

The Professional Cosmetology Academy

Policies & Procedures For Students With Disabilities

The Professional Cosmetology Academy will hereinafter be referred to as "TPCA", "school", or "academy".

Non-Discrimination: TPCA, in its admission, instruction, and graduation policies and practices, does not discriminate on the basis of sex (gender), race, age, color, ethnic origin (ancestry), religion (creed), disability, marital status, sexual orientation, financial status or military status. TPCA upholds a ZERO (0) tolerance discrimination policy. This applies to all students and applicants for admission to The Professional Cosmetology Academy. If you would like to request academic adjustments or auxiliary aids, please contact the Director of Education (or Designate). You may request academic adjustments or auxiliary aids at any time. The Director of Education (or Designate) is responsible for coordinating compliance with Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disability Act of 1990.

Definition of an Individual With a Disability: An individual with a disability is a person who has a physical or mental impairment which substantially limits one or more major life activities of the individual. These persons are protected by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). Individuals with a record of such an impairment and individuals who are regarded as having such an impairment are also protected by these Federal laws. The definition of "disability" in Section 504 and the ADA should be interpreted to allow for broad coverage.

The phrase physical impairment means a physiological disorder or condition, a cosmetic disfigurement, or an anatomical loss, that affects one or more of the following body systems: neurological; musculoskeletal; special sense organs (which would include speech organs that are not respiratory such as vocal cords, soft palate, tongue, etc.); respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine. Examples include, but are not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease (symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The phrase mental impairment means any mental or psychological disorder, including but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, specific learning disabilities, post-traumatic stress disorder, depression and bi-polar disorder. The phrase substantially limits must be interpreted without regard to the ameliorative effects of mitigating measures, other than ordinary eyeglasses or contact lenses. Mitigating measures are things like medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment. These measures cannot be considered when determining whether a person has a substantially limiting impairment. An impairment that is episodic or in remission is a disability if, when in an active phase, it would substantially limit a major life activity. For example, a student with bipolar disorder would be covered if, during manic or depressive episodes, the student is substantially limited in a major life activity (e.g., thinking, concentrating, neurological function, or brain function).

The phrase major life activities means functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating,

thinking, communicating and working. Major life activities also includes major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Reasonable Accommodations: To ensure our programs, activities, and services are accessible to all matriculating students and applicants, TPCA is committed to making a sensible effort to providing academic adjustments, auxiliary aids and reasonable accommodations for students with documented disabilities, as defined in paragraph 104.3(j) of the regulation under Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disability Act of 1990. The academy will work with the applicant or student to determine whether academic adjustments, auxiliary aids, and reasonable accommodations can be useful and/or are available. A reasonable accommodation is one that is consistent with the academic standards of the academy and does not fundamentally alter the nature of a course or program, and does not impose an undue financial or administrative burden on the academy. If academic adjustments, auxiliary aids, and/or reasonable accommodations are needed, the applicant should notify the Director of Education (or Designate) in writing at least thirty (30) days in advance of the date required, outlining the of the type of accommodation needed, date needed, documentation of the nature and extent of the disability, and the need for the accommodation or auxiliary aid. The Director of Education (or Designate) has forty-five (45) days from receipt of written request to respond.

The Academy's Responsibilities to Students With Disabilities: The academy will make a reasonable effort to facilitate academic adjustments, auxiliary aids and reasonable accommodations that are consistent with the academic standards of the academy and do not fundamentally alter the nature of a course or program to students with disabilities to ensure students are not denied the benefits of, or excluded from participation in, any course offerings. The academy must make a conscious effort to modify its academic requirements to ensure that the requirements do not discriminate against students with disabilities. The academy must ensure that it provides physical access to students with disabilities. It is also the responsibility of The Professional Cosmetology Academy to permit students with disabilities to use service dogs while on campus.

Ms. Maria Amparo Andrews is the acting Director of Education for The Professional Cosmetology Academy and is currently responsible for implementing the aforementioned responsibilities. Ms. Andrews may be contacted telephonically at (956) 744-6139 or via e-mail at Amparo.Andrews@TPCALaredo.com.

Procedures for Students & The Academy

Documentation of Disability by Students: Students with disabilities who wish to request reasonable accommodations (including academic adjustments, auxiliary aids, or modifications) must contact the Director of Education named above. Students must provide documentation of disability from an appropriate professional, which depends on the nature of the disability—e.g. psychologist, psychiatrist, social worker, etc. This documentation may be the student's existing medical records, or reports created by the student's medical provider or an appropriate professional who conducts an assessment of the student. It may be documentation from the student's past educational records such as reports from teachers or school psychologists, or records that show the student's educational history, disability assessment, and the accommodations the student previously received. It may be records from the state department of rehabilitation or the US Department of Veterans Affairs. Documentation should be current and relevant, but that does not mean that a recent report or record is needed in all cases. Some disabilities are stable lifelong conditions and historic documentation will be sufficient. Some disabilities are readily apparent and observable and thus little or no documentation will be needed. The

documentation of disability is kept at all times in a locked, private file on school premises. To protect privacy, direct access to this documentation is by written consent only. The Director of Education (or Designate) will determine what information needs to be shared with faculty and staff, on an "as needed basis," in order to facilitate academic accommodations or other services.

