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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

Lincoln Educational Services (Lincoln) is committed to providing opportunities for all qualified students with disabilities to participate in its programs, activities and services 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, activities and services.

Accommodations allow a student with a disability to participate in our programs, activities, and services. However, Lincoln 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, Lincoln is not required to provide accommodations that would be a fundamental alteration of Lincoln'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, activities and services but Lincoln 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 does not discriminate on the basis of disability in its programs, activities and services in violation of Section 504 of the Rehabilitation Act, as amended and its implementing regulations at 34 C.F.R. Part 104 (Section 504) and Title III of the Americans with Disabilities Act (ADA), 42 U.S.C. Chp. 126 and its implementing regulations at 28 C.F.R. Part 36 Programs, activities, and services subject to the nondiscrimination provisions of Section 504 and the ADA 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 and ADA is the Education Department Leader.** The Education Department Leader 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 Education Department Leader. 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 Education Department Leader.

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 prior to their program start or as early as possible before the accommodation is needed (preferably no later than 2 weeks before an accommodation is needed). The Campus Leadership makes every effort to process accommodation requests quickly and efficiently. However, students should be aware that it may take several weeks and at times longer, to complete the process of requesting, reviewing and putting in place an accommodation. 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 Education Department Leader. 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 Campus Leadership to share information about the disability with others at the campus 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 may 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 a current assessment of 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, activities or services, the timeframe for the accommodation and the need for any accommodation requested.

V. EVALUATION OF ACCOMMODATION REQUESTS**Evaluating the Request**

In most situations, the Education Department Leader 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 Education Department Leader may request additional information or ask the student to permit the Education Department Leader's office to talk with the professional who provided an assessment of the student or applicant. The Education Department Leader will present the request and supporting materials to the Campus President and communicate the recommended response. When the Education Leader and Campus President* agree on the requested response, the campus will provide the accommodation unless the accommodation would require modification of essential elements or licensing requirements or create a fundamental curricula alteration. In cases of possible undue financial or administrative burden, the Legal Department must be consulted.

*The Educational Leader and the Campus President are encouraged to request a consultation call with the Corporate Legal Department and/or the Vice President of Academic Affairs to review the accommodation request during the evaluation process and prior to making a final determination.

At times, when a student or applicant requests a particular type of accommodation, the Campus Leadership may explore with the student or applicant whether an alternate accommodation would be effective. If so, the Campus Leadership may choose to provide the alternate accommodation, even if it is not the student or applicant's first choice. 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, activities and services.

Decisions

The Education Department Leader will inform the student or applicant of final decision regarding the accommodations request via the request for accommodation form.

Appeals

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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 Campus President, within one week of the accommodation denial. Any appeal should be put in writing and submitted promptly along with a copy of the paperwork used to request the accommodation. The appeal should state clearly why the student or applicant 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

If a student or applicant believes that he or she has been discriminated against on the basis of disability, a complaint may be filed following the Grievance procedure as outlined in the campus catalog.

Confidentiality

Information about a student's or applicant's disability will be shared with those with a need-to-know basis to assist Lincoln in evaluating or implementing the accommodation or for reasons of safety. Records relating to disability accommodations will be kept in a secure file and only made available to personnel with a need to access the files.

VI. IMPLEMENTATION OF APPROVED ACCOMMODATIONS**Implementation Plans**

The Education Department Leader 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, and/or it is no longer necessary. Students who believe an accommodation should be adjusted should notify the Education Department Leader promptly and submit a revised Request for Accommodation form and documentation. If the Education Department Leader 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 Department Leader 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 Education Department Leader.