

## **POLICIES AND PROCEDURES FOR FUTURE PROFESSIONALS WITH DISABILITIES**

### **Non-Discrimination Policy**

It is the policy of THE TEMPLE: A Paul Mitchell Partner School to comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) (“Section 504”), and the Americans with Disabilities Act (42 U.S.C. §12182) (“ADA”), which are federal laws that prohibit discrimination on the basis of disability. Section 504 prohibits discrimination on the basis of a disability in any program or activity receiving federal financial assistance. The ADA prohibits a place of public accommodation from discriminating on the basis of disability.

THE TEMPLE: A Paul Mitchell Partner School does not discriminate on the basis of disability against a qualified person with a disability in regard to application, acceptance, grading, advancement, training, discipline, graduation, or any other aspect related to a future professional’s participation in a program of THE TEMPLE School. This applies to all future professionals and applicants for admission to the school. THE TEMPLE: A Paul Mitchell Partner School will provide reasonable accommodations to future professionals with qualified disabilities.

Applicable Section 504 and ADA laws and regulations may be examined in the office of the ADA Compliance Coordinator (or his/her designee) who has been designated to coordinate the efforts of the School to comply with Section 504 and ADA.

**THE TEMPLE: A Paul Mitchell Partner School**  
**ATTN: Emily Kline**  
**22 W Church Street**  
**Frederick, MD 21701**  
**240-680-9357**

### **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 activity. These persons are protected by Section 504 and the 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. Most “short term” injuries or diagnosis are not covered unless they produce serious, long term, consequences or have a major impact on life activities.

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 bipolar 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 future professional with bipolar disorder would be covered if, during manic or depressive episodes, the future professional 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 include 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.

## **THE TEMPLE School's Responsibilities to Future Professionals with Disabilities**

THE TEMPLE School must provide **reasonable accommodations** to future professionals with disabilities that are necessary to ensure future professionals are not denied the benefits of, or excluded from participation in, the school's program. Individuals with disabilities are entitled to reasonable accommodation to ensure that they have full and equal access to the education resources of THE TEMPLE School, consistent with Section 504 and the ADA, their related statutes and regulations, and corresponding state and location laws.

## **Procedures for Future professionals and THE TEMPLE School**

### ***Requests for Accommodation***

Individuals with disabilities wishing to request an accommodation must contact the ADA Compliance Coordinator:

**Emily Kline**  
**22 W Church Street**  
**Frederick, MD 21701**  
**emilyk@pmthetemple.edu**  
**240-680-9357**

A disclosure of a disability or a requested accommodation made to any staff member or other personnel other than the ADA Compliance Coordinator will not be treated as a request for an accommodation. However, if a future professional discloses a disability to such an individual, he or she will refer the future professional to the school's ADA Compliance Coordinator.

***Documentation of disability by future professionals***

Individuals requesting reasonable accommodation may be asked to provide medical documentation substantiating their physical and/or mental impairment(s) and/or the need for the requested accommodation(s), including but not limited to when the limitation or impairment is not readily apparent and/or a requested accommodation does not clearly relate to the impairment(s). Such documentation should specify that a future professional has a physical or mental impairment and how that impairment substantially limits one or more major life activities. In general, the supporting documentation must be dated less than three years from the date a student requests a reasonable accommodation, and should be completed by a qualified professional in the area of the student's disability, as enumerated below:

<b>Disability</b>	<b>Qualified Professional</b>
Physical disability	MD, DO
Visual impairment	MD, ophthalmologist, optometrist
Mobility, orthopedic impairment	MD, DO
Hearing impairment	MD, Audiologist (Au.D)  *audiology exam should not be more than a year old
Speech and language impairment	Licensed speech professional
Learning disability	PhD Psychologist, college learning disability specialist, other appropriate professional
Acquired brain impairment	MD neurologist, neuropsychologist
Psychological disability	Psychiatrist, PhD Psychologist, LMFT or LCSW
ADD/ADHD	Psychiatrist; PhD Psychologist, LMFT or LCSW
Other disabilities	MD who practices or specializes within the field of the disability.

Documentation used to evaluate the need and reasonableness of potential accommodations may include a licensed professional's current medical diagnosis and date of diagnosis, evaluation of how the future professional's disability affects one or more of the major life activities and recommendations, psychological and/or emotion diagnostic tests, functional effects or limitations of the disability, and/or medications and recommendations to ameliorate the effects or limitations. THE TEMPLE School may request additional documentation as needed.

For example, a future professional with a psychological disability should provide documentation from a psychologist, psychiatrist or social worker. The documentation submitted must be within the last twelve (12) months, if older than twelve (12) months the future professional must provide current documentation from the appropriate professional.

This documentation may be the future professional's existing medical records, or reports created by the future professional's medical provider or an appropriate professional who conducts an assessment of the future professional. It may be records from the state department of rehabilitation or the U.S. 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 at the school. To protect privacy, direct access to this documentation is by written consent only. The ADA Compliance Coordinator will determine what information needs to be shared with THE TEMPLE: A Paul Mitchell Partner School staff and Learning Leaders, on an "as-needed basis," in order to facilitate academic accommodations or other services.

***Future professional requests for accommodations and interactive discussion with ADA Compliance Coordinator***

Future professionals who plan to request accommodations should contact the ADA Compliance Coordinator promptly, so there is time for the Coordinator to evaluate the request and engage in the interactive process before the future professional begins the class or program for which the accommodation is being requested.

