



Book	Siskiyou Joint Community College District Administrative Procedures
Section	Chapter 3: General Institution
Title	Service Animals
Code	AP 3440
Status	Active
Legal	Vehicle Code 21113 34 Code of Federal Regulations Part 104.44(b) 28 Code of Federal Regulations Parts 35 and 36 The Americans with Disabilities Act of 1990 - 42 United States Code Sections 12101, et seq. Penal Code Section 365.5 Civil Code Sections 54, et seq. California Fair Employment and Housing Act
Cross References	Board Policy 3490 Board Policy 3440
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Origin	Vice President, Administrative Services
Office	Administrative Services

The District will allow an individual with a disability to use a service animal in District facilities and on District campuses 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/their 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.

Service Animal Defined

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.

Other Animals:

All other animals are considered pets and are prohibited on campus unless granted an exception from the Superintendent/President or their designee.

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

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 does not constitute work or tasks for the purposes of this definition.

Exceptions

The District may ask 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; or
- 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, or activity without having the service animal on the premises.

Assessment Factors for Miniature Horses

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.

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.

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.

Assistive Animal:

The California Fair Employment and Housing Act provides for employees and on-campus residents needing an assistive animal.

The California Fair Employment and Housing Act regulations define an assistive animal as necessary as a reasonable accommodation for an individual with a disability.

Emotional Support Animals:

An emotional support animal is a companion animal that a licensed mental health provider has determined provides benefits for a resident on campus with a disability and for the purpose of this policy is considered an assistive animal.

Control

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

The District, as an employer and housing operator, will require documentation to determine whether an animal qualifies as an assistive animal, including but not limited to:

1. A letter from the employee or resident's health care provider stating that the employee/student has a disability and explaining why the employee/student requires the presence of the animal in the workplace or on-campus housing (e.g., why the animal is necessary as an accommodation to allow the employee to perform essential functions of the job or for the student to access on-campus housing fully);
2. Confirm that the animal is free from offensive odors, does not engage in behavior that endangers the health or safety of the individual with a disability, and is trained to provide assistance for the employee/student's disability. The second element can be provided by either the healthcare provider or the employee/student seeking accommodation;
3. Verify that the license and vaccination records, if required by the local municipality, are up to date.

Annual recertification may be required to document the continued need for the animal.

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 damaged caused by his/her/their service animal.