

**Coast Community College District
ADMINISTRATIVE PROCEDURE**

Chapter 3
General Institution

AP 3440 Service and Emotional Support Animals

References:

Civil Code Sections 54, 54.1, and 54.2
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 Section 104.44
Fair Housing Act 42 U.S.C. Sections 3601 et seq.

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 their 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.

This Procedure shall also be applicable to an individual who is training a service animal.

Service Animal Defined

The District adopts U.S. Department of Justice definition of service animal, which is currently as follows:

*"Any **dog or miniature horse** 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.

Under 28 C.F.R. § 35.136(i)(2), in determining whether a miniature horse can be permitted in a specific facility, the District shall consider:

- (i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- (ii) Whether the handler has sufficient control of the miniature horse;
- (iii) Whether the miniature horse is housebroken; and
- (iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

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 or emotional support 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 an 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 animal on the premises.

Control

The 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 animal's safe, effective performance of work or tasks, in which case the 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 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).

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 their animal.

Ratified December 2, 2013

Ratified June 17, 2020