

**CALIFORNIA STATE BOARD OF GUIDE DOGS FOR THE BLIND  
DEPARTMENT OF CONSUMER AFFAIRS**

**INITIAL STATEMENT OF REASONS**

**Subject Matter of Proposed Regulations: Examinations**

**Sections Affected: 16 CCR § 2259 and 2261-2261.3**

**INTRODUCTION**

The California State Board of Guide Dogs for the Blind (Board) proposes to amend Sections 2259 and 2261 and adopt Sections 2261.1, 2261.2, and 2261.3 of Division 22 of Title 16 of the California Code of Regulations.

These changes are being proposed to clarify and further define the Board's broad statutory examination authority.

The purpose of adopting these regulations is to establish the necessary structure that will allow the Board to effectively and efficiently carry out its responsibilities and duties related to the examination process for applicants of a Guide Dog Instructor's license.

**SPECIFIC PURPOSE FOR EACH AMENDMENT OR ADOPTION**

The Board is proposing the following;

**Amend Section 2259 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Applications)**

Existing regulations specifies that an application be submitted to the Board's office in Sacramento on a form prescribed by the Board and details the criteria for an incomplete and abandoned application

Proposed Change: The proposed language would define an expired application and make technical, non-substantive changes to remove duplicative language and more clearly depict the code.

Problem: There is currently no time limit imposed on an applicant to complete the licensure process after submitting a completed application. This theoretically allows an applicant to undergo the examination process an infinite number of times, utilizing Board resources far beyond the reasonable scope of the application fee. The 18 month time limit imposed in the proposed language would allow an applicant the ability to undergo the examination process three times based on examination availability. If an applicant is unavailable or cannot successfully complete the examination process in 18 months, the applicant may need more time to enhance their abilities and build the confidence necessary to efficiently and safely train consumers in the field of guide dog instruction before submitting a new application and completing the licensure process.

Anticipated Benefits: The proposed language imposes a reasonable time limit for applicants to complete the licensure process given exam availability approximately every 6 months. This requirement will deter applicants from submitting applications to the Board before they are ready for examination, as well as limit

the amount of resources that the Board can delegate to the application process before an applicant must resubmit their application.

**Amend Section 2261 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Examinations)**

Existing regulations outline the Board's examination process for schools and instructors while specifying who may administer the exam, including Board Members.

Proposed Change: The proposed language specifies that the examination process applies only to applicants for a Guide Dog Instructor license and amends who the Board shall delegate to administer the exam. The proposed language authorizes the Executive Officer to form an Examination Committee of three licensed Guide Dog Instructors with representation from at least two licensed guide dog schools at each examination. Any applicant dissatisfied with the results of their exam must submit a request for explanation or reconsideration in writing.

Problem: The Code currently states that the examination process applies to both Instructors and Schools. Statute does not require a school to pass an examination prior to licensure. Additionally, because Board Members are not licensed guide dog instructors, it would be impractical for them to administer or rate the examination. Business and Professions Code section 7201 states: "No person shall be eligible to membership in the board who is a stockholder in, or an owner of, or financially interested directly or indirectly, in any company, organization, or concern supplying, delivering, or furnishing any guide dogs for use by the blind." By submitting a request for explanation or reconsideration in writing, it is documented and can be addressed appropriately by the Board.

Anticipated Benefits: Amending this section will clarify which portion of the Board's applicant population is subject to the examination process and specify the composition of the Examination Committee and who may be a part of that Committee. This will ensure an efficient and valid licensing examination where applicants are graded by a panel of individuals who are active in the field of guide dog instruction. Having representation from at least two of the three licensed guide dog schools in California ensures impartiality in the rating of the examination. It is a best practice to have a representative from each school rate the examination to ensure impartiality; however, it is not always possible to do so. The minimum representation from two licensed guide dog schools creates enough diversity in the panel to ensure impartiality while still creating a mechanism to hold an exam if extenuating circumstances prevent a school from participating in the examination rating process. Written requests allow the Board to reference specific sections to clearly and accurately explain the decision.

**Adopt Section 2261.1 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Written Examination)**

Existing regulations do not specify the composition or policies of the Board's written examination for licensure as a Guide Dog Instructor.

Proposed Change: The proposed language outlines the type of exam, the duration, policies in effect during the exam, and the notification process following completion of the exam.

