

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2012 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, \$107,772,000.

**OFFICE FOR CIVIL RIGHTS**

**Amounts Available for Obligation**  
(\$000s)

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	2010	2011 CR	2012
Discretionary appropriation:			
Appropriation	\$103,024	0	\$107,772
Annualized CR (PL 111-322)	<u>0</u>	<u>\$103,024</u>	<u>0</u>
Subtotal, appropriation	103,024	103,024	107,772
Total, direct obligations	103,024	103,024	107,772

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## OFFICE FOR CIVIL RIGHTS

### Obligations by Object Classification (\$000s)

Object Class	2010	2011 CR	2012	CHANGE FROM 2011 to 2012
11.10 Full-time permanent	\$54,872	\$58,149	\$59,503	\$1,354
11.31 Full-time temporary	1,463	992	1,198	206
11.32 Part-time	2,011	1,786	1,797	11
11.33 Consultants	94	0	0	0
11.51 Overtime	8	18	18	0
11.52 Awards	712	712	712	0
11.80 Other Compensation	0	0	0	0
Compensation subtotal	59,160	61,657	63,228	1,571
12.00 Benefits	15,817	16,769	17,302	533
13.10 Benefits for former personnel	0	0	0	0
Comp/benefits subtotal	74,977	78,426	80,530	2,104
21.00 Travel	1,071	900	900	0
22.00 Transportation of things	22	4	4	0
23.10 Rental Payments to GSA	8,004	8,572	8,759	187
23.31 Communications	299	107	112	5
23.32 Postage/fees	14	36	36	0
Subtotal 23	8,317	8,715	8,907	192
24.00 Printing & Reproduction	29	36	86	50
25.10 Advisory and Assistance Svcs	15	0	0	0
25.21 Other Services	1,342	1,407	1,529	122
25.22 Training/Tuition/Contracts	259	252	577	325
25.23 Field Readers	0	0	0	0
25.30 Goods/Services from Gov't	3,598	3,057	3,175	118
25.40 Operations/Maint of Facilities	0	1	1	0
25.50 Research & Development	0	0	0	0
25.71 Operations/Maint of Equipment	20	0	0	0
25.72 IT Services/Contracts	10,955	9,929	11,660	1,731
Subtotal 25	16,189	14,646	16,942	2,296
26.00 Supplies	197	176	223	47
31.10 IT Equipment/Software	183	121	122	1
31.30 Other Equipment	747	0	8	8
Subtotal 31	930	121	130	9
32.00 Building Alterations	3	0	50	50
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	101,735	103,024	107,772	4,748

**OFFICE FOR CIVIL RIGHTS**

**Summary of Changes**  
(\$000s)

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2011 CR .....	\$103,024
2012 .....	<u>107,772</u>
Net change .....	+4,748

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	<u>2011 CR base</u>	<u>Change from base</u>
<b>Increases:</b>		
<u>Built in:</u>		
Increase in benefits for OCR's share of health, retirement, and other benefits.	16,769	+533
Increase in GSA rental payments due to tax increases and lease renewals.	8,572	+187
<u>Program:</u>		
Increase in personnel compensation for the additional 12 FTE necessary to ensure successful management of OCR programs and priorities.	\$60,927	+\$1,571
Small increase in communications.	107	+5
Increase in printing.	36	+50
Increase in other services for the Equity and Excellence Commission (\$300) to determine how the Government can increase educational opportunity by improving school funding equity. This project increase was offset by other project decreases in other services.	1,407	+122
Increase in training for leadership development, regional training courses, tuition reimbursement, and computer training.	252	+325
Increase in goods/services for security guards, building services, and overtime utilities.	3,057	+118

OFFICE FOR CIVIL RIGHTS

Summary of Changes  
(\$000s)

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	<u>2011 CR base</u>	<u>Change from base</u>
<b>Increases:</b>		
<u>Program:</u>		
Increase in information technology services/ contracts mainly for Civil Rights Data Collection (CRDC), with small increases in certification and accreditation and EDUCATE.	9,929	+1,731
Increase in supplies for legal publications	176	+47
Small increase in information technology equipment/ software.	121	+1
Increase in other equipment and building alterations for unusual or special orders or modifications to workspace.	0	+58
Subtotal, increases		+4,748
Net change		+4,748

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**OFFICE FOR CIVIL RIGHTS**

**Authorizing Legislation**  
(\$000s)

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Activity	2011 CR Authorized	2011 CR Estimate	2012 Authorized	2012 Request
Civil rights (DEOA, Section 203)	Indefinite	<u>\$103,024</u>	Indefinite	<u>\$107,772</u>
Total definite authorization		0		0
Total appropriation		\$103,024		\$107,772

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**OFFICE FOR CIVIL RIGHTS**

**Appropriations History**  
(\$000s)

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	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
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 <sup>1</sup>	N/A <sup>1</sup>	91,205 <sup>1</sup>
2008	93,771	93,771	93,771	89,612
2009 2009 Transfer	96,826	96,040 <sup>2</sup>	89,612 <sup>2</sup>	96,826 -60
2010	103,024	103,024	103,024 <sup>3</sup>	103,024
2011	105,700	103,024 <sup>4</sup>	105,700 <sup>3</sup>	103,024 <sup>5</sup>
2012	107,772			

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<sup>1</sup> 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.

