

BLINN COLLEGE DISTRICT ADMINISTRATIVE REGULATIONS MANUAL

SUBJECT: *Assistance Animals – Emotional Support Animals*

EFFECTIVE DATE: August 23, 2024

BOARD POLICY REFERENCE: FAB

Purpose

The Blinn College District (hereinafter referred to as the “College District”) is committed to providing support for students with disabilities in compliance with state and federal laws regarding individuals with disabilities, including the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Fair Housing Act.

This regulation outlines the rules and guidelines for granting authorization to a student of the College District for an emotional support animal (ESA). The regulation outlines the procedures to request an ESA, the expectations for students if an ESA request is granted, and guidance to those who come into contact with such animals on campus.

Definitions

- **Approved Trainer:** An individual who is certified by a state organization whose primary mission is to train animals for the purpose of assisting individuals with disabilities.
- **Assistance Animals:** Animals that work, perform tasks, assist, and/or provide therapeutic emotional support. There are two types of assistance animals: (1) service animals and (2) Emotional Support Animals (ESA).
- **Direct Threat:** a significant risk to others that cannot be eliminated or reduced to an acceptable level by reasonable modifications to the College District’s policies, practices, or procedures or by the provision of appropriate auxiliary aids or services.
- **HUD:** U.S. Department of Housing and Urban Development
- **Emotional Support Animal (ESA):** One type of assistance animal. An animal companion that offers some type of benefit to an individual with a disability. The animal is intended to provide companionship and emotional support that helps alleviate one or more identified symptoms or effects of a person’s disability, as defined by the Americans with Disabilities Act (ADA).
- **Fair Housing Act (FHA):** An Act that prohibits discrimination against individuals when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. The FHA prohibits discrimination in housing because of race, color, national origin, religion, sex, familial status, and/or disability. The FHA requires a housing provider – including an institution of higher education – to make reasonable accommodations and allow reasonable modifications to allow a person with a disability to enjoy their housing. This may include allowing an individual with a disability to keep an animal for emotional support even when their housing provider has a general “no pets allowed” policy or rule. Campus housing on a public institution is subject to the FHA.

- **Handler:** As defined under the ADA, the “Handler” is the person with a disability who is using a service animal.
- **Individual with a Disability:** As defined under the ADA, a person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment
- **Owner:** the individual who has requested and received approval of an accommodation to bring an emotional support animal into College District housing
- **Public Facility:** includes a street, highway, sidewalk, walkway, common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation; a hotel, motel, or other place of lodging; a public building maintained by any unit or subdivision of government; a retail business, commercial establishment, or office building to which the general public is invited; a college dormitory or other educational facility; a restaurant or other place where food is offered for sale to the public; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited. (*Human Resources Code 121.002(5)*).
- **Service Animal:** One type of assistance animal. A dog that is individually trained to do work or perform tasks for a person with a disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, and alerting/protecting a person who is having a seizure. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of defining a service animal. Under certain circumstances, miniature horses may also be trained as a service animal and be permitted within university buildings, where reasonable. Other species of animals, whether wild or domestic, trained or untrained, are not service animals and will not be allowed.
- **Service Animal in Training:** a dog undergoing training by a trainer and/or their handlers. Under certain circumstances, miniature horses may also be trained as a service animal. For purposes of this procedure, individuals with Service Animals in Training have the same rights and responsibilities as applicable to Service Animals.
- **Task:** A specific action that a dog is trained to do when needed to assist the person with a disability. For example, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

POLICY OVERVIEW

Generally, animals and pets are not allowed in College District facilities or on College District grounds. The College District recognizes that some individuals with disabilities use assistance animals. There are two types of assistance animals: (1) service animals and (2) Emotional Support Animals (ESA). Separate rules and procedures apply to these two categories. Below are the rules and procedures specific to ESAs. For information specific to service animals, see the Administrative Regulations titled “Assistance Animals – Service Animals.”

Students with questions regarding assistance animals should contact the College District’s Office of Disability Services (ODS). Employees with questions regarding assistance animals should contact the College District’s Human Resources Office.

