

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2010 Budget Request

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OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, [\$96,826,000] \$103,024,000. (Department of Education Appropriation Act, 2009.)

OFFICE FOR CIVIL RIGHTS

Amounts Available for Obligation
(\$000s)

	2008	2009	2010
Discretionary appropriation:			
Appropriation	\$91,205	\$96,826	\$103,024
Across-the-board reduction	<u>-1,593</u>	<u>0</u>	<u>0</u>
Subtotal, appropriation	89,612	96,826	103,024
Unobligated balance expiring	<u>-124</u>	<u>0</u>	<u>0</u>
Total, direct obligations	89,488	96,826	103,024

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Obligations by Object Classification
(\$000s)

Object Class	2008	2009	2010	CHANGE FROM 2009 to 2010
11.10 Full-time permanent	\$53,294	\$54,163	\$56,759	\$2,596
11.31 Full-time temporary	1,075	855	969	114
11.32 Part-time	1,982	1,520	1,743	223
11.33 Consultants	1	0	0	0
11.51 Overtime	7	18	18	0
11.52 Awards	930	550	550	0
11.80 Other Compensation	0	0	0	0
Compensation subtotal	57,289	57,106	60,039	2,933
12.00 Benefits	14,472	14,808	15,636	828
13.10 Benefits for former personnel	250	0	0	0
Comp/benefits subtotal	72,011	71,914	75,675	3,761
21.00 Travel	850	1,000	1,000	0
22.00 Transportation of things	3	4	4	0
23.10 Rental Payments to GSA	8,217	9,038	9,986	948
23.31 Communications	555	1,018	1,018	0
23.32 Postage/fees	57	36	36	0
Subtotal 23	8,829	10,092	11,040	948
24.00 Printing & Reproduction	20	86	86	0
25.10 Advisory and Assistance Svcs	0	0	0	0
25.21 Other Services	1,007	3,274	4,702	1,428
25.22 Training/Tuition/Contracts	72	300	300	0
25.23 Field Readers	0	0	0	0
25.30 Goods/Services from Gov't	3,395	2,617	2,615	(2)
25.40 Operations/Maint of Facilities	0	1	1	0
25.50 Research & Development	0	0	0	0
25.71 Operations/Maint of Equipment	38	0	0	0
25.72 IT Services/Contracts	2,654	7,014	7,076	62
Subtotal 25	7,166	13,206	14,694	1,488
26.00 Supplies	127	222	223	1
31.10 IT Equipment/Software	365	232	232	0
31.30 Other Equipment	117	20	20	0
Subtotal 31	482	252	252	0
32.00 Building Alterations	0	50	50	0
41.10 Grants	0	0	0	0
41.23B Admin Expense Allowance	0	0	0	0
43.10 Interest and Dividends	0	0	0	0
Total	89,488	96,826	103,024	6,198

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Summary of Changes
(\$000s)

	2009	\$96,826
	2010	<u>103,024</u>
	Net change.....	+6,198

	<u>2009 base</u>	<u>Change from base</u>
Increases:		
<u>Built in:</u>		
Increase in personnel compensation primarily for the 2.9 percent 2009 and 2 percent proposed 2010 pay increases.	\$56,538	+\$1,168
Increase in benefits for OCR's share of health, retirement, and other benefits.	14,808	+379
Increase in rent due to tax increases, relocations, and lease renewals.	9,038	+948
<u>Program:</u>		
Increase in personnel and compensation for 19 additional FTE necessary to ensure successful management of OCR programs and priorities.	2,038	+2,214
Small increase in supplies.	222	+1
Slight increase in Information Technology services to restore to a level necessary to fund IT Certification and Accreditation of the Case and Activity Management System and for IT reasonable accommodations.	7,014	+62
Increase in Other services for the Civil Rights Data Collection (\$1.5M), offset by other decreases.	3,274	<u>+1,428</u>
Subtotal, increases		+6,200

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Summary of Changes
(\$000s)

	<u>2009 base</u>	<u>Change from base</u>
Decreases:		
<u>Program:</u>		
Decrease in goods/services from Government due to lower projected amount for E-Gov initiative e-Training GoLearn On-line Training.	\$2,617	<u>-\$2</u>
Subtotal, decreases		-2
Net change		+6,198

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Authorizing Legislation
(\$000s)

Activity	2009 Authorized	2009 Estimate	2010 Authorized	2010 Request
Civil rights (DEOA, Section 203)	Indefinite	\$96,826	Indefinite	\$103,024

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Appropriations History (\$000s)

	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2001	76,000	71,200	73,244	75,822
2002	79,934	79,934	79,934	79,934
2002 Rescission				-268
2003	89,710	86,276	86,276	85,715
2004	91,275	91,275	77,884	88,305
2005	92,801	90,248	92,801	89,375
2006	91,526	91,526	91,526	90,611
2007	92,866	N/A ¹	N/A ¹	91,205 ¹
2008	93,771	93,771	93,771	89,612
2009	96,826	96,040 ²	89,612 ²	96,826
2010	103,024			

¹ This account operated under a full-year continuing resolution (P.L. 110-5). House and Senate Allowance amounts are shown as N/A (Not Available) because neither body passed a separate appropriations bill.

² The levels for the House and Senate allowances reflect action on the regular annual 2009 appropriations bill, which proceeded in the 110th Congress only through the House Subcommittee and the Senate Committee.

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Office for Civil Rights

(DEOA, section 203)

FY 2010 Authorization (\$000s): Indefinite

Budget Authority (\$000s):

	<u>2009</u>	<u>2010</u>	<u>Change</u>
Personnel	\$71,914	\$75,675	+\$3,761
Non-Personnel	<u>24,912</u>	<u>27,349</u>	<u>+ 2,437</u>
Total	\$96,826	\$103,024	+\$6,198
FTE Level	595	614	19

PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination); and
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance).

