This procedure applies to an individual’s ability to: 1) access District facilities where members of the public, invitees, clients, customers, and patrons are allowed to go; or 2) access and participate in the District’s activities, services and programs.

The District will allow an individual with a disability to use a qualifying service animal, as defined, in District facilities and on District campuses in compliance with state and federal law. The District will allow an individual with a disability to be accompanied by his/her qualifying 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 qualifying service animal.

As this procedure applies only to the use of service animals for the purpose of accessing facilities and participating in the District’s services and programs, students seeking academic accommodation and employees seeking employment accommodation outside the provisions of this policy shall do so in accordance with board policy 4670 and corresponding administrative procedure 4670 for requesting and receiving accommodation(s) under the Americans with Disabilities Act.

**Service Animal Defined**
A “service animal” for purposes of this procedure means a 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, and which otherwise meets the criteria set forth below. Service animals that meet this definition and the other criteria set forth herein may be referred to as “qualifying service animals.”

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

**Criteria**
To be a qualifying service animal, the animal must meet the following criteria:

- **Work performed.** The work or tasks performed by a service animal must be directly related to the handler's disability. Neither the crime deterrent effects of an animal’s presence nor the provision of emotional support, well-being, comfort, or companionship from its presence constitute work or tasks for the purposes of this definition.

- **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. Use of the animal as a service animal on District property shall not involve or require District care or supervision of the animal.

Assessment Factors, Miniature Horses
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.

In evaluating whether a miniature horse meets the definition of a qualified service animal, 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.

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 for use of a qualifying service animal, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. The District normally charges an individual for damage to property caused by pets. Thus, an individual with a disability can also expect to be charged for damaged caused by
his or her service animal.

**Exceptions**
Regardless of whether the service animal is otherwise qualifying, the District will require 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;
- The animal is not housebroken; or
- The continuing presence of the service animal creates a substantial risk of injury to persons or District property.

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.

*See Board Policy 3440 Service Animals*

Civil Code Sections 54 et seq.
Penal Code Section 365.5
ADA of 1990 – 42 United States Code Sections 12101 et seq.
28 CFR Part 35, 36
34 CFR Part 104.44(b)

Approved by the Chancellor’s Advisory Council 1/25/13