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

<sup>3</sup> The level for the Senate allowance reflects Committee action only.

<sup>4</sup> The level for the House allowance reflects House-passed full-year continuing resolution.

<sup>5</sup> The level for the appropriation reflects the continuing resolution (P.L. 111-322) passed December 22, 2010.

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## OFFICE FOR CIVIL RIGHTS

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### Office for Civil Rights

(DEOA, section 203)

FY 2012 Authorization (\$000s): Indefinite

Budget Authority (\$000s):

	<u>2011 CR</u>	<u>2012</u>	<u>Change</u>
Personnel	\$78,426	\$80,530	+\$2,104
Non-Personnel	<u>24,598</u>	<u>27,242</u>	<u>2,644</u>
Total	\$103,024 <sup>1</sup>	\$107,772	+\$4,748
FTE Level	614	626	+12

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<sup>1</sup> Funding levels in FY 2011 represent the annualized continuing resolution levels of the 4<sup>th</sup> Continuing Appropriations Act, 2011 (P.L. 111-322).

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### 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);
- 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); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

## OFFICE FOR CIVIL RIGHTS

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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; 80 State vocational 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 laws 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, administrative enforcement, and other activities including proactive initiatives. With an annual caseload of approximately 7,000 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 include a wide range of presentations to and consultations with recipients and covered entities regarding civil rights requirements. OCR also issues 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 various situations. OCR's civil rights activities support the Department's goals of ensuring that the Nation's struggling schools are transformed, that all students have equitable access to great teachers and leaders, college- and career-ready coursework, and the true promise of high quality education.

### **Organizational Structure and Staffing**

The Office for Civil Rights requires a staffing level of 626 FTEs to support its mission. Currently, 89 percent of OCR's staff are located in 12 enforcement offices throughout the country, and the remaining 11 percent occupies OCR's headquarters office. The Headquarters office and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located in 10 regional centers and 1 field office throughout the Nation: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and Cleveland.

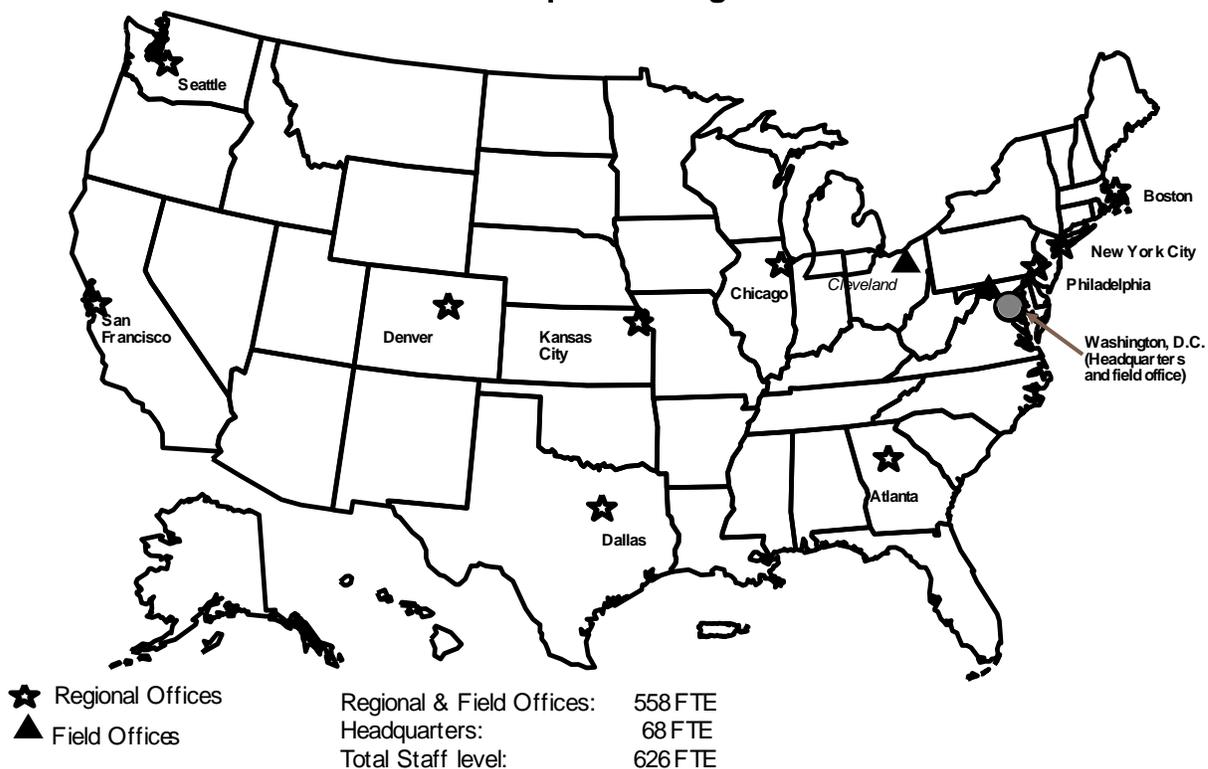
OCR is headed by an Assistant Secretary, who is supported by a Principal Deputy Assistant Secretary. Deputy Assistant Secretaries for Enforcement and Policy, as well as the Resource Management Group Director, report to the Principal Deputy Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for oversight of 12 enforcement offices and 3 Enforcement Directors who provide day-to-day leadership to those offices. The Deputy Assistant Secretary for Policy oversees the headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance on civil rights issues, developing technical assistance materials, consulting on cases from the enforcement offices, and helping ensure that civil rights issues are appropriately addressed within Department programs and initiatives and among Federal agencies. This group also collaborates with other Department

## OFFICE FOR CIVIL RIGHTS

offices on the Civil Rights Data Collection (CRDC) and oversees CRDC data analysis and dissemination. The Resource Management Group supports the Office nationwide in the areas of customer service, information technology, budget, procurement, and human capital management.