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 14,000 local educational agencies; nearly 6,500 postsecondary institutions, including proprietary schools and community colleges; 82 State rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

OCR PROGRAM INFORMATION

OCR's enforcement of civil rights law is multi-faceted and requires a sufficient number of well-educated and highly trained staff. OCR considers these "knowledge workers" essential to fulfill its mission to ensure equal access to educational programs and activities through civil rights law enforcement. OCR's law enforcement program includes policy development, proactive initiatives, administrative enforcement, and other activities. With an approximate annual caseload of 6,000 complaints per year, resolving complaints alleging discrimination is the core work of the organization.

Moreover, as described throughout this document, OCR promotes compliance with civil rights through its extensive technical assistance and outreach activities. These activities, in all of the areas over which OCR has jurisdiction, include a wide range of presentations to and consultations with recipients and covered entities regarding civil rights requirements, as well as the issuance of policy guidance to advise recipients and covered entities about their legal obligations and about OCR's approach to enforcing and applying civil rights laws in varied situations.

Organizational Structure and Staffing

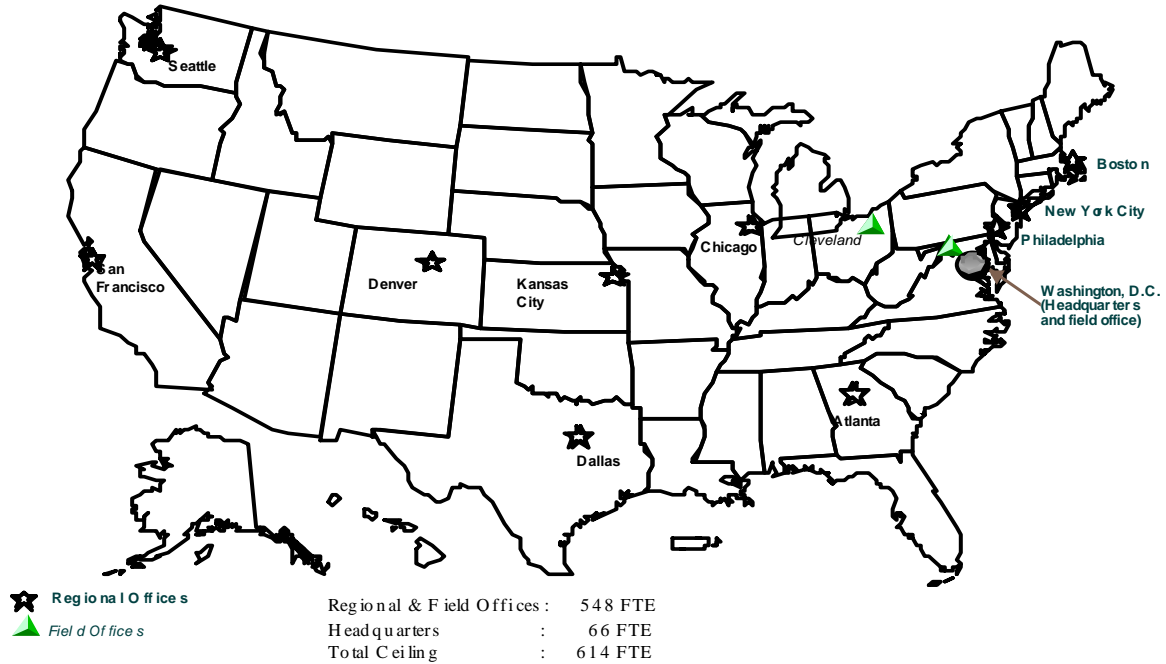
The Office for Civil Rights requires a staffing level of 614 FTEs to fulfill its mission. Eighty-nine percent of OCR's staff are located in 12 enforcement offices and the remaining 11 percent are located within OCR's headquarters office. The Assistant Secretary is the head of OCR. There are two Deputy Assistant Secretaries that report directly to the Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for managing the 12 enforcement offices. There are two Enforcement Directors that report to the Deputy Assistant Secretary for Enforcement. These Directors provide leadership and coordinate compliance activities on a daily basis with the 12 Enforcement offices. In addition, the Deputy Assistant Secretary for Policy oversees headquarters' Program Legal Group and the Resource Management Group.

As shown on the following map, OCR's headquarters office is located in Washington, DC, and the 12 enforcement offices are located in 10 regional centers and 2 field office locations throughout the Nation: Boston; New York; Philadelphia; Washington, DC; Atlanta; Dallas; Cleveland; Chicago; Kansas City; Denver; San Francisco; and Seattle. Compliance activity teams in the field offices, which consist mainly of attorneys, investigators, and Equal Employment Opportunity Specialists, are the organizational units responsible for investigating discrimination complaints, undertaking compliance reviews, and providing technical assistance to recipients, students, parents, and other stakeholders.

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FY 2010 Headquarters/Regional Staff



Within headquarters, the Program Legal Group provides a range of legal services including: developing policy guidance on civil rights issues, developing technical assistance materials, and consulting on cases from the Enforcement Directors. This group also consults with other Department offices on the Civil Rights Data Collection (CRDC), oversees the data analysis and dissemination, and helps ensure that civil rights issues are appropriately addressed within Department programs and initiatives and among Federal agencies. The Resource Management Group supports OCR in the following major areas: customer service and technology information, budget and procurement, and human resources. The Resource Management Group responds to a nationwide complaint hotline call center and correspondence, coordinates and responds to FOIA requests, manages the appropriate filing of official documents and records, and requests the mailing of pamphlets through ED Pubs. Budget and procurement functions include budget formulation, justification, and execution ensuring that OCR operates within its appropriation; maintaining financial records, reconciling accounts, and certifying all procurement for the Office nationwide. Human resources functions include the management of human capital and personnel activities and ensure that personnel regulations are followed in accordance with the Office of Personnel Management.