The future professional and the ADA Compliance Coordinator will discuss how the future professional's impairment impacts the future professional, how the future professional expects the impairment to impact the future professional in the school's program, the types of accommodations the future professional has previously received (if any), and the accommodations being requested by the future professional from THE TEMPLE School. The Coordinator and the future professional should discuss accommodations needed during all phases of the program (Core, Adaptive and Creative), and for classroom instruction, skills-based instruction, and skills practice.

There are no pre-set accommodations for specific disabilities. Instead, the Coordinator and the future professional must discuss and determine what the future professional's limitations are, and how they can be accommodated.

*Here are some examples:*

- #1:** A future professional with an orthopedic disability may need cushioned floor mats and scheduled times to sit down. These future professionals may also need particular kinds of chairs.
- #2:** A future professional with a learning disability or attention deficit disorder may need extra time to take tests, such as ninety minutes to take a test instead of the sixty minutes allowed to other future professionals. These future professionals may need to take their tests in a location that is quiet and has no distractions, such as an office rather than the classroom.
- #3:** A future professional with a learning disability or psychological disability may need a note taker, a copy of the instructor's notes or presentation, or to use a tape recorder during instruction.
- #4:** A future professional with post-traumatic stress disorder or an anxiety disorder may need to take periodic leaves of absence, or may need to structure their program so that it is scheduled over a longer period of time than usual. These future professionals may need to take breaks in a quiet room during skills practice.
- #6:** A future professional with a hearing impairment may need instructors to use voice amplification systems, or may need the school to provide a sign language interpreter.
- #7:** A future professional with diabetes may need periodic breaks to check his or her blood sugar level.

#### ***Decision about accommodations, and ensuring implementation of accommodations***

The ADA Compliance Coordinator will decide the accommodations to be provided to the future professional. The Coordinator will consider any past accommodations that have been effective for the future professional, and will give primary consideration to the type of accommodation requested by the future professional. Alternate accommodations may be provided if there is an alternative accommodation that would be equally effective for the future professional.

The Coordinator will make a decision no later than two weeks after the future professional states the request for an accommodation. If the future professional does not submit documentation of a disability at the time the future professional requests an accommodation, the Coordinator will make a decision no later than two weeks after the future professional provides the documentation.

The Coordinator will list the approved accommodations in writing and provide this to the future professional. The Coordinator will inform the appropriate Learning Leaders and school staff of the accommodations they are responsible for providing to the future professional, how to provide the accommodations, and when to provide the accommodations. The Coordinator will keep a written record of these contacts about the future professional's accommodations. The

Coordinator will verify that the accommodations are being implemented for the future professional through direct observation, report by the future professional, and/or documentation from the school staff. If the future professional informs the Coordinator that an accommodation is not being fully implemented, the Coordinator will immediately intervene with relevant staff members to ensure the accommodation is provided to the future professional.

### ***Additional factors***

THE TEMPLE School is not obligated to provide accommodations that would result in a fundamental alteration of the school's program. In this case, the Coordinator will promptly search for an equally effective alternate accommodation for the future professional that would not fundamentally alter the program. The Coordinator will offer the alternate accommodation to the future professional.

The school is not obligated to provide accommodations that would result in an undue financial or administrative burden on the school. If the Coordinator decides that a requested accommodation might impose such a burden, the Coordinator will discuss the issue with the School Owner, who will take into account the overall financial resources of the school. The School Owner 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 School Owner determines that the requested accommodation would be an undue burden, the Coordinator will promptly search for an equally effective alternate accommodation for the future professional and offer the alternate accommodation to the future professional.

### **Appeals by Future Professionals**

THE TEMPLE School has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 and/or the ADA. A future professional may appeal any accommodation decision made by the ADA Compliance Coordinator if the future professional disagrees with the decision.

*Here are some examples:*

- #1:** A future professional may appeal the Coordinator's decision to deny a requested accommodation.
- #2:** A future professional may appeal a decision by the Coordinator to provide an alternate accommodation rather than the specific accommodation requested by a future professional.
- #3:** A future professional may appeal a decision by the Coordinator that the future professional has not presented sufficient documentation to support the requested accommodation.

**#4:** A future professional may also file an appeal when a school staff member fails to provide an approved accommodation, and the Coordinator has not effectively addressed the situation.

Any person who believes she/he has been subjected to discrimination on the basis of a disability, including disagreements regarding requested accommodations, may file a grievance to:

**Charles R Riser JR, co-owner**  
**22 W Church Street**  
**Frederick, MD, 21701**  
**240-680-9347**  
**charles@pmthetemple.edu**

Grievances must be in writing, contain the name and address of the person filing it, state the problem or action alleged to be discriminatory, and the remedy or relief sought.

### **U.S. Department of Education**

The available and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Education's Office for Civil Rights (OCR) and/or a similar state agency. Future professionals or the school staff who have questions or concerns about disability issues may contact the Office for Civil Rights (OCR), U.S. Department of Education.

The OCR National Headquarters is located at:

**U.S. Department of Education, Office for Civil Rights**  
**Lyndon Baines Johnson Department of Education Bldg**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-1100**  
*Telephone: (800) 421-3481*  
*FAX: (202) 453-6012; TDD: (877) 521-2172*  
*E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)*

OCR has regional offices located throughout the country. To find the office for our state, check the OCR website at:

**<http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>**

or call the telephone number above.