2-2-2013

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Why are service dogs in training allowed on campus?

Submitted by: James Braselton

2/2/2013

Question:

This is based on the article the other day regarding *training of service dogs on campus* in the George Anne. I understand why Service Dogs are allowed on campus. I do not understand why dogs in training are allowed on campus. Part of the training process is to remove dogs that cannot go on to the next level of Service Dog training because they do not have the brains, brawn, or capability to be a reliable service dog. That is: service dogs in training are trying to prove that they can handle the job: not bite, work, and do the job.

Rationale:

Dogs in training are simply *dogs in training*. As they are a potential risk, I do not understand why having a large/medium-sized dog who can have puppy accidents or present a risk (no one knows how a dog will respond under any circumstances whether it be a bite or aggravate the area squirrels) are allowed on campus but documents well trained animals are not.

This is a contradictory as stated in the faculty handbook. Service Dogs are allowed on campus and in academic buildings. Non Service Dogs are not allowed to be in academic buildings. A *dog in training* is *not* a Service Dog. Therefore, according to policy and possible safety issues should not be allowed in campus buildings. If animals are allowed in campus buildings, then the policy needs to be applied fairly.

With respect, Jim Braselton

Response:
Via Maura Copeland, Associate Vice President for Legal Affairs:

O.C.G.A. § 30-4-2 attached below states (see (b)(2)) that "Every person engaged in the training of a guide dog or service dog for the purpose of accompanying a person as provided in paragraph (1) of this subsection shall have the same right to be accompanied by such dog being trained as the totally or partially blind person, deaf person, or physically disabled person has under paragraph (1) of this subsection, so long as such trainer is identified as an agent or employee of a school for seeing eye, hearing, service, or guide dogs."

Hence, there is no legal issue with having service dogs in training on campus. Currently, we are not checking the credentials of those on campus who are training guide dogs in any central location, but a university policy providing guidelines for service dogs in training is in the works.

Meanwhile, credentials should NOT be requested by individuals. Any individual on campus who encounters a problem with a service dog should seek guidance from the office of Legal Affairs.

**RFI: Why are Service Dogs in Training Allowed on Campus?:** This was posted and answered, the short form being that our practice conforms with state law. If a problem arises, such as verifying the credentials of a trainer, people should contact the office of Legal Affairs or Mike Chambers in the Student Disability Resource Center.

Ed Mondor (COSM) asked if there had been any incident where somebody was not in the service dog program. Moderator Mynard was not aware of any.

Robert Costomiris (CLASS) said that the dogs make a positive contribution to the classroom.

Janice Steirn (CLASS) wondered if we could have something on the dog at identifies it as being in an approved program so that when people see the dogs on campus they don’t have to wonder.

Maggie LaMontagne (COE) noted that service dogs in training are required to wear a vest that identifies their agency and identifies them as a service dog in training. And they can’t go out the door without that vest on. There followed some concerns about
counterfeit vests and the desirability of backup credentials to be carried by dogs and trainers.

O.C.G.A. § 30-4.2

§ 30-4.2. Right to equal public accommodations; right to be accompanied by guide dog or service dog

(a) Blind persons, persons with visual disabilities, persons with physical disabilities, and deaf persons are entitled to full and equal accommodations, advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation and at hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(b) (1) Every totally or partially blind person shall have the right to be accompanied by a guide dog, and every physically disabled person and every deaf person shall have the right to be accompanied by a service dog, especially trained for the purpose, in any of the places listed in subsection (a) of this Code section without being required to pay an extra charge for the guide or service dog; provided, however, that he or she shall be liable for any damage done to the premises or facilities by such dog. In addition, if
such totally or partially blind person, physically disabled person, or deaf person is a student at a private or public school in this state, such person shall have the right to be accompanied by a guide dog or service dog subject to liability for damage as provided in the preceding sentence. The guide dog or service dog must be identified as having been trained by a school for seeing eye, hearing, service, or guide dogs.

(2) Every person engaged in the training of a guide dog or service dog for the purpose of accompanying a person as provided in paragraph (1) of this subsection shall have the same right to be accompanied by such dog being trained as the totally or partially blind person, deaf person, or physically disabled person has under paragraph (1) of this subsection, so long as such trainer is identified as an agent or employee of a school for seeing eye, hearing, service, or guide dogs.

(3) Every person engaged in the raising of a dog for training as a guide dog or service dog for the purpose of accompanying a person as provided in paragraph (1) of this subsection shall have the same right to be accompanied by such dog being raised for training as the totally or partially blind person, deaf person, or physically disabled person has under paragraph (1) of this subsection, so long as:

(A) Such dog is being held on a leash and is under the control of the person raising such dog for an accredited school for seeing eye, hearing, service, or guide dogs;

(B) Such person has on his or her person and available for inspection credentials from the accredited school for which the dog is being raised; and

(C) Such dog is wearing a collar, leash, or other appropriate apparel or device that identifies such dog with the accredited school for which such dog is being raised.

(c) Every totally or partially blind person operating a vending stand shall have the right to be accompanied by a trained guide dog on the entire premises of his or her vending operation.


CODE COMMISSION NOTES. --Pursuant to Code Section 28-9-5, in 1995, "persons with visual disabilities" was substituted for "visually persons with disabilities" near the beginning of subsection (a).

EDITOR’S NOTES. --Ga. L. 2000, p. 1350, § 1, redesignated former Code Section 30-4-2 as present Code Section 30-4-3.

JUDICIAL DECISIONS

DENIAL OF ACCESS TO LODGING. --Based on the innkeeper's refusal to provide lodging for the disabled individual and the individual's service dog, the individual's proposed amended complaint stated valid claims for damages under O.C.G.A. §§ 30-4-2 and 43-21-3; the amendment was not futile, and leave to amend pursuant to Fed. R. Civ. P. 15(a) was granted. Amick v. BM & KM, Inc., 275 F. Supp. 2d 1378 (N.D. Ga. 2003).


RESEARCH REFERENCES


ALR. --Validity, construction, and application of § 302 of Americans with Disabilities Act (42 USCS § 12182), prohibiting discrimination on basis of disability by owners or operators of places of public accommodation, 136 ALR Fed 1.

Title Note

Chapter Note