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Funding levels for the past 5 fiscal years were:

	<u>(\$000s)</u>
2005	89,375
2006	90,611
2007	91,205
2008	89,612
2009	96,826

FY 2010 BUDGET REQUEST

The total FY 2010 request is \$103.024 million, a net increase of \$6.198 million or 6.4 percent over the 2009 level, with an increase of 19 in full-time equivalent (FTE) staff to 614.

- Personnel will increase \$3.761 million. The increase is due to the proposed 2 percent pay raise and benefit costs in 2010, and an additional 19 FTE to restore staff to levels necessary to ensure successful management of OCR programs and priorities.
- OCR's share of the Department's centralized services, or overhead, will increase by \$896,000. The increase is for rent across OCR's offices nationwide (\$948,000), offset by a decrease in Homeland Security Presidential Directive 12 (\$50,000).
- Non-Personnel costs, excluding centralized services, will be \$5.346 million, or \$1.541 million above the 2009 level. The majority of the increase is due to the biennial Civil Rights Data Collection (CRDC) and analysis. In addition to the CRDC and analysis, non-personnel costs are primarily for travel, training, legal services, and software support to operate OCR's case and activity management system (CAMS).

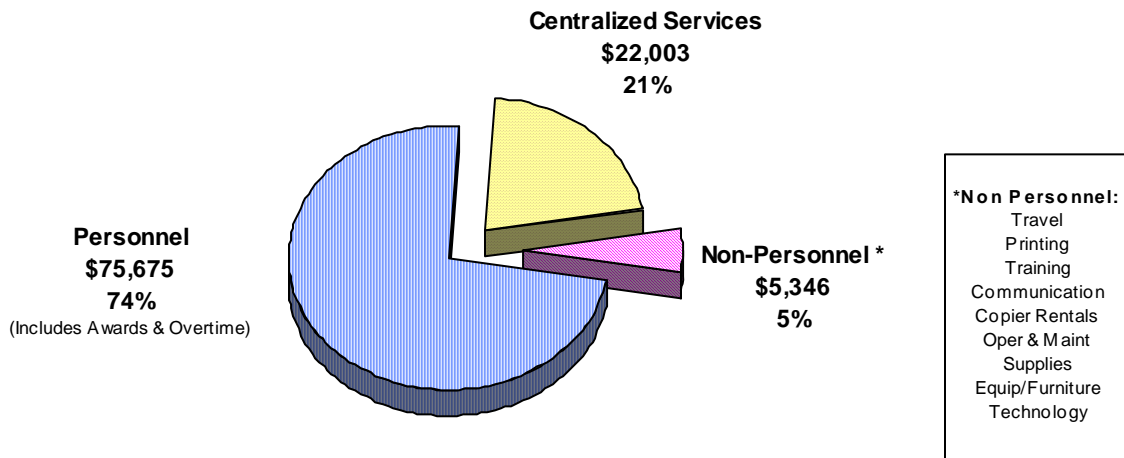
Due to budget constraints, OCR reduced its 2009 FTE level by 34 and 2010 FTE level by 15 from the budgeted 2008 level. However, if OCR reduces staffing level below 614 FTE, it will jeopardize OCR's ability to initiate a full range of activities, hindering both OCR and the Department's mission of ensuring equal access to students' education.

In addition, the CRDC and data analyses must be fully funded, as they are an integral part of OCR's statutorily mandated law enforcement program (Department of Education Organization Act (20 U.S.C. 3413)) and the only source of data for analyzing many high priority civil rights issues.

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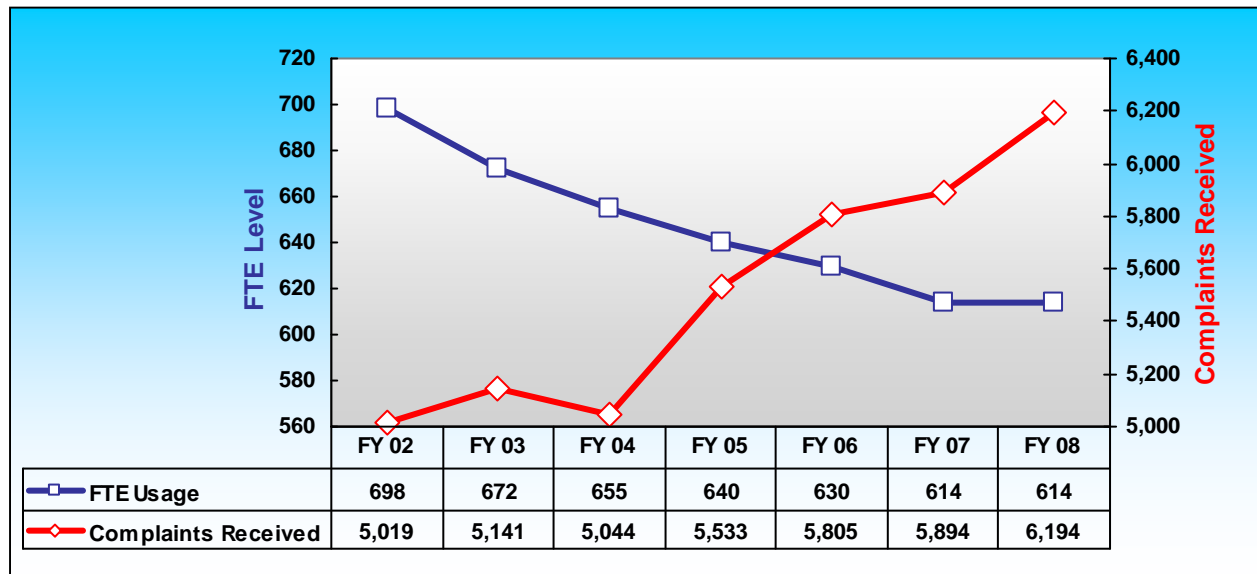
The distribution of the requested funds for 2010 is shown below.