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### FY 2012 Headquarters/Regional Staff



Funding levels for the past 5 fiscal years were as follows:

	(\$000s)
2007 .....	\$91,205
2008 .....	89,612
2009 .....	96,826
2010 .....	103,024
2011 CR .....	103,024

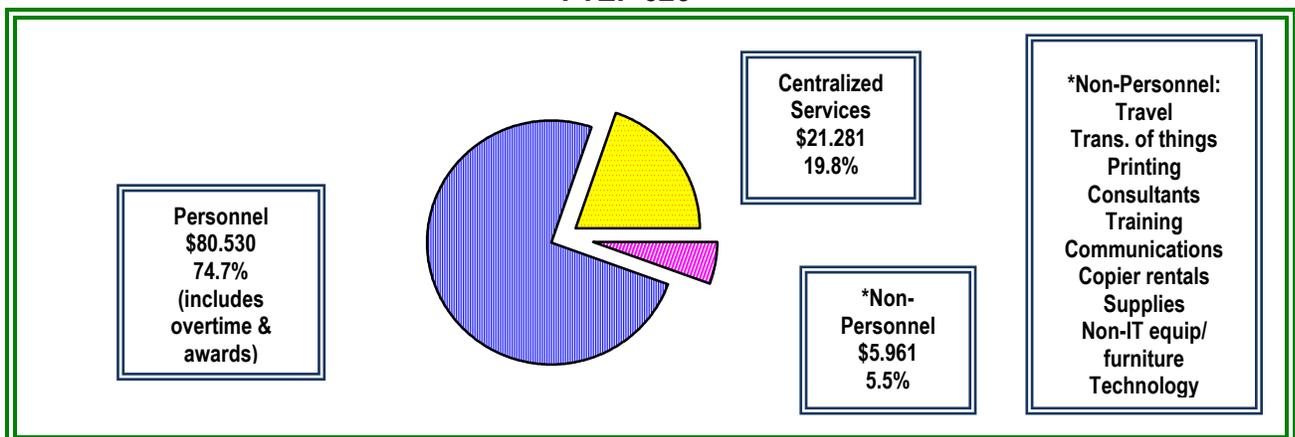
## OFFICE FOR CIVIL RIGHTS

### FY 2012 BUDGET REQUEST

The total FY 2012 request is \$107.772 million with a full-time equivalent (FTE) level of 626. This request is a \$4.748 million, or 4.6 percent increase, over the FY 2011 continuing resolution level of \$103.024 million.

- The Personnel Compensation and Benefits (PC&B) request of \$80.530 million is an increase of \$2.104 million over the FY 2011 CR level due to pay and benefits increases for the requested additional 12 FTE. The additional FTE will ensure successful management of OCR's enforcement programs, priorities, and complaint resolution. In FY 2010, OCR received 6,933 complaints, a 9 percent increase from FY 2009 – the largest number of complaints ever received by the agency. In addition, some of the complaints were more complex than in previous years. To handle the increased workload and implement strategic priorities, OCR plans to hire additional enforcement office attorneys with both investigative and legal skills at the GS-905-11/12 level. OCR plans to hire these attorneys during the first quarter of fiscal year 2012.
- OCR's FY 2012 share of the Department's centralized services (overhead) amount of \$21.281 million reflects an increase of \$583,000 above the FY 2011 CR level of \$20.698 million. The increases are mainly for GSA rent payments, training, and guard services.
- Non-Personnel costs, excluding centralized services, will be \$5.961 million, or \$2.061 million above the FY 2011 CR level of \$3.900 million. In addition to the Civil Rights Data Collection (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). OCR is also requesting an increase of \$300,000 to fund the Equity and Excellence Commission. The Commission has been established to determine how the Government can increase educational opportunity by improving school funding equity.

