



CERRITOS COMMUNITY COLLEGE DISTRICT
AGENDA FOR THE REGULAR MEETING OF THE
BOARD OF TRUSTEES

CHERYL A. EPPLE BOARD ROOM

Wednesday, October 5, 2016 at 6:30 p.m.

CALL TO ORDER:

Dr. Shin Liu, Board President

Dr. Shin Liu, Board President
Trustee Area 5

Bob Arthur, Member
Trustee Area 1

Marisa Perez, Board Vice President
Trustee Area 4

Carmen Avalos, Member
Trustee Area 2

Zurich Lewis, Board Clerk
Trustee Area 7

John Paul Drayer, Member
Trustee Area 3

Dr. Sandra Salazar, Member
Trustee Area 6

Karen F. Patron D.
Student Trustee

Dr. Jose Fierro
President/Superintendent

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Foreign language translation, sign language interpretation, materials in alternative formats and other accommodations are available to the public upon request. All requests for reasonable accommodations to participate in a Board meeting must be made at least three working days (72 hours) in advance of the scheduled meeting date. For assistance, please contact:

President's Office - 11110 Alondra Boulevard - Norwalk, California 90650
(562) 860-2451, Extension 2204 - (562) 860-1104 – FAX

Copies of the agenda materials are available in the President's Office and are available online at

www.cerritos.edu/board

1. **Invocation**
2. **Pledge of Allegiance: John Paul Drayer**
3. **Roll Call**

AGENDA ORGANIZATION

The Board of Trustees will discuss any changes in the order of agenda items. Per [Board Policy 2340](#), the order of business may be changed by consent of the Board of Trustees.

COMMENTS FROM THE AUDIENCE

(Government Code Section 54954.3)

The Board of Trustees welcomes public comment on issues within the jurisdiction of the college. Public comment request cards must be completed and returned to the secretary prior to the start of the meeting. Late arrivals will not be permitted to speak. Comments should be limited to five (5) minutes per speaker and twenty (20) minutes per topic if there is more than one speaker.

Note: Members of the board may not discuss or take legal action on matters raised unless the matters are properly noticed for discussion and legal action. Also, be advised that college personnel and processes are available for further communication.

REPORTS AND COMMENTS FROM CONSTITUENT GROUPS

At this time, a brief report and summary of initiatives will be given by identified constituent group leaders:

- Associated Students of Cerritos College (ASCC) President
- Faculty Senate President
- Cerritos College Faculty Federation (CCFF) President
- California School Employees Association (CSEA) President
- Association of Cerritos College Management Employees (ACCME) President

Note: Members of the board may not discuss or take legal action on matters raised unless the matters are properly noticed for discussion and legal action. Also, be advised that college personnel and processes are available for further communication.

OPEN SESSION AGENDA

4. **First Reading: Proposed Board Policy and Administrative Procedure 3440 – Service Animals**

It is recommended that the Board of Trustees review and discuss Proposed Board Policy and Administrative Procedure 3440 – Service Animals during this first reading.

5. Institutional Presentation: Review of Board Policies

- [BP 2010 - Board Membership](#)
- [BP 2100 - Board Elections](#)
- [BP 2105 - Student Trustee](#)
- [AP 2105 - Student Trustee Election and Responsibilities](#)
- [BP 2110 - Vacancies on the Board](#)
- [AP 2110 - Vacancies on the Board](#)
- [BP 2220 - Committees of the Board](#)

6. Discussion: Draft Policy Ending Board Members Use of Phones/Technological Devices During Closed Session (Requested by Trustee Marisa Perez)

The Board of Trustees will discuss creating a draft policy regarding technological devices in closed session.

7. Institutional Presentation: Cerritos College Budget

The Board of Trustees will receive a staff presentation on budget, revenue generating initiatives, and enrollment.

REPORTS AND COMMENTS FROM DISTRICT OFFICIALS

At this time, members of the Board of Trustees will provide brief reports on meetings attended on matters pertaining to their service as a representative of the Cerritos Community College District Board of Trustees pursuant to Government Code 53232.3(d).

Following the Board of Trustees, the President/Superintendent will provide an executive report which includes reports from the Vice President of Business Services, Vice President of Academic Affairs, Vice President of Student Services, Vice President of Human Resources, and Director, College Relations, Public Affairs & Governmental Relations.

