



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 - Student Services

AP 3105.2 SERVICE ANIMALS

The San Diego Community College District will permit qualified students with disabilities to use service animals in district facilities and on district campuses in compliance with state and federal law. Policy 3105, Academic Adjustments for Students with Disabilities, was established pursuant to the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

The purpose of this procedure is to ensure that qualified students with disabilities can participate in and benefit from district services, programs and activities, and to ensure that the district does not discriminate on the basis of disability.

This procedure implements Policy 3105 with regards to service animals on campus.

1. DEFINITION:

- a. Service animals perform one or more of the functions and tasks that an individual with a disability cannot perform for himself or herself. Service animal is defined in Title III of the ADA regulations (28 C.F.R. § 36.104) as follows:
 - 1) Service animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
- b. If an animal meets this definition, it is considered a service animal under the ADA, even if it has not been licensed or certified by a state or local government, or by a private agency. A student may choose to produce a San Diego County brass medal identification tag as proof as a service animal, but only dogs are eligible to apply for assistance dog identification tags (form DAS-195) in California. Review of verification documentation and determination by district DSPS personnel for animals is made on a case-by-case basis. Notification of that review and approval is indicated on the student ID card.

2. RESPONSIBILITIES OF PERSONS USING SERVICE ANIMALS:

- a. A student with a disability who brings an animal on campus shall be directed to the Disability Support Programs and Services (DSPS) office.
- b. The student must provide documentation of his/her disability and a description of the disability related tasks which the animal performs which facilitates access to district programs, services or activity.
- c. The care and supervision of a service animal is the responsibility of the student. 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.
- d. All service animals must be immunized in accordance with State of California Health and Safety Code, §121690. Documentation will be requested.
- e. A student with a disability that has a service animal that poses a threat to health, safety or program disruption shall be informed that the animal is not an allowable accommodation and cannot be on campus. Failure to comply with this exclusion may result in a disciplinary action in accordance with of Policy 3100.

3. EVALUATION PROCEDURES:

- a. Under the ADA and Section 504, the district may not impose a rule upon individuals with disabilities prohibiting service animals, if the rule has the effect of limiting the participation of the individuals with disabilities in the district's services, programs or activities. However, the district is not obligated to permit the use of service animals, if doing so would result in a fundamental

alteration of the district service, program or activity, or would pose a direct threat to the health or safety of others.

- b. The district will determine whether the service animal meets the basic ADA definition as stated herein. This determination is based upon whether the service animal has been trained to provide the specific task or service required by the student because of his/her disability(ies) and whether the animal can actually provide that task or service. If in the professional judgment of the DSPS professional, the animal cannot perform the identified task or service, the district may exclude the animal from its facilities and campuses.
- c. The district will analyze whether the presence of the service animal would actually have a significant effect upon the service, program, or activity involved. The Governing Board of the district designates the district DSPS professionals, in consultation with the program professionals and the Vice Presidents, to make such determination. If the DSPS professionals, in consultation with the program professionals and the Vice Presidents, determine that the use of the service animal causes a fundamental alteration 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., 35.130 (b)[7]).
 - 1) If the district makes a determination that use of the service animal would result in such fundamental alteration, within 5 instructional days of such determination, the designated person(s) shall issue a written statement stating the reasons for the determination in sufficient detail to meet the district's burden to demonstrate that such alteration would occur. (Title II of the ADA Regulations, 28 C.F.R.s 35.150(a)[3]).
 - 2) If use of the service animal would result in such fundamental alteration, at the disabled individual's request and in accordance with district Policy 3501 and 3501.1, the district shall take any other action that would not result in such an alteration but would nevertheless allow the disabled individual to participate in district services or programs.
- d. The district will make an individualized assessment to determine whether the presence of the service animal poses a significant risk 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. (Title II of the ADA Regulations, 28 C.F.R., § 36.208).
- e. A student with a disability who is denied the use of a service animal by the DSPS Department may file a complaint utilizing the formal resolution process of the Academic Adjustments/Accommodations for Students with Disabilities Procedure (Procedure 3105.1, section 2.4 and 2.5).

References:

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

Approved by Chancellor: April 2, 2008

Supersedes: Procedure 3105.2, 9/21/2006