



CALIFORNIA STATE BOARD OF GUIDE DOGS FOR THE BLIND
1625 N. MARKET BLVD., SUITE N-112 | SACRAMENTO, CA 95834
PHONE: 916-574-7826 | FAX: 916-574-7829 | EMAIL: GUIDEDOGBOARD@DCA.CA.GOV
WWW.GUIDEDOGBOARD.CA.GOV



Tuesday, January 20, 2015
1:00 p.m. – Completion of Business
Department of Consumer Affairs – Trinity Room
1625 N. Market Blvd
Sacramento, CA 95834

Catherine Carlton
1001 16th Street Northwest
Washington, DC 20036

Teleconference Phone Number: 1-866-706-2450
Participant Code: 91486005

Board Members

Eric Holm, President
Carmen Delgado, Vice President
Joe Xavier, Secretary
Don Brown
Catherine Carlton
Gwen Marelli

Executive Officer

Brian Skewis

Board Staff

Rosemary Robinson

Legal Counsel

Sabina Knight

AGENDA

1. Call to Order/Roll Call
2. President's Welcome
3. Approval of the September 22, 2014 Board Meeting Minutes
4. Practice Task Force Report
5. Executive Officer's Report
 - a. Budget/Program Solvency Report
 - b. Examination Update
 - c. Regulations Update
 - d. Constituent Organizations Update
 - e. Consumer Survey Update
 - f. Strategic Plan Update
6. Discussion and possible action on the Board's position on out of state instructors providing follow-up work with guide dog handlers residing in California



7. Discussion and possible action on the adoption of a fact sheet regarding the Board's arbitration procedure
8. Agenda Items for Next Meeting
9. 2015 Meeting Calendar and Locations
10. Public Comment on Items Not on the Agenda
11. Adjournment

Action may be taken on any item on the agenda. Agenda items may be taken out of order. Meetings of the Board of Guide Dogs for the Blind are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Rosemary Robinson at (916) 574-7826 or by e-mail at Rosemary.Robinson@dca.ca.gov or send a request to 1625 N. Market Blvd., Suite N-112, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



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1. Call to Order/Roll Call

2. President's Welcome



3. Approval of the September 22, 2014 Board Meeting Minutes

DRAFT MINUTES

Monday, September 22, 2014
1:00 p.m. – Completion of Business
Guide Dogs of the Desert
60735 Dillon Road
Whitewater, CA 92282

Board Members

Eric Holm, President
Kathy Bowler
Don Brown
Carmen Delgado
Gwen Marelli

Executive Officer

Brian Skewis

Legal Counsel

Sabina Knight

Guests

Catherine Carlton – California Guide Dog Board
Ken Metz – Guide Dog Users of California
Margie Donovan – Guide Dog Users of California
Lillian Scaife – Guide Dog Users Inc.
Linda Somulski - Guide Dogs of the Desert
Bob Wendler - Guide Dogs of the Desert
Sarah Clapp - Guide Dogs of the Desert

AGENDA

2. Call to Order/Roll Call
Board President Eric Holm called the meeting to order at 1:56pm. EO Skewis took roll. 5 members were recorded as present and a quorum was established.
3. President's Welcome
President Holm welcomed everyone present and on the call.
4. Approval of the May 5, 2014 Board Meeting Minutes

President Holm opened discussion of the Meeting Minutes. Member Bowler motioned to approve the minutes as written.

President Holm seconded the motion.

Board Vote: Motion Passed.

5. Committee Reports

a. Legislative Committee Update

EO Skewis presented a summary of AB 2264 (Levine) to the Board as enrolled.

Member Brown motioned to delegate EO Skewis to draft a letter of support and present it to the Governor's Office.

Member Delgado seconded the motion.

Board Vote: Motion Passed.

b. Outreach and Education Committee Update

EO Skewis explained the roll out of the Board's Consumer Survey, their letter to the ride sharing company, Uber regarding the access laws that apply to their business, and the Board's invitation to be involved in round table discussions with members of the Legislature regarding service dog issues in California.

Ken Metz asked what issues were to be addressed during round table discussions with the Legislature. EO Skewis explained that the issues that are receiving the most attention are centered on accessibility for legitimate service dog users, fraudulent service dogs in places of public accommodation, and consumer protection regarding the purchase of service dogs.

Margie Donovan clarified that the class action lawsuit between Disability Rights Advocates and Uber is regarding service dog users who have not utilized Uber's services because of hearing about their discriminatory practices.

c. Budget Committee Update

Member Bowler explained that the Budget Committee met twice via teleconference to discuss the budget. After explaining that there is a \$50K deficit between expenditures and revenue, Member Bowler requested that EO Skewis explain some of the potential solutions. EO Skewis presented the benefits and detriments with a fee increase, a budget reduction, and program

expansion. The Budget Committee feels that a fee increase is premature at this time and recommends that the Board reduce expenditures to remain solvent while exploring program expansion.

The Board discussed the general procedure for identifying additional cost savings, potential opportunities for program expansion, and whether a fee increase was necessary.

Member Bowler motioned to delegate immediate cost savings measures to the EO to best balance the budget in the short term while exploring legislative changes to expand the scope of the program and balance the budget on an ongoing basis.

Member Brown seconded with a request to have the EO report back to the Board regarding legislative exploration.

Bob Wendler expressed that while having one Board meeting each year at each of the three licensed schools has its benefits, it seems to be an unnecessary use of Board funds. EO Skewis responded that the Board's travel line item was one area where savings were identified.