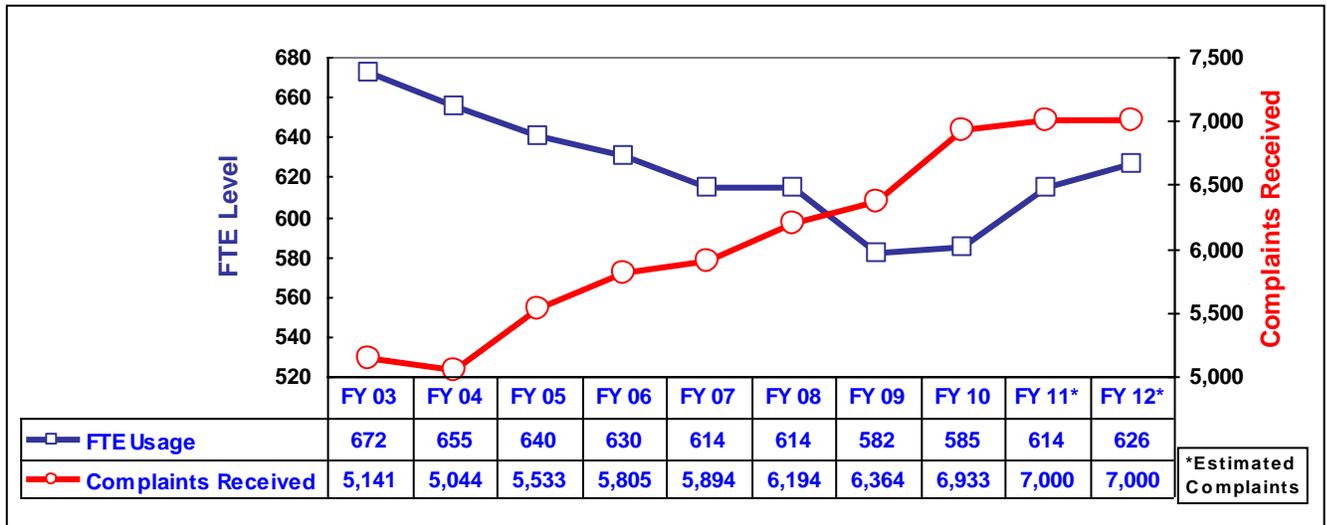
**FY 2012 BUDGET**  
**(dollars in millions)**  
**Total: \$107.772**  
**FTE: 626**



## OFFICE FOR CIVIL RIGHTS

### Personnel Costs

For FY 2012, PC&B costs are 75 percent of the request, or \$80.530 million, \$2.104 million over the FY 2011 CR level of \$78.426 million. This level will support a staffing level of 626 FTE, an increase of 12 FTE above the 2011 CR level. As the chart below shows, over the past 8 years, from 2003 to 2010, OCR reduced its staffing level by 13 percent while complaint receipts rose by 35 percent. In FY 2010, while well above the baseline, scores on OCR's Government Performance and Results Act (GPRA) measures were lower than in recent years. The drop in GPRA scores is attributable to several factors in addition to lower staffing levels: complaint receipts are rising; OCR has implemented an ambitious proactive agenda of complex compliance reviews and technical assistance activities that directly support the Secretary's and President's education agenda; and there has been increased monitoring of resolution agreements to ensure the entity's full compliance. These compliance and enforcement activities are labor intensive and work synergistically to address critical and systemic issues of discrimination. With complaint receipts rising, the requested increase in FTE is needed to continue this comprehensive approach to civil rights enforcement.



The PC&B request will also cover the historically based increases for benefits.

### Awards & Overtime

OCR is requesting \$712,000 for awards and \$18,000 for overtime for a total of \$730,000, the same as the FY 2011 CR level. OCR rewards staff based upon performance. The requested 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

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in FY 2012, excluding departmental centralized services, is \$5.961 million, an increase of \$2.061 million from the 2011 CR level. The majority of the increase is due to a \$1.611 million increase for the CRDC and a \$300,000 increase for the Equity and Excellence Commission. Modest increases are also requested in printing, supplies, other equipment, and building alterations. CAMS will be funded at \$255,000, \$175,000 less than the FY 2011 CR level of \$430,000. The requested non-personnel funds will provide program support to resolve complaints of discrimination filed by the public, to support the Equity and Excellence Commission, 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 execute its mission and strategic goals:

Information Technology Services/Contracts — OCR is requesting a total of \$3.773 million, an increase of \$1.614 million from the FY 2011 CR level of \$2.159 million. The increase includes funding for the Civil Rights Data Collection (\$3.340 million); the Case and Activities Management System (\$255,000); and IT Information Assurance and certification and accreditation costs and other assistive and reasonable accommodation requests not included in the EDUCATE contact (\$178,000).

The Civil Rights Data Collection (CRDC) and Analysis (\$3.340 million) — This amount is an increase of \$1.611 million above the FY 2011 CR level. The funds in FY 2011 will be used to begin preparations for the 2011-12 CRDC. In 2009-2010, the CRDC survey was expanded from 6,000 to 7,000 school districts for data collection. A universal survey in 2011-2012 will collect data from 18,000 school districts, giving OCR current information about all school districts for when it investigates complaints and makes decisions about proactive activities. In addition, parents, school districts, other Department of Education staff, the Department of Justice, Congress, and the public will have access to the information for research, compliance, and public policy purposes. The last universal survey completed was in the 2000-2001 school year. Since then important changes have occurred in the demographics of local education agencies and the students they serve. Funds will also support the processing of the final data files, the development of State and national projections, all related analytical activities, and documentation of all data items in the CRDC data file, as well as making the data available to the Department and the public through the CRDC Web site.

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 four software applications, Case Management System (CMS), Activity Management System (AMS), Open Text Document Management System (DMS), and the new Records Management (RM). The \$255,000 funding for this project 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; and (d) RM software support service for the implemented electronic recordkeeping system.

The Federal Information Security Management Act (FISMA) requires IT systems to be certified and accredited (C&A). In order to be compliant with Federal and departmental IT security requirements, \$178,000 is needed to ensure the system remains in C&A status. In FY 2012,

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OCR expects that some areas in need of improvement will undergo a full C&A process. The requested funds will be used to start the improvement process.

