

**BP 3440 SERVICE ANIMALS**

**References:**

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)

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a dog or miniature horse as a service animal in District facilities and on District campuses in compliance with state and federal law.

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Date Adopted: December 13, 2011

## **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 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 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 damaged caused by his or her service animal.

*Office of Primary Responsibility:* Director, Diversity, Equity and Compliance

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Administrative Approval: January 23, 2012