The exam was developed by Subject Matter Experts (SMEs) and staff members from the Office of Professional Exam Services (OPES) based on knowledge statements identified in an occupational audit of

guide dog instructors published in 2011. Eighty-five knowledge statements were identified in the occupational audit and some are repeated over various tasks. One hundred questions were developed by SMEs and OPES staff during the examination writing process. A general rule of one minute per questions was utilized, but since licensure examinations are not speed tests, these rules are usually rounded up to the nearest 30 minute increment. Based on these assumptions, a two hour exam was deemed sufficient during the exam writing process.

In order to ensure that examination security is not breached, applicants cannot take any materials from the room, nor can they leave the room during the examination, or utilize cell phones or other personal items.

Applicants will be notified immediately after completing the examination because the written examination is only one component of the examination process and the final component usually takes place the next day. There is no time to formally mail the applicant their results so they will be given their results in person after the examination is completed and graded.

Applicants must successfully complete the written examination before taking the oral examination. If an applicant fails the written examination, they may retake it again in six months for a fee of \$50. Six months is generally the amount of time between each examination offered by the Board and also gives an applicant time to study the knowledge statements in the occupational audit and prepare to take the examination again. The \$50 fee for re-examination is based on staff time required to schedule, prepare, administer, and grade the written examination in excess of the first attempt.

Problem: The code currently does not specify or clarify the written examination process. The Board has been operating under its broad statutory authority to administer a licensing exam, but the specific processes have not been written into law. Applicants require clarity when preparing for examination to become a licensed guide dog instructor. This language provides a clear explanation of the process with which an applicant is required to undergo.

Anticipated Benefits: These changes specify and clarify the type, duration, and policies of the Board's written examination. This language creates a clear and concise explanation of the written examination for applicants to understand what to expect when undergoing the examination process.

### **Adopt Section 2261.2 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Practical Examination)**

Existing regulations do not specify the composition or policies of the Board's practical examination for licensure as a Guide Dog Instructor.

Proposed Change: The proposed language outlines the criteria, content, and competencies to be included or demonstrated in the exam. The proposed language specifies the medium with which the exam shall be submitted to the Board, and identifies that the exam shall not identify the school with which the applicant is affiliated.

Applicants must make and submit to the Board a video recording of their interaction with a guide dog team in training for review by the Examination Committee. The video recording is used as an aide by the applicant during the oral examination. In order to certify that the recording criteria were met, the applicant must sign a copy of the "Practical Examination Video Recording Guidelines" and submit it with the video recording.

The applicant must submit the video recording a minimum of 30 days before the examination so that it may be reviewed for compliance with the guidelines and to ensure accessibility with the equipment to be used during the oral examination.

The video recording must be submitted in a digital format to ensure compatibility with the equipment to be used on examination day.

When developing the practical examination guidelines, OPES staff and SMEs determined that the video should:

- take place in a typical community setting and incorporate at least two intersection crossings so as to relate to real life travel
- be between 15 and 30 minutes which closely relates to typical instructional routes
- record clear audio and video to allow the examination raters to accurately review the techniques utilized
- be unedited raw footage containing the date and time of filming to ensure that techniques were not practiced and reworked without being recorded
- not state the name of the school with which the applicant is affiliated to ensure impartial examination rating
- include head to toe footage of the apprentice and the guide dog team to allow the examination raters to accurately review the techniques utilized
- include four tasks identified by the SMEs and OPES staff to allow the examination raters to accurately review the techniques utilized and ensure the safety of the guide dog team.

Problem: The code currently does not specify or clarify the practical examination process. The Board has been operating under its broad statutory authority to administer a licensing exam, but the specific processes have not been written into law. An applicant requires clarity when preparing for examination to become a licensed guide dog instructor. This language provides a clear explanation of the process with which an applicant is required to undergo.

Anticipated Benefits: These changes specify and clarify the type, duration, and policies of the Board's practical examination. This language creates a clear and concise explanation of the practical examination for applicants to understand what to expect when undergoing the examination process.

### **Adopt Section 2261.3 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Oral Examination)**

Existing regulations do not specify the composition or policies of the Board's oral examination for licensure as a Guide Dog Instructor.

Proposed Change: The proposed language outlines when an applicant is eligible for the oral examination, specifies that an applicant shall utilize the practical examination recording as a visual representation of the tasks that they are expected to address, specifies the competencies that the applicant shall discuss, and outlines the questions that the exam raters may ask during the examination and the criteria they shall use when determining an applicant's suitability for licensure.

