

Applicants and Students with Disabilities Policy**

Effective Date: January 1, 2026

Authority: Americans with Disabilities Act (as amended), ADA Amendments Act of 2008 (ADAAA), Section 504 of the Rehabilitation Act of 1973

I. PURPOSE

This policy establishes the process for requesting, evaluating, approving, and implementing reasonable accommodations for **qualified applicants and students with disabilities**, in compliance with:

- The **Americans with Disabilities Act (ADA)**
- The **ADA Amendments Act of 2008 (ADAAA)**
- **Section 504 of the Rehabilitation Act of 1973**

Pennco Tech recognizes that the ADAAA was enacted to ensure **broad coverage** and that the determination of disability **should not require extensive analysis**.

II. UNDERLYING PRINCIPLES (ADAAA-ALIGNED)

Pennco Tech is committed to providing equal access and opportunity to all qualified applicants and students with disabilities.

A. Definition of Disability (ADAAA Standard)

Under the ADAAA, a disability is defined as:

A physical or mental impairment that **substantially limits one or more major life activities**, a **record of such an impairment**, or **being regarded as having such an impairment**.

Major life activities include, but are not limited to:

- Seeing, hearing, speaking, breathing
- Walking, standing, lifting
- Learning, reading, concentrating, thinking
- Communicating, working

Major bodily functions may also constitute major life activities and include neurological, brain, respiratory, circulatory, and musculoskeletal functions.

Consistent with the ADAAA:

- The determination of disability is made **without regard to mitigating measures** such as medication, assistive devices, or learned behavioral modifications (except for ordinary eyeglasses or contact lenses).
 - Episodic or intermittent conditions are considered disabilities **if they would substantially limit a major life activity when active.**
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B. Qualified Applicant or Student

A **qualified applicant or student** is an individual who, with or without reasonable accommodation:

- Meets the **essential academic, institutional, and technical standards** required for admission, participation, and completion of Pennco Tech programs; and
 - Can meet the **essential functions and safety-related requirements** of the occupation, as defined by program standards and the **U.S. Bureau of Labor Statistics – Occupational Outlook Handbook.**
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C. Reasonable Accommodation

A **reasonable accommodation** is a modification or adjustment that enables a qualified individual with a disability to participate fully in Pennco Tech programs and activities, provided the accommodation does not:

- Fundamentally alter essential academic or technical requirements;
- Pose a direct threat to the health or safety of others; or
- Impose an undue financial or administrative burden on the institution.

Examples may include, but are not limited to, extended testing time, modified instructional methods, or auxiliary aids.

Pennco Tech provides **academic and program-related accommodations only** and does not provide personal services (e.g., personal attendants, mobility aides for personal care, feeding or dressing assistance).

III. SCOPE

This policy applies to:

- All applicants seeking admission to Pennco Tech; and
 - All currently enrolled students who request accommodations due to a disability.
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IV. NOTICE OF NONDISCRIMINATION

Pennco Tech does not discriminate on the basis of disability in violation of the ADA, ADAAA, or Section 504.

Covered areas include:

- Admissions and recruitment
- Academic programs and requirements
- Examinations and evaluations
- Auxiliary aids and services
- Financial assistance and employment-related services
- Nonacademic programs and activities

The **School Director** serves as the **Section 504 Coordinator**.

The **Director of Education (DOE)** is responsible for:

1. Explaining the accommodation request process; and
 2. Receiving, coordinating, and monitoring accommodation requests.
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V. REQUESTING AN ACCOMMODATION

A. Submission of Requests

All accommodation requests must be submitted to the **Director of Education**. Faculty and staff may not approve accommodations independently.

. Timing

- **Applicants** must submit requests prior to acceptance.
- **Current students** are encouraged to submit requests as early as possible and no later than **four (4) weeks prior to the start of a class**, when feasible.

Accommodations are **not retroactive**. Academic performance prior to an approved accommodation will generally not be reevaluated.

C. Documentation (ADAAA-CONSISTENT)

Applicants or students must submit:

- A completed **Request for Accommodation Form**; and
- Documentation from a licensed healthcare provider or diagnostician that:
 - Describes the functional limitations caused by the disability;
 - Explains how the disability impacts participation in the program; and
 - Supports the requested accommodation.

Documentation must be **current (within two years)** unless the disability is permanent and non-changing.

Pennco Tech will **not require excessive or unnecessary documentation**, consistent with ADAAA standards.

VI. EVALUATION AND INTERACTIVE PROCESS

Pennco Tech engages in a **good-faith interactive process** with applicants and students requesting accommodations.

The Director of Education may:

- Meet with the individual;
- Request clarification or supplemental documentation; or
- Consult with the evaluating professional (with consent).

To ensure legal compliance, the DOE may consult with Pennco Tech's **Legal Counsel** during the review process.

The evaluation focuses on:

- Functional limitations, not diagnoses alone; and
- Whether the accommodation can be provided safely, effectively, and without fundamentally altering program requirements or creating undue hardship.

Pennco Tech may provide an effective alternative accommodation if it achieves equal access.

VII. DECISIONS, APPEALS, AND GRIEVANCES

A. Decisions

Accommodation decisions are communicated in writing by the Director of Education after consultation with the School Director and, when necessary, the Legal Department.

B. Appeals

Applicants or students may appeal accommodation decisions within **one (1) week** of notification by submitting a written appeal to the School Director.

C. Grievance Procedure (Section 504 & ADAAA)

Any individual who believes they have been discriminated against on the basis of disability may file a grievance with the School Director/Section 504 Coordinator within **180 days** of the alleged incident.

Investigations will be:

- Prompt
- Thorough
- Impartial

Retaliation is strictly prohibited.

Individuals may also file complaints with the **U.S. Department of Education, Office for Civil Rights**, at any time.

VIII. CONFIDENTIALITY

Disability-related records are confidential, maintained separately from academic files, and shared only with personnel who have a legitimate educational need to know.

IX. IMPLEMENTATION AND MODIFICATION

The Director of Education oversees implementation of approved accommodations and ensures appropriate communication with faculty and staff.

Accommodations may be modified if they become ineffective, unnecessary, or inconsistent with essential program requirements.

X. QUESTIONS

Questions regarding this policy or accommodation procedures should be directed to the **Director of Education** or **School Director**.

Campus Phone Numbers

Bristol Campus – 215-785-0111

Blackwood Campus – 856-232-0310