Board Vote: Motion Passed

6. Executive Officer's Report

a. Budget Report

EO Skewis reported on fiscal year 2013-14 expenditures and revenue being \$147K and \$151K respectively. Cost savings in 2013-14 were directly related to the vacancy of the Executive Officer position for a period of 6 months.

b. Examination Update

EO Skewis reported four new licensees from the July 2014 examination and that the next examination is scheduled for January 26-27, 2015.

c. Regulations Update

EO Skewis reported on the adoption of the Standards of Conduct regulations change (Title 16 Division 22 California Code of Regulations Section 2285 - Ethical Standards of Practice for a Guide Dog Instructor or Guide Dog School) which will be effective January 1, 2015.

d. Consumer Survey

EO Skewis reported that the Board has received 103 responses to date, that the majority of the responses were from graduates of Guide Dogs for the Blind in San Rafael but that all 3 licensed schools were represented. EO Skewis stated that the data will be analyzed and forwarded to the schools for potential program improvement and evaluation.

Member Delgado asked how many surveys were sent out. EO Skewis answered that the exact number is unknown because the Board is relying on the licensed schools and various guide dog organizations to notify guide dog users of the survey. General discussion occurred regarding how to increase the number of responses and determine the percentage of responses compared to the number of guide dog users in California.

Member Marelli, Delgado, and President Holm discussed a check in period to determine the effectiveness of the outreach of the survey.

Ken Metz asked if the survey was released just to Californians, to graduates of California schools, or to the entire guide dog population. EO Skewis explained that the survey was disseminated via several mailing lists that encompassed graduates of California and out of state schools. Lillian Scaife commented regarding confusion as to whether the survey was intended for all guide dog users, California residents, or graduates of California guide dog schools. Member Brown confirmed that the language was ambiguous in one of the mailers that he received. Member Marelli requested that the schools include an article in their quarterly mailers leading guide dog users to the survey.

Member Delgado motioned to have the Executive Officer update the Board at the next meeting regarding the number of responses and the specific data collected based on each of the questions asked in the survey. Member Delgado also motioned to have the Executive Officer request that each school include an article in their mailing lists to remind guide dog users of the survey.

Members Brown and Marelli seconded.

Board Vote: Motion passed.

7. Election of Board Vice President (Holm)

Member Bowler nominated Member Delgado for the position.

Member Marelli seconded the nomination.

Member Delgado accepted the nomination.

No public comments were made.

Board Vote: Motion passed.

8. Discussion Regarding Puppy Raisers Access to Places of Public Accommodation (Skewis/Board)

EO Skewis explained the laws applicable to volunteer puppy raisers compared to licensed guide dog trainers in regards to access to places of public accommodation. Because puppy raisers are not considered licensed instructors, they cannot assume access to places of public accommodation. EO Skewis mentioned that he spoke to representatives of the three licensed schools who said that they advise puppy raisers to call ahead if they are not sure if a specific place allows dogs and to socialize the dog elsewhere if a specific location does not allow them.

Ken Metz commented that he believes that it is important that dogs receive as much socialization and interaction in various different places and that he hopes that the Board would eventually support legislation that would include puppy raisers' access rights.

President Holm acknowledged the Board's gratitude for everybody involved in the raising and training of guide dogs.

9. Agenda Items for Next Meeting (Board)

Fraudulent Service Dog Advertisement and collaboration with other organizations
California Council of the Blind Resolution 2013 B-1

10. Meeting Calendar and Location

EO Skewis stated that the next meeting will not occur on Monday January 19, 2015, as noted in the meeting materials because it is a State holiday. The meeting will be rescheduled and noticed appropriately. The following meeting will be April 20, 2015, and is scheduled to be at Guide Dogs of America in Sylmar, however the location may change to achieve cost savings.

11. Public Comment on Items Not on the Agenda

None

12. Adjournment

Member Brown motioned to adjourn at 3:10pm.
Member Marelli seconded the motion.

4. Practice Task Force Report

The Practice Task Force met on Tuesday, January 13, 2015 to discuss four proposed changes to the Board's regulatory and statutory codes. All members were recorded as present and after general discussion, the Task Force recommended that three of the four proposed changes be presented to the Board for approval. The proposed changes are included below. In addition to the proposed language below, the Committee recommends that the Board approve the overall cleanup of both the Guide Dog Act and the Board's Regulations to reflect the consistent use of the phrase "persons who are blind or visually impaired" as opposed to other ways to refer to the Board's consumers. Finally, the Task Force recommends that the Board remove gender wherever necessary.

A. BUSINESS AND PROFESSIONS CODE SECTIONS 7200-7217 CLEANUP

California Business and Professions Code Section 7200.7

EXISTING LANGUAGE

A fee equal to no more than 0.005 of all school expenses incurred in the most recently concluded school **calendar** year, as specified in the audit required under Section 7217, shall be paid no later than April 30 of each year for renewal of a school's license pursuant to Section 7200.5.

PROPOSED LANGUAGE

A fee equal to no more than 0.005 of all school expenses incurred in the most recently concluded school **fiscal** year, as specified in the audit required under Section 7217, shall be paid no later than April 30 of each year for renewal of a school's license pursuant to Section 7200.5.

California Business and Professions Code Section 7202

EXISTING LANGUAGE

No person shall serve as an appointed member of the board for more than two consecutive terms, **but this provision shall not apply to any member in office at the time this provision takes effect.**

PROPOSED LANGUAGE

No person shall serve as an appointed member of the board for more than two consecutive terms.