Printing — The request of \$86,000 for printing is an increase of \$50,000 from the FY 2011 CR level of \$36,000. In 2011, OCR is revising and updating guidance on regulations and policies, pamphlets, and Dear Colleague letters. No additional copies will be printed until updates are complete. In 2012, the increase in funding will be used for printing OCR's new strategic plan; new guidance on regulations and policy; pamphlets; Dear Colleague letters; the Annual Report to Congress; OCR letterhead; and restocking OCR's publications inventory.

Travel — OCR is requesting a travel budget of \$900,000, level-funded with the FY 2011 CR level. The majority of OCR's travel 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, conferences, workshops, invitational speakers, and OCR-wide management meetings in central locations. If funds are not provided at the requested level, OCR's ability to conduct onsite investigations, conduct proactive activities, and train enforcement office staff would be diminished greatly.

Training — OCR is requesting a training budget of \$62,000, the same as the FY 2011 CR level. Almost one-quarter of OCR staff will be eligible for retirement by FY 2012 and will be replaced by new employees with less experience. Requested funds will enable OCR employees to receive adequate programmatic and professional development to keep pace with the changing work environment and investigative approaches to case processing. This 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 Facilities — OCR is requesting a total of \$101,000, an increase of \$5,000 from the FY 2011 CR level. The funds are needed for existing copier rental agreements (\$100,000) and maintenance of facilities (\$1,000).

Other Services/Goods and Services/Transportation — OCR is requesting a total of \$761,000, an increase of \$287,000 from the FY 2011 CR level. The request includes:

- Integrated Postsecondary Education Data System (IPEDS) Fall Enrollment Report (\$25,000) — This is a decrease of \$15,000 from the FY 2011 CR level. IPEDS completes three surveys for OCR, two during odd years and one in an even year. The IPEDS Fall Enrollment survey is conducted in collaboration with the National Center for Education Statistics during even numbered fiscal years only. Data are collected on student enrollment in postsecondary education institutions by race, ethnicity, and sex.
- Legal Research Services (\$100,000) — This is level-funded at the FY 2011 CR level. The 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 eliminate the ability

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of attorneys to conduct desktop legal research and would necessitate their spending valuable time out of the office conducting legal research.

- Equity and Excellence Commission (\$500,000) — The purpose of the Commission is to collect information, analyze issues, and obtain broad public input directed at how the Government can increase educational opportunity by improving school funding equity. In order to achieve this purpose, the Commission will conduct town hall meetings, in addition to regular Commission meetings, to gather information and utilize varied means of outreach to encourage and facilitate a public discussion of issues. A report will be provided to the Secretary of Education and Congress outlining the Commission's findings and recommendations on options for how Federal, State, and local governments could establish funding systems to ensure that all students receive equal educational opportunities, and on the cost of education in different settings, with consideration of students' educational needs, school needs, and variations in geography.
- All Other Services/Goods and Services/Transportation (\$136,000) — These areas are level funded with the FY 2011 CR level, with the exception of a \$2,000 increase for leased vehicles. They include ED Pubs (\$50,000); conference space rentals (\$36,000); interagency services for General Services Administration leased vehicles and equipment (\$46,000, an increase of \$2,000 due to inflationary factor); and transportation of things (\$4,000).

Supplies — OCR is requesting \$220,000, an increase of \$47,000 from the FY 2011 CR level that was reduced to cover the increased cost in CAMS. A significant amount of supply funds is 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 other needed office supplies.

Equipment/Furniture and Building Alterations — OCR is requesting \$58,000 for furniture/equipment and building alterations. This is an increase above the FY 2011 CR level. The equipment/ furniture funds will be used for unusual and special orders. Funding for building alterations includes additions and modifications made to the building structure, lighting improvements, and other costs to improve working conditions, or to better utilize existing space that could lead to cost savings in rent charges.

### **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 2012 request is \$21.281 million, an increase of \$583,000 from the FY 2011 CR level of \$20.698 million. 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, training coordinator and career counseling; and the EDUCATE contract that covers telecommunications, IT processing services, network support, end-user support, maintenance, and improvements.

