

# CLIENT NEWS BRIEF

## Jury Finds That District Was Not Required to Accommodate Teacher's Request to Avoid Teaching "At-Risk" Students

A San Mateo County jury recently sided with the Sequoia Union High School District in a civil court case brought by Manuel E. Delgado, Jr., a tenured teacher of the District, for the District's alleged failure to provide Mr. Delgado with reasonable accommodations for his diabetes and anxiety disorder.

Mr. Delgado, a teacher at the District's Menlo-Atherton High School, filed a complaint against the District alleging that his medical conditions, identified as Type 1 Diabetes and Generalized Anxiety Disorder, were impacting his ability to teach "at-risk" students in specified classrooms, and that the District failed to provide him with his requested accommodations and thereafter retaliated against him.

Mr. Delgado was hired in 1997 to teach computer classes; however, after Mr. Delgado received his math credential following the 2008-2009 school year, the District assigned him to teach math classes beginning in the 2009-2010 school year following the District's elimination of many of the obsolete computer classes Mr. Delgado formerly taught. As a result of the scheduling and curriculum change, Mr. Delgado sought accommodations for his medical conditions, notably that he not be required to teach in multiple classrooms, and that his classroom be located near a staff restroom. After engaging in an interactive process, the District accommodated these requests. However, Mr. Delgado's accommodation requests went further in that he also sought to limit the number of math teaching assignments he had each semester and wished to avoid teaching math courses to below-basic level students and students with discipline problems. Mr. Delgado claimed that teaching such "at-risk" students was negatively impacting his medical conditions.

Mr. Delgado provided the District notes from medical providers stating that "it would be beneficial to minimize his number of math teaching assignments predominantly involving students who test below basic or far below basic." After conducting an interactive process to determine if Mr. Delgado's requests were reasonable, the District continued to assign Mr. Delgado math courses to "at-risk" students. Subsequently, Mr. Delgado received an unsatisfactory employment evaluation and accused the principal of retaliation.

Mr. Delgado argued that his complaint was more a matter of credentialing than an issue of disability, and stated that he should be teaching computer classes because he had originally been hired to do so in 1997. However, Mr. Delgado's testimony was rebutted by the assistant superintendent of human resources, who testified that Mr. Delgado did not have tenure to teach computers exclusively and that "there are no credentials that specify what type of students (Mr. Delgado) can teach." As for Mr. Delgado's requested accommodations, the assistant superintendent testified that Mr.

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Delgado denied the District's requests to speak directly with Mr. Delgado's physicians during the interactive process and thus failed to provide sufficient supporting evidence of his health concerns related to teaching at-risk students. Accordingly, the jury decided in favor of the District on Tuesday, December 4, 2012.

The *Delgado* case serves as a reminder that districts should closely consider requests for accommodations, including physician-provided information regarding medical conditions, particularly where an employee is attempting to dictate not only course assignments but also the particular students the employee is charged with instructing. Districts should thus engage in the interactive process with employees to determine the reasoning and scope for accommodation requests to determine if such requests are in fact "reasonable."

If you have any questions regarding this case, or other issues related to reasonable accommodations, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).