California Business and Professions Code Section 7211.1

EXISTING LANGUAGE

(c) This section shall apply to renewal of instructors' licenses which expire on or after June 30, 1996.

PROPOSAL

Remove (c) from the Code.



California Business and Professions Code Section 7215.5

EXISTING LANGUAGE

Within 15 days after the end of each **calendar** year, each licensed school shall report to the board the following:

PROPOSED LANGUAGE

Within 15 days after the end of each school's **fiscal** year, each licensed school shall report to the board the following:

California Business and Professions Code Section 7217

EXISTING LANGUAGE

(a) Within 60 days after the end of a **calendar** year or after the termination of the fiscal year of a school, there shall be furnished to the board the following:

EXISTING LANGUAGE

(a) Within 60 days after the termination of the **fiscal** year of a school, there shall be furnished to the board the following:

B. CALIFORNIA CODE OF REGULATIONS SECTIONS 2250-2293 CLEANUP

California Code of Regulations Section 2250 – Location of Office

EXISTING LANGUAGE

The principal office of the California State Board of Guide Dogs for the Blind is located at 1625 N. Market Blvd., **Suite S-202**, Sacramento, California, 95834.

PROPOSED LANGUAGE

The principal office of the California State Board of Guide Dogs for the Blind is located at 1625 N. Market Blvd., Sacramento, California, 95834.

California Code of Regulations Section 2252 – Definitions

EXISTING LANGUAGE

For purposes of this chapter,

(c) The term “guide dog” means a dog being trained or that has completed training to provide mobility assistance to a **blind person**.

(d) The term “client” means a **student** who is receiving instruction, a **blind person** who has completed instruction, or a graduate who has completed instruction from a guide dog school or instructor licensed by the Board.

(e) The term “guide dog team” is the **man-dog** unit or person-dog unit as discussed in the Code.

(g) The term “instruction” means to instruct a **blind person** in the use of a guide dog. Instruction includes follow-up instruction with a client.

PROPOSED LANGUAGE

For purposes of this chapter,

(c) The term “guide dog” means a dog being trained or that has completed training to provide mobility assistance to a **person who is blind or visually impaired**.

(d) The term “client” means a **person** who is receiving instruction, a **person who is blind or visually impaired** who has completed instruction, or a graduate who has completed instruction from a guide dog school or instructor licensed by the Board.

(e) The term “guide dog team” is the **person-dog** unit as discussed in the Code.

(g) The term “instruction” means to instruct a **person who is blind or visually impaired** in the use of a guide dog. Instruction includes follow-up instruction with a client.

(h) The term “school” means any place, establishment, or institution organized and operated to train, sell, hire, or otherwise be in the business of supplying guide dogs for use by persons who are blind or visually impaired, or to offer instruction to persons who are blind or visually impaired in the use of guide dogs.

California Code of Regulations Section 2253 – Delegation of Certain Functions

EXISTING LANGUAGE

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issue; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the **secretary**.

PROPOSED LANGUAGE

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issue; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the **Executive Officer**.



California Code of Regulations Section 2254 – Filing of Addresses

EXISTING LANGUAGE

Each person holding a license or other authority issued by the Board shall file **his mailing address** with the Board, **at its office in Sacramento**, and shall notify the Board at its said principal office of any changes of mailing address within thirty (30) days of any such change

PROPOSED LANGUAGE

Each person holding a license or other authority issued by the Board shall file **his or her physical and electronic mailing address** with the Board, and shall notify the Board **at its said principal office** of any changes of address within thirty (30) days of any such change.

California Code of Regulations Section 2259 – Applications

EXISTING LANGUAGE

(a) An application for a license shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statement, or documents as therein required, and filed with the Board **at its office in Sacramento**.

PROPOSED LANGUAGE

(a) An application for a license shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statement, or documents as therein required, and filed with the Board **at its said principal office**.

California Code of Regulations Section 2262 – License Period

EXISTING LANGUAGE

(a) A school license expires on April 30th of each **calendar year**, and unless renewed by the date of expiration shall be automatically forfeited and may be reinstated or renewed only after payment of the renewal fee.

PROPOSED LANGUAGE

(a) A school license expires on April 30th of each **year**, and unless renewed by the date of expiration shall be automatically forfeited and may be reinstated or renewed only after payment of the renewal fee **in effect at the time of renewal**.

California Code of Regulations Section 2262.1 – Annual School Renewal Payment

EXISTING LANGUAGE

Annual School Renewal Payment.

(a) On or before April 30, 2010, the rate for calculating the annual school renewal fee pursuant to Section 7200.7 is 0.004 of all school expenses incurred in the most recently concluded school calendar year, as determined by the immediately preceding fiscal year audit required annually by section 7217 of the Code.

(b) After April 30, 2010, the rate for calculating the annual school renewal fee pursuant to Section 7200.7 is 0.00425 of all school expenses incurred in the most recently concluded school calendar year, as determined by the immediately preceding fiscal year audit required annually by section 7217 of the Code.

(c) The renewal fee shall be paid no later than April 30th of each calendar year.

PROPOSED LANGUAGE

Annual School Renewal Requirements

Each year, on or before April 30, the school shall complete the following to renew its license:

(1) Pay an annual renewal fee. The renewal fee shall be paid no later than April 30th of each year. The rate for calculating the annual school renewal fee pursuant to Section 7200.7 is 0.00425 of all school expenses incurred in the most recently concluded school fiscal year, as determined by the immediately preceding fiscal year audit required annually by section 7217 of the Code.

