Section 504 Tips – September 2016

Disabilities: Episodic or in Remission.

42 USC 12102(4)(d), amended by the ADA Amendments Act in 2008, provides that impairments that are episodic or in remission must be considered disabilities if the condition, when active, substantially impairs a major life activity.

The 7th U.S. Circuit Courts of appeals noted that the fact that the periods during which an episodic impairment is active and substantially limits a major life activity may be brief or occur infrequently is no longer relevant to determining whether the impairment substantially limits a major life activity.

Example: Impairments that are episodic or in remission must be considered disabilities if the condition, when active, substantially impairs a major life activity. Although an individual’s condition is in remission, it remains a disability or physical impairment as long as it is not transitory or minor: cancer, multiple sclerosis, depression, severe allergies, anaphylaxis, or seizure disorders.

A transitory and minor impairment with actual or expected duration of six months or less does not constitute a disability.

Examples: Broken leg or sprained wrist

References:
LACOE Educator’s Guide to Section 504, p. 6
Section 504 Compliance Handbook. LRP Publications. February 2014. No. 423