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I. PURPOSE

This policy explains the process and procedures for receiving, evaluating, developing and implementing student requests for disability-related accommodations.¹

II. UNDERLYING PRINCIPLES

LESC is committed to providing opportunities for all qualified students with disabilities to participate in its programs and activities including students with disabilities who need accommodations. A qualified student is one who meets the essential academic and technical standards requisite to admission or participation in our programs and activities.

Accommodations allow a student with a disability to participate in our programs and activities. However, LESL will not modify any academic requirements that it can show are essential to the instruction being pursued or are directly related to a licensing requirement. Similarly, LESL is not required to provide accommodations that would be a fundamental alteration of LESL's program or activities, or would create an undue financial or administrative burden.

An example of an accommodation is giving students with certain learning disabilities additional time to take an exam. Accommodations are provided to allow a student to participate in our programs and activities but LESL 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. NOTICE OF NONDISCRIMINATION

Lincoln Educational Services 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 its implementing regulations at 34 C.F.R. Part 104 (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, auxiliary aids, and/or services), financial assistance to students, employment, and nonacademic services. **The person responsible for coordinating our efforts to comply with Section 504 is the Director of Education/Academic Dean.** The Director of Education/Academic Dean is also the person responsible for (1) explaining to applicants and students how to obtain information about the process to secure academic adjustments, and auxiliary aids and/or services, and (2) receiving requests for academic adjustments.

IV. PROCEDURE FOR REQUESTING AN ACCOMODATION

To whom should the request be made?

All requests for accommodations must be submitted to the Director of Education / Academic Dean. 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. All inquiries from students about accommodations should be directed to the Director of Education / Academic Dean.

¹ This policy uses "accommodations" to include "academic adjustments" and "auxiliary aids" as discussed in the Section 504 regulation at 34 C.F.R. § 104.44.



When should the request be made?

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). LESC 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 student or applicant, 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 Director of Education/Academic Dean. 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 LESC to share information about the disability with others at LESC 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 three to five 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.

V. EVALUATION OF ACCOMMODATION REQUESTS

Evaluating the Request

In most situations, the Director of Education/Academic Dean 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. In some circumstances the Director of Education/Academic Dean will request additional information or ask the student to permit the Director of Education's/ Academic Dean's office to talk with the professional who provided an assessment of the student or applicant. The Director of Education's/Academic Dean's office will present the request and supporting materials to the Executive Director/Campus President, who will make a final determination regarding whether the individual has a disability and if so, whether the accommodation is necessary for the student to have an equal opportunity to participate in LESC's programs or activities. If so, LESC will provide the accommodation unless LESC determines that the accommodation would require modification of essential elements or licensing requirements or create a fundamental alteration or undue financial or administrative burden.



At times, when a student or applicant requests a particular type of accommodation, LESC may explore with the student or applicant whether an alternate accommodation would be effective. If so, LESC may choose to provide the alternate accommodation, even if it is not the student or applicant's first choice. LESC may also explore with the student or applicant the possibility of obtaining an accommodation through a State vocational rehabilitation program. Two students 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 the student to participate fully in our programs and activities.

Decisions

The Director of Education/Academic Dean will inform the student or applicant of the Executive Director/Campus President's final decision about whether to grant or deny the accommodation or provide a different accommodation.

Appeals

A student or applicant whose request for accommodation is denied or who is granted a different accommodation than is sought may appeal that decision to the Group President, 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 student or applicant 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

The purpose of these procedures is to ensure that all complaints of discrimination based on disability – whether filed against students, employees, or third parties – are promptly, thoroughly and fairly investigated by LESC. LESC will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of LESC policy.

When a student believes that he or she has been discriminated against on the basis of disability, a formal grievance may be filed with the Executive Director/Campus President. In the event a complaint involves the Executive Director/Campus President, the grievance should be submitted to the Group President. Written grievances are preferred. However, if a student makes an oral grievance, the grievance will be converted to writing by staff and then reviewed by the 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. Students are encouraged to file grievances promptly. A complaint should be filed within 180 days of the alleged discrimination (or longer if extenuating circumstances exist).

In conducting the investigation, the Executive Director/Campus President 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 each party, as well as an opportunity for both parties to suggest witnesses and present other evidence. The Executive Director/Campus President may choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.



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Within thirty (30) days of the filing of the grievance, the Executive Director/Campus President will render a decision on the merits of the student's complaint. If, due to extenuating circumstances, resolution is not possible within thirty (30) days, the Executive Director/ Campus President shall inform the parties of the status of the investigation.

Copies of the decision will be sent to both parties and the Director of Education/Academic Dean. Additionally, if discrimination is found, LESC will take steps to promptly and effectively end the discrimination, prevent its recurrence and remedy its effects.

In the event that the party who filed the grievance is not satisfied with the resolution of the grievance, an appeal may be made. The appeal should be filed within 10 days with the Executive Director/Campus President, who will direct the appeal and all appropriate records to Lincoln's Regulatory Department (specifically to the VP of Regulatory) 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 these Grievance Procedures should be addressed to the Executive Director/Campus President.

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

Confidentiality

Information about a student's or applicant's disability will be shared with those with a need to know about it, such as to assist LESC 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.

VI. IMPLEMENTATION OF APPROVED ACCOMMODATIONS

Implementation Plans

The Director of Education/Academic Dean 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 if, 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/Academic Dean promptly and submit a revised Request for Accommodation form and documentation. If LESC determines that an accommodation requires modification or is no longer feasible (for instance, because it has become a waiver of an essential element), then the Education/Academic Dean will promptly engage in an interactive process with the student to address any accommodation changes.

Raising Concerns

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