(2) Obtain a school inspection verifying compliance with sections 2271 (a) (Living Quarters; Attendants), 2276 (Client Instruction), and 2282 (Required Training of a Guide Dog) for license renewal.

(3) Verify submission of reports. A school shall verify submission to the Board all requisite forms, reports, and fees as required by the State of California, Office of the Attorney General's Registry of Charitable Trusts.

California Code of Regulations Section 2264 – Reinstatement of License

EXISTING LANGUAGE

(b) A license may be renewed while under suspension upon filing a renewal application accompanied by the required renewal fee.

PROPOSED LANGUAGE

(b) A license may be renewed while under suspension upon filing a renewal application accompanied by the required renewal fee **in effect at time of renewal and verification of compliance with the continuing education requirement in section 2262.2.**

California Code of Regulations Section 2267 – Names of Apprentices

EXISTING LANGUAGE

Each school shall provide the board with the name of each person employed or classified as an apprentice within thirty (30) days after such person is so employed or classified and shall certify the date of hire or classification as an apprentice and that the apprentice meets the requirements of Section 2266.

PROPOSED LANGUAGE

Each school shall provide the board with the name of each person employed or classified as an apprentice within thirty (30) days after such person is so employed or classified and shall certify



the date of hire or classification as an apprentice and that the apprentice meets the requirements of Section 2266. Each school shall notify the Board within thirty (30) days after such person ceases to be employed or classified as an apprentice.

California Code of Regulations Section 2268.2 – Donations; Records

EXISTING LANGUAGE

(d) The licensee shall verify to the Board all requisite forms, reports, and fees required by the State of California, Office of the Attorney General's Registry of Charitable Trusts have been submitted.

Such records shall be furnished to the Board upon demand.

PROPOSED LANGUAGE

(d) The licensee shall verify to the Board all requisite forms, reports, and fees required by the State of California, Office of the Attorney General's Registry of Charitable Trusts have been submitted.

Such records shall be furnished to the Board upon request of the Executive Officer.

California Code of Regulations Section 2271 – Living Quarters; Attendants

EXISTING LANGUAGE

(a) The school shall maintain on file all valid permits required by any public agency relating to the health and safety of the school's facilities or equipment, and such permits shall be available to the Board upon request.

PROPOSED LANGUAGE

(a) The school shall maintain on file all valid permits required by any public agency relating to the health and safety of the school's facilities or equipment, and such permits shall be available to the Board upon request of the Executive Officer.

California Code of Regulations Section 2273 – Inspection

EXISTING LANGUAGE

Schools for the training of guide dogs and their use and the instruction of blind persons in such use shall be open to inspection at all times by the Board, its representatives, or any person or agency authorized by it.

PROPOSED LANGUAGE

A school and its records for the training of guide dogs and their use and the instruction of persons who are blind or visually impaired in such use shall be open to inspection at all times by the Board, its representatives, or any person or agency authorized by it. A school shall submit requested records to the Board by a due date determined by the Executive Officer, but not sooner than ten business days from the date of the request.



California Code of Regulations Section 2278 – Names and Addresses of Students

EXISTING LANGUAGE

Schools shall provide the board with a list of all **students** enrolled, and also with the names and **addresses** of all **students** graduated.

PROPOSED LANGUAGE

A school shall provide the Board with a list of all **clients** enrolled, and also with the names and **physical and electronic mailing addresses** of all **clients** graduated **within 30 calendar days of graduation**.

California Code of Regulations Section 2281 – Names of Apprentices

EXISTING LANGUAGE

Names of Apprentices. [Renumbered]

PROPOSED LANGUAGE

§ 2281. Notice Requirements for Guide Dogs Schools, Guide Dog Instructors, and Licenses to Solicit Funds

(a) A licensee engaged in the practice of guide dog instruction shall provide notice of licensure to each client.

(b) Proof of the notice to the client shall be provided by:

(1) Including the notice in a written statement, signed and dated by the client and retained in that client's records, stating the client understands that the school is an active and current licensee with the Board and that all instruction is overseen by a licensee of the Board.

(c) A licensee engaged in the practice of raising funds for the establishment of a guide school, or licensed guide dog schools raising funds, shall provide this notice to each donor stating that they are licensed and regulated by the Board. Proof of the notice to the donor shall be provided by the following methods:

(1) Prominently posting the notice in an area visible to donors on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 48-point type in Arial font; and

(2) Including the notice on any solicitation materials including electronic communications, social media, direct mail, and Web sites.

(d) The notice for a guide dog instructor, guide dog school, or a license to solicit funds shall include the following statement and information:



NOTICE

[Insert name of guide dog school, guide dog instructor, or licensee to solicit funds]
Guide Dog Instructors, Guide Dog Schools and Licensees to Solicit Funds for the Establishment
of a Guide Dog School are Licensed and Regulated by the
State Board of Guide Dogs for the Blind
(916) 574-7825
www.guidedogboard.ca.gov

California Code of Regulations Section 2282 – Required Training

EXISTING LANGUAGE

§ 2282. Required Training

(a) Guide dogs shall be trained and tested to:

(12) Display suitable house manners: free of destructive habits, excessive barking and indiscriminate relieving; be handled easily by client for general care and management; demonstrate the ability to behave properly when left **along** for a reasonable period of time.

(b) Guide dogs shall be tested by a qualified handler under blindfold. A verification of successful completion of the required training and testing shall be retained by the school in its records.