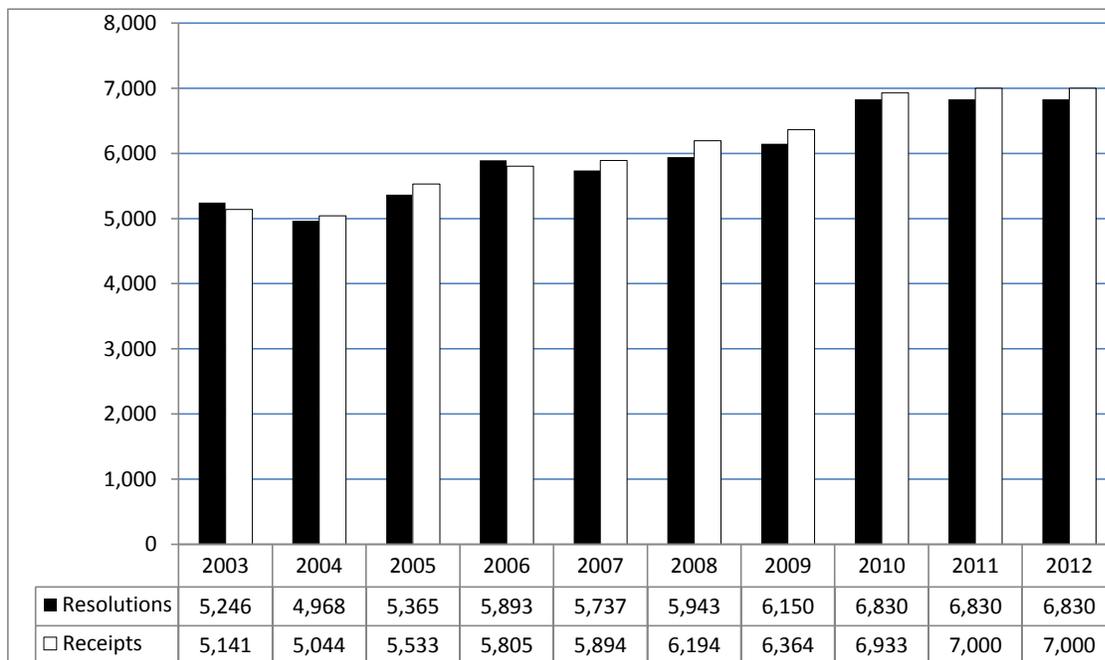
## OFFICE FOR CIVIL RIGHTS

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### PROGRAM OUTPUT MEASURES

OCR is a civil rights law enforcement agency whose focus is resolving complaints alleging discrimination in federally funded educational programs and activities. The following chart shows the number of complaint receipts and resolutions since FY 2003. Actual data are shown for FYs 2003-2010 and estimates are shown for FYs 2011-2012. FY 2011-2012 estimated receipts are based on actual complaint receipts in FY 2010. FY 2010 complaint receipts increased by 9 percent from the previous year. The number of complaint resolutions has increased 11 percent, with a 32 percent increase in complaints that resolve with agreements.

**Complaint Receipts and Resolutions  
FYs 2003 – 2012**

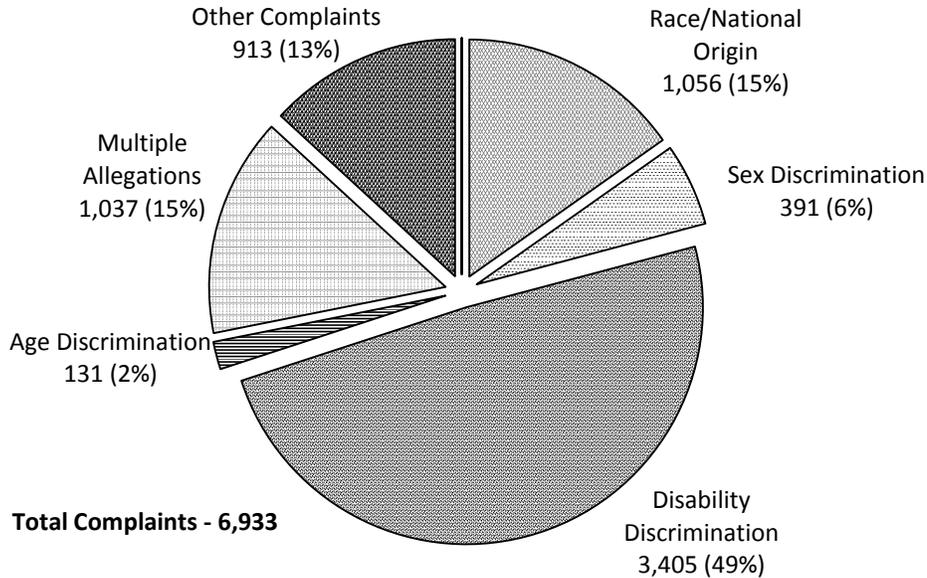


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OCR provides information to the public on its activities that include assistance on how to file complaints. FY 2010 complaints alleging discrimination on the basis of disability comprise 49 percent of total complaint receipts, as shown in the following chart.

**FY 2010 Complaint Caseload by Jurisdiction  
(October 1, 2009- September 30, 2010)**



## PROGRAM PERFORMANCE INFORMATION

### Performance Measures

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. Together, the two targets hold OCR accountable for efficient case resolution. 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 is kept informed about his or her case. A FY 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

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### Current performance measures for complaint workload:

<b>Measure:</b> Percentage of complaints resolved within 180 days.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
2007	80	93
2008	80	91
2009	80	92
2010	80	90
2011	80	
2012	80	

<b>Measure:</b> Percentage of complaints pending over 180 days.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
2007	< 25	18
2008	< 25	18
2009	< 25	15
2010	< 25	22
2011	< 25	
2012	< 25	

<b>Measure:</b> Mean score of customer satisfaction survey.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
2007	3.66	3.96
2008	3.66	3.99
2009	3.66	3.93
2010	3.66	3.89
2011	3.66	
2012	3.66	

OCR's current performance measures focus on metrics that capture inputs and processes. While these systems have been helpful by bringing an increased level of accountability to OCR's work, they do not measure impact. OCR plans to update this measurement system in FYs 2010 and 2011 by supplementing it with additional sets of indicators designed to connect on-the-ground work with real progress towards achieving its mission. OCR's outcome measures will reflect whether OCR has been making progress towards its goals, i.e., the extent to which students are free from discrimination and have equal access to a quality education. OCR's interim measures will be designed to track the progress towards achieving these broad ultimate outcomes. They will be linked to specific office-wide initiatives and activities, for instance, coordinated compliance reviews, technical assistance, and outreach around a particular issue.

