UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

June 15, 2026

By email only to [redacted content] and [redacted content]

David Daigler
President
Maine Community College System
323 State Street
Augusta, Maine 04330

Julius W. Edwards, Ph.D.
President
Eastern Maine Community College
354 Hogan Road
Bangor, Maine 04401

Re: Case Number 01-26-2083
Eastern Maine Community College

Case Number 01-26-2200
Maine Community College System

Dear Presidents Daigler and Edwards:

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its investigation of this complaint opened against Eastern Maine Community College (the College) and the Maine Community College System (the System), which we will collectively refer to as "the Recipients." OCR investigated whether the Recipients discriminate against students on the basis of disability by implementing service animal policies that do not adhere to the requirements of Section 504 and/or Title II.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance. As recipients of federal financial assistance from the Department of Education and as public entities, the System and the College must comply with these laws.

In reaching a determination, OCR reviewed documents provided by the Recipients. After carefully considering all of the information obtained during the investigation, OCR found

sufficient evidence of a violation of Section 504 and Title II, which the Recipients agreed to resolve through the enclosed resolution agreement. OCR's findings and conclusions are discussed below.

Legal Standard

The Section 504 regulation, at 34 C.F.R. § 104.4(a), provides that no qualified person with a disability shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in a school's programs or activities on the basis of disability. The Title II regulation contains a similar prohibition at 28 C.F.R. § 35.130(a). The Title II regulation also requires schools to make reasonable modifications to policies, procedures, or practices when necessary to avoid discrimination on the basis of disability, unless the modification would fundamentally alter the nature of the service, program, or activity.

The Title II regulation, at 28 C.F.R. § 35.136, provides that a public school generally must modify its policies, practices, or procedures to permit individuals with disabilities to use service animals. The regulation, at 28 C.F.R. § 35.104, defines a service animal 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 regulation provides a non-exhaustive list of examples of work or tasks that may be performed by a service animal, including but not limited to assisting an individual during a seizure, preventing impulsive behaviors, pulling a wheelchair, or retrieving items.

Under the Title II regulation, at 28 C.F.R. § 35.136, persons with disabilities have the right to be accompanied by service animals in all parts of facilities where the public, participants in programs and activities, or invitees are allowed. A public school is not permitted to ask about the nature or extent of a person's disability or require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. If it is not readily apparent that an animal is trained to do work or perform tasks for an individual with a disability, a school is permitted to make two inquiries to determine whether an animal qualifies as a service animal: 1) if the animal is required because of a disability; and 2) what work or task the animal has been trained to perform.

The Title II regulation, at 28 C.F.R. § 35.136(d) requires that a service animal is under the control of its handler, and shall have a harness, leash, or other tether unless the use of a harness, leash, or tether would interfere with the service animal's performance of work or tasks, or the handler is unable to use a harness, leash, or tether due to their disability. In such instances, the service animal must otherwise be under the handler's control through voice control, signals, or other effective means.

Under the Title II regulation, a school is not responsible for the care or supervision of a service animal. 28 C.F.R. § 35.136(e). A school may not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay a fee, or to comply with requirements which are generally not required of people without pets; if the school normally charges individuals for damages they cause, they may charge an individual with a disability for damages caused by their service animal. 28 C.F.R. § 35.136(h).

The Title II regulation provides that a school may ask an individual with a disability to remove a service animal from the premises if: (1) the animal is out of control and the animal's handler does not take effective action to control it; or (2) the animal is not housebroken. 28 C.F.R. § 35.136(b). In addition, if admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. 28 C.F.R. § 35.130(b)(7). If a service animal is excluded under one of these provisions, the school must give the individual an opportunity to participate in the service, program, or activity without the service animal. 28 C.F.R. § 35.136(c).

Facts

Maine operates 7 community colleges across the state, including Eastern Maine Community College. Under state statutes, the System is tasked with implementing policies of the board of trustees, providing staff and technical assistance to each of the 7 colleges, and providing state-level coordination and leadership to the member colleges.

The System's Service Animal Policy

The Recipients provided OCR with a copy of the System's policy titled "Service and Support Animals" (the Policy). The Policy defines a service animal as one that is individually trained to do work or perform tasks for the benefit of an individual with a disability, where the work or tasks are directly related to the disability. The Policy permits services animals when they are determined to be a service animal under the above definition and are approved by a member college as a reasonable accommodation for a documented disability. Specifically, the Policy states that students or employees who want to bring a service animal into places on campus which are not open to the general public, including classrooms and college housing, are required to request approval for a reasonable accommodation.

The Policy states that no documentation will be required when it is readily apparent from observation that the service animal performs work related to the student's disability. Otherwise, the Policy requires that they provide: a letter, dated and on letterhead, from a treating physician or mental health provider which allows the college to determine that the student has a disability for which the service animal is needed, what work or tasks the service animal has been trained to perform, and the relationship between the disability and the work the service animals performs; a statement of good health from a licensed veterinarian with information about the spay/neuter date and immunizations; licensing documentation provided on an annual basis; and a negative fecal test lab result every six months. These same requirements apply to students seeking to have a service animal accompany them in areas not generally open to members of the public.