PROPOSED LANGUAGE

§ 2282. Required Training **of a Guide Dog**

(a) Guide dogs shall be trained and tested to:

(12) Display suitable house manners: free of destructive habits, excessive barking and indiscriminate relieving; be handled easily by client for general care and management; demonstrate the ability to behave properly when left **alone** for a reasonable period of time.

(b) Guide dogs shall be tested by a qualified handler under blindfold. A verification of successful completion of the required training and testing shall be retained by the school in its records **and shall contain the date of testing and the name of the instructor administering the testing.**

California Code of Regulations Section 2286 – Continuing Education

EXISTING LANGUAGE

§ 2286. Continuing Education.

(a) As a condition of renewal of an instructor's license which expires on or after June 30, 1996, the instructor shall provide proof to the board of completion of not less than 8 hours of continuing education obtained within 12 months prior to license renewal. Proof of completion of continuing education shall be in form of a written declaration specifically naming the activity, the dates involved, any costs, and the name of the instructor, and institution or sponsoring organization.

(b) An instructor shall provide proof to the board of completion of one or a combination of any of the following totaling 8 hours:

(1) in a board approved course or seminar, regarding blindness mobility, health issues relating to blindness, instructing blind persons, and care and training of dogs.



- (2) attendance at meetings of guide dog user organizations or organizations of the blind.
- (3) participation in self-study videos or online coursework (per CCR 16 § 2286(b)(1)).

(c) Pre-approval of courses or attendance of meeting or seminars may be obtained by submitting to the board a description of the activity, the number of hours and the subject matter to be covered, name and address of the instructor, and name of the sponsor or organization providing the activity, writing at least 30 days preceding the activity. The board shall inform the applicant of the status of the activity prior to the onset, unless impractical to do so.

(d) Proof of completion of continuing education shall be in the form of a written declaration signed by the licensee containing the following information: name of the activity, date(s) of the activity, cost instruction or activity, name and address of the instructor, and name of the sponsor or the organization providing the activity.

PROPOSED LANGUAGE

§ 2262.2. Instructor Renewal Requirements.

Each year, on or before the expiration of an instructor's license, the instructor shall submit the following for license renewal.

(a) Submit a renewal fee of \$100.

(b) Provide proof of continuing education. The instructor shall provide proof to the Board of completion of not less than 8 hours of continuing education obtained within 12 months prior to license renewal. Proof of completion of continuing education shall be in the form of a written declaration specifically naming the activity, the dates involved, any costs, and the name of the instructor, and the institution or sponsoring organization. An instructor shall provide proof to the Board of completion of one or a combination of any of the following totaling 8 hours:

- (1) in a Board approved course or seminar, regarding blindness mobility, health issues relating to blindness, instructing persons who are blind or visually impaired, and care and training of dogs.
- (2) attendance at meetings of guide dog user organizations or organizations of persons who are blind or visually impaired.
- (3) participation in self-study videos or online coursework (per CCR 16 § 2262.2(b)(1)).

(c) Pre-approval of courses or attendance of meeting or seminars may be obtained by submitting to the Board a description of the activity, the number of hours and the subject matter to be covered, name of the instructor, and name of the sponsor or organization providing the activity, writing at least 30 days preceding the activity. The Board shall inform the applicant of the status of the activity prior to the onset, unless impractical to do so.



California Code of Regulations Section 2293 – School Requirements Regarding Continued Use of a Guide Dog

EXISTING LANGUAGE

(a) Except for circumstances described in Business and Professions Code section 7215.6(f), whenever a school retains title to a trained guide dog and decides not to permit the continued use of the dog by its user, the school shall do all of the following:

- (1) Issue a written letter of **intent to the user** that the school intends not to permit continued use of the dog.
- (2) Provide the user **a copy** of the law and regulations pertaining to the arbitration provisions of Chapter 9.5 of Division 3 of the Code (commencing with section 7215.6).
- (3) Provide the user with **a record** of the Board's name, physical address, web site address, and telephone number.

PROPOSED LANGUAGE

(a) Except for circumstances described in Business and Professions Code section 7215.6(f), whenever a school retains title to a trained guide dog and decides not to permit the continued use of the dog by its user, the school shall do all of the following:

- (1) Issue a written letter of **intent, accessible to the user**, that the school intends not to permit continued use of the dog.
- (2) Provide the user **an accessible copy** of the law and regulations pertaining to the arbitration provisions of Chapter 9.5 of Division 3 of the Code (commencing with section 7215.6).
- (3) Provide the user with **an accessible record** of the Board's name, physical address, web site address, and telephone number.

C. CALIFORNIA CODE OF REGULATIONS SECTIONS 2259 & 2261 - EXAMINATIONS

California Code of Regulations Section 2259 – Applications

EXISTING LANGUAGE

(a) An application for a license shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statement, or documents as therein required, and filed with the Board at its **office in Sacramento**.

(b) Whenever an applicant for a license refuses or fails to provide the board with the information requested thereon by the Board within six (6) months from the date of notice that such application is incomplete, the application shall be deemed abandoned. An application so abandoned may not be reinstated; however, the applicant may file a new application accompanied by the required fee and documents.

PROPOSED LANGUAGE

(a) An application for a license shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statement, or documents as therein required, and



filed with the Board at its **said principle office**.

(b) Whenever an applicant for a license refuses or fails to provide the board with the information requested thereon by the Board within six (6) months from the date of notice that such application is incomplete, the application shall be deemed abandoned. An application so abandoned may not be reinstated; however, the applicant may file a new application accompanied by the required fee and documents.