Distribution of Costs (\$ in thousands)



Personnel Costs

Approximately 74 percent, or \$75.675 million, of the total FY 2010 request is for personnel compensation and benefits (PC&B) to support a staffing level of 614 FTE. The increases OCR has received over the past 6 years for its appropriation were not sufficient to cover the increases in its fixed costs (centralized services). To manage the funding gap, OCR reduced FTE levels by strategically aligning and aggressively managing its human capital in order to improve efficiency. OCR reduced its staffing level over 13 percent even though complaint receipts have increased by 23 percent over the past 6 years, from 5,019 in 2002, to 6,194 in 2008. The following chart compares complaints received and FTE levels from 2002 to 2008.



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The PC&B request represents an increase of \$3.761 million over the 2009 level. The increase covers the Governmentwide pay raise of 2.9 percent in 2009 and proposed pay raise of 2 percent in 2010 and historically based increases for benefits. It also covers additional costs of restoring FTE levels necessary to ensure successful management of OCR programs and priorities.

Awards & Overtime

In FY 2010, OCR is requesting \$568,000 for awards and overtime, which is level-funded from 2009. OCR awards staff based upon performance. This amount will enable OCR to provide appropriate recognition for high performance and will compensate those who work additional hours to complete work in tight deadlines, consistent with departmental policy.

Non-Personnel Costs

Non-personnel costs are critical to ensure that OCR staff has the required resources to accomplish its mission of civil rights enforcement. The total request for non-personnel activities in FY 2010, excluding Departmental centralized services, is \$5.346 million, which is an increase of \$1.541 million from the 2009 level, mostly due to the CRDC. The increases are in the following areas: Information Technology Services not covered by the EDUCATE contract (\$62,000), supplies (\$1,000), and the CRDC (\$1.493 million).

The requested non-personnel funds will provide program support to resolve complaints of discrimination filed by the public and to ensure that institutions receiving Federal financial assistance are in compliance with the civil rights laws enforced by OCR.

Below is a summary of the resources required for OCR to carry out its mission:

Information Technology Services/Contracts and Equipment — OCR is requesting a total of \$250,000, which is an increase of \$62,000 above the 2009 level. The total increase includes an additional \$30,000 requested for IT Information Assurance and certification and accreditation costs, and another \$32,000 for miscellaneous IT services/contracts such as IT reasonable accommodation requests not included in the EDUCATE contract.

OCR's CAMS is an electronic tracking system used to record OCR's case status and the documents associated with each case and activity. It utilizes a combination of three software applications, Case Management System (CMS), Activity Management System (AMS), and Open Text Document Management System (DMS). The funding provides for: (a) enhancements to apply business process changes and to improve the usage of these core systems; (b) compliance with up-to-date departmental IT environment; (c) software subscription services to maintain version upgrades and technical phone support on the Open Text Document Management portion.

The Federal Information Security Management Act (FISMA) required IT systems to be certified and accredited (C&A). In order to be compliant with Federal and departmental IT security requirements, additional expenses will be required to ensure the system remains in C&A status. In FY 2007 and FY 2008, OCR was provided a waiver for some areas identified as needing improvement. As a result, OCR needs \$30,000 in IT Information Assurance to ensure the

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software application meets the required certification and accreditation standards. These funds will be used to start the improvement process.

Printing — The request of \$86,000 for printing is the same as the 2009 level. Funds requested are for printing regulations, policy guidance, pamphlets, Dear Colleague letters, the annual report to Congress, restocking OCR's publications inventory, printing personnel recruitment advertisements, and OCR letterhead.

Travel — For FY 2010, OCR is requesting a travel budget of \$1.0 million, level-funded from 2009. The majority of OCR's travel funds is directly associated with investigating complaints, conducting compliance reviews, monitoring corrective action plans, providing technical assistance, and conducting other compliance activities. Complaint investigations and compliance reviews often require staff to go onsite to gather data and conduct interviews to determine if civil rights laws have been violated. Travel costs are also associated with training, conference attendance, workshops, invitational speakers, and OCR-wide management meetings in central locations. If funds are not provided at the requested level, it will greatly diminish OCR's ability to conduct onsite investigations, proactive activities, and training of enforcement offices, thus negatively impacting OCR's law enforcement program.

Training — OCR is requesting a training budget of \$162,000 for FY 2010, the same as the 2009 level. A significant number of OCR staff will be eligible for retirement by 2010 and will be replaced by those with less experience. The requested funds will enable OCR to implement a training and development strategy to ensure that OCR employees receive adequate programmatic and professional development to keep pace with the changing work environment and the investigative approach to case processing. The strategy includes internal and external training on leadership development and supervision; policy and civil rights case law; innovative investigative techniques; nationwide quality, consistency, and efficiency in case processing; and the expanded use of electronic systems for case management.

Communication/Copier Rentals and Operations and Maintenance of Equipment — OCR is requesting a total of \$96,000, no change over the 2009 level. The funds are needed for existing copier rental agreements (\$95,000) set in place prior to the EDUCATE contract, along with the rental agreements.

Other Services/Interagency — OCR is requesting a total of \$3.458 million for the following services. This is \$1.478 million above the 2009 level. The increase is due mostly to the CRDC. Funds requested include:

- Civil Rights Data Collection and Analysis (\$3.203 million) — This is an increase of \$1.493 million above the 2009 level. This includes the additional cost of activities to support the transition of the collection of CRDC data from a sample of 6,000 school districts to a system where data are collected through State education agencies for each year and for every school district. OCR will continue the development of State and national projections, all related analytical activities, and documentation of all data items in the CRDC data file.
- IPEDS Fall Enrollment Report (\$25,000) — The IPEDS survey is conducted in collaboration with the National Center for Education Statistics during even numbered fiscal years only.

