Service animals & emotional support animals on college campuses

# phone conference with 2017-2018 dssc board, wsssc DSSC liasion-deb casey, and assistant attorney general-bruce marvin

Per the WSSSC liaison report to DSSC:

*At the October 2017 WSSSC meeting, Bruce Marvin, AAG noted while discussing difference between service animal and emotional support animals: If a student has medical documentation and registered with DSS that prescribes an emotional support animal, that animal can be in the classroom (not just housing) as long as it remains under control.*

Subsequently a number of VP’s reported back to their campuses with concerns.  The purpose of the phone discussion was to address the concerns that arose from the communication exchange at the WSSSC meeting in October and clarify information regarding service animals and emotional support animals on college campuses.

Discussions focused on the differences between service animals and emotional support animals as defined under the DOJ, ADA, ADAAA, HUD/FHA, and Discrimination Laws in WA State. A conversation clarifying the differences in terminology between SA/ESA aided in better clarifying the concerns that arose.

All understood and agreed under the ADA only *dogs* are recognized as service animals and allowed inside buildings. (Note: miniature horses were mentioned but do not apply as this was an isolated incident). (Note also that there is a proliferation of fake service animals and Emotional Support Animals {ESA’s} due to internet sites that will sell certifying credentials and vests).

The HUD/FHA laws are for housing only and would include campus housing. They intermix the terms service animal and emotional support animals. Legitimate service animals would automatically be allowed however ESA’s need to be approved. The question in determining if an ESA will be allowed in College housing is whether or not the ESA is necessary because of the individual’s disability to afford the individual an equal opportunity to use and enjoy College housing and its presence in College housing is reasonable. However, even if the individual with a disability establishes necessity for an ESA and it is allowed in College housing, an ESA is not permitted in other areas of the College (e.g. dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, individual centers, etc.).

In conclusion, we all agreed: an ESA might be approved as an accommodation allowing it to be in the classroom but that would only happen if the student applied for accommodation, provided appropriate documentation of a mental health disability, provided evidence from a mental health professional stating the need for an ESA and plan of how it will help the student to have equal access to the classroom, and is approved for that accommodation.