(c) A complete application for an Instructor's license and the applicable fees set forth in the Code shall be valid for 18 months. If an applicant has not complied with the required steps for licensure, including successfully completing the examination process, an application will be considered expired and a new application and fee shall be submitted prior to completing the licensure process.

California Code of Regulations Section 2261 – Examinations

EXISTING LANGUAGE

(a) Examinations for a license **to operate a school or to instruct blind persons** in the use of guide dogs and to train guide dogs shall be written, oral and practical.

(b) The board **may appoint a committee** of its own members, or other persons, for the purpose of conducting the whole or part of any examination. The committee shall make recommendations to the board as to the qualifications of the examinee. Any person dissatisfied with the board's decision may file a request for reconsideration with the board within 30 days after such decision was mailed.

PROPOSED LANGUAGE

(a) Examinations for a license **to instruct persons who are blind or visually impaired** in the use of guide dogs and to train guide dogs shall be written, oral and practical.

(b) The Board shall **delegate to the Executive Officer the appointment of an Examination Committee for the purposes of developing the written examination and rating the oral and practical examinations. The Examination Committee shall be comprised of a minimum of three expert consultants and shall include representation from a minimum of two licensed guide dog schools. The Examination Committee shall make recommendations to the Board as to the qualifications of the examinee.** Any person dissatisfied with the Board's decision may file a written request for reconsideration or explanation with the Board within 30 days after such decision is mailed.

§ 2261.1 Written Examination

(a) Written examinations shall be comprised of 100 multiple choice questions crafted by expert consultants.

(b) Applicants will be given two (2) hours to complete the written portion of the examination.

(c) Applicants may not remove any examination materials from the testing room.

(d) Once the examination has begun, applicants may not leave the room until the examination is completed.

(e) Applicants must comply with the requirements of the testing site regarding personal items and cell phone use.

(f) Applicants will be notified of their exam score in writing and either in person or via telephone after the conclusion of the exam.

(g) Applicants that do not pass the written examination may retake it six (6) months from the date of the previous examination for a fee of \$50.

§ 2261.2 Practical Examination

(a) Applicants for an Instructor's license shall submit a video recording of their interaction with a person who is blind or visually impaired and is currently receiving guide dog mobility instruction with a trained guide dog to the Board along with a signed copy of the "Practical Examination Video Recording Guidelines" available on the Board's website or provided by mail upon request.

(b) The Applicant must submit the recording for approval by the Board a minimum of 30 days prior to the examination.

(c) The recording must:

- (1) Be submitted in a digital format, i.e. DVD, USB drive, or equivalent;
- (2) Take place in an instructional and typical community setting;
- (3) Incorporate at least two (2) street crossings;
- (4) Be a minimum of 15 minutes and a maximum of 30 minutes long;
- (5) Be recorded with a device capable of recording clear audio and video;
- (6) Clearly capture the verbal interaction between the applicant and the client;
- (7) Be unedited, raw footage with no stops other than to safely move the camera to another position, if necessary, i.e. across a busy intersection;
- (8) Capture the date and time of the recording to demonstrate continuous, unedited footage;
- (9) Not state the school with which the applicant is affiliated;
- (10) Include head to toe footage throughout the entire route; and
- (11) Include the following tasks:
 - (A) Instruct client in executing and maintaining a guide dog's obedience responses through theory and practical experience to ensure consistent responses
 - (B) Instruct client in executing and maintaining a guide dog's guide-work responses through theory and practice to ensure safety of the guide dog team.
 - (C) Instruct client in use of techniques to maintain calm and non-disruptive behavior in a guide dog through theory and practice to ensure success of the guide dog team.
 - (D) Instruct client in safe use of guide dog by applying orientation and mobility skills to ensure safety of the guide dog team.

(d) Board staff shall review the recording for compliance with the requirements in subsection c and may make a copy prior to returning it to the applicant.

(e) The applicant is responsible for providing their copy of the recording to the Examination Committee at the time of the oral examination.

§ 2261.3 Oral Examination

(a) Upon successful completion of the written examination, applicants for an Instructor's license shall participate in an oral examination prior to licensure.

(b) The oral examination is an applicant's verbal explanation of the knowledge, skills and tasks used to instruct people who are blind or visually impaired in the use of guide dogs and for the training of guide dogs for use by people who are blind or visually impaired.

(c) The video recording submitted to the Board shall be used to illustrate and enhance the applicant's oral explanation.

(d) The applicant shall address the following knowledge points as identified in the most recent Occupational Analysis of Instructors regardless of whether or not they are addressed in the video recording:

- (1) Techniques used to maintain and enhance orientation skills while using a guide dog;
- (2) Orientation and mobility skills related to guide dog travel and cane travel;
- (3) Techniques used to work with and control a guide dog;
- (4) Methods of instructing clients on harness techniques used in guide work;
- (5) Techniques used for instructing a client in the observation and interpretation of a dog's behavior;
- (6) Methods of instructing clients on techniques used in reworking guide work errors;
- (7) Methods of instructing clients on techniques used in avoiding and ignoring distractions during guide work training; and
- (8) Methods of instructing clients on techniques used in controlling inappropriate behavior in a guide dog.

(e) The Examination Committee may not ask any unrelated questions regarding the recording or non-listed knowledge topics.

(f) The Examination Committee may ask a candidate to expand on a point even though it's not demonstrated in the recording.

(g) The Examination Committee may ask a candidate if there are any safety concerns related to the video recording content.



CALIFORNIA STATE BOARD OF GUIDE DOGS FOR THE BLIND
1625 N. MARKET BLVD., SUITE N-112 | SACRAMENTO, CA 95834
PHONE: 916-574-7826 | FAX: 916-574-7829 | EMAIL: GUIDEDOGBOARD@DCA.CA.GOV
WWW.GUIDEDOGBOARD.CA.GOV



(h) The Examination Committee may consider any or all of the Board's enabling statutes and regulations regarding the training of guide dogs and the instruction of persons who are blind or visually impaired in the use of guide dogs when determining an applicant's suitability for licensure as an instructor.

5. Executive Officer's Report

a. Budget/Program Solvency Report

Board staff has had several meetings with the Department of Consumer Affairs' Executive Office, Budget Office, and Human Resources Office to discuss the continued solvency of the Board. A plan to ensure the ongoing solvency of the Board is being developed, but is not currently finalized.

b. Examination Update

Three applicants will take the Board's exam next Monday and Tuesday, January 26-27, 2015.

c. Regulations Update

Title 16 Division 22 California Code of Regulations Section 2285 - Ethical Standards of Practice for a Guide Dog Instructor or Guide Dog School

Changes to this section of the Code were adopted and made effective January 1, 2015. The Board's website has been updated to reflect the new language.

d. Constituent Organizations Update

Board staff met with Secretary Joe Xavier in early December 2014 to discuss the various different consumer organizations, their structures, and a plan to reach out accordingly.

e. Consumer Survey Update

1. How long have you and your dog worked together as a team?

Less than a year – 16
1 to 5 years – 55
5 or more years – 35
Skipped – 1

2. What school did you attend most recently?

Guide Dogs of America – 8
Guide Dogs for the Blind (San Rafael) – 75
Guide Dogs of the Desert – 6
Other – 17
Skipped – 1

3. The Guide Dog Instructor was competent

Strongly Agree - 87
Agree - 11
Disagree - 1
Strongly Disagree – 3
Skipped – 5

4. The most recent training met your needs and your team achieved safe and effective mobility
 - Strongly Agree - 69
 - Agree - 28
 - Disagree - 5
 - Strongly Disagree – 0
 - Skipped – 5

5. The school facilities were clean and functional
 - Strongly Agree - 87
 - Agree - 14
 - Disagree - 1
 - Strongly Disagree - 0
 - Skipped – 5

6. The amount of time I spent training with my dog was
 - Too Long - 7
 - Just Right - 81
 - Too Short – 19

7. Please rate how well your Guide Dog is able to acknowledge the beginning and end of a block, regardless of curb type
 - Excellent - 61
 - Good - 34
 - Average - 8
 - Poor - 2
 - Very Poor - 0
 - Skipped – 2

8. Please rate how well your Guide Dog is able to stop or pause at notable changes of elevation in walking surfaces
 - Excellent - 73
 - Good - 23
 - Average - 6
 - Poor - 3
 - Very Poor – 0

9. Please rate how well your Guide Dog is able to respond appropriately to basic directional guide work and obedience commands

Excellent - 57
Good - 33
Average - 15
Poor - 2
Very Poor – 0
Skipped - 2

10. Please rate how well your Guide Dog is able to work sidewalk less and rounded corner areas and appropriately acknowledge intersecting streets

Excellent - 48
Good - 40
Average - 15
Poor - 3
Very Poor – 0
Skipped - 1

11. Please rate how well your Guide Dog is able to move you away from obstacles or stop when there is insufficient room for clearance

Excellent - 76
Good - 18
Average - 11
Poor - 2
Very Poor – 0

12. Please rate how well your Guide Dog is able to maintain a safe distance or buffer from potentially threatening vehicles

Excellent - 76
Good - 19
Average - 11
Poor - 1
Very Poor – 0

13. Please rate how well your Guide Dog is able to target the appropriate up curb location

Excellent - 69
Good - 23
Average - 12
Poor - 0
Very Poor – 0
Skipped - 3



14. Please rate how well your Guide Dog is able to refocus when directed on its working task when distracted by certain stimulants such as persons, animals, or food

- Excellent - 41
- Good - 42
- Average - 14
- Poor - 8
- Very Poor – 1
- Skipped - 1

15. Please rate how well your Guide Dog is able to, under your direction, negotiate public transportation and ride appropriately

- Excellent - 85
- Good - 15
- Average - 5
- Poor - 1
- Very Poor – 0
- Skipped - 1

16. Please rate how well your Guide Dog is able to work at a consistent steady pace, providing safe, effective and fluid movement appropriate for you and travel conditions

- Excellent - 63
- Good - 28
- Average - 10
- Poor - 5
- Very Poor – 0
- Skipped - 1

17. Please rate how well your Guide Dog is able to behave appropriately in all locations both in and out of harness

- Excellent - 54
- Good - 34
- Average - 11
- Poor - 3
- Very Poor – 1
- Skipped - 4



18. Please rate how well your Guide Dog is able to effectively work in buildings, find doors on command, and negotiate stairs, ramps, and elevators as needed

- Excellent - 69
- Good - 26
- Average - 8
- Poor - 1
- Very Poor – 1
- Skipped - 2

19. Please rate how well your Guide Dog is able to display suitable house manners: free of destructive habits, excessive barking, scavenging, and indiscriminate relieving

- Excellent - 73
- Good - 22
- Average - 8
- Poor - 2
- Very Poor – 1
- Skipped - 1

20. Please rate how well your Guide Dog is able to be handled easily by you for general care and management

- Excellent - 86
- Good - 17
- Average - 3
- Poor - 0
- Very Poor – 0
- Skipped - 1

21. Please rate how well your Guide Dog is able to demonstrate the ability to behave properly when left alone for a reasonable period of time

- Excellent - 73
- Good - 13
- Average - 12
- Poor - 5
- Very Poor – 0
- Skipped - 4

22. Is your current guide dog your first guide dog?

- Yes - 31
- No - 75



23. If you answered No to question 22, how would you rate your current Guide Dog compared to your previous Guide Dog(s)?

Better than previous dog - 25

The same as previous dog – 33

Worse than previous dog – 14

Skipped - 35

f. Strategic Plan Update

Board staff has been in contact with the Department of Consumer Affairs Strategic Organization, Leadership, and Individual Development (SOLID) Office regarding its strategic plan which expired in 2014. The Board's Strategic Planning Committee will begin meetings with SOLID in July 2015 to revise the strategic plan for review by the Board.

