.F.R., §§ 35.139 36.208).

The District 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
- If the service animal is not housebroken.

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.

See Board Policy 3440

Approved by Superintendent/President: February 21, 2017

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