Once a service animal has been approved under the Policy, it is permitted to accompany the handler in all areas accessible to the handler, except where a member college prohibits the service animal's presence due to health, environmental, or safety reasons. In addition, the Policy requires that approved service animals are housebroken, clean, and odor and pest free; are well-behaved and do not cause damage or injury, including excessive noise or annoying, disruptive, or threatening behavior; and are kept up-to-date on required licensing and immunizations. In the event a service animal does cause damage to person or property, the Policy states that the handler is responsible for related expenses, including cleaning services "above and beyond normal

cleaning" or pest control services, and that the college may bill the handler for financial obligations attributable to the service animal. The Policy requires the handler to agree to all rules applicable to an approved service animal in writing, as well as other "reasonable rules" which may additionally be imposed by the member colleges. Under the Policy, the violation of any of the rules imposed by the System or by the member colleges may result in the removal of the service animal, termination of the student's housing, or disciplinary action. In addition to failure to comply with these rules, the Policy further allows removal of the service animal if it poses a direct threat to the health, safety, or property of others; creates an unmanageable disturbance in the college community; or results in a fundamental alteration of the program.

The College's Policies

Animals Generally

The College has a separate policy titled Pets and Other Animals on College Property Procedures (policy EMCC 214.1) which contains requirements for animals on campus generally, for animals which are approved for education purposes, and for animals belonging to employees who are required to live on campus as part of their employment. Under EMCC 214.1, the general presence of animals is only permitted in outdoor areas open to the public, and only when the animal is leashed or harnessed, licensed and vaccinated, and under the control of its handler. For animals which are approved for education purposes, EMCC 214.1 requires that they are approved by a College administrator and specifies that the handler will be responsible for any damage to person or property, cleaning expenses above and beyond normal cleaning, including pest control services, and other financial obligations attributable to the animal. For animals kept by employees required to live on campus, EMCC 214.1 includes the same financial responsibilities listed above. It further requires that the handler provides a statement of good health, including licensing and vaccination information, annually, and that the animal: is housebroken, clean, and odor and pest free; and is well-behaved and does not cause damage or injury, including excessive noise or annoying, disruptive, or threatening behavior. EMCC 214.1 requires that the employee agree to all rules in writing, and lists the bases on which the College may remove the animal, including if it poses a direct threat to the health, safety, or property of others; creates an unmanageable disturbance in the college community; or results in a fundamental alteration of the program. None of the three categories of animals described under EMCC 214.1 are required under the policy to provide a fecal sample at any time.

Reasonable Accommodations Generally

For students applying for a reasonable accommodation due to a disability, the College requires that they contact the Accessibility Services office, provide documentation in support of their request, and meet with the Accessibility Services Coordinator to discuss their request. Once an accommodation is approved, it must be renewed every academic year by contacting Accessibility Services. The College provides documentation guidelines (the Documentation Guidelines) for students requesting an accommodation, which state that a student can provide either a copy of a prior 504 Plan or Individualized Education Program (IEP) from high school, or a formal letter from a current healthcare provider. Further, any documentation must include a diagnostic statement, description of the current functional impact of the disability, the expected progression of the disability over time, any existing treatments and related side effects, and a list of

recommended accommodations. The Documentation Guidelines state that accommodation requests for a service animal require additional documentation, as described below.

Service Animal Requests for College Buildings and Classrooms

The College's Procedures and Guidelines for Requesting Service Animal in EMCC Buildings and Classrooms closely mirrors the System's Policy for service animals. One difference is that the College additionally requires that the individual provides a formal letter from a health professional, preferably dated within the prior 6 months, which includes the length of time the health professional has been working with the individual, verification of the individual's disability, the work the service animal is trained to perform, the relationship between the individual's disability and the work the service animal performs, any consequences related to the disability that may result "if the accommodation is not approved," and "any other pertinent information requested by a college."

Analysis

OCR notes at the outset that the Policy's definition of a service animal is aligned with the definition contained in the Title II regulation. However, the Recipients' policies place procedural and documentation requirements on individuals who use service animals which go beyond what is permissible under Title II. Specifically, the System and the College's requirements that students apply for an accommodation in order for the service animal to accompany them in areas not open to the general public, as well as the requirements for detailed, written, documentation about the individual's disability and the signed agreement required under the Policy and under the College's Accessibility Services instructions, are all prohibited by Title II.

In addition, both the System and College policies for service animals include a list of bases on which the service animal may be removed which are beyond what is permitted under Title II.

Based on the above, OCR found sufficient evidence that the System's Policy, as well as supplemental requirements under the College's policies and procedures, do not adhere to the requirements of Section 504 and/or Title II.

Conclusion

On June 15, 2026, the Recipients agreed to implement the enclosed Resolution Agreements, which, when fully implemented, will address the identified violations. OCR will monitor the Recipients' implementation of the agreement until the Recipients are in compliance with the terms of the agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the Recipients' compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with

OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Recipients must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We appreciate the Recipients' cooperation in the resolution of this complaint. If you have any questions, please contact Katharine Bohrs, the OCR attorney assigned to this complaint, at 202-987-1550 or katharine.bohrs@ed.gov.

Sincerely,

/s/

Jasmine Gibbs
Team Leader

Enclosure

cc: [redacted content]