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### A Renewed Vision — OCR's Strategic Plan

In early FY 2010, OCR designed a new strategic plan with goals that align resources and compliance and enforcement activities for maximum impact. Through complementary activities, e.g., proactive technical assistance, targeted compliance reviews, strong systemic remedies and aggressive monitoring of resolution agreements, internal and external policy guidance, intra-agency sharing of best practices, and interagency work groups, the five goals in OCR's strategic plan provide an integrated approach to engaging parents, students, schools, colleges and universities, along with OCR and Department staff, in addressing educational inequity.

- **Goal 1:** Increase students' and their families' awareness of their rights, and strengthen their capacity to identify and resolve civil rights and equity issues in their communities by strategically expanding and targeting outreach services.
- **Goal 2:** Increase schools', colleges', and universities' understanding of their obligations under civil rights laws and strengthen their capacity to comply with these laws by strategically issuing clear Dear Colleague letters and Guidance, and expanding technical assistance services.
- **Goal 3:** Protect individual complainants' civil rights and ensure due process through continuously improving the complaint investigation and resolution process.
- **Goal 4:** Identify and eliminate any systemic violations of civil rights laws through the proactive and strategic use of compliance reviews and complementary tools.
- **Goal 5:** Maximize impact by ensuring that all components of the Department are advancing civil rights and equity goals, and that the Office for Civil Rights is supporting and reinforcing the Department's strategic priorities.

In addition to outreach activities conducted by staff, OCR's Assistant Secretary and senior leadership have personally communicated this strategic vision for effective civil rights enforcement. They have met with Department staff and OCR staff nationwide, Members of Congress and their staff, and stakeholders such as educational organizations and groups working on behalf of students and their families.

Revitalized civil rights enforcement, supporting the priorities of the President and the Secretary of Education, must be adequately resourced for OCR to continue to effectively implement its ambitious and urgently needed strategic goal activities.

As more students, parents, and others learn of their civil rights and responsibilities through OCR's outreach efforts and compliance activities, and OCR analyzes and discloses information from the CRDC showing patterns and trends of discrimination and disparities, the demands on OCR's resources will continue to grow. With an all-time high of 6,933 complaint receipts in FY 2010, OCR is committed to increasing the efficiency of case processing. From an enforcement perspective, because many complaints involve only a single complainant, OCR is also committed to increasing the number of targeted compliance reviews, which have a greater impact on systemic civil rights violations.

Because of the breadth, depth, and urgency of OCR's civil rights enforcement mandate, there is no process or software product that can substitute for a sufficient number of well-trained effective staff. If OCR's FY 2012 budget cannot provide for the requested 626 FTE, there will be insufficient staff to meet the increased need for OCR's services.

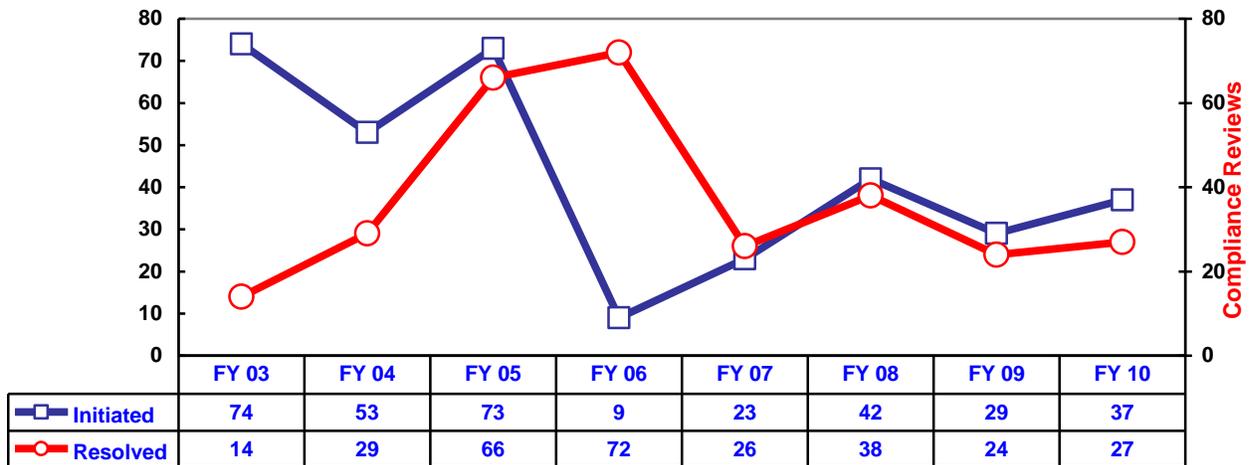
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### Civil Rights Compliance and Enforcement

The effectiveness of OCR's strategic plan relies on using all of the compliance and enforcement tools at its disposal:

- **Externally-initiated activities:** Complaint investigations resolving allegations of discrimination brought by the public.
  - In resolving complaints, OCR's primary objectives are to promptly investigate the allegations of discrimination, accurately determine whether the civil rights laws have been violated, and remedy the violation. In FY 2010, OCR received 6,933 complaints, 9 percent above FY 2009, and resolved 6,830, some of which had been filed in previous years. As in most years, the majority of complaints OCR received in FY 2010 alleged discrimination based on disability.
  
