

Service Animal Regulation

Procedures for Evaluation of Requests

These procedures must be followed when an individual with a disability is using an animal in San Francisco Community College District facilities or on District Campuses, or when an individual with a disability proposes to use an animal, and the District has questions or concerns about permitting the presence of the animal.

General Information

Generally, there is a presumption that use of service animals by persons with

1. What is the particular question or concern with the service animal?

- a. The service animal does not meet the basic standards of the ADA.

Procedure: If, and only if, circumstances arise which would justify evaluating a person's use of a service animal (i.e., the use of the animal is not occasional or is not obviously related to a user's disability), establish whether the particular service animal meets the basic definition of the ADA as quoted in the District regulation. This determination is based upon whether the service animal has been trained to provide the specific task or service required by the individual

b. Use of the service animal or other authorized animal will result in a “fundamental alteration.”

Procedure: Establish whether permitting the use of the particular service animal will fundamentally alter District services, programs, or activities. If the District determines that the use of the service animal does cause a fundamental alteration in District services, programs, or activities, the District may exclude the animal.

Comments: Please note that the use of this particular standard is generally limited. Prior to establishing a determination of fundamental alteration, the District must rigorously analyze whether the presence of the service animal would actually have a significant effect upon the service, program, or activity involved.

Background Information: Fundamental alteration is referred to in the Title II ADA regulation [28 C.F.R. 35.130 (b) (7)], as follows:

A Public entity shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

c. Use of the service animal or other authorized animal will result in a “direct threat.”

Procedure: Establish whether the presence of a particular service animal poses a direct threat to the health or safety of other persons who participate in District services, programs, or activities. If the District determines that the presence of the service animal does pose a direct threat to the health or safety of persons participating in District services, programs, or activities, the , or(os)-2 (a3 (ra) (ty1 (ns)-3 (t)-2.1

advantages, and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.

(b) Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

(c) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

2. What alternatives can be provided if use of the service animal or other authorized animal is denied?

If the District determines that the use of a particular service animal will not be