

BLINN COLLEGE DISTRICT ADMINISTRATIVE REGULATIONS MANUAL

SUBJECT: *Assistance Animals—Service 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 and 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 procedure establishes the protocol for the use of service animals on the College District campus. This procedure has been developed to provide guidance and instructions for those who bring or 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.
- **HUD:** U.S. Department of Housing and Urban Development
- **Emotional Support Animal (ESA):** One type of assistance animal. Any animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates 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 protects people from discrimination 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 to make reasonable accommodations and allow reasonable modifications to allow a persona 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 ADAAA, 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 the accommodation and has received approval 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, a miniature horse may also be trained as a service animal. For purpose 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 service animals. For information specific to emotional support animals, see the Administrative Regulations titled “Assistance Animals—Emotional Support 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.

Under the Americans with Disability Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) the College District must provide reasonable accommodations to persons with disabilities so that they may access the programs and services of the College. Service animals may assist a person with a disability to perform specific tasks needed to mitigate the effects of their disability. The service animal must be trained to perform a specific task that assists the person with a disability.

The work or tasks performed by a service animal must be directly related to the Handler’s disability. The specific work or tasks may be to support individuals with a variety of disabilities, including visual impairments, hearing impairments, physical impairments, and mental health-related issues, such as post-traumatic stress disorder. Examples of such tasks include, but are not limited to, assisting an individual with low vision with navigation; alerting individuals who are hard of hearing to the

presence of people or objects; pulling a person's wheelchair; or providing assistance with stability or balance to an individual with a mobility disability.

Service animals must be able to perform their duties/tasks in the presence or within the vicinity of another animal. If a nonaggressive animal is in the vicinity of a service animal, this should not constitute interference with a service dog. Individuals and animals must not impede or interfere with a service animal's performance of its duties or place a person with a disability who is using a service animal or a trainer who is training a service animal in danger of injury.

Handlers may be accompanied by their service animals in all College District buildings where members of the public or participants in services, programs, or activities are allowed to go. In contrast, when an assistance animal is an Emotional Support Animal but not a service animal, it is not allowed in all campus buildings but, rather, must remain in the student's personal residence.

Federal regulations do not require a Handler to provide documented proof of training or provide documentation of their disability in order to enter a building or area that is open and accessible to the general public. The only questions that College District employees can ask of the person with a service animal are:

- Do you have the service animal because of a disability?
- What work or task is the service animal trained to do?

No other questions can be asked and no proof or demonstration of training is required. However, these questions should not be asked when it is readily apparent that the Handler has a disability and that the animal is trained to assist the individual. The service animal is not required to wear any type of service animal identification symbol while in public (e.g., vest, collar, or other representative attire).

If the Handler answers "no" or "none" to the above questions or responds that the animal is not trained but is used for emotional support, the animal does not qualify as a "service" animal under federal law and should be removed from the College District premises.

RESPONSIBILITIES OF INDIVIDUALS WITH SERVICE ANIMALS

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

Handlers are responsible for the control, care, and supervision of their service 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. Collars and tags must be worn at all times. Service animals are required to be trained to do work or perform tasks for a person with a disability, however, no proof of training is required.

A service animal must be under the control of its Handler at all times. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the Handler's disability prevents using these devices

or these devices interfere with the service animal's safe, effective performance of the specific task they are trained to perform. In that case, the Handler must maintain control of the animal through voice, signal, or other effective controls.

The animal must be in good health and care. The care and supervision of the animal is solely the responsibility of its Handler. Animals that are ill or contagious must not be taken into public areas. A Handler with an ill or contagious animal may be asked to remove the animal from College District premises. It is the Handler's responsibility to pay for any fees associated with the care of their animal.

The Handler 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 individual with a disability a service 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 Handler have appropriate liability insurance in the event of an animal bite, scratch, etc.

Handlers are responsible for ensuring the immediate clean-up and proper disposal of all animal waste. A Handler 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, and cages must occur. The odor of an animal emanating from the residence hall room or apartment is not acceptable.

Service animals cannot be left unattended at any time. An animal left unattended in a vehicle or other area 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 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.

Faculty members may not prevent service animals from entering their classrooms and staff or administrators may not refuse entry to other public buildings on campus, including libraries. If a faculty member is allergic to the animal, the faculty member should consult with the Office of Disability Services (ODS) so that the faculty member's and student's respective needs for accommodation can be evaluated.

REMOVAL OF SERVICE ANIMALS FROM COLLEGE DISTRICT PREMISES

The College District may require the Handler to remove the Service Animal from College District premises if:

1. The Service Animal is out of control and the Handler does not take effective action to control it.
 - a. If improper animal behavior happens repeatedly, the Handler may be prohibited from bringing the Service Animal into any College District facility until the Handler can demonstrate that they have taken sufficient steps to mitigate the behavior;

2. The animal or its presence creates an unmanageable disturbance or interference with the College District community;
3. The Service Animal is not housebroken;
4. The Handler does not comply with the Handler's responsibilities set forth in these regulations;
5. Admitting service animals 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 may prohibit the use of Service Animals in certain locations based on health and safety restrictions. Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories maintaining sterile conditions, classrooms with research/demonstration animals, areas where protective clothing is necessary, sterile environments, and areas outlined in state law as being inaccessible to animals. In teaching labs where hazardous materials may harm a service animal, the instructor should have an interactive conversation about the hazards with any student accompanied by a service animal.