Student Requests for Accommodations & Interactive Discussion With Director of Education (or Designate):

Students who plan to request accommodations should contact the Director of Education (or Designate) promptly, submitting the request at least thirty (30) days in advance of the date required, so there is time for the Director of Education to review the student's documentation and discuss accommodations with the student and pertinent faculty and staff before the student begins the class or program for which the accommodation is being requested. When a student contacts the Director of Education (or Designate), the Director of Education (or Designate) will keep a record of the dates and contacts with the student, including a record of the accommodations requested by the student. Students who have questions about the type of documentation required for submittal should contact the Director of Education (or Designate) to discuss this.

The student and the Director of Education (or Designate) will discuss how the student's impairment impacts the student, how the student expects the impairment to impact the student in the program, the types of accommodations the student has previously received (if any), and the accommodations being requested by the student from the school. The Director of Education (or Designate) and the student should discuss accommodations needed during all phases of the program, and for classroom instruction, skills based instruction and skills practice.

The documentation (or observation) must show the nature of the student's disability and how it limits a major life activity. The reasonable accommodations requested by the student should be related to these limitations. There are no pre-set accommodations for specific disabilities. Instead, the Director of Education (or Designate) and the student must discuss and determine what the student's limitations are, and how they can be accommodated.

Decision about accommodations, and ensuring implementation of accommodations: The Director of Education (or Designate) will decide the accommodations to be provided to the student. The Director of Education (or Designate) will consider any past accommodations that have been effective for the student, and will give primary consideration to the type of accommodation requested by the student. Alternate accommodations may be provided if there is an alternative accommodation that would be equally effective for the student. The Director of Education (or Designate) has forty-five (45) days from receipt of written request for an accommodation to respond.

Note: No submission or insufficient submission of supporting documentation of a disability at the time of the request for accommodation may delay or render an undesired outcome. The Director of Education (or Designate) will list the approved accommodations in writing and provide this to the student. The Director of Education (or Designate) will inform the appropriate faculty and staff of the accommodations they are responsible for providing to the student, how to provide the accommodations, and when to provide the accommodations. The Director of Education (or Designate) will keep a written record of these contacts about the student's accommodations. The Director of Education (or Designate) will verify that the accommodations are being implemented for the student through direct observation, report by the student, and/or documentation from the staff. If the student informs the Director of Education (or Designate) that an accommodation is not being fully implemented, the Director of Education (or Designate) will immediately intervene with relevant staff members to ensure the accommodation is provided to the student. After accommodations have been approved for a student, the Director of Education (or Designate) will make an appointment with the student for a time when the student's program is expected to change. The purpose of the appointment is to determine whether the student's accommodations should be changed when the student's program phase changes, or the type of instruction changes.

Additional Factors: TPCA is not obligated to provide accommodations that would result in a fundamental alteration of any programs. In this case, the Director of Education (or Designate) will promptly search for an equally effective alternate accommodation for the student that would not fundamentally alter the program. The Director of Education (or Designate) will offer the alternate accommodation to the student. TPCA is not obligated to provide accommodations that would result in an undue financial or administrative burden on the academy. If the Director of Education (or Designate) decides that a requested accommodation might impose such a burden, the Director of Education (or Designate) will discuss the issue with the Chief Operating & Compliance Officer (CO) to deliberate the academy's financial resources. The CO will review the case and provide a response within ten (10) days. If a decision cannot be determined, the student's request will be subject to a committee hearing which will occur within thirty (30) days of committee appointment. The hearing will be informal with the Student presenting his/her case followed by TPCA's response. The Hearing Committee will be allowed to ask questions of all involved parties. Within fifteen (15) days of the hearing, the committee will prepare a report summarizing their findings and recommendations, if any. The committee will provide their recommendation(s) and the Chief Executive & Financial Officer (CEFO) will make the final decision, in accord with the requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the CEFO determines that the requested accommodation would be an undue burden, the Director of Education (or Designate) will promptly search for an equally effective alternate accommodation for the student and offer the alternate accommodation to the student.

Appeals by Students: A student may appeal any accommodation decision made by the Director of Education (or Designate) if the student disagrees with the decision.

