



15-DAY NOTICE

DATE:

March 11, 2019

TO:

All Individuals and Groups Interested in the Activities
of the Commission on Teacher Credentialing

FROM:

Mary Vixie Sandy
Executive Director
Commission on Teacher Credentialing

SUBJECT: Notice of Modifications to Proposed Addition to Title 5 of the California Code of Regulations Pertaining to the Handling of Applications from Qualified Individuals with Disabilities

The Commission on Teacher Credentialing (Commission) conducted a public hearing on February 8, 2019 regarding the proposed addition of Section 80002.1 to Title 5 of the California Code of Regulations (CCR) pertaining to the handling of applications from qualified individuals with disabilities. **Notice is Hereby Given**, pursuant to the requirements of Government Code §11346.8(c) and section 44 of Title 1 of the California Code of Regulations, that the Commission has proposed the following modifications to the text of the proposed regulations. Any person who wishes to comment on the proposed modifications may do so by submitting written comments postmarked beginning March 12, 2019 to March 26, 2019 to the person indicated on the response form attached to this 15-Day Notice.

Note: *Any written comments are to be restricted to the recent modifications to the enclosed language. The Commission is not required to respond to comments received in response to this notice on other aspects of the proposed regulations. All written comments received or postmarked by March 26, 2019 **which pertain to the modified** text of the proposed regulations provided in this notice will be reviewed and responded to by Commission staff as part of the compilation of the rulemaking file.*

Summary of Modifications to §80002.1

Written comments received during the 45-day comment period suggested the addition of language to the proposed regulations for clarity purposes. The modifications to the proposed regulations are detailed below:

Title: "...or Medical Condition;" has been added to the title to more accurately mirror the language provided in subsection (b) of Government Code Section 12944.

“Confidentiality” has also been added to the title due to the proposed modification adding subsection (b) which clarifies that materials submitted with an application from an individual requesting a reasonable accommodation will be kept confidential.

(a): “(a)” added prefacing the originally proposed language due to the proposed modification adding subsection (b).

The originally proposed regulation text did not include language requiring the submission of any type of medical documentation with applications from qualified individuals with disabilities who request reasonable accommodations. However, it is not acceptable for an applicant to self-verify his/her disability or medical condition. For clarity purposes, additional language has been added requiring an applicant who applies for a reasonable accommodation to submit medical documentation confirming his/her disability or medical condition and verifying the need for the accommodation requested.

Language has also been added to clarify the procedures Commission staff will follow when evaluating applications from individuals requesting reasonable accommodation. Specifically, Commission staff will give preference to the accommodation requested, unless there is an alternative accommodation that will be equally effective identified during the Commission’s individualized assessment of the application and culmination of the interactive process.

The terms “individualized assessment” and “interactive process” are terms easily understood by the affected parties. The “individualized assessment” will consist of a case-by-case evaluation of an application from an individual requesting a reasonable accommodation to determine if sufficient medical documentation has been provided and if the accommodation requested is reasonable. The “interactive process” means the Commission will contact the applicant to for additional information, if needed, and to suggest an alternative reasonable accommodation, if warranted, before making a final decision to grant or deny the request.

Lastly, language has been added to clarify the circumstances under which the Commission may deny a request for reasonable accommodation. The Commission’s Certification Division is responsible for ensuring applicants for credentials meet the requirements established in statute and regulations. The Certification Division’s evaluation of applications for reasonable accommodation will consider whether granting the reasonable accommodation request would fundamentally alter the nature of the Commission’s services, programs, or activity.

(b): This proposed new subsection has been added to clarify that all documentation provided by an individual who requests a reasonable accommodation will be kept confidential and describes the situations under which the documentation may be shared with a third party. Also includes language and the relevant Government Code and 5 CCR references clarifying how the documentation will be reviewed if an applicant appeals a decision made by the Commission (i.e. denies the accommodation request or grants an alternative accommodation).

Note: Government Code Section 11126(c)(2) has been added to the Reference section due to the additional language proposed in subsection (b).

The entire rulemaking file, including this notice, is available for public inspection at the Commission's office located at 1900 Capitol Avenue, Sacramento, California from March 12, 2019 to March 26, 2019 between 8:00 am and 5:00 pm. Please ask for Tammy Duggan or David Crable.

Attached is a copy of the entire text, clearly showing the deleted text in double strikethrough. The text in single underline was already noticed for the 45-day comment period and the public comment period closed on January 7, 2019.

CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

§ 80002.1. Request for Reasonable Accommodation by Applicant: Qualified Individual with a Disability or Medical Condition; Confidentiality

(a) An individual applying for a credential, as defined in Education Code Section 44002, who has a mental disability, physical disability, or medical condition as defined in Government Code Section 12926, may request a reasonable accommodation pursuant to subsection (b) of Government Code Section 12944. The applicant shall provide reasonable medical documentation confirming the existence of the disability or medical condition and the need for reasonable accommodation. Requests for reasonable accommodation from an individual with a disability shall be approved or denied following an evaluation by the Certification Division (Division). Upon receipt of a request for reasonable accommodation from an individual with a disability or medical condition, the Division shall approve the request unless, after conducting an individualized assessment and engaging in an interactive process with the applicant, the Division determines that there is an alternative, equally effective reasonable accommodation. The Division shall give preference to the applicant's requested accommodation. The Division shall deny reasonable accommodation only if it would fundamentally alter the nature of the Commission's services, programs, or activity.

(b) All materials submitted in support of a request for reasonable accommodation shall be kept confidential and shall not be disclosed to any third party unless required by law or with the applicant's express written permission. Where the applicant appeals the decision of the Division, review of these materials by the Commission shall be pursuant to paragraph (2) of subsection (c) of Government Code Section 11126 and Section 80516.

Note: Authority cited: Section 44225(q), Education Code. Reference: Section 44002, Education Code and Sections 11126(c)(2), 12926 and 12944, Government Code.



Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 (916) 323-5354 Fax (916) 322-0048 www.ctc.ca.gov

Attn: Tammy A. Duggan, Consultant
Certification, Assignment and Waivers Division

Title: Notice of Modifications to Proposed Addition to Title 5 of the California Code of Regulations Pertaining to the Handling of Applications from Qualified Individuals with Disabilities

Section: 80002.1

Response to the Attached Regulations

If you disagree with the new proposed changes within the attached Title 5 Regulations, please return this response form to the Commission office, attention Tammy A. Duggan, at the above address postmarked no later than March 26, 2019.

No, I do not agree with the new proposed changes to the Title 5 Regulations for the following reasons:

Personal opinion of the undersigned

Organizational opinion representing: (Circle One)

School District, County Schools, College/University, Professional Organization,
Other _____

Signature: _____ Date: _____

Printed Name: _____

Title: _____ Phone: _____

Employer/Organization: _____

Mailing Address: _____

Route to TAD