

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

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

15 **Primary College Contacts**

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

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

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

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

28 1. DEFINITION

- 29 a. Service animal is defined in Title II of the ADAA regulations (28 C.F.R.,
30 §36.104). *Service animal* means any dog that is individually trained to do work
31 or perform tasks for people with disabilities. Other species of animals, whether
32 wild or domestic, trained or untrained, are not service animals for the purposes
33 of this definition.
- 34 b. The District shall make reasonable modifications in policies, practices, or
35 procedures to permit the use of a miniature horse by an individual with a

- 36 disability, if the miniature horse has been individually trained to do work or
37 perform tasks for the benefit of the individual with a disability (28 C.F.R., §
38 35.136(i)).
- 39 c. The District shall consider: the type, size, and weight of the miniature horse
40 and whether the facility can accommodate these features.
- 41 d. Trainee: A dog guide trainee for blind persons, hearing ear dog trainee, or
42 other animal undergoing training to assist a person with a physical impairment
43 will be granted the same rights as fully-trained service animals.

44 2. DESCRIPTION OF ACTION

- 45 a. A person with a disability may take a service animal into areas where the public
46 is normally allowed to go without being referred to Student Accessibility
47 Services (SAS). When it is not obvious what the service animal provides,
48 faculty, managers, and staff may ask the following:
- 49 1) Is the dog (or miniature horse) a service animal required because of a
50 disability?
- 51 2) What work or task has the dog (or miniature horse) been trained to perform?

52 If employees are concerned about these questions, they may contact Human
53 Resources for assistance. Contact Information: Director of Diversity,
54 Compliance and Title IX at (562) 860-2451 extension 2284.

- 55 b. The work or tasks performed by a service animal must be directly related to the
56 individual's disability. Examples of work or tasks include, but are not limited to,
57 assisting individuals who are blind or have low vision with navigation and other
58 tasks alerting individuals who are deaf or hard of hearing to the presence of
59 people or sounds, providing non-violent protection or recuse work, pulling a
60 wheelchair, assisting an individual during a seizure, alerting individuals to the
61 presence of allergens, retrieving items such as medicine or the telephone,
62 providing physical support and assistance with balance and stability to
63 individuals with mobility disabilities, and helping persons with psychiatric and
64 neurological disabilities by preventing or interrupting impulsive or destructive
65 behaviors.
- 66 c. The crime deterrent effects of an animal's presence and the provision of
67 emotional support, well-being, comfort or companionship do not constitute work
68 or tasks for the purposes of this definition. The animal's work cannot be
69 passive. If an animal meets this definition, it is considered a service animal
70 under the ADA, even if it has not been licensed or certified by a state or local
71 government, or by a private agency. A student may choose to produce a Los
72 Angeles County or county of residence license as proof of vaccination. Only
73 dogs are eligible to apply for service animal identification tags (form DAS-195,
74 rev. 07-10) in California. Students that may have service animals in the
75 classroom may be referred to SAS for review of all reasonable
76 accommodations.
- 77 d. A service animal is not required to wear a vest, harness or other "service
78 animal" identification.

79 3. RESPONSIBILITIES OF PERSONS USING SERVICE ANIMALS

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

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

105 Members of the Cerritos Community College District are responsible for the following:

- 106 a. Allowing service animals to accompany the person they are assisting in all areas
107 of campus where members of the public, participants in services, programs or
108 activities, or invitees, as relevant, are allowed to go.
- 109 b. Not distracting a service animal in any way. Do not pet, feed, or interact with
110 animal without the handler's permission.
- 111 c. Not separating a disabled person from his or her service animal.
- 112 d. Clarifying an animal's status as a service animal only when it is not readily apparent
113 that an animal is a service animal. In such cases, designated staff (i.e., Dean of
114 Student Accessibility and Wellness Services or designee, Human Resources –
115 Compliance Officer, and Campus Police) may not ask about the nature or extent
116 of a person's disability, but may make two inquires to establish whether the animal
117 is a service animal:
- 118 1. Is the animal required because of a disability? and
119 2. What work or task the animal has been trained to perform?

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

123 **General Rule Regarding Service Animals**

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

126 4. EVALUATION PROCEDURES FOR ENFORCEMENT

- 127 a. Under the ADA and Section 504, the District may not impose a rule upon
128 individuals with disabilities prohibiting services animals, if the rule has the effect
129 of limiting the participation of the individuals with disabilities in the District's
130 services, programs or activities. However, the District is not obligated to permit
131 the use of service animals, if doing so would result in a fundamental alteration
132 of the District service, program or activity, or would pose a direct threat to the
133 health or safety of others.
- 134 b. The District will analyze whether the presence of the service animal would
135 actually be a fundamental alteration or direct threat upon the service, program,
136 or activity involved. The Board of Trustees designates the District SAS
137 professionals, in consultation with the program professionals and the Vice
138 Presidents, to make such determination. If the SAS professionals, in
139 consultation with the program professionals and the Vice Presidents, determine
140 that the use of the service animal causes a fundamental alteration in District
141 services, programs, or activities, the District may exclude the animal from its
142 campus, sites, programs, and activities (Title II of the ADA Regulations, 28
143 C.F.R., § 36. 104).
- 144 1) If the District makes a determination that use of the service animal would
145 result in such fundamental alteration, within ten (10) working days of such
146 determination, the designated person(s) shall issue a written statement
147 identifying the reasons for the determination in sufficient detail to meet the
148 District's burden to demonstrate that such alteration would occur (Title II of
149 the ADA Regulations, 28 C.F.R., § 36. 104).
- 150 2) If use of the service animal would result in such fundamental alteration, at
151 the request of an individual with a disability and in accordance with Board
152 Policy, the District shall take any other action that would not result in such
153 an alteration but would nevertheless allow the individual with a disability to
154 participate in District services or programs.
- 155 c. The District will make an individualized assessment to determine whether the
156 presence of the service animal poses a direct threat to the health or safety of
157 other persons that cannot be eliminated by a modification of policies, practices
158 or procedures, or by the provision of auxiliary aids or services. If the District
159 determines that the presence of the service animal does pose a direct threat to
160 the health or safety of persons participating in District services, programs or
161 activities, the District may exclude the animal from its facilities and campus
162 (Title II of the ADA Regulations, 28 C.F.R., § 36.208).

163 d. A student with a disability who is denied the use of a service animal due to
164 fundamental alteration or direct threat may file a complaint utilizing the formal
165 resolution process of Administrative Procedure. See AP 5140 Disabled Student
166 Programs and Services

167 **Conflicting Disabilities**

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

175 **Emergency Situations**

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

182 Office of Primary Responsibility: Vice President, Human Resources
183 Vice President, Student Services

184 Refer also to:

185 BP 3440 Service Animals

186 BP/AP 3410 Nondiscrimination

187 AP 3412 504/ADA Academic Accommodations and Complaints

188 BP/AP 5140 Disabled Student Programs and Services

189 BP/AP 5530 Student Rights and Grievances

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