Unlike *service* animals, which may have access to all facilities and buildings on campus that are open to the public, an ESA must remain in the student's personal residence and cannot have access to other buildings or other parts of campus.

When an animal does not qualify as a service animal under the ADA, the College District will evaluate whether the animal qualifies as an ESA under the Fair Housing Act (FHA). In contrast to service animals, ESAs require:

- prior authorization,
- are only allowed in the student's personal residence, and
- cannot be brought to public common spaces in the residence halls or elsewhere on campus.

When outside the student's personal residence, an ESA must be restrained in an animal carrier or restricted with a harness, leash, or other tether, unless the Owner's disability precludes the use of a restraint or if the restraint would interfere with the animal's safety. If an animal is not tethered, it must be otherwise under the Owner's control, whether by voice control, signals, or other effective means.

The College District will require that a student requesting authorization of an ESA in campus housing complete the Emotional Support Animal Authorization form and provide supporting documentation, which is further outlined below, that establishes the following:

- The individual has a disability for which the animal is needed;
- A description of how the animal assists the individual, including whether the animal has received special training; and
- The relationship between the disability and the assistance that the animal provides.

The Emotional Support Animal Authorization form is located at <https://www.blinn.edu/disability/service-assistance-animals.html>

RESPONSIBILITIES OF INDIVIDUALS WITH EMOTIONAL SUPPORT ANIMALS

Owners with ESAs have certain responsibilities. The ESA is considered an extension of the Owner and therefore must comply with the same public rules and regulations that the Owner must comply with. Just as a person cannot yell out loud or be disruptive, neither may an ESA.

Owners are responsible for the control, care, and supervision of their animals at all times and must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. It is the Owner's responsibility to know, understand, and pay any fees associated with these ordinances, laws, and regulations. While formal training is not required for ESAs, obedience and training programs are highly recommended for ESAs. When appropriate for the type of animal, collars and tags must be worn at all times.

The animal must be in good health and care. The care and supervision of the animal is solely the responsibility of its Owner. Animals that are ill or contagious must not be taken into public areas and the Owner should immediately seek veterinary care for any sick animal. An Owner with an ill

or contagious animal may be asked to remove the animal from College District premises. It is the Owner's responsibility to pay for any fees associated with the care of their animal.

Owners must take regular precautionary measures to prevent flea and tick infestation such as flea medications prescribed by veterinarians, flea and tick collars, or taking the animal to the veterinarian for flea and tick baths. For dogs and cats, regular measures will include a monthly treatment or other regime prescribed in writing by the animal's veterinarian. Owners will receive periodic email reminders to ensure compliance with this requirement. The Owner's living accommodations may also be inspected for fleas, ticks or other pests when necessary as part of the College District's standard or routine inspections or in response to a specific complaint about fleas, ticks, or other pests. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a College District-approved professional extermination company at the Owner's expense.

Owners, any other residents, and/or College District staff must promptly notify the Office of Residence Life when any fleas or ticks are observed. Any flea or tick infestation must be attended to promptly by a College District-approved professional extermination company at the Owner's expense. Housing staff may not use chemical agents and insecticides to exterminate fleas and ticks. Because not all of these precautions will prevent flea and tick infestations, the animal Owner is responsible for extermination costs after vacating the residence hall room or apartment. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The College District shall have the right to bill the Owner's account for unmet obligations under this provision.

Owners are responsible for ensuring the immediate clean-up and proper disposal of all animal waste. An owner with a disability who physically cannot clean up after their animal shall make all necessary arrangements for assistance.

Regular and routine cleaning of floors, kennels, cages, and litter boxes must occur. The odor of an animal emanating from the residence hall room or apartment is not acceptable.

The Owner of the animal bears sole liability (criminal or civil) for the actions of the animal (bites, scratches, property damage, etc.). Although the College District may not charge an assistance animal surcharge, it may impose charges for damages caused by an animal in the same manner the College District imposes charges for damages caused by students or others. The College District recommends that the Owner have appropriate liability insurance in the event of an animal bite, scratch, etc.

