



ADMINISTRATIVE **PROCEDURE**

3440

DESERT COMMUNITY COLLEGE DISTRICT

SERVICE ANIMALS

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 use a miniature horse as a service animal in District facilities and on District campuses if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the District has determined, based on the assessment factors provided in this procedure, that a reasonable accommodation can be made.

The District will allow an individual with a disability to be accompanied by his/her/their service animal in all areas 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.

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 to do work or perform tasks for the benefit of an individual with a disability, including a 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.

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

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
- The animal is not housebroken.

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.

Assessment Factors for Miniature Horses

The District shall consider the following factors:

- 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 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

The District may 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 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 as proof that the animal is a service animal. 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.

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/their service animal.

1. DEFINITION:

- a. Service animal is defined in Title II of the ADA 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.

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 Disabled Students Programs & Services. 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.

d. Animals, other than service animals, are not permitted on campus.

3. RESPONSIBILITIES OF PERSONS USING SERVICE ANIMALS:

a. An individual 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 Disabled Students Programs & Services is voluntary.

b. The District is not responsible for the care and supervision of a service animal. The owner of the service animal is responsible for the animal's care and 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 service animal is an extension of the individual. Both must abide by the Standards of Student Conduct outlined in Board Policy 5500. The individual, the student and the college have responsibilities to ensure the success of using service animals.

e. 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 ADA 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.

f. An individual with a disability who is denied the use of a service animal by the District may file a complaint through the complaint process.

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 subdivision (b)

Administrator: Superintendent/President

Executive Cabinet Review: 1/27/26

College Planning Council, Review/Approval: 4/24/26

Board Meeting/Information Item: 5/15/26

Next Review: 2032-2033