

**STATE BOARD OF GUIDE DOGS FOR THE BLIND**  
**INITIAL STATEMENT OF REASONS**

Hearing Date: **September 17, 2012**

Subject Matter of Proposed Regulations: Donations, Records, Living Quarters, Attendants

Sections Affected: 2268.2 and 2271

**Introduction**

On September 26, 2008, Board President Jeff Neidich established a Practice Task Force. Since 2008, the Task Force (comprised of three (3) senior guide dog instructors from the three (3) licensed guide dog schools) has made recommendations to the Board to make statutory and regulatory changes to focus on defining training competencies, update terminology to meet international training standards, and to clarify language where it is unclear. Since the Board currently has no licensee members, the Task Force was convened as a way to review all statutes and regulations pertaining to the practice of guide dog instruction. The Task Force is in lieu of licensee members on the Board. Additionally, the Board reviewed their current enforcement authority and identified areas of weakness including the absence of specific inspection requirements of a guide dog school and compliance with the Department of Justice.

**Specific Purpose of each adoption, amendment, or repeal:**

1. Amend Section 2268.2

The proposed amendment would add a requirement that all guide dog schools verify submission to the Board all requisite forms, reports, and fees to the State of California, Office of the Attorney General's Registry of Charitable Trusts.

**Factual Basis/Rationale**

As amended, section 2268.2 strengthens the Board's ability to ensure compliance with current state requirements of a guide dog school. As a non-profit, guide dog schools are required to submit registration renewal and financial disclosure forms to the State of California, Office of the Attorney General's Registry of Charitable Trusts. Non-compliance with such submissions would be grounds for action against a license and or a citation and fine.

2. Amend Section 2271

The proposed amendments would add more specific requirements for the maintenance and functionality of a guide dog school's living quarters. The amendments would also delete an outdated requirement that attendants for the blind be both male and female to render assistance as needed.

#### Factual Basis/Rationale

Currently, 2271 requires guide dog schools be clean and sanitary without providing any guidelines or descriptions. As amended, 2271 would describe the conditions of which constitute clean and sanitary conditions, including the heating and cooling, ventilation be maintained. Additionally, if local agencies such as local health departments inspect kitchens, dormitories and waste facilities, the Board can utilize such permits as evidence of compliance. Last, amendments to 2271 would delete the requirement that attendants for the blind be both male and female, allowing any attendant available to provide support.

#### Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

- None

#### Business Impact

This proposed regulation will have an insignificant adverse financial effect on business, i.e. the three (3) licensed guide dog schools. While a violation of law could result in a \$5,000 fine, such violations of law from licensed guide dog instructors and schools is rare, therefore, the additional expected costs to licensees would be minor.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

No reasonable alternative to the regulation 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 than the proposed regulation.

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

If the Board maintained the status quo, guide dog schools could be found in non-

compliance with the Department of Justice without any license ramifications, inspection criteria for guide dog schools would continue to be ambiguous, and guide dog schools would continue to be required to have on staff both male and female attendants for clients.