

AP 3440 Service Animals, Emotional Support/Comfort Animals, and Other Animals on Campus

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)

A. Service Animals - Introduction

The District will allow an individual with a disability to use a service animal in District facilities and on District campuses and college-sponsored events 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.

1. Service Animal Defined

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

2. Exceptions

The District may ask an individual with a disability to remove a service animal from the premises if:

- a. The animal is out of control and the animal's handler does not take effective action to control it; or

- b. 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, activity or event without having the service animal on the premises.

3. Assessment Factors for Miniature Horses

The District shall consider the following factors:

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

4. Control

- a. 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).

5. Care or Supervision

- a. The District is not responsible for the care or supervision of the animal.

6. Inquiries by the District

The District may make two inquiries to determine whether an animal qualifies as a service animal:

- a. Whether the animal is required because of a disability; and
- b. 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.

6. No Surcharge

- a. 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.

7. Violations:

- a. Any violation of these requirements may be cause for the revocation of permission and removal of the animal from campus or at college-sponsored events.

B. Emotional Support/Comfort Animals

1. Definition:

An emotional support animal, also known as a comfort animal, is a dog that provides comfort or support for a person, but does not have any individualized training to perform work tasks. For the purpose of this administrative procedure, emotional support/comfort animals refers exclusively to dogs.

2. Reasonable Accommodation in Public Places or Public Entities for Emotional Support or Comfort Animals:

- a. Unlike service animals, emotional support/comfort animals are not provided accommodations in public places and in public entities. No protections for emotional support (comfort) animals in terms of access to public accommodations and public entities are provided for in ADA regulations. Emotional support animals are not protected as service animals under these administrative procedures.
- b. Individuals wishing to bring an emotional support or comfort animal on campus must comply with the provisions of AP 3440 and must receive expressed permission from College administration and/or Campus Safety to bring the emotional support/comfort animal on campus.

3. Leash and Standards of Behavior Requirements for All Animals on Campus or at College-Sponsored Events:

- a. For the safety of all members of the college community, and in compliance with Los Angeles County Department of Animal Care and Control provisions, all animals on campus must be on leash at all times, except as permitted in order to perform specific trained duties on behalf of their handler, except that all emotional support/comfort animals must be on leash at all times.
- b. The handler must be in full control of the animal at all times.
- c. The animal must be as unobtrusive as possible.

- d. The animal must not be permitted to sniff people, cafeteria tables, work surfaces or the personal belongings of others.
- e. The animal must not initiate contact with someone without the mutual permission of the individual and the handler.
- f. The animal must not display any behaviors or noises that are disruptive to others, such as barking, whining, growling, or rubbing against people while waiting in lines.
- g. The animal must avoid personal grooming in public settings such as excessive scratching or licking its genital areas.
- h. The animal must not block an aisle or passageway.
- i. The animal must never be more than 12 inches from the handler's leg or side of the chair.
- j. The animal must be trained to not be attracted to food that may be lying around either on surfaces or on the ground.
- k. Animals must be leashed at all times (except as permitted), unaggressive, non-reactive, and trained to eliminate outside of buildings and not on any man-made objects, such as walls, trash receptacles, or furniture.
- l. Animal waste must be picked up and disposed of in outside containers only.

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