When there is a legitimate reason to ask that a Service Animal be removed, the College District must offer the Handler the opportunity to participate in the service, program, or activity without having the service animal on the premises. The individual may request the use of other reasonable accommodations if needed.

Because removal of a service animal is a significant action that may adversely impact the person with a disability, before making a decision to exclude a specific animal on campus, the College District will evaluate other alternatives relating to the concern. The College District will base its determination to remove the Service Animal upon the consideration of the behavior of the particular Service Animal at issue, and not on speculation or fear about the harm or damages a Service Animal may cause. The Office of Disability Services will be informed of and consulted with for any removal of the Service Animal.

SERVICE ANIMALS IN BLINN COLLEGE DISTRICT HOUSING

Employees who receive requests from a student for accommodation of an assistance animal should direct the student or applicant to the Office of Disability Services. 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.

If an animal qualifies as a service animal, the College District must allow the animal in student housing. The Handler must complete a form that provides the animal's name, vaccination information, and contact information in case of emergency. The request for a service animal to reside in College District Housing must also be accompanied by 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. If applicable, a Roommate Acknowledgement 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 a service animal to reside in College District Housing must be completed each academic year. Documentation provided with the request must meet the requirements stated above each year.

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 assistance animals. 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 a service animal, then the College District will not charge a deposit or fee for the animal.

Handlers 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. Handlers will receive periodic email reminders to ensure compliance with this requirement. The Handler's living accommodations may also be inspected for fleas, ticks or other pests if 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 Handler's expense.

Handlers, 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 Handler'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 Handler is responsible for extermination costs after vacating the residence hall room or apartment. The Handler 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 Handler's account for unmet obligations under this provision.

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

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

The Handler of a service animal that has escaped or cannot be located within one hour shall promptly notify campus police. If the Handler resides on campus, the Handler must also notify residence life staff via the hall office.

REMOVAL OF SERVICE ANIMALS FROM COLLEGE DISTRICT HOUSING

A request to reside with a service animal in a residence hall may be denied or a Handler may be asked to remove a service animal if:

1. The Service Animal is out of control and the Handler does not take effective action to control it.
 - a. If improper animal behavior happens repeatedly, the Handler may be prohibited from bringing the Service Animal into any College District facility until the Handler can demonstrate that they have taken sufficient steps to mitigate the behavior;
2. The animal or its presence creates an unmanageable disturbance or interference with the College District community;
3. The Service Animal is not housebroken;
4. The Handler does not comply with the Handler's responsibilities set forth in these regulations;
5. Admitting service animals 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 a service animal upon the consideration of the behavior of the service animal at issue, and not on speculation or fear about the harm or damages 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 Handler will receive written notice via their College District Email to remove the animal within twenty-four (24) hours. The Handler will be afforded procedural and appeal rights as 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, the Handler will be given written notice of a violation of these regulations via the Handler's College District email. If the behavior of an animal can be addressed by the Handler and the Handler can change the behavior of an animal so that the animal does not have to be removed, then a written action plan must be submitted by the Handler 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. Any action plan must meet the approval of the administrative housing staff. 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 Handler does not follow the written action plan, or there is an immediate threat to health and safety, the Handler will receive notice via the Handler's College District email that they must remove the service animal within twenty-four (24) hours. Any Handler does not comply with a removal directive will be subject to disciplinary action that could include housing contract cancellation.

Should the service animal be removed from the premises for any reason, the Handler is expected to fulfill their housing obligations for the remainder of the housing contract.

PENALTIES FOR VIOLATING SERVICE 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.

SERVICE ANIMALS IN TRAINING

Texas law allows for service animals in training to access areas normally accessible to the public as long as they are accompanied by an approved trainer.

The ADA does not recognize service animals in training. The ADA defers to individual states for regulations on service animal in training and the requirements for such. Service animals in training must meet all of the regulations under ADA for trained service animals.

An approved trainer recognized by the College District is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. If the student is not an approved trainer, an approved trainer must be with the student and the animal while in campus buildings.

The animal must meet all standards of behavior that mirrors a trained service animal. These standards include that the animal is under the owner's control at all times, does not create an unmanageable disturbance or interference with the College District community, does not pose an immediate threat to the health and safety of any individual on College District premises, and does not pose a substantial risk of damage to the property of the College District or to individuals on the College District premises.

Additionally, service animals in training must be tethered at all times (unless the leash interferes with the task the animal performs), be at least one year of age, must be housebroken and meet all local health requirements, including current vaccinations.