

5 Key Changes since ADAAA in 2008  
(Refer to 504 Notebook Given May 2012)

1. Construe Eligibility Language in favor of broad coverage.
2. Expansion of Major Life Activities to Include Major Bodily Functions
  - a. Remember student doesn't have to have impairment in learning to be eligible
3. Impairments that are Episodic or in Remission
  - a. Conditions can ebb and flow in their severity (seasonal allergies, asthma etc) and can be substantially limiting at times and have little impact at other times.
  - b. If condition episodically rises to level of substantial limitation when active, on a major life activity or major bodily function, then students commonly qualify.
4. Determining Substantial Limitation under a New Mitigating Measures Rule
  - a. You cannot consider the effects of remediation efforts when determining whether a disability substantially limits a major life activity or major bodily function ( exception is glasses or contact lenses)
  - b. Example, if child is diabetic and is insulin dependant, you have to look at eligibility as if child wasn't taking insulin. What would impairment look like- what major life activity would be impacted?
5. Lower Standards for Substantial Limitations
  - a. Congress expressed their expectation that defining substantial limitation would not be too high of a requirement. Significantly restricted was determined to be too high.
  - b. Substantially limits should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and SHOULD NOT REQUIRE EXTENSIVE ANALYSIS.
  - c. If impairment limits one major life activity, it does not need to limit other major life activities, i.e., one is enough to be eligible.