

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 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 with **in District facilities, campuses, and programs** 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, **campuses, and programs** and on District campuses where education services are provided, and where employee work is performed, in compliance with state and federal law. The term "qualified" shall be defined as students and employees with disabilities who have complied with the requirements of this policy.

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 **and/or in training** to do work or perform **a specific tasks that is directly related to the disability**, for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other ~~mental~~ disability.

For purposes of this Policy, there is a distinction between a service animal that is trained or in training to provide a specific task that is directly related to the disability, and a service animal that exhibits behaviors reflective of having obedience training. All service animals that are in District facilities, campuses, or programs must have completed obedience training, training in the specific work or task to be performed for the individual with disabilities and be under the handler's control at all times.

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. Emotional Support Animals (animals prescribed by health care professionals for emotional support) are not service animals, and are not permitted on campus property or in campus buildings.

Miniature Horses

The District will allow an individual with a disability to use a miniature horse as a service animal in District facilities, ~~campuses, and programs and on District campuses~~ if the miniature horse has been individually trained to do work or perform ~~specific tasks directly related to the disability, 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~~ 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). ~~Examples of service animals not being under the handler's control include, but are not limited to, animals that are barking (other than alerting to an immediate and present danger to the person with a disability), interacting with others while working, climbing and/or jumping on furniture, counters, water fountains, and/or other campus/community members.~~

~~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 or areas at the District campuses, and/or in its programs and activities. Students who request permission to use a service animal are required to bring any necessary food and water receptacles for their service animal's hydration/consumption, and ensure any spillage is cleaned when it occurs.~~

Care or Supervision

The District is not responsible for the care or supervision of the animal, ~~which includes cleaning, grooming, or picking up after the service animal. Service animals that are trained, or are in the process of being trained, to work with a specific student with a disability, shall be under the handler's control at all times, and not under the care by others on campus, unless the person is a recognized personal care attendant through DSPS.~~

~~Animal relief is permitted on natural grass covered areas of campus. Persons in need of service animals shall be responsible for picking up animal waste at the time it occurs. Students, who are unable to clean up their animal waste, shall have a personal attendant do so on their behalf, and discard it 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.~~

~~The Department of Supportive Programs and Services (DSPS) has been identified as the District representative for collecting licensure and vaccination records for the service animals of students with disabilities. Students in need of a service animal shall schedule an appointment with a DSPS Counselor~~

for registration and record collection, prior to the start of classes, programs, and activities. Following registration through DSPS, students will be provided access to a District certificate for the service animal, which includes a photo ID, to be attached to the collar/harness of the service animal, that must be visible at all times on the animal, while present or participating in District facilities, campuses, and programs, to ensure campus members and constituents recognize it is a working service animal. Service animals without having proper vaccination and licensure records on file, may be excluded from District facilities, campuses, and programs.

Inquiries by the District

The District may make inquiries to determine whether an animal qualifies as a service animal and should be permitted on campus, facilities and/or programs including but not limited to:

- Whether the animal is required because of a disability;
- Whether the animal has received required vaccinations and licensure,
- What work or task the animal has been trained to perform.

Campus members who identify a student with an animal on campus without a visible District photo ID reflecting the animal is a service animal, may refer the student to DSPS, as DSPS is the representative department responsible for making disability related inquiries, as well as collecting licensure and vaccination records. 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 observable mobility disability).

An individual may choose to produce a county service dog license or identification tag, but licensure or certification is not required in order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.

The District may request proof of immunization, pursuant to state law (Health and Safety Code § 121690), requiring that all service animals be immunized.

Responsibilities of ~~Persons~~ **Non-Students 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, Security, or DSPS in order to record the animal's breed, name, license number, and immunization record.

The care and supervision of a service animal is the responsibility of the individual bringing the service animal on campus. Civil Code Section § 54.2 requires that the owner of the service animal be responsible for any damage done to the premises or facility by the animal. ~~State of California Health and Safety Code, § 121690, requires that all service animals be immunized.~~

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 that cannot be eliminated by a modification of policies, practices, or 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. (See 28 C.F.R., § 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 does not use the approved relief areas (natural grass covered areas of campus)**~~The animal is not housebroken;~~ or
- The District has determined that the presence of the service animal poses a direct threat to the health or safety of others.

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; **Revised: July 23, 2019**