The Owner will provide an emergency contact to the Office of Housing and Residence Life. The Owner identifies this individual as someone local who can care for the animal in case of emergency. In the case of an emergency when the Owner fails to provide emergency contact information, the College District will board the animal at the Owner's expense.

ESAs may not be left overnight in College District housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the Owner must take the animal.

The Owner of an ESA that has escaped from the residence hall or container or cannot be located within one hour shall promptly notify BCPD and residence life staff via the hall office.

An ESA left unattended in a vehicle and is perceived to be in distress is to be reported to the Blinn College District Police Department (BCPD) for appropriate response. A person who leaves an animal unattended may be reported to BCPD. Any animal found unattended in, or on, any campus facility, except in the residence of a student with an approved ESA, may be impounded. Owners of an impounded animal will be held responsible for payment of any impoundment and/or license fees required to secure the release of their animal.

EMOTIONAL SUPPORT ANIMALS IN BLINN COLLEGE DISTRICT HOUSING

Employees who receive requests for accommodation of an assistance animal should direct the student or applicant to the Office of Disability Services or direct them to the ESA Authorization link at <https://www.blinn.edu/disability/service-assistance-animals.html>. The Office of Disability Services will handle the request on a confidential basis. If the request is approved, residence hall staff will be informed that the accommodation is needed because of a disability but details about the disability will not be provided.

Some students may have medical conditions that are adversely impacted by the presence of another person's assistance animal (*e.g.*, respiratory disease, asthma, severe allergies) and may be unable to live in or occupy shared spaces with an ESA. The Office of Disability Services will consider the needs and/or accommodations of all persons involved on a case-by-case basis.

If the animal qualifies as an ESA, then the College District will not charge a deposit or fee for the animal.

Students with a disability who desire to reside with an ESA must submit a request (<https://www.blinn.edu/disability/service-assistance-animals.html>) for an ESA to ODS. No animal will be allowed in campus housing until the authorization process is finalized. This process typically may take up to seven (7) business days. The Office of Disability Services will send an email to the student through the student's College District email stating whether or not the student has submitted the necessary paperwork for the request and whether or not the animal is approved as an ESA. If approved, ODS will notify the Office of Housing and Residence Life that the animal is approved as an ESA and is allowed in campus housing.

The mere submission of an ESA authorization request does not allow a student to bring their animal into their residence. Unauthorized animals must be removed immediately. The presence of an unauthorized animal will result in disciplinary action and may result in the assignment of disciplinary points in accordance with the Student Code of Conduct. A student that refuses to remove an unauthorized animal will remain in violation until the animal is removed. Approval of an ESA authorization request is not retroactive. Any points or other disciplinary action accrued prior to the authorization request being approved will remain on the student's disciplinary record.

The authorization request form requires documentation to determine whether an animal qualifies as an ESA. The College District will require the following documentation:

1. A letter, on official letterhead, dated within the past 12 months from the student's physician and/or licensed health care professional that includes the following:
 - a. A statement that the provider knows the student and has *personal knowledge* of the individual
 1. Tele-health assessments are recognized
 2. Documentation from an online website is generally not acceptable and is not recognized by HUD
 - b. A statement that the student has a disability—the letter does NOT need to include the specific disability diagnosis but must include the following:
 1. the dates of treatment and the date the diagnosis was first made;
 2. The symptoms for which treatment is needed;
 3. A statement that treatments other than the use of an ESA have been used for symptom reduction; and
 4. The date on which the use of an ESA was prescribed.
 - c. A statement confirming the therapeutic need for the ESA as it relates to the student's disability including evidence of the connection between the diagnosis/symptoms and use of the ESA.
2. A statement, on official letterhead, dated within the past 12 months from a licensed veterinarian stating that the animal has all required vaccinations, is being consistently treated for fleas/ticks/heartworm, and is in general good health.
 - a. Must provide proof of current and preventative treatment plan for fleas/ticks/heartworms as required for the type of animal
 - b. The statement must name the student as the owner of the ESA
3. Information about the animal and the animal's care including the name and age of the animal, a physical description of the animal, height and weight of the animal, and confirmation that the animal is housebroken or confined such that housebreaking is not necessary (e.g., fish in a fishbowl). A list of all equipment the student plans on bringing that will be needed for the care of the animal should also be included (crate, bed, etc.).
4. A color photo of the animal.
5. If applicable, a Roommate Acknowledgment Form obtained from Housing and Residence Life is required each semester.