8. Adjournment

***The Next Business Meeting of the Board of Trustees is set for
Wednesday, October 19, 2016 at 6:30 p.m.***

I, Dr. Jose Fierro, Secretary to the Board, certify that a true and correct copy of the foregoing Meeting Agenda was posted on September 28, 2016 at 10:00 a.m., as required by law.

Dr. Jose Fierro, President/Superintendent

CERRITOS COLLEGE

Regular Meeting of the Board of Trustees

Meeting Date: **October 5, 2016**

Agenda Item No. 4

FROM:

Dr. Jose Fierro
President/Superintendent

SUBJECT: First Reading: Proposed Board Policy and Administrative Procedure 3440 – Service Animals

ACTION

It is recommended that the Board of Trustees review and discuss Proposed Board Policy and Administrative Procedure 3440 – Service Animals during this first reading.

FISCAL IMPACT

No general funds will be used.

REPORT SUMMARY

Proposed Board Policy and Administrative Procedure 3440 – Service Animals was developed by Human Resources, DSPS, and legal counsel to address federal requirements and to facilitate common understanding about guidelines for service animals. The policy and procedure address responsibilities of the District and of persons using service animals.

The College Coordinating Committee reviewed and discussed the draft policy and procedure at its April 25 and May 9 meetings to afford all constituent groups an opportunity for input.

NOTICING REQUIREMENTS

None is required beyond posting of this item on the agenda.

ATTACHMENT(S)

Proposed Board Policy 3440 – Service Animals
Proposed Administrative Procedure 3440 – Service Animals

General Institution

1 **BP 3440 SERVICE ANIMALS**

2 **References:**

- 3 The Americans with Disabilities Act of 1990 -- 42 United States Code Sections
4 12101 et seq.;
- 5 28 Code of Federal Regulations Part 35;
6 28 Code of Federal Regulations Part 36;
7 34 Code of Federal Regulations Part 104.44(b)

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

11 Office of Primary Responsibility: Vice President, Human Resources

12 Also see AP 3440 titled Service Animals

Date Adopted:

General Institution

1 **AP 3440 SERVICE ANIMALS**

2 **References:**

- 3 29 U.S.C. § 794d
4 Americans with Disabilities Amendments Act of 2009 (ADAA)
5 Section 504, Federal Rehabilitation Act, 1973
6 28 C.F.R. § 35.136

7 The Cerritos Community College District will permit qualified students with disabilities to
8 use service animals in District facilities and on District campuses in compliance with state
9 and federal law. Administrative Procedure 3412 504/ADA Academic Accommodations
10 and Complaints was established pursuant to the Americans with Disabilities Amendments
11 Act of 2009 (ADAA) and Section 504 of the Rehabilitation Act of 1973.

12 The purpose of this procedure is to ensure that qualified students with disabilities can
13 participate in and benefit from District services, programs and activities, and to ensure
14 that the District does not discriminate on the basis of a disability.

15 **Primary College Contacts**

- 16 A. Students may contact Disabled Student Programs and Services for information or
17 guidance.
18 B. Employees may request to have a service animal as a workplace accommodation
19 through the District's Human Resources Office.
20 C. Guests may be accompanied by a service animal when participating in programs
21 and accessing services without requesting an accommodation, but are welcome
22 to contact the District's Director of Diversity, Compliance and Title IX Coordinator
23 for information or guidance.

24 Disabled Student Programs and Services full contact information is available at
25 www.cerritos.edu/dsps.

26 Director of Diversity, Compliance and Title IX Coordinator information is available at
27 www.cerritos.edu/hr

28 This procedure implements procedures with regards to service animals on campus.

29 1. **DEFINITION**

- 30 a. Service animal is defined in Title II of the ADAA regulations (28 C.F.R.,
31 §36.104). *Service animal* means any dog that is individually trained to do work

32 or perform tasks for people with disabilities. Other species of animals, whether
33 wild or domestic, trained or untrained, are not service animals for the purposes
34 of this definition.

35 b. The District shall make reasonable modifications in policies, practices, or
36 procedures to permit the use of a miniature horse by an individual with a
37 disability, if the miniature horse has been individually trained to do work or
38 perform tasks for the benefit of the individual with a disability (28 C.F.R., §
39 35.136(i)).

40 c. The District shall consider: the type, size, and weight of the miniature horse
41 and whether the facility can accommodate these features.