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For the IPEDS fall enrollment report, data are collected on student enrollment in postsecondary education institutions by race, ethnicity, and sex.

- Legal Research Services (\$100,000) — This is level-funded from 2009. This contract provides an automated full-text legal information system that offers online access to continuously updated and archived Federal and State case law, statutes of all 50 States, legal publications, and law reports. If this project is not funded, it would completely eliminate the ability for attorneys to conduct desktop legal research and would necessitate their spending valuable time out of the office conducting legal research.
- All Other Services/Interagency (\$130,000) — This is level-funded from 2009. It includes ED Pubs (\$50,000); conference space rentals (\$36,000); and interagency services for General Services Administration (GSA) leased vehicles and equipment (\$44,000).

Supplies — OCR is requesting \$220,000, an increase of \$1,000. A significant amount of supply funds are used to purchase and renew educational journal subscriptions and other legal publications in order to maintain updated materials in OCR's law libraries. Funds are also spent on copier paper, case file folders, and toner cartridges for printers.

Equipment/Furniture and Building Alterations — OCR is requesting \$70,000 for furniture/equipment and building alterations, which is the same as 2009. The equipment/furniture will be used for unusual and special orders. Funding for building alterations includes additions and modifications made to the building structure, to improve the lighting, and other costs to improve working conditions.

Departmental Centralized Support

Approximately 78 percent of the total non-personnel budget request is to cover OCR's share of the Department's centralized services. The FY 2010 request is \$22.003 million, an increase of \$896,000, or 4.2 percent, over the 2009 level. The funding request will cover the cost of services such as: rent; training; records information management support services; and interagency agreements for administrative services provided by other Federal agencies, such as payroll processing, overtime utilities, and training coordinator and career counseling; and the EDUCATE contract that covers telecommunications, IT processing services, network support, end-user support, maintenance, and improvements.

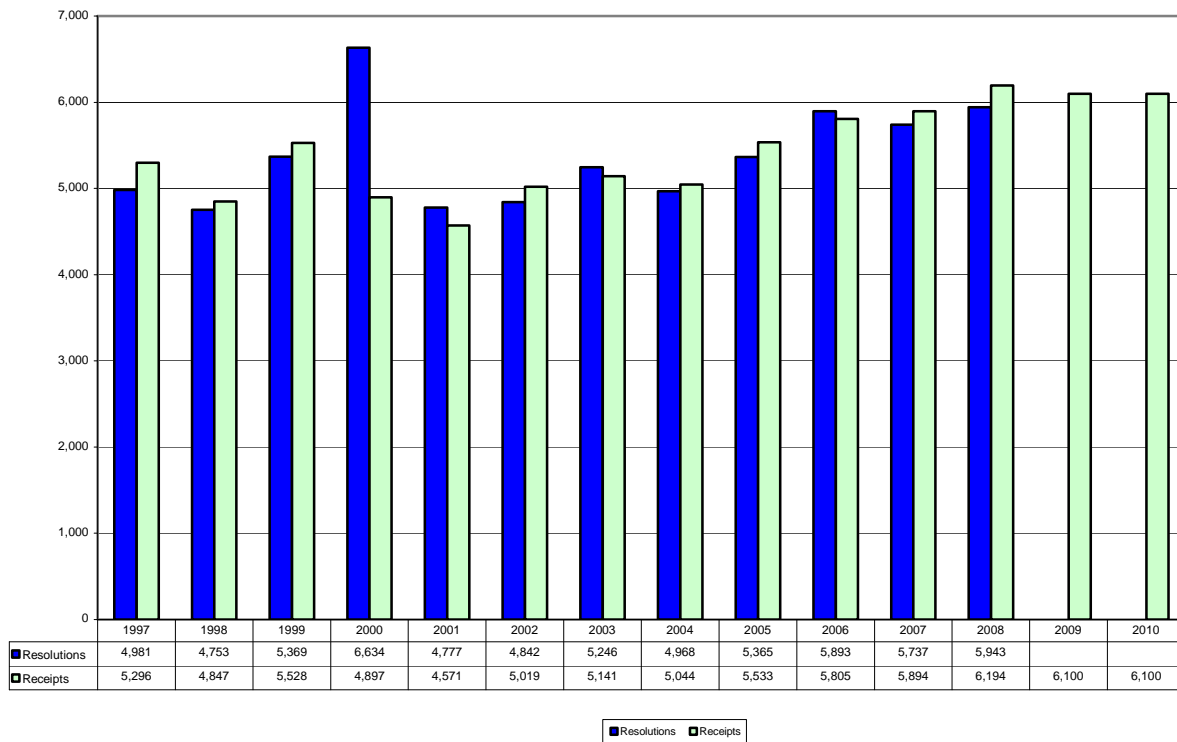
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PROGRAM OUTPUT MEASURES

OCR is a civil rights law enforcement agency whose core business is resolving complaints alleging discrimination in federally funded educational programs and activities.

The following chart shows the number of complaint receipts and resolutions since 1997. Actual data are shown for FYs 1997-2008, and estimates are shown for FYs 2009-10.

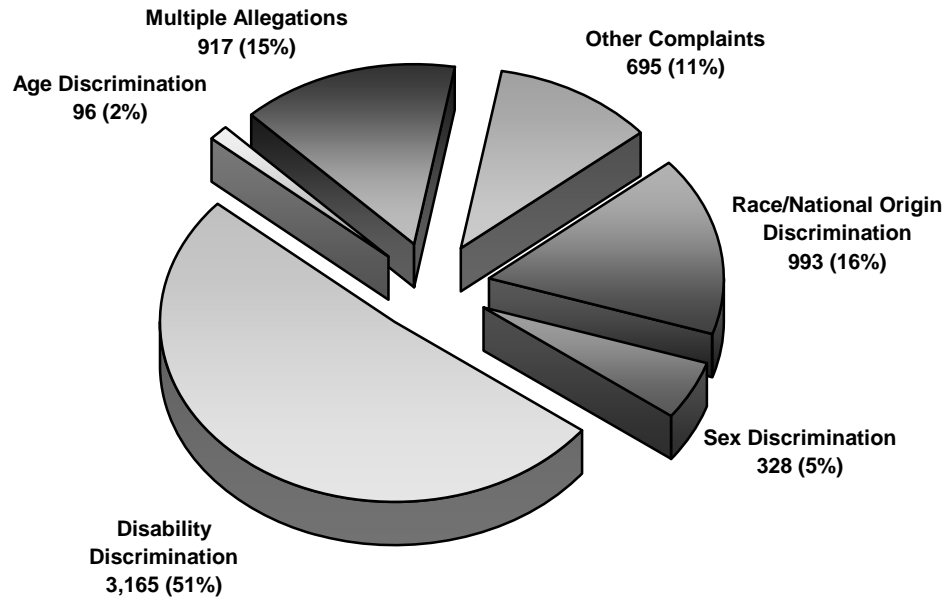
**Complaint Receipts and Resolutions
FYs 1997 – 2010**



OCR provides information to the public on its activities that include assistance on how to file complaints. As of September 30, 2008, complaints alleging discrimination on the basis of disability comprised over 51 percent of the complaints filed with OCR, as shown in the following chart.

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FY 2008 Complaint Caseload by Jurisdiction (October 1, 2007- September 30, 2008)



Total Complaints - 6,194

PROGRAM PERFORMANCE INFORMATION

Performance Measures

As evidenced in the following performance measures, OCR is committed to resolving discrimination complaints within 180 days of receipt. Denying equal educational access to students for longer than 6 months can have a negative impact on their education and their lives.

OCR's performance measures are designed to assess the efficiency and accessibility of the complaint resolution process. The first performance measure has two targets encompassing OCR's entire complaint workload: 80 percent of complaints with due dates in the relevant fiscal year are resolved in 180 days and no more than 25 percent of pending complaint workload is over 180 days old. Together, the two targets hold OCR accountable for efficient case resolution.

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OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed after case resolution to both complainants and recipients. The survey measures courteous and considerate treatment of customers, prompt communication (oral and written) and clear and responsive communication (oral and written), and whether the customer was kept informed about his or her case. Based on responses to the survey in FY 2005, OCR's customer satisfaction performance baseline was established at 3.66 (on a scale of 1 through 5). The score has steadily increased and was 3.99 for FY 2008.

Current performance measures for complaint workload:

Measure: Percentage of complaints resolved within 180 days		
Fiscal Year	Target Percent	Actual Percent
2006	80	91
2007	80	93
2008	80	91
2009	80	
2010	80	

Measure: Percentage of complaints pending over 180 days		
Fiscal Year	Target Percent	Actual Percent
2006	< 25	21
2007	< 25	18
2008	< 25	18
2009	< 25	
2010	< 25	

Measure: Mean score of customer satisfaction survey		
Fiscal Year	Target Baseline	Actual
2006	3.66	3.84
2007	3.66	3.96
2008	3.66	3.99
2009	3.66	
2010	3.66	

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Civil Rights Compliance and Enforcement

Over the past decade, from FY 1998 to 2008, OCR's complaint receipts have risen 28 percent, from 4,847 to 6,194. While OCR's appropriation has gradually increased over the past decade due to inflation and the rising costs of centralized services, OCR's budgeted FTE has decreased 13 percent, from 724 in 1998 to 629 in 2007 and 2008. With an all-time staffing low of 595 FTE in 2009 and a rising workload, OCR is challenged in its ability to execute its law enforcement activities.

In FY 2008, OCR received 6,194 complaints, an almost 5 percent increase over 2007, and resolved 5,737 complaints. Eight hundred and eighty cases were in monitoring. Because of a 2004 change in the Case Resolution and Investigation Manual (revised as of March 2008, and now the Case Processing Manual (CPM)) notifying complainants that there is a formal two-tiered process for requesting reconsideration of OCR's investigative case findings, an increased number of requests for reconsideration added to OCR's workload both in the field and in headquarters. In 2006, 375 first-level requests for reconsideration were received in the field and approximately 100 second-level requests in headquarters. The numbers are growing. In 2007, 465 first-level requests for reconsideration were received in the field and approximately 108 second-level requests were received in headquarters. In 2008, 417 first-level requests for reconsideration were received and 144 second-level requests. There were 163 second-level requests pending in headquarters at the end of the 2008. Because there are fewer staff to accomplish more work, timelines for monitoring resolution agreements and responding to requests for reconsideration of case investigations are increasing. In addition, OCR's capacity to deliver technical assistance, which is labor intensive but the best means of preventing civil rights violations, is at risk.

Complaint investigation is a labor-intensive activity. A variety of techniques are used to resolve complaints. (OCR's complaint resolution process was outlined most recently in OCR's CPM, issued in March 2008.) Under some circumstances, OCR facilitates a voluntary resolution between the parties. More typically, however, once a complaint has been evaluated and the allegations are found to be within OCR's jurisdiction, an investigation is conducted. Agreements are negotiated with recipients when compliance concerns are established. Once an agreement is reached, OCR monitors the agreement's implementation until the recipient completes all necessary action. If the recipient is unwilling to negotiate with OCR or if the negotiations reach an impasse, OCR issues a Letter of Findings. The recipient is then given another opportunity to negotiate a remedy before OCR issues a Letter of Impending Enforcement Action and initiates and conducts enforcement proceedings through an administrative hearing or refers the case to the Department of Justice (DOJ).