Appeal Examples:

1. A student may appeal the Director of Education's (or Designate) decision to deny a requested accommodation.
 2. A student may appeal a decision by the Director of Education (or Designate) to provide an alternate accommodation rather than the specific accommodation requested by a student.
 3. A student may appeal a decision by the Director of Education (or Designate) that the student has not presented sufficient documentation to support the requested accommodation.
 4. A student may also file an appeal when a staff member fails to provide an approved accommodation, and the Director of Education (or Designate) has not effectively addressed the situation.
- When a student wishes to file an appeal, the student must notify Mr. Adam Chavana telephonically at (956) 744-61329 or via e-mail at Adam.Chavana@TPCALaredo.com. The student must explain his/her reasons for disagreeing with the Director of Education's decision, or explain how the student's accommodation is not being implemented, and submit any relevant documentation.
 - Within ten (10) days of receiving a student's appeal the CO will meet with the student and the Director of Education to discuss the issues presented by the student's appeal. If appropriate, the CO will also discuss the issues with other staff members.
 - When a student appeals a decision made by the Director of Education, the CO will determine whether the Director of Education's decision should be revised or sustained. If the decision is revised, the CO will ensure that the revised decision is implemented.
 - When a student files an appeal on the basis that an approved accommodation is not being implemented, the CO will determine whether the accommodation is being fully implemented, and if it is not, ensure that the

accommodation is implemented. The CO will inform the student of the decision in writing within thirty (30) days after receiving the student's appeal.

- If not resolved and/or in extreme circumstances the appeal will be escalated to an informal hearing. TPCA Leadership will appoint a Hearing Committee consisting of several TPCA members with at least one (1) member having no involvement in the appeal and another member who may not be employed at TPCA. The hearing will occur within (30) days of committee appointment. The hearing will be informal with the student presenting his/her case followed by TPCA's response. The Hearing Committee will be allowed to ask questions of all involved parties. Within fifteen (15) days of the hearing, the committee will prepare a report summarizing the recommended resolution. TPCA Leadership shall consider the report and either accept, reject, or modify the recommendations of the committee.
- Student must exhaust TPCA's Appeal Procedure before submitting any requests to the State or School's accrediting agency.

Mediation Responsibilities of the Director of Education (or Designate): The Director of Education (or Designate) may provide trainings for students who wish to learn about the academy's process for providing accommodations, or about the academy's grievance procedures.

The Director of Education (or Designate) will assist students with disabilities who have concerns about implementation of their accommodations or their treatment by faculty, staff, or other students only after receiving notice, whether formally or informally, that the student attempted to resolve the issue with their designated instructor first. At the request of a student, the Director of Education will informally mediate or attempt to resolve issues related to the student's disability. If this informal process does not resolve the student's concerns, the student may file a grievance as described below.

Grievance Procedures: Students are encouraged at all times to communicate their concerns to members of the faculty and administration. A student may file a grievance if the student feels he or she has been discriminated against because the student is disabled, or because the student is regarded as being disabled, or because the student has a record of being disabled.

Suggestions, concerns, or complaints should be registered privately, never with fellow students and/or clients. If a situation arises in which a student is requesting to submit a formal complaint, TPCA will make every effort to resolve the complaint that is not frivolous or without merit. Evidence of final resolution of all complaints will be retained and safeguarded in order to determine the frequency, nature, and patterns of complaints for the institution.

The following procedure outlines the specific steps of the grievance process.

1. Prior to submitting the grievance form the student should make every effort to discuss the matter informally with the instructor. If not resolved;
2. Student should make an appointment to discuss the matter informally with the TPCA Director (or designate). If not resolved;
3. Request and complete a Student Grievance Disposition Form within ten (10) days of the date that the act which is the subject of the grievance occurred and submit it to TPCA Director (or designate).
4. The grievance will be reviewed by TPCA Director (or designate) and Leadership and a response will be sent in writing to the student within thirty (30) days of receiving the complaint. The initial response may not provide for

a final resolution of the problem but will notify the Student of continued investigation and/or the actions taken regarding the grievance.

5. If the complaint is of such nature that it cannot be resolved by TPCA, the grievance will be referred to an appropriate agency if applicable.
6. Depending on the extent and nature of the complaint, interviews with appropriate Staff and other Students may be necessary to reach a final resolution of the grievance.
7. In cases of extreme conflict, it may be necessary to conduct an informal hearing regarding the complaint. If necessary, TPCA will appoint a Hearing Committee consisting of several TPCA members with at least one member having no involvement in the dispute and another member who may not be employed at TPCA. The hearing will occur within thirty (30) days of committee appointment. The hearing will be informal with the Student presenting his/her case followed by TPCA's response. The Hearing Committee will be allowed to ask questions of all involved parties. Within fifteen (15) days of the hearing, the committee will prepare a report summarizing each witness' testimony and a recommended resolution for the dispute. TPCA Leadership shall consider the report and either accept, reject, or modify the recommendations of the committee.
8. Students must exhaust TPCA's Grievance Procedure before submitting the grievance to the State or School's accrediting agency. State and accrediting agency contact information found below:

Texas Department of Licensing and Regulation (TDLR)

P.O. Box 12157
Austin, Texas 78711
Tel: 1.800.803.9202
www.license.state.tx.us

National Accrediting Commission of Career and

Sciences (NACCAS)
3015 Colvin St
Alexander, VA 22314
(703) 600-7600
www.NACCAS.org