42 d. Trainee: A dog guide trainee for blind persons, hearing ear dog trainee, or
43 other animal undergoing training to assist a person with a physical impairment
44 will be granted the same rights as fully-trained service animals.

45 2. DESCRIPTION OF ACTION

46 a. A person with a disability may take a service animal into areas where the public
47 is normally allowed to go without being referred to Disabled Student Programs
48 and Services (DSPS). When it is not obvious what the service animal provides,
49 faculty, managers, and staff may ask the following:

50 1) Is the dog (or miniature horse) a service animal required because of a
51 disability?

52 2) What work or task has the dog (or miniature horse) been trained to perform?

53 If employees are concerned about these questions, they may contact Human
54 Resources for assistance.

55 Director of Diversity, Compliance and Title IX in Human Resources Office –
56 (562) 860-2451 ext. 2284)

57 b. The work or tasks performed by a service animal must be directly related to the
58 individual's disability. Examples of work or tasks include, but are not limited to,
59 assisting individuals who are blind or have low vision with navigation and other
60 tasks alerting individuals who are deaf or hard of hearing to the presence of
61 people or sounds, providing non-violent protection or recuse work, pulling a
62 wheelchair, assisting an individual during a seizure, alerting individuals to the
63 presence of allergens, retrieving items such as medicine or the telephone,
64 providing physical support and assistance with balance and stability to
65 individuals with mobility disabilities, and helping persons with psychiatric and
66 neurological disabilities by preventing or interrupting impulsive or destructive
67 behaviors.

68 c. The crime deterrent effects of an animal's presence and the provision of
69 emotional support, well-being, comfort or companionship do not constitute work
70 or tasks for the purposes of this definition. The animal's work cannot be
71 passive. If an animal meets this definition, it is considered a service animal
72 under the ADAA, even if it has not been licensed or certified by a state or local
73 government, or by a private agency. A student may choose to produce a Los

74 Angeles County or county of residence license as proof of vaccination. Only
75 dogs are eligible to apply for service animal identification tags (form DAS-195,
76 rev. 07-10) in California. Students that may have service animals in the
77 classroom may be referred to DSPS for review of all reasonable
78 accommodations.
79 d. A service animal is not required to wear a vest, harness or other “service
80 animal” identification.

81 3. RESPONSIBILITIES OF PERSONS USING SERVICE ANIMALS

- 82 a. A student with a disability who brings an animal for participation in the services
83 or classes of the District, where the public is normally not allowed, may be
84 referred to the DSPS Office which will provide support to students with service
85 animals in the classroom. Participation in DSPS services is voluntary.
- 86 b. The student must declare they are a person with a disability when accessing
87 non-public spaces and describe the disability related task(s), which the animal
88 performs, which facilitates access to District programs, services or activities.
- 89 c. The student may meet with a DSPS counselor and receive the Cerritos
90 Community College District DSPS Service Animal Fact Sheet.
- 91 d. The care and supervision of a service animal is the responsibility of the student.
92 Civil Code Section § 54.2 requires that the owner of the service animal be
93 responsible for any damage done to the premises or facility by the animal.
- 94 e. The State of California Health and Safety Code, § 121690, requires that all
95 service animals be immunized and licensed (Los Angeles County Sec.
96 10.20.180 and 10.20.190).
- 97 f. Dogs must work without a direct threat to other service animals, students and/or
98 District personnel. A student with a disability who has a service animal that
99 poses a threat to health, safety or program disruption (i.e., service animal out
100 of control or not house broken) shall be informed that the animal is not an
101 allowable accommodation and cannot be on campus. Failure to comply with
102 this exclusion may result in a disciplinary action in accordance with
103 Administrative Procedure 5520 Student Discipline Procedures.
- 104 g. A student who has been denied the use of a service animal may file a complaint
105 in accordance with AP 3412 and BP/AP 5530.

106 **Requirements for Faculty, Staff and Students**

- 107 Members of the Cerritos Community College District are responsible for the following:
- 108 a. Allowing service animals to accompany the person they are assisting in all areas
109 of campus where members of the public, participants in services, programs or
110 activities, or invitees, as relevant, are allowed to go.
 - 111 b. Not distracting a service animal in any way. Do not pet, feed, or interact with
112 animal without the handler’s permission.
 - 113 c. Not separating a disabled person from his or her service animal.
 - 114 d. Clarifying an animal’s status as a service animal only when it is not readily apparent
115 that an animal is a service animal. In such cases, designated staff (i.e., Dean of
116 DSPS or designee, Human Resources – Compliance Officer, and Campus Police)

117 may not ask about the nature or extent of a person's disability, but may make two
118 inquires to establish whether the animal is a service animal:

- 119 1. Is the animal required because of a disability? and
- 120 2. What work or task the animal has been trained to perform?