6. Discussion and possible action on the Board's position on out of state instructors providing follow-up work with guide dog handlers residing in California.

Current Steps to Licensure

- 3-year Apprenticeship under a licensed instructor or at a school satisfactory to the Board and a minimum of 22 person-dog units verified by a letter of compliance from the school or instructor
- Licensing Application and Fee
- Live Scan Fingerprints
- Passing score on written, practical, and oral examinations

Current Fact Sheet Regarding Out-of-State Licensure

1. Can an out-of-state guide dog instructor who is not licensed as an instructor in California perform an initial interview/assessment for training?

There is nothing in the Guide Dog Act that prohibits an out-of-state instructor who is not licensed in California as an instructor from performing an initial interview or assessment of an individual for training.

2. Can an out-of-state guide dog instructor provide follow up services?

Business and Professions Code Section 7209.5 defines "instructor" as a person who instructs blind persons in the use of guide dogs or who engages in the business of training, selling, hiring, or supplying guide dogs for the blind. Section 7210 states that "It shall be unlawful for any person to sell, offer for sale, give, hire or furnish under any other arrangement, any guide dog or seeing-eye dog or to engage in the business or occupation of training any such dog unless he holds a valid and unimpaired license issued pursuant to the provisions in this chapter." Follow up services would not be prohibited by state law so long as guide dog "instruction" was not occurring. For example, a home interview or verbal assessment of the day-to-day activities of a guide dog team would not be prohibited.

3. Can I, as a California resident, go out-of-state to receive guide dog instruction?

Yes. The California State Board of Guide Dogs for the Blind does not have jurisdiction over guide dog instruction in any other state.

4. If I would like to encourage my out-of-state instructor to become licensed, how would he or she start the process?

If an out-of-state instructor can provide evidence that the instructor has handled 22 man-dog unit teams (Business and Professions Code Section 7209), the instructor can apply for the guide dog instructor examination. The licensure process can be accessed on the web at: www.guidedogboard.ca.gov

7. Discussion and possible action on the adoption of a fact sheet regarding the Board's arbitration procedure

What is the Arbitration Program?

The California State Board of Guide Dogs for the Blind (Board) is required, by law, to offer arbitration assistance to guide dog user (user) graduates of California guide dog schools (school) regarding a school's decision to discontinue use or to reclaim custody of a guide dog (dog). The Arbitration Program is designed to provide resolution to users with disputes that involve continued use of a dog, or the actual physical custody of a dog where the user is not the unconditional legal owner of the dog (i.e. the school retains title of the dog). Users who are dissatisfied with a school's decision to discontinue use or to reclaim custody of a dog may appeal to the Board to convene an arbitration panel.

How does it work?

An arbitration panel will consist of at least one representative for each the school and the user as well as a representative of the Board to coordinate the meeting and serve as the chair. Additional representatives, witnesses, etc. may be requested by the Board. The arbitration panel will meet in closed session to hear the issue. Once both party's presentations have been heard, the arbitration panel will issue a decision, in writing, to the parties involved within 10 calendar days.. The panel's decision is final and both parties must waive any subsequent judicial review prior to beginning the arbitration process.

Who can seek arbitration?

Users who are not the unconditional owner of the dog and have received notice from a school that their dog can no longer continue to work as a guide dog, or that the school is reclaiming physical custody of the dog, may seek arbitration from the Board.

How to seek arbitration?

A user will receive written notice from a school when a decision has been made to reclaim physical custody or to discontinue use of a dog. This notice must include information about the Board's Arbitration Program and must come through a service where delivery to the user can be confirmed by the school. If a user wishes to seek arbitration, they must submit a written and signed request to the Board, and send a copy to the school, within 30 days of the receipt of notice from the school. All of the arbitration panel's hearings, investigations, and decisions will be concluded within 45 calendar days of receipt of a user's written request for arbitration. The Board will make every effort to minimize costs for all parties involved as all parties are required to bear their own costs for arbitration.

Resources

<http://www.guidedogboard.ca.gov/about/lawsregs/index.shtml>

Applicable Code Sections

Business and Professions Code Section 7215.6

California Code of Regulations Title 16, Division 22, Sections 2293-2294



8. Agenda Items for Next Meeting

9. 2015 Meeting Calendar

Board Meeting

Tuesday, January 20, 2015
Department of Consumer Affairs (or teleconference)
1625 N. Market Blvd
Sacramento, CA 95834

Board Meeting

Monday, April 20, 2015
Guide Dogs of America (or teleconference)
13445 Glenoaks Blvd
Sylmar, CA 91342

Board Meeting

Monday, July 20, 2015
TBD

Board Meeting

Monday, October 19, 2015
TBD

10. Public Comment on Items Not on the Agenda

11. Adjournment