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DFEH and California Commission on Teacher Credentialing Resolve Disability Discrimination Case

California Commission on Teacher Credentialing Agrees to Train Staff and Pay \$95,000 to Teacher with Disabilities

Sacramento – The California Department of Fair Employment and Housing (DFEH) and the California Commission on Teacher Credentialing (CTC) have resolved a disability discrimination case involving a teacher with disabilities who was removed from her job when CTC denied her request for a reasonable accommodation.

A complaint was received by DFEH in September 2017 alleging that CTC denied complainant teacher's request for a speech language pathology waiver in order to complete her credential prerequisites and continue her employment at the Long Beach Unified School District, where she has taught for almost 20 years. She also alleged her request for a waiver was due to her disability and should have been accommodated. CTC denied the request for a waiver on the grounds that the complainant had exceeded the number of speech language pathology waivers an individual may obtain. CTC imposed limits on the numbers of such waivers in 2015.

DFEH found cause to believe violations of the Unruh Civil Rights Act and Government Code sections 11135 and 12944 had occurred. After mandatory mediation, CTC agreed to pay complainant \$95,000 to resolve her claims, which includes her attorney's fees.

"California law requires public entities to provide reasonable accommodations to individuals with disabilities to ensure equal access to their programs, services or activities," said DFEH Director Kevin Kish. "Anytime a public entity imposes bright-line rules or limits, there is a legal obligation to conduct an individualized assessment to determine whether the rules can be changed in order to provide a reasonable accommodation to an individual who needs one."

In addition to the monetary settlement, CTC agreed to repeal the numerical limits imposed on speech language pathology waivers, propose regulations for handling waiver applications and conduct training for its Certification Division staff on the American with Disabilities Act, the Unruh Civil Rights Act and Government Code sections 11135 and 12944.

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The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the DFEH's web site at www.dfeh.ca.gov.