121 Other questions regarding the status of a service animal should be referred to the contacts
122 noted in Section 2. Cerritos Community College may take action against any individual
123 who fails to abide by these guidelines.

124 **General Rule Regarding Service Animals**

125 As a general rule, the District will modify policies, practices, and procedures to permit the
126 use of service animal by an individual with a disability.

127 4. EVALUATION PROCEDURES FOR ENFORCEMENT

128 a. Under the ADA and Section 504, the District may not impose a rule upon
129 individuals with disabilities prohibiting services animals, if the rule has the effect
130 of limiting the participation of the individuals with disabilities in the District's
131 services, programs or activities. However, the District is not obligated to permit
132 the use of service animals, if doing so would result in a fundamental alteration
133 of the District service, program or activity, or would pose a direct threat to the
134 health or safety of others.

135 b. The District will analyze whether the presence of the service animal would
136 actually be a fundamental alteration or direct threat upon the service, program,
137 or activity involved. The Board of Trustees designates the District DSPS
138 professionals, in consultation with the program professionals and the Vice
139 Presidents, to make such determination. If the DSPS professionals, in
140 consultation with the program professionals and the Vice Presidents, determine
141 that the use of the service animal causes a fundamental alteration in District
142 services, programs, or activities, the District may exclude the animal from its
143 campus, sites, programs, and activities (Title II of the ADA Regulations, 28
144 C.F.R., § 36. 104).

145 1) If the District makes a determination that use of the service animal would
146 result in such fundamental alteration, within ten (10) working days of such
147 determination, the designated person(s) shall issue a written statement
148 identifying the reasons for the determination in sufficient detail to meet the
149 District's burden to demonstrate that such alteration would occur (Title II of
150 the ADA Regulations, 28 C.F.R., § 36. 104).

151 2) If use of the service animal would result in such fundamental alteration, at
152 the request of an individual with a disability and in accordance with Board
153 Policy, the District shall take any other action that would not result in such
154 an alteration but would nevertheless allow the individual with a disability to
155 participate in District services or programs.

156 c. The District will make an individualized assessment to determine whether the
157 presence of the service animal poses a direct threat to the health or safety of
158 other persons that cannot be eliminated by a modification of policies, practices
159 or procedures, or by the provision of auxiliary aids or services. If the District

160 determines that the presence of the service animal does pose a direct threat to
161 the health or safety of persons participating in District services, programs or
162 activities, the District may exclude the animal from its facilities and campus
163 (Title II of the ADAA Regulations, 28 C.F.R., § 36.208).

164 d. A student with a disability who is denied the use of a service animal by the
165 DSPS Office may file a complaint utilizing the formal resolution process of
166 Administrative Procedure. See AP 5140 Disabled Student Programs and
167 Services

168 **Conflicting Disabilities**

169 Individuals with medical issues that may be impacted by the presence of service animals
170 should communicate with the Compliance Coordinator in the Human Resources Office at
171 (562) 860-2451 ext. 2284, if they have a concern about exposure to a service animal. The
172 individual will be asked to provide information that identifies a disability and the need for
173 an accommodation. The appropriate Cerritos Community College point of contact will
174 facilitate a process to resolve the conflict that considers the disability-related
175 needs/accommodations of all persons involved.

176 **Emergency Situations**

177 Emergency Responders (ERs) are trained to recognize service animals and to be aware
178 that animals may try to communicate the need for help or that, an animal may become
179 disoriented in an emergency situation. ERs should make every effort to keep a service
180 animal with the disabled person it is tasked with assisting. However, the ER's first effort
181 should be toward the disabled person, which may result in the service animal being left
182 behind in some emergency evacuation situations.

183 Refer also to:

184 BP 3440 Service Animals

185 BP 3410 Nondiscrimination

186 AP 3412 504/ADA Academic Accommodations and Complaints

187 BP 5140 Disabled Student Programs and Services

188 BP/AP 5530 Student Rights and Grievances

189 Offices of Primary Responsibility: Vice President, Human Resources

190 Vice President, Student Services

Date Approved: