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**I. PURPOSE**

This policy explains the process and procedures for receiving, evaluating, developing and implementing Applicants for admissions as well as current students request for disability accommodations at Pennco Tech.

**II. UNDERLYING PRINCIPLES**

Pennco Tech is committed to providing opportunities for all qualified applicants/students to participate in its programs, including students with disabilities who need reasonable accommodations. A qualified applicant/student is one who, with or without reasonable accommodation, meets the essential institutional, academic and technical standards requisite to admissions, participation and completion of our programs AND able to meet the requirements of the Job Description as outlined in the Bureau of Labor Statistics-Occupational Outlook Handbook.

A reasonable accommodation is an accommodation that allows an applicant/student with a disability to participate in our programs without changing the essential academic requirements of our programs, creating a threat to others or placing an undue burden on the institution.

An example of a reasonable accommodation is giving applicants/students with certain learning disabilities additional time to take an exam. Accommodations are provided to allow a student to participate in our programs but Pennco Tech does not provide personal assistants such as aides who help with dressing, feeding and the like.

A disability is a physical or mental impairment that substantially limits one or more major life activities such as seeing, hearing, walking or learning.

**III. SCOPE**

Pennco Tech Applicants for Admissions and/or current Students with Disabilities.

**IV. NOTICE OF NONDISCRIMINATION**

Pennco Tech does not discriminate on the basis of disability in its programs and activities in violation of Section 504 of the Rehabilitation Act, as amended and the implementing regulations (Section 504). Programs and activities subject to the nondiscrimination provisions of Section 504 include: admissions and recruitment, treatment of students, academic adjustments (academic requirements, course examinations, and auxiliary aids), financial and employment assistance to students, and nonacademic services. **The person responsible for coordinating our efforts to comply with Section 504 is the School Director.** The Director of Education is the person responsible for (1) explaining to applicants and students how to obtain information about the process to secure academic adjustments (2) receiving request for academic adjustments.

**V. PROCEDURE FOR REQUESTING AN ACCOMODATION**

**To whom should the request be made?**

All requests for reasonable accommodation must be submitted to the Director of Education. While a student may discuss a possible accommodation with any faculty or staff member, students should be aware that faculty and staff are not authorized to provide accommodations.

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All inquiries from students about reasonable accommodation should be directed to the Director of Education (DOE).

**When should a request be made?**

Applicants MUST apply prior to acceptance. Current students are urged to request any accommodation as early as possible. If a student will need an accommodation to succeed in a class, the accommodation should be requested at least 4 weeks before the class begins, whenever that is possible (and earlier if that is feasible). Pennco Tech makes every effort to process accommodation requests quickly and efficiently. However, students should be aware that it can take several weeks and at times longer, to complete the process of requesting, reviewing and putting in place an accommodation. Students should also be aware that if a failure to request an accommodation in a timely fashion leads to poor grades, the student's prior coursework might not be reexamined or grades expunged. Accommodations will not be provided unless they are requested by the applicant or student, using the procedures described below.

**How is the request made?**

To obtain an accommodation, a student or applicant should submit a Request for Accommodation Form to the DOE; the form is available in the Education Office. The first page of the form is completed by the student or applicant, providing a description of the disability and the accommodation requested, as well as a release allowing Pennco Tech to share information about the disability with others at the School who need to know about it, for example to help decide how best to provide an accommodation or to assist in providing the accommodation. With this form, the student or applicant must also submit information from a physician, licensed health care provider or other licensed appropriate diagnostician who has examined and treated or evaluated the student/applicant and can provide an assessment of the disability and needed accommodation. This assessment must have been made within the past two years and should verify the nature of the disability, the functional limitations resulting from the disability, an assessment of the impact of the disability on the individual's ability to participate in our programs, the timeframe for the accommodation and must clearly substantiate the need for any accommodation requested.

**VI. EVALUATION OF ACCOMMODATION REQUESTS**

**Evaluating the Request**

In most situations, the Director of Education (DOE) will meet with the student or applicant to discuss the accommodation request and to engage in an interactive process with the student/applicant as to the requested accommodation. To ensure compliance with applicable laws, the Director of Education should contact Pennco Tech's Legal Department to review the necessary process. In some circumstances the DOE will request additional information or ask the student to permit the DOE's office to talk with the professional who provided an assessment of the student or applicant. The DOE's office will evaluate the request to determine whether the individual has a disability and whether the accommodation requested can be provided safely, effectively and without changing the essential requirements of our programs or placing undue burden on Pennco Tech.

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At times, when an applicant or student requests a particular type of accommodation, Pennco Tech may explore with the applicant or student the possibility of providing another form of accommodation which would still permit them to participate fully in our programs. Pennco Tech may choose to provide an accommodation, even if it is not the applicants or students first choice, if the accommodation is expected to be effective in allowing them to participate in our programs. Pennco Tech may also explore with the applicant or student the possibility of obtaining an accommodation through a State vocational rehabilitation program. Two individuals with what may seem to be similar disabilities may be provided with different accommodations based on what is needed in each individual situation to permit them to participate fully in our programs.

