

Determining the “Substantially Limits” Requirement

School personnel, after reviewing relevant student information, must use their collective professional judgment in determining if an impairment (disability) *substantially limits* one or more of a student’s major life activities. Making this determination will often challenge school staff, especially if this is their first opportunity to participate in the Section 504 eligibility process.



Consider the following factors and framing questions when deciding if an impairment meets the “*substantially limits*” requirement for Section 504 eligibility for a particular student.

Keep in mind that when a student is *substantially limited* by an impairment, the student is:

1. Unable to perform a major life activity that the average person in the general school population can perform (*for example, if a student has asthma that is not treated with an inhaler and the student is not able to participate in physical education outside with pollen*).

or—

2. The student is significantly restricted as to the condition, manner, or duration under which he or she can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general school population can perform that same major life activity (*for example, if a student has asthma that is not treated with an inhaler and the student is not able to run as long as his peers*).

Use the following three factors and related questions when determining if the *substantially limits* requirement is met:

Nature and severity of the impairment

- ◆ Is the impairment mild or severe?
- ◆ Does the impairment impact a major life activity? If so, how?
- ◆ Can the impact of the impairment be mitigated through the use of assistive technology, medication or other means?

Duration or expected duration of the impairment

- ◆ Will the impairment be of such short duration as to not cause significant problems?
- ◆ Will the impairment cease impacting the student without any intervention?

Permanent or long-term impact resulting from the impairment

- ◆ Will the impairment be short or long in duration?
- ◆ What evidence is demonstrated by the student that limitations resulting from the impairment impact activities that are centrally important to his or her life experience?
- ◆ If the impact will be long term, will the impact negatively affect the student’s status academically, socially, emotionally or behaviorally?