



CLIENT NEWS BRIEF

December 2011

Number 84

THE ADA DOES NOT REQUIRE SCHOOL DISTRICTS TO SEEK WAIVERS TO ACCOMMODATE DISABLED TEACHERS WHO LACK VALID CREDENTIALS

Under the Americans with Disabilities Act (ADA), employers are required to provide reasonable accommodations to disabled individuals who are qualified to perform essential job functions. The Ninth Circuit Court of Appeals recently considered the issue of job qualifications in the case of a disabled teacher who failed to maintain her teaching credential.

In Johnson v. Board of Trustees (9th Cir. 2011) ___ F.3d ___, an Idaho school district fired disabled teacher Trish Johnson after she failed to complete the professional development coursework required to maintain a valid teaching credential. Prior to her termination, Ms. Johnson appealed to the school board requesting that they seek a waiver on her behalf from the Idaho state law requiring that all teachers possess valid credentials. Ms. Johnson maintained she was unable to complete her remaining coursework due to a major depressive episode caused by her disability. Finding that Ms. Johnson had been provided five years to complete the coursework and that other appropriately credentialed teachers were available to fill her position, the school district declined to seek a waiver on her behalf.

The Ninth Circuit's decision in this case turned on the definition of a "qualified individual" under the ADA and whether the school board had a duty to seek a waiver of credentialing requirements for Ms. Johnson as a reasonable accommodation of her disability. Relying heavily on the express language contained in guidance issued by the Equal Employment Opportunity Commission (EEOC), the court found that employers are not required to accommodate disabled individuals so that they will meet the job's qualification standards, unless the job qualification is itself discriminatory in nature or impact. In this case, Ms. Johnson did not allege or provide any evidence that the qualification requirement to maintain a valid teaching credential was discriminatory. Thus, the ADA did not require the school board to seek a waiver as a reasonable accommodation to allow Ms. Johnson to continue her employment.

This decision provides a reminder that school district employers are required to accommodate disabled individuals only if they first meet the job's qualification standards (unless the job qualification is itself discriminatory in nature or impact), including the job requirement that an existing teacher must maintain a valid teaching credential.

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If you have any questions regarding this decision, please contact one of our [eight offices](#) located statewide, visit our [website](#), or follow Lozano Smith on [Facebook](#).

Written by:

[Darren Kameya](#)

Senior Counsel and Labor & Employment Practice Group Co-Chair

Los Angeles Office

dkameya@lozanosmith.com

[Mary Kellogg](#)

Associate

Los Angeles Office

mkellogg@lozanosmith.com



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