

**SAN DIEGO UNIFIED SCHOOL DISTRICT**

**Date:** January 6, 2009

**To:** Principals, Division and Department Heads

**Subject:** AMERICANS WITH DISABILITIES ACT (ADA)  
RESTORATION ACT

**Department and/or  
Persons Concerned:** Principals, Site Administrators, Site 504 Coordinators,  
Student Study Team Members

**Reference:** None

**Action Requested:** Please share information with appropriate staff.

**Brief Explanation:**

The United States Senate and House of Representatives passed the ADA Amendments Act of 2008 on September 17, 2008. The full impact of this action is unknown at this point; however, as of January 1, 2009, some changes will be put into effect. They are listed below:

- A. **The definition of “disability” is expanded.** The cases that provided the guidance to use “mitigating measures” to assist in the determination of eligibility for Section 504 and narrowed the broad scope of protection have been overturned.
- B. **The deletion of mitigating measures.** This means that 504 teams will not consider the use of mitigating measures in determining the substantial impact of a disability. However, ordinary eyeglasses and contact lenses are excluded from the mitigating measures provision.
- C. **The addition of major life activities.** The new law adds eating, sleeping, standing, lifting, bending, reading, concentration, thinking and communicating to the list which previously included caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- D. **Moreover, the new law adds the operation of major bodily functions,** including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions to the major life activities.

The 504 Guidelines for Educators, 504 Eligibility Worksheet, Supplemental Information, Administrative Procedure 6025, and the 504 online program have been revised to reflect the stipulations set forth in this new law.

For further information please contact Sally Tucker at 858-627-7583 or [stucker@sandi.net](mailto:stucker@sandi.net).

Shirley Culver  
Program Manager  
Mental Health Resource Center

APPROVED:

A handwritten signature in black ink, appearing to read 'Arun Ramanathan', written over a faint, illegible background.

Arun Ramanathan  
Chief Student Services Officer

SC: ldr

Distribution: Lists A, D, E and F