



ADMINISTRATIVE **PROCEDURE**

3440

DESERT COMMUNITY COLLEGE DISTRICT

SERVICE ANIMALS

The District will permit individuals with disabilities to use service animals (defined for this purpose as a suitably trained dog or miniature horse) in District facilities and on District campuses in compliance with state and federal law.

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 implements Board Policy 3440 with regards to service animals on campus.

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.

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

Approval Dates:

Administrator in Charge: Superintendent/President

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College Planning Council Review/Approval, 1st Reading: December 9, 2016

College Planning Council Review/Approval, 2nd Reading: February 3, 2017

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