If the student does not complete the request packet, or if the student has provided insufficient information, the College District is not required to grant the accommodation so long as the requester has been provided a reasonable opportunity to provide the necessary information. The student will be notified via their College District email if additional information is required to process their request.

The request for an ESA must be completed each academic year. Documentation provided with the request must meet the requirements stated above each academic year

Emotional Support Animals may be dogs, cats, small birds, rabbits, hamsters, gerbils, other rodents, fish, turtles, and other small, domesticated animals that are traditionally kept in the home for pleasure rather than for commercial purposes. If an individual requests to keep a unique type of animal that is not commonly kept in households, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal.

REMOVAL OF AN EMOTIONAL SUPPORT ANIMAL

The College District may require the owner to remove their ESA from the premises under the following circumstances:

1. The ESA is out of control and the Owner does not take effective action to control it;
2. The animal or its presence creates an unmanageable disturbance or interference with the College District community;
3. The ESA is not housebroken;
4. The Owner does not comply with the Owner's responsibilities set forth in these regulations;
5. Admitting ESA would fundamentally alter the nature of the service or program;
6. The animal poses a direct threat to the health or safety of others; and/or
7. The specific animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

The College District will base the decision to remove an ESA upon the consideration of the behavior of the ESA at issue, and not on speculation or fear about the harm or damage an animal may cause. Any removal of the animal will be done in consultation with ODS. If circumstances require an immediate removal of the animal, the Owner will receive written notice via their College District Email to remove the animal within twenty-four (24) hours. The owner's procedural and appeal rights are outlined in the ODS accommodation request process.

If the situation allows, there is not an immediate threat to health or safety, or the animal's presence does not result in a fundamental alteration of College District Program, an Owner will be given written notice of a violation of these regulations via the Owner's College District email. If the behavior of an animal can be addressed by the owner and the owner can change the behavior of an animal so that the ESA does not have to be removed, then a written action plan must be submitted by the Owner within two (2) business days of the email notification. The action plan must outline the action that will take place to alleviate the problems and must give a deadline as to length of time the plan will take. This action plan shall be submitted to the Owner's Residence Hall Director and to the Director of ODS. Any action plan must meet the approval of the administrative housing and ODS staff.

If the violation is not corrected within the approved upon time frame, the Owner does not follow the written action plan, or there is an immediate threat to health and safety, the Owner will receive notice via the Owner's College District email that they must remove the ESA within twenty-four (24) hours. Any Owner does not comply with a removal directive will be subject to disciplinary action that could include housing contract cancellation.

Should the emotional support animal be removed from the premises for any reason, the Owner must fulfill their housing obligations for the remainder of the housing contract.

If College District personnel determines that the ESA must be removed and the Owner does not take immediate possession of it, the College District will first attempt to contact the emergency contact provided by the Owner. If that emergency contact is not available or is unwilling to take possession of the animal, then the College District will collaborate with the local animal shelter to care for the animal until the Owner is able to resume these responsibilities. The Owner will be responsible for incurring all costs associated with this temporary care.

The College District must provide the Owner with the location of their animal within 24 hours of their removal. The owner will be responsible for any cost associated with their ESA's removal, including but not limited to, its temporary care.

PENALTIES FOR VIOLATING SERVICE AND ASSISTANCE ANIMAL LAWS

Representing an untrained animal as a trained service animal is a misdemeanor punishable by a fine of not more than \$300 and 30 hours of community service.

Denying entry or service to a person with a disability who uses a service animal is a misdemeanor crime punishable by a fine of not more than \$300 and 30 hours of community service