



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 3105.2 – SERVICE ANIMALS

The 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. Board of Trustees Policy *BP 3105 Academic Accommodations and Disability Discrimination for Students with Disabilities*, was established pursuant to the Americans with Disabilities Amendments Act of 2009 (ADAA) 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 Board of Trustees Policy *BP 3105* with regards to service animals on campus.

1. DEFINITION:

- a. Service animal is defined in Title II of the ADAA regulations (28 C.F.R., § 35.104). *Service animal* means any dog that is individually trained to do work or perform tasks for a person with a disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
- b. The District shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability (28 C.F.R., § 35.136(i)).
- c. The District shall consider: 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; 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. Persons requesting this accommodation are to be directed to Disability Support Programs and Services (DSPS).

2. DESCRIPTION OF ACTION:

- a) A person with a disability may take a service animal into areas where the public is normally allowed to go without being referred to DSPS. When it is not readily apparent that the animal is a service animal, staff may ask the following:
 - (1) Is the dog (miniature horse) required because of a disability?
 - (2) What work or task has the dog (miniature horse) been trained to perform?
- b) The work or tasks, specific action, performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and

other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

- c) 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. The service animal work recognizes the need and responds for the benefit of the individual.
- d) If an animal meets this definition, it is considered a service animal under the ADAA, 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 of a service animal. Only dogs are eligible to apply for service animal identification tags (form DAS-195, rev. 07-10) in California. Students that may have service animals in the classroom may be informed about the availability of DSPS services.
- e) Animals, other than service animals, are not permitted on campus.

3. RESPONSIBILITIES OF PERSONS USING SERVICE ANIMALS:

- a. A student with a disability who brings a service animal shall be permitted in all areas where members of the public or participants in services, programs or activities are allowed to go. Participation in DSPS services is voluntary.
- b. The District is not responsible for the care and supervision of a service animal. 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.
- c. State of California Health and Safety Code, § 121690, requires that all service animals be immunized.
- d. The District will 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. (Title II of the ADAA Regulations, 28 C.F.R., § 35.139). If the District properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- e. A student with a disability who is denied the use of a service animal by the DSPS Office may file a complaint through the complaint process *AP 3435 Discrimination and Harassment Investigations*.

Reference: 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
The Americans with Disabilities Amendments Act of 2008, 28 C.F.R., § 1630
The Americans with Disabilities Act Revised Requirements, 28 C.F.R., § 35.136

Approved by
the Chancellor: October 17, 2016

Supersedes: Procedure 3105.2 - 9/21/06, 4/2/08, 4/13/10, 1/10/12, 10/7/13, 6/26/14,
3/2/15, 5/7/15, 2/23/16