The Director of Education must inform the student that if they have any concerns regarding accommodations during their training, they should report them to him/her and in their absence to the School Director.

### **Decisions**

The Director of Education will inform the applicant or student of the decision about whether to grant or deny the accommodation or provide a different accommodation. (Before doing so, the DOE should discuss with the School Director and if needed contact Pennco Tech's Legal Department.)

### **Appeals**

An applicant or student whose request for accommodation is denied or who is granted a different accommodation than is sought may appeal that decision to the School Director, within one week of the accommodation denial. Any appeal should be put in writing and submitted promptly along with a copy of the paper work used to request the accommodation. The appeal should state clearly why the applicant or student still believes that he or she should be provided the accommodation sought. Students granted a different accommodation than they first sought are encouraged to try the alternate accommodation while appealing the decision.

### **Grievance Procedure**

Pennco Tech prohibits discrimination against any individual on the basis of disability. This policy extends to all rights, privileges, programs and activities, including admissions and recruiting, treatment of students (general), academic and nonacademic adjustments, housing, financial and employment assistance to students, and nonacademic services (physical education and athletics, counseling and placement services, and social organizations). It is also the policy of Pennco Tech to provide reasonable academic and non-academic adjustments to persons with disabilities unless to do so would fundamentally alter the nature of the program and services being offered.

The purpose of these procedures is to ensure that all complaints of discrimination based on disability are promptly, thoroughly and fairly investigated by Pennco Tech. Pennco Tech will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Any retaliation against an individual who has filed a complaint of discrimination, or has cooperated in the investigation of such a complaint, is unlawful and in direct violation of Pennco Tech policy. To ensure compliance with all applicable laws, the School Director should contact the Legal Department prior to conducting their investigation.

When an applicant/student believes that he or she has been discriminated against on the basis of a disability, a formal grievance may be filed with the School Director, who is also the Section 504 Coordinator. Written grievances are preferred.

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However, if an applicant or student makes an oral grievance, the grievance will be converted to writing by staff and then reviewed by the applicant and/or student for accuracy. The statement should be as specific as possible regarding the action(s) or inaction(s) that precipitated the grievance: date, place, persons involved, efforts made to settle the matter informally (if applicable), and the remedy sought. A complaint must be filed within 180 days additional of the alleged discrimination (or longer if extenuating circumstances exist).

In conducting the investigation, the School Director may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance, and may request a written response from appropriate individuals in the Institution. The investigation will include an interview of the complainant and an opportunity for the complainant to present witnesses and other evidence. The School Director may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.

Within thirty (30) days of the filing of the grievance, the School Director will render a decision on the merits of the student's complaint. Prior to doing so, the School Director should confer with the Legal Department. If, due to extenuating circumstances, resolution is not possible within thirty (30) days, the School Director shall inform the applicant or current student of the status of the investigation.

Copies of the decision will be sent to the student and the Director of Education.

In the event that the applicant or student is not satisfied with the resolution of the grievance an appeal may be made. The appeal should be filed within 10 days with the School Director, who will direct the appeal and all appropriate records to Pennco Tech's Regulatory Department (specifically to the VP of Regulatory Policy) for review and disposition within thirty (30) working days of receiving notice of the result of the investigation.

These procedures shall constitute the grievance procedure mandated by regulations implementing Section 504 of the Rehabilitation Act.

Questions about the institution's Applicant/Student Grievance Procedures in Cases of Alleged Disability Discrimination should be addressed to the School Director.

Exceptions to these procedures may be granted by the President, or the VP of Regulatory Policy.

At any time, an applicant or student may file a complaint with the US Department of Education, Office for Civil Rights or other appropriate state agency.

**Confidentiality**

Information about an applicants' or students' disability will be shared with those with a need to know about it, such as to assist Pennco Tech in evaluating or implementing the accommodation or for reasons of safety. Records relating to disability accommodations will be kept separate from other files and only made available to personnel with a need to access the files.

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**VII. IMPLEMENTATION OF APPROVED ACCOMMODATIONS**

**Implementation Plans**

The Director of Education will formulate a course of action for implementing an approved accommodation and for providing information as needed to faculty and others with a need to know about the accommodation.

**Making Adjustments to Approved Accommodations**

At times, adjustments to an accommodation may become necessary, for example, the accommodation has become a waiver of an essential element of the program, it no longer seems to be effective or it is no longer necessary. Students who believe an accommodation should be adjusted should notify the Director of Education promptly and submit a revised Request for Accommodation Form and documentation.

**Raising Concerns**

Any other questions or concerns anyone may have about a disability accommodation should be directed promptly to the Director of Education and/or the School Director.