Over the last decade, more than 50 percent of OCR's complaint receipts have alleged disability discrimination. OCR intends to maximize the impact of resources spent on these investigations by expanding its proactive compliance and technical assistance activities under Section 504 and Title II. OCR's National Enforcement Strategy includes activities in the area of disability, addressing such issues as: equal access to education for disabled veterans, overrepresentation of minorities in special education, misidentification of language minority students in special education, physical accessibility to postsecondary education programs and facilities, and the transition of students with disabilities from high school to college.

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Initiatives Supporting the Department's Goals

Boy Scouts of America Equal Access Act

OCR has developed information to aid staff in enforcing the Boy Scouts Act and its implementing regulations. The Boy Scouts Act regulation requires public elementary and secondary schools, local educational agencies (LEAs), and State educational agencies (SEAs) that receive funds made available through the Department to submit an assurance of compliance with the law. OCR revised OCR's assurance of compliance form to include the Boy Scouts Act and sent all LEAs and SEAs (approximately 17,000 recipients) the revised assurance of compliance form and has followed up with those entities that have not yet submitted the assurance of compliance form. OCR is working with the Office of Management in the Department to obtain OMB approval to continue to distribute assurances forms to recipients as needed.

Outreach to Limited English Proficiency (LEP) Parents and the Misidentification of LEP Students in Special Education

OCR will continue its proactive initiative to increase proper communications with LEP parents and to avoid misidentification of LEP students in special education. While special education programs are essential to ensure that students with disabilities receive an appropriate education, studies have documented discrepancies in the rates of referral and placement of LEP students in special education. OCR's compliance reviews, focusing on school districts with a disproportionately high percentage of LEP students in special education, will determine whether national-origin minority students have been subjected to discrimination on the basis of their LEP status in the referral, evaluation and placement in special education programs. If compliance issues are found, OCR's activities will include technical assistance and outreach to parents of LEP students so that they can actively participate in their children's education.

Overrepresentation of Minorities in Special Education

OCR will continue conducting its compliance reviews, focusing upon inappropriate placement of minority students in special education. Where investigations have revealed school districts not in compliance, OCR has been negotiating agreements with the school districts to remedy violations.

Sexual Harassment Initiative

OCR is committed to addressing issues of sexual harassment in the Nation's schools. OCR will conduct compliance reviews related to sexual harassment in schools to ensure that students have a safe and secure educational environment that affords them equal educational opportunities, regardless of their sex. As part of its continuing technical assistance in this area, in September 2008, OCR published a revised pamphlet, *Sexual Harassment: It's Not Academic*, which contains information for students, parents, school administrators, school employees, and others on recognizing and addressing sexual harassment under Title IX as it is interpreted by OCR.

Use of Race in Admission to Educational Institutions

In July 2007, the United States Supreme Court ruled in Parents Involved in Community Schools v. Seattle School District, 127 S. Ct. 2738 (2007) (Parents Involved), in which the Court evaluated two school districts' consideration of students' individual racial classifications in elementary and secondary school admissions, to reduce racial isolation and secure the

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educational benefits of diversity. Under Title VI, OCR is interpreting and applying this decision in the context of complaint cases in OCR's civil rights reviews of Magnet School Assistance Program grant applications, and in the provision of technical assistance. OCR is also providing technical assistance guidance to postsecondary institutions regarding the appropriate, narrowly tailored use of race as a factor, as well as the use of race-neutral factors, in college admission decisions, consistent with current Supreme Court jurisprudence. In addition, OCR has developed and issued two policy guidance documents addressing how OCR assesses whether the use of race in assigning students to elementary and secondary schools, and to admitting students to institutions of postsecondary education, is consistent with Title VI. OCR will face continuing complaints, technical assistance, and policy workload in the "use of race" area, as the recent Supreme Court decisions are interpreted and applied to varied fact patterns.

Activities Supporting Departmental Priority Initiatives

Compliance with OMB's Bulletin on Good Guidance Practices

OMB issued requirements for Federal agencies to follow in developing and distributing new significant guidance documents and in posting existing significant guidance documents on agency Web sites. These requirements address drafting and using appropriate language, agency clearance, OMB notification and review, posting on agency Web sites, public input through public comment, and the filing of public complaints. OCR is working with the Department's Office of General Council (OGC) and other offices in the Department to implement these requirements. Among other developments, OCR's significant guidance documents have been published on the Department's Web site (<http://www.ed.gov/policy/gen/guid/significant-guidance.doc>).

Title IX Compliance Initiative

OCR will continue to conduct its initiative to train recipients on all aspects of Title IX compliance. OCR will provide recipients with technical assistance and self-evaluation tools to help them come into compliance, as well as give presentations on the subject at regional conferences, with particular emphasis on the requirements of compliance.

Civil Rights Data Collection

Historically, the Civil Rights Data Collection (CRDC) has collected school and district level civil rights data directly from school districts. Currently, OCR is working with the Department's Office for Planning, Evaluation, and Policy Development (OPEPD) to transition from collecting the data from school districts, using a Web-based tool, to having all States provide school and district level civil rights data through the Department's EDEN Submission System (ESS). OCR and OPEPD had previously planned to have the full transition completed by the 2010-2011 data collection. Based upon feedback from States received in response to the Department's most recent *EDFacts* OMB Clearance Package, it has become clear that a longer transition period will be needed. As a result, OCR will need to provide the cost of funding the CRDC for the 2010-2011 data collection.

