

**Rancho Santiago Community College District**  
**ADMINISTRATIVE REGULATION**  
Chapter 3  
General Institution

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## **AR 3440 Service Animals**

### **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)

The District will allow an individual with a disability to use a service animal in District facilities and on District property, in compliance with state and federal law. This regulation is also applicable to individuals who are training a service animal. In general, animals other than service animals are restricted on District property and are not permitted within District owned buildings.

Individuals who bring their service animal on District property are required to exercise control over their service animal, to avoid risk to others and property. The service animal handler is responsible and liable for their service animal, at all times, while the service animal is on District property. Any injury to a person while on District property or damage to District property, by a service animal, will be the responsibility of the service animal handler. The District does not provide for the care or supervision or clean-up of any animals, including service animals, as this is the sole responsibility of the service animal handler.

### **Service Animal Defined**

A "service animal" is defined as: any dog (or in some circumstances a miniature horse) 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 species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition and regulation.

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

Assistance animals, sometimes called therapy, support, emotional support, or comfort animals, are not, in most cases, recognized by the American with Disabilities Act (ADA) as Service Animals. Such animals must follow the general policies regarding animals on campus unless they have been deemed service animals by the Disabled Student Programs and Services center or by Human Resources.

Under California law, it is a misdemeanor to knowingly and fraudulently represent oneself as the owner or trainer of a dog licensed as a guide, signal or service dog.

### **Individual with a Disability Defined**

An individual with a disability is a person who 1) has a physical or mental impairment that limits one or more of a person's major life activities or 2) has a record of having, or being perceived as having, a physical or mental impairment.

### **Control of Service Animal**

Service animals on District premises must:

- Be secured with a harness, leash, or similar tether with direct physical connection to the handler, and at of a maximum length of six (6) feet, the other end of which is restrained by a person, unless a disability provides for otherwise. If this constraint interferes with a service animal's work or if the individual's disability prevents using these devices the individual must maintain effective control of the animal through voice, signal, or other effective controls.
- Animals, service or otherwise, must not be tethered to a stationary fixture, including a tree or otherwise, or left unattended on District premises.
- Any animal, service or otherwise, shall not be confined in any unattended motor vehicle, or left under conditions that endanger the health or well-being of a service animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- Be vaccinated and licensed in accordance with state and county laws.

### **Service Animals Access**

The District allows individuals with disabilities to be accompanied by their service animal on all District premises where members of the public or participants in services, programs or activities are allowed to go.

### **Exceptions to Access**

Service animals may be removed and/or excluded from District premises, at any time, when one of the following conditions exists:

- The service animal is not effectively controlled, by exhibiting behavior that is unreasonably disruptive or exhibits an unreasonable or direct threat to property and/or the health or safety of others, and the handler does not take effective action to control the service animal;
- The service animal is not housebroken.

The District retains the right to take action to remove any animal from District premises if the safety of others, destruction of property, or disturbance warrants such removal. The removal of any animal and any necessary cleaning, repairs, and/or pest control will be done at the expense of the handler.

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 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 regulation, that a reasonable accommodation can be made.

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.

### **Employees Questioning Whether an Animal Qualifies as a Service Animal**

Any District employee questioning the appropriateness of a service animal in or on a District facility should report their concern to an immediate supervisor. Supervisors can contact the ADA Coordinator at the District office for guidance for employee issues with animals and the administrator over the Disabled Student Programs and Services center for guidance on student issues with animals.

Human Resources will assist departments with determining, on a case-by-case basis, and in accordance with applicable laws and regulations, whether an animal other than a service animal is a reasonable accommodation in an employee worksite.

### **Inquiries by the District and Other Guidance**

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.

Admission of a service animal may be denied if the handler answers "No" to the question: "Is the animal required because of a disability?" Additionally, admission may be denied if the handler is unable to describe any work or task that the dog 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). Employees may discuss issues surrounding the use of the animal, such as seating of or breaks for the animal.

Federal law does not require the handler to provide documentation that an animal has been trained as a service animal. Employees cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task. However, the handler 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 regulation. There are no licensing or certification requirements for miniature horses.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom, they both should be accommodated. An example of an accommodation may be assigning them to different locations within the room or different rooms in the facility.

The Department of Justice explicitly rejects the idea that service dogs can be restricted by state and local governments based on breed. No county or city ordinance on breed restrictions supersedes the ADA.

Establishments that sell or prepare food must allow service dogs in public areas even if state or local health codes prohibit animals on the premises.

State and federal laws require that licensed service animal trainers shall be afforded the same rights and access as those provided to persons who use service animals. It is allowable for a person with a disability to train his/her/their own dog, but this allowance does not extend to professionals who are training dogs with respect to gaining access to public places.

### **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.

**Adopted: April 21, 2014**  
**Revised: March 3, 2025**