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September 26, 1986

Howard H. Barton, Jr.
Administrator
Commission for the Blind
341 W. Washington St.
STATEHOUSE MAIL

THIS IS NOT AN OFFICIAL ATTORNEY GENERAL OPINION
AND IS SUBMITTED SOLELY TO PROVIDE LEGAL GUIDANCE

RE: RESTRICTIONS ON THE USE OF GUIDE DOGS
REFERRAL NO: 7355

Dear Mr. Barton:

This office is in receipt of your letter dated September 15, 1986, requesting legal guidance on the question of whether the Commission can restrict the use of guide dogs during the orientation travel training program for students provided by the Commission.

Idaho Code § 67-5401 in part provides that the Commission for the blind is established

. . . .
(2) To encourage and assist blind persons in their efforts to become socially and economically independent and to render themselves more self-supporting; and

(3) To enlarge the opportunities of blind persons to obtain education, vocational training and employment.

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In order to give effect to these purposes, Idaho Code § 67-5407 requires the Commission to:

(a) Assist blind persons in achieving physical and psychological orientation, inform blind persons of available services, stimulate and assist the blind in achieving social and economic independence, and do all things which will ameliorate the condition of the blind.

(b) Provide intensive programs of case finding, education, vocational and other rehabilitation training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.

Apparently, the Commission established the Orientation and Adjustment training program to carry out the mandated services. As part of the program, a travel training section is provided which teaches a student to become completely familiar and proficient in the use of the cane. Thus, the program obligates the student to use only the cane during the travel segment; otherwise, the student may be subject to disciplinary action.

Idaho Code §§ 56-701 to 56-707 further define the rights of blind persons by restating the policy set forth in § 67-5401 and by providing access to public accommodations and facilities by those persons using or training guide dogs. In addition, § 56-706 provides for criminal penalties for those who interfere with the rights of the blind under those sections.

It is my understanding that proficiency of travel with the cane is essential for those who use guide dogs for two reasons. First, it allows complete development of travel capability and greater adaptation to the use of the guide dog. Second, it provides an alternate mode of travel for those with a guide dog, should the dog become ill, disabled, or otherwise unavailable.

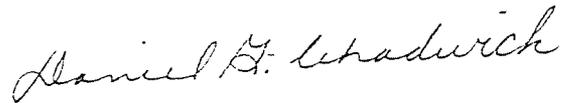
Because the role of the Commission is to aid a blind person develop his or her fullest social and economic potential, and proficiency in the use of the cane for the reasons set forth above appears to be essential to the development of that potential,

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restrictions on the use of guide dogs during the travel training portion would not be inconsistent with § 54-701, et seq.; nor should the restrictions subject the Commission or its staff to any criminal or civil penalties provided by state or federal law.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



DANIEL G. CHADWICK
Deputy Attorney General
Intergovernmental Affairs

DGC/mkf