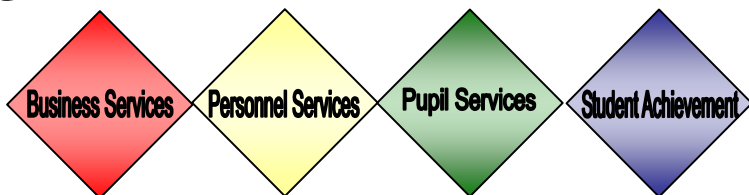




School District of New London



MONTHLY UPDATE

By: Ann Christopherson
Director of Pupil Services
Date: May 2011

ADAAA Impacts on our Schools



The Americans with Disabilities Act Amendments Act (the ADAAA) final regulations will take effect on May 24, 2011. It widens the protections of the Americans with Disabilities Act (ADA) so that they are once again consistent with the expectations outlined by the original drafters of the ADA back in 1990. The interpretation of "disability" under the revised law does not reflect the general perceptions of the term. There are significant risks that we may not recognize a disability accommodation request or may inadvertently consider a disability when making both student and employment decisions. Administrators will need training to recognize such requests and to avoid making risky educational and employment decisions.

The final regulations retain the basic definition of "disability" as an impairment that substantially limits one or more major life activities (an "actual disability"), a record or past history of such impairment, or being regarded as having such impairment. The ADAAA final regulations have broadened how the definition is to be interpreted. The following rules of construction are to be used when determining whether an individual is "substantially limited" in performing a major life activity:

- "Substantially limits" is to be construed broadly, to the maximum extent allowable under the law. It doesn't need to prevent or significantly restrict a major life activity; rather, the impairment is a disability if it substantially limits the ability of an individual to perform major life activities compared to "most people."
- The determination of whether the impairment substantially limits a major life activity requires an individualized assessment; but doesn't need to be extensive.
- With one exception (eyeglasses /contact lenses), determinations whether an impairment "substantially limits" a major life activity should be made without regard to any effects of mitigating measures, like medication or assistive devices.
- Impairments that are episodic or in remission meet the definition of disability - if - it would substantially limit a major life activity when active.
- As it relates to the term "major life activity," the term has been further expanded to include "major bodily functions" such as functions of the immune system, normal cell growth,

and brain, neurological and endocrine functions. In addition, the final regulations provide that the term "major" is not to be construed strictly to mean of "central importance to daily life."

For our schools, the impacts will be measured in meeting regulations as an employer and in meeting student needs through child find and the Section 504 Accommodations which may increase for some students. We will need to adjust our analysis when evaluating disability matters. With new regulations, it is anticipated that most impairments will be considered disabilities under the law, and we should no longer focus on whether a disability exists – but assume it likely does. The focus will need to shift to whether the disability needs to be reasonably accommodated and/or whether any employment actions are administered fairly. As always, we will need to document our processes, and note when employees are being provided with accommodations. With students, it too will require greater documentation and possible implementation of more Student specific plans under Section 504 after observation and evaluation.

Menning Selected for National Writing Project Fellowship during Summer

Lori Menning received notification that she has been selected to receive a fellowship to participate in the Holocaust Education Seminar in New York this summer (July 5-July 15). Along with other National Writing Project secondary teachers and college instructors from throughout the country, she will be staying at Columbia



University and studying holocaust education. Excited, she can't wait to come back and apply what she learns to enhance her instruction

and teach students to become change agents.