Since FY 2003, OCR has supported the Department's centralized data collection efforts with staff and fiscal resources. In 2003, OCR transferred \$2.1 million to the Department to build a civil rights survey tool. OCR transferred additional funds to the Department in 2005 (\$658,000), 2006 (\$2.8 million), 2007 (\$705,731), and 2008 (\$705,731). In 2009 OCR will transfer \$1.6 million for the CRDC.

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The anticipated cost of the 2010-2011 CRDC is \$3.2 million. OCR anticipates that data collection costs will increase for the 2010-2011 CRDC, in part due to the costs of transitioning from district-level data submission to State-level data submission. After completion of this transition – which may take two collection cycles – OCR expects data collection costs to decrease.

Civil Rights Data Review and Analyses

OCR has continuing responsibility for the analysis and reporting functions related to the CRDC, which includes the development of State and national projections for the 2008-2009 CRDC. Consistent with its authorizing legislation, OCR will also study and analyze high priority civil rights issues such as racial isolation in elementary and secondary schools and the underrepresentation of certain groups in Advanced Placement courses. The information gained through these studies and analyses will help OCR develop legal theories and approaches for conducting reviews in those areas. In addition, OCR will continue to support the development of analytic tools available through the ED*Facts* reporting system and make data from the CRDC available to the public through the Internet.

Management Tools and Activities Supporting Civil Rights Enforcement

National Enforcement Strategy

OCR's National Enforcement Strategy contains proactive activities such as: overrepresentation of minorities in special education; misidentification of language minority students in special education; physical accessibility to postsecondary and elementary and secondary education programs and facilities; the transition of students with disabilities from high school to college, including Dear Colleague letters informing students and parents of their rights and responsibilities; a training initiative on Title IX compliance; comprehensive procedural and policy reviews under Title VI, Title IX, and Section 504/Title II; and studies and/or analyses of several high priority civil rights issues such as non-discriminatory access to Advanced Placement courses for students with disabilities and minority students. In addition to starting new compliance reviews and numerous technical assistance activities, OCR will continue resolving open reviews and monitoring resolution agreements.

Case Processing Manual

For several years, OCR's Case Resolution and Investigation Manual (CRIM) provided procedures for promptly and effectively investigating and resolving complaints. In March 2008, OCR issued a new Case Processing Manual to replace the CRIM. Like the CRIM, the CPM sets forth procedures for all phases of case processing, including evaluation, investigation, resolution, monitoring, and enforcement. Also like the CRIM, utilizing the CPM ensures that investigations are legally sufficient and dispositive of allegations raised in complaints. However, it also builds on numerous suggestions from all OCR staff for improving OCR's case processing procedures, with the goal of providing greater flexibility and consistency for OCR staff, while at the same time addressing appropriately the interests of complainants and recipients. Recognizing that training is always critical to the success of any initiative, training sessions have been conducted for each OCR enforcement office as well as staff in headquarters.

Quality Improvement and Review Program

OCR's Quality Improvement and Review Program was established to identify best investigative practices and facilitate measurable reduction of errors in case processing. Cases are reviewed

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to identify the best practice approaches to case investigation, and analytical models are shared among all enforcement offices to enhance the quality, efficiency, and consistency of OCR's investigative work nationwide.

Training and Development Strategy

OCR will continue to implement its training and developmental strategy, ensuring that OCR employees receive adequate programmatic and professional development. Staff training and development is part of OCR's succession planning strategy and provides opportunities for staff to participate in leadership programs, supervisory training, management retreats, policy conferences, college-level courses, and continuing legal education. It also incorporates training on the expanded use of electronic systems for case and document management and FOIA requests and appeals, development of OCR-specific Web-based training modules, and ongoing training on use of the CPM to promote consistent application of OCR's case management process.

Web-Based Training Modules

As part of the training strategy, OCR has invested in the development of two Web-based training modules: one on general investigative procedures and a second on investigating allegations of harassment. While Web-based training will not replace classroom training, it will be available to the staff at their desks and at minimal cost to the agency. The first of the courses is completed, and after edits to align it with the new CPM changes, the course will be available to staff at their desks.

Electronic Government (E-GOV) Initiatives

Case and Activities Management System

OCR's Case and Activities Management System (CAMS) tracks both OCR's case-related and non-case related activities. CAMS also includes an electronic document management system (DMS) function for document management, storage, and retrieval. OCR provides staff CAMS training on the System's functionality to increase productivity and is expanding the use of CAMS within OCR components. Software upgrades and maintenance are performed annually.

Electronic Policy Library

The Electronic Policy Library, completed in 2009, expands upon the foundation established by the electronic Policy Repository, which currently offers a single, reliable, searchable user-friendly electronic document storage and retrieval system for current OCR policy documents in three formats (PDF, HTML, and Word). A comprehensive Web-based library reference tool, the Electronic Policy Library enables OCR staff to gain a quick understanding of unfamiliar areas of law and policy through succinct narrative explanations of OCR's statutory jurisdictions and annotated references to current policy and key case law incorporated in an easy-to-use reference guide. In 2010, OCR will engage in ongoing review and revision of the Electronic Policy Library to ensure that this knowledge management tool continues to increase OCR's ability to share information, build program expertise, reduce research time, and strengthen the integrity of information used to support OCR decisions.

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Electronic Records Management

Policies and procedures will be developed pertaining to storing and sharing documents created or received in OCR. Full implementation of electronic case files will begin by storing all existing electronic case-related documents in the document management system. In addition, a pilot project is being conducted in one field office to convert all case-related documents as they are received into an electronic format. After the pilot project is evaluated, a plan will be developed for agency-wide implementation of fully electronic case files throughout OCR. OCR plans to integrate the recordkeeping capabilities of records management (RM) with OCR's current work processes as well. Currently paper files are the official copies until electronic RM system and program is implemented.