The exam was developed by SMEs and staff members from OPES based on knowledge statements identified

in an occupational audit of guide dog instructors published in 2011. Eighty-five knowledge statements were identified in the occupational audit and eight were selected by SMEs as relevant to depicting an applicant's ability to problem solve with a guide dog team in training. Applicants are expected to speak to these points during the oral examination while using the video recorded practical exam to enhance their presentation.

In order to keep the examination focused and to ensure the integrity of the examination, the examination raters may:

- not ask any questions unrelated to the listed knowledge statement
- ask an applicant to expand on a knowledge statement
- ask an applicant if there are any safety concerns related to the video content
- consider any or all of the Board's enabling statutes when determining an applicant's suitability for licensure

Problem: The code currently does not specify or clarify the oral examination process. The Board has been operating under its broad statutory authority to administer a licensing exam, but the specific processes have not been written into law. An applicant requires clarity when preparing for examination to become a licensed guide dog instructor. This language provides a clear explanation of the process with which an applicant is required to undergo.

Anticipated Benefits: These changes specify and clarify the criteria and policies of the Board's oral examination. This language creates a clear and concise explanation of the practical examination for applicants to understand what to expect when undergoing the examination process.

### **FACTUAL BASIS/RATIONALE**

The Board is responsible for licensing and regulating guide dog schools and instructors who train guide dogs and people who are blind or visually impaired in the use of guide dogs. The Board is statutorily required to examine applicants for licensure as Guide Dog Instructors. While the statutory authority is broad in nature, the Board has developed the following changes to its regulatory code to specify the process that applicants must follow in order to ultimately become licensed as an Instructor. Absent regulations that specify this process, the Board would simply be imposing policy on the applicant pool. Memorializing the examination process in the Board's regulations is consistent with other programs within the Department of Consumer Affairs. These changes will implement and make specific the Board's examination authority.

### **UNDERLYING DATA**

1. Meeting minutes from January 13, 2015 Practice Task Force Meeting
2. Meeting minutes from January 20, 2015 Board Meeting
3. Occupational Audit of Guide Dog Instructors – Published 2011

### **BUSINESS IMPACT**

These regulations will not have a significant adverse impact on the three licensed guide dog schools in California or on the approximate 100 licensed Guide Dog Instructors in California. The Board licenses approximately 5-15 new Instructors each year. The requirements in this regulations package are not expected to exceed a one-time cost for the recording of the practical examination, plus the cost of traveling to attend the examination. Although the majority of applicants come from California licensed schools, applicants come from all over the United States to take the examination. The estimated one-time cost for an applicant to undergo the examination process may range from \$50-500. Based on the above assessment, the proposal will not have a significant adverse economic impact on businesses, and affect the ability of California businesses to compete with other states.

### **ECONOMIC IMPACT ASSESSMENT**

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it does not change the licensure requirement set forth in statute, but rather specifies the examination requirements necessary to obtain an Instructor's license.
- It will not create new business or eliminate existing businesses within the State of California because it does not change the licensure requirement set forth in statute, but rather specifies the examination requirements necessary to obtain an Instructor's license.
- It will not affect the expansion of businesses currently doing business within the State of California because it does not change the licensure requirement set forth in statute, but rather specifies the examination requirements necessary to obtain an Instructor's license.
- This regulatory proposal benefits the health and welfare of California residents because it ensures that applicants for an Instructor's license are competent and are tested thoroughly before performing instruction in the State.
- This regulatory proposal benefits worker safety because it ensures that applicants for an Instructor's license are tested thoroughly before being permitted to perform instruction in the State.
- This regulatory proposal does not affect the state's environment because it applies to the process that applicants must complete in order to obtain an Instructor's license.

### **FISCAL IMPACT ASSESSMENT**

The Board has determined that the proposed regulation changes are the only way to effectively and efficiently regulate the licensure process. The proposed changes will not create additional workload or fiscal impact to the Board.

### **REQUIREMENTS FOR SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The Board does not require the use of any specific technology or equipment to carry out the requirements in this regulations change.

### **CONSIDERATION OF ALTERNATIVES**

No reasonable alternative to the regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative No. 1: Do not pursue regulations. This is not reasonable because the Board is required to examine applicants for licensure as Guide Dog Instructors. These regulations specify and clarify the examination process that is statutorily required.