



# Service Animals: DSPS Process

Department of Supportive Programs and Services (DSPS)

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**DRAFT**  
**Service Animals**

According to BP/AP3440, Title II and III of the ADA, Section 504 of the Rehabilitation Act and CA state law, students with disabilities may be eligible to bring their service animals onto Hartnell College campuses, as well as participate in the College's activities.

According to the Department of Justice (DOJ), dogs and miniature horses may be a type of service animal.

The terminology that is used to refer to the type of animal should be considered, although what is essential is the understanding of the specific tasks the animal provides to the student that is directly related to the disability. Given the nature of a disability is confidential information, and DSPS is the department that has been designated by the College to provide supportive services for students with disabilities, students who wish to bring service animals to Hartnell College's programs and activities, should be referred to DSPS.

The registration of service animals continues to be voluntary for students with disabilities, although registration with DSPS is encouraged, also for the health and safety of both the student and the animal. For example, during an emergency situation or evacuation, awareness of the animal by emergency staff is beneficial for the student, the animal, and the responders. According to the DOJ, the student can also choose to register the service animal through the 504/ADA Compliance Officer.

## **DSPS Process: Intended for DSPS Counselors**

### **Service Animal Definition**

According to the Code of Federal Regulations, 28 C.F.R. § 35.104, a service animal is defined as "... as any dog 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. The work or tasks performed by a service animal must be directly related to the individual'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, alerting individuals to the presence of allergens, 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."

## **Definition Amendments, Department of Justice (DOJ)**

The DSPS emphasis needs to be on whether the animal has been trained to provide a specific task that is directly related to the disability (documented through verification of disability and/or through observance by a DSPS Counselor, in accordance with Title 5 of the CA Education Code).

The training of the animal that is referenced by the DOJ, shouldn't be confused with the animal having (past tense) obedience training. Even in training to provide the specific task that is directly related to the disability, the animal needs to be controlled by the student, be quiet, house broken, and remain on a leash at all times, while on College property or participating in College activities (even those off campus).

### **Examples for Clarification**

- Being able to engage with my service animal in a tactile manner allows me to manage my disability
  - o Not a service animal, as its presence to provide comfort is not justification
- My emotional support animal has been trained to alert me when I am about to have an anxiety attack
  - o Yes, a service animal. The term of what the student calls the animal isn't relevant, as the animal is trained to provide a specific task that is directly related to the psychological disability. An educational opportunity though by the DSPS Counselor
- I have a vision/hearing disability, and my therapy animal has been trained to alert me to dangers in my environment
  - o Yes, a service animal, as it's been trained to provide a specific task that is directly related to the disability, no matter the label the student uses to describe the animal. An educational opportunity by the DSPS Counselor

The impact of the presence of the animal alone does not constitute a service animal for a student.

### **Registering with DSPS**

There are two areas of questions that can be asked of a student who is bringing a service animal to campus, and these include:

1. Does the student have the animal due to a disability?
2. What specific task(s) is the animal trained to provide?

For students who register with DSPS for additional accommodations and services, these questions will occur during the interactive process with a DSPS Counselor and will encompass discussion focusing on the specific tasks that are directly related to the functional limitations of the disability.

### **What Constitutes a Specific Task**

This is an area of complexity that should be determined by DSPS.

### **Training of the Animal**

The differences in understanding the application of the term 'trained' is essential. Students with disabilities have the right to train service animals themselves, for their service related task.

### **Visual Display**

Although local ordinances have requirements (see Public Health Related Issues), the DOJ, nor OCR require the animal to wear anything that identifies it as a service animal. Students can be encouraged to have the animal wear such identifying information, so others understand it is a working animal, and shouldn't bring attention to the animal while it's working.

## **Supervision of the Animal**

Students with disabilities are wholly responsible for the care and management of the animal.

### **Public Health Related Issues**

Licensure and Registration:

According to Monterey County, and the Salinas Code of Ordinances, animals need to be licensed with the city on an annual basis. Tags of licensure are to be worn by the animal and visible when in public areas, including the Hartnell College campuses. Note there is no distinction by the city of Salinas on whether the animal is a service animal or psychiatric service animal on licensure or registration documentation/certification, which follows federal requirements.

DOJ – Service animals are not exempt from local ordinances regarding animals.

Salinas Code of Ordinances: Chapter 7:

[https://library.municode.com/ca/salinas/codes/code\\_of\\_ordinances?nodeld=PTIITHCO\\_CH7ANFO](https://library.municode.com/ca/salinas/codes/code_of_ordinances?nodeld=PTIITHCO_CH7ANFO)

Monterey County Code of Ordinances:

<http://www.co.monterey.ca.us/government/departments-a-h/health/monterey-county-animal-services/the-law>

Vaccination:

The Salinas Code of Ordinances requires animals to be vaccinated, based on pre-determined intervals. Certification of vaccination needs to be on record with DSPS, the designated office at Hartnell College for providing modifications to the College Board Policy

Monterey County Code of Ordinances:

<http://www.co.monterey.ca.us/government/departments-a-h/health/monterey-county-animal-services/the-law>

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Students should provide a copy of licensure, registration and vaccination records during the interactive process with a DSPS Counselor.