

**Coast Community College District
ADMINISTRATIVE PROCEDURE**

Chapter 3
General Institution

AP 3440 SERVICE ANIMALS

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)

The District may allow an individual with a disability to use a service animal in District and college facilities and on District and college property in compliance with applicable state and federal law.

The District will allow an individual with a disability to be accompanied by his/her service animal in all areas of District and college facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs, or activities, as relevant, are allowed to go.

These procedures shall also be applicable to an individual who possesses a service animal in training.

Service Animal Defined

The District adopts U.S. Department of Justice definition of service animal, issued in its Final Rules amending Titles II and III of the Americans with Disabilities Act, dated September 15, 2010:

*"Any **dog** that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability."*

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. Service animals in training shall be considered service animals by the District.

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.

Exceptions/Grounds for Removal

The District may require an individual with a disability to remove a service animal from District property if any of the following apply:

- The animal is out of control and the animal's handler does not take effective action to control it
- The animal is not housebroken
- The animal presents a reasonable risk of harm to a member of the District community

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.

Control

The service animal must have 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.

Inquiries by the District

District personnel may only make 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.

The District will not make either of these inquiries when it is 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 elect to produce a county service dog license or identification tag as proof that the animal is a service animal. However, production of licensure or certification is not required in order to meet the definition of service animal under this procedure.

No Surcharge

The District will not ask or require an individual with a disability 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/her service animal.

Ratified December 2, 2013