

**Resolution Agreement  
California Maritime Academy  
OCR Docket #09-14-2394**

The California Maritime Academy( Academy) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve compliance issues identified during OCR's investigation of complaint #09-14-2394 and to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35; accordingly, the Academy agrees to take the following actions:

1. On or before May 15, 2015, the Academy will revise, and submit to OCR for review and approval, its procedures regarding applicants for admission related to students with disabilities. OCR will review the revised policies and procedures within 30 days of receipt by OCR.

The revised procedures will, at a minimum, include the following:

- a. A statement that the Academy does not discriminate on the basis of disability and Academy's duty to comply with Section 504 and Title II;
- b. A requirement that a written record exist for all any applicant (s), who identified himself or herself as disabled or that the Academy had reason to believe the applicant would request disability related accommodations or academic adjustments and the applicant was denied admission to the Academy. The aforementioned written record should be sufficiently detailed to demonstrate the specific reasons why the applicant was denied admission, all parties involved in the admission decision making process regarding the applicant.
- c. The Academy will submit a report to OCR within 30 calendar days of receipt of OCR's input, confirming that it has finalized and published the revised procedures and attaching a final copy of each.

2. Written Notice:

On or before June 15, 2015, the Academy will provide written notice to appropriate staff regarding the following:

- a. The Academy's responsibility pursuant to Section 504 and Title II regarding applicants with disabilities including but not limited to the Academy's admission process;
- b. Staff's responsibility for understanding and implementing the revised procedures; and

- c. On or before August 15, 2015, the Academy will provide OCR with documentation which demonstrates that the above-mentioned written notice has been sent, including the date, titles and names of staff who received the notice.

3. Individual Remedies:

- a. On or before April 15, 2015, grant the Student Admission to the Academy for the Summer 2015 or Fall 2015 semester;
- b. On or before May 15, 2015, the Academy will provide OCR with written proof that the Student has been offered admission to the Academy;
- c. Waive tuition for the Student's first academic year provided the Student accepts the Academy's offer of Admission and enrolls in the Academy; and
- d. On or before August 15, 2015, the Academy will provide OCR with written documentation that waiver of one academic year of tuition has been granted regarding the Student.

4. REPORTING REQUIREMENTS:

- a. Commencing May 15, 2015, the Academy will provide OCR written reports documenting its progress towards full implementation of the requirements contained in this Agreement.

**GENERAL REQUIREMENTS**

The Academy understands that OCR will not close the monitoring of this agreement until OCR determines that the Academy has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.44 and Title II and its implementing regulation at 28 C.F.R. § 35.160, which were at issue in this case.

The Academy understands that by signing this agreement it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the University understands that during the monitoring of this agreement, if necessary, OCR may visit the Academy, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.44 and Title II and its implementing regulation at 28 C.F.R. § 35.160.

The Academy understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10, as incorporated in the Section 504 implementing regulation at 34 C.F.R. § 104.61), or judicial proceedings to enforce this Agreement, OCR shall give the Academy written

notice of the alleged breach and a minimum of sixty (60) days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
President or Authorized Designee

03/13/2015  
Date