

AP 3440 SERVICE ANIMALS

This procedure applies only to implementation of the use of service animals, as defined, by individuals with a disability for the purpose of accessing District facilities and participating in the District's services and programs in compliance with state and federal law. Students seeking academic accommodations and employees seeking employment accommodations outside the provisions of this policy shall do so in accordance with District board policy and procedure 4055 for requesting and receiving accommodation(s) under the Americans with Disabilities Act.

The purpose of this procedure is to ensure that individuals 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 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) that is individually trained to do work or perform tasks, and as otherwise defined by the Americans with Disabilities Act (and 38 CFR 17.148 as it relates to disabled veteran students).

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 may not be passive and 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.

ASSESSMENT FACTORS FOR SERVICE ANIMALS

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 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.

The District shall consider the following factors in modifying policies, practices, and procedures to permit the use of a service animal by individuals with a disability.

- The type, size, and weight of the service animal and whether the facility can

accommodate these features;

- Whether the handler has sufficient control of the service animal;
- Whether the service animal is housebroken; and
- Whether the service animal's presence in a specific District facility compromises legitimate safety requirements that are necessary for safe operation.

If such factors preclude an individual with a disability from using their service animal in District services, programs or activities, or if a service animal is excluded under one of the exceptions listed below, the District shall take any other action that would not result in such fundamental alteration but would nevertheless allow the individuals with disabilities the opportunity to participate in the service, program, or activity without having the service animal on the premises.

EXCEPTIONS

The District may ask an individual with a disability to remove a service animal from District premises if:

- The service animal is out of control (such as exhibiting aggressive behavior or posing a threat to others); or
- The service animal's handler does not take effective action to control it; or
- The service animal is not housebroken.

RESPONSIBILITIES OF INDIVIDUALS USING SERVICE ANIMALS

The handler assumes full responsibility for the care and supervision of, and any damage caused by, the service animal.

The handler must use a harness or leash on the service animal at all times, unless either the handler is unable to do so because of a disability or it would otherwise 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).

The handler must be able to provide proof of current applicable vaccinations for the service animal. An individual may choose to produce a county service dog license or identification tag as proof of vaccination.

The handler is responsible for cleanup and disposal of animal waste.

REQUIREMENTS FOR DISTRICT EMPLOYEES

When it is not obvious what work or tasks the service animal provides, District employees may ask the following 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.

Individuals with medical issues that may be impacted by the presence of service animals should communicate with the Office of Staff & Student Diversity regarding any concerns about exposure to a service animal. The appropriate District point of contact will be notified to facilitate a process to resolve the conflict that considers the disability-related needs/accommodations of all persons involved.

NO SURCHARGE

The District will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by service animals are required to pay fees, or to comply with other requirements generally not applicable to people without service animals. If the District normally charges individuals for damage caused by pets, individuals with a disability may be charged for damaged caused by their service animal.

Office of Primary Responsibility: Director, Staff & Student Diversity

References:

Civil Code Sections 54 et seq.;
Penal Code Section 365.5;
The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.;
28 Code of Federal Regulations Part 35;
28 Code of Federal Regulations Part 36;
34 Code of Federal Regulations Part 104.44(b);
38 Code of Federal Regulations Section 17.148

El Camino College
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