- **Proactive activities initiated by OCR:** Compliance reviews, technical assistance, outreach, and policy guidance.
  - Compliance reviews allow OCR to target agency resources on issues of discrimination that are particularly acute, regional or national in scope, or which are newly emerging. Unlike complaint resolutions that may involve only one student, compliance reviews can benefit larger numbers of students and drive systemic reform by targeting discrimination that harms an entire group of vulnerable students at an institution. OCR initiated 37 compliance reviews in FY 2010, 28 percent above 2009.

**FY 2010 Compliance Reviews  
(Cases Resolved October 1, 2009-September 30, 2010)**



- OCR assists educational institutions in complying with Federal civil rights laws by providing them with technical assistance and other outreach activities. OCR also provides technical assistance and outreach to parents, students, and others to inform them of their rights under the law. The office provides information and other support

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services through a variety of methods, including onsite consultations, conferences, training, community meetings, and publication and dissemination of materials. OCR posts extensive materials on the Internet for students, parents, teachers, administrators, schools, colleges, universities, and community groups.

- Policy guidance focuses on current and emerging issues to ensure that discrimination does not deny or limit student access to educational programs or activities at every level of education. Internal and external policy guidance clarifies recipients' responsibilities under the civil rights laws and complements OCR's enforcement and proactive activities.
- **Monitoring activities:** Ensuring that resolutions and agreements reached with federally-funded educational institutions under both externally- and agency-initiated activities are executed appropriately and expeditiously.
  - After reaching a resolution or agreement with an educational institution, OCR monitors its implementation to ensure that the appropriate measures are being put in place, as agreed upon, to redress the discrimination. It is often necessary for recipients to supply OCR with progress reports and data, and for OCR staff to conduct onsite visits to ensure full compliance with resolution agreements. In FY 2010, OCR completed the monitoring of a number of resolution agreements and, after ensuring that all commitments had been fully implemented, closed 445 cases, 404 complaints, and 41 compliance reviews.

Each targeted enforcement issue in OCR's strategic plan is addressed through integrated compliance activities consisting of compliance reviews, technical assistance, and outreach campaigns across a variety of media/settings, as well as internal/external policy guidance. In addition to targeted enforcement issues, compliance activities are planned to support the issues in complaint receipts. Equal access to career-ready standards and courses; effective teachers; science, technology, engineering and math courses; and English learners' equal access to educational opportunities are examples of some of the targeted civil rights enforcement issues addressed by OCR.

### **Strategic Initiatives and Accomplishments**

#### College- and Career-Ready Standards and Courses

In some school districts, college-prep courses and Advanced Placement (AP) courses are not as readily available in schools with large minority populations, and minority students are often underrepresented in such courses. Given the recognized value of these courses, including as predictors of college completion and as contributors to college success, OCR will engage in compliance reviews and technical assistance activities to ensure equal access to college prep, AP, and other rigorous high school classes for minority and English Language Learners (ELL) students, and students with disabilities.

#### Access to Science, Technology, Engineering, and Mathematics (STEM)

OCR will continue to promote compliance with the non-discrimination mandates of Title VI and Title IX regarding women and minority students in STEM fields. As part of this initiative, OCR will issue a Dear Colleague letter addressing recipients' obligations to not violate Title VI or Title IX regarding access to and participation in the STEM discipline by minority and women students, respectively. OCR will also provide guidance to staff regarding the appropriate legal

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and analytic framework for OCR investigations within the STEM discipline. The investigations often involve alleged denials of access to, or significant underrepresentation of, women and minority students in STEM classes, courses, or programs. In addition, OCR will initiate proactive compliance reviews, as well as give presentations on the subject to stakeholders, including elementary, secondary, and postsecondary institutions.

### Comparable Resources/Effective Teachers

OCR will provide staff with a legal framework for analyzing the type of discrepancies in the provision of resources that may constitute a violation of Title VI. Staff will use the framework in analyzing new data collected in the CRDC in the 2009-10 academic year. The data includes information that will reveal discrepancies in how districts and schools provide specified college preparatory curricula, and other issues such as teacher experience, teacher absenteeism, and other critical topics. Compliance reviews and technical assistance will also be conducted.

### English Language Learners

OCR will continue its enforcement and technical assistance activities to ensure recipients comply with their obligations under Title VI and the Supreme Court's ruling in Lau vs. Nichols to provide appropriate services to students who are ELL. OCR will continue its proactive initiative to increase proper communications with Limited English Proficient (LEP) parents and to avoid misidentification of ELL 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 ELL students in special education. OCR's compliance reviews, focusing on school districts with a disproportionately high percentage of ELL students in special education, will determine whether national-origin minority students have been subjected to discrimination on the basis of their ELL in the referral, evaluation, and placement in special education programs. OCR's activities will include technical assistance and outreach to parents of ELL students so that they can actively participate in their children's education.

### Over- or Under-Representation in Special Education Programs

To promote compliance with the non-discrimination mandates of Title VI and Section 504 of the Rehabilitation Act, OCR will continue to conduct compliance reviews focusing upon inappropriate placement of minority students in special education and those not receiving services under the law. Where investigations reveal that school districts are not in compliance with Title VI and/or Section 504, OCR will take appropriate action to remedy violations, including negotiating and monitoring agreements with school districts.

### Discipline

OCR will provide staff with investigative guidance for handling Title VI discipline cases, including a discussion of appropriate statistical methodologies for collecting and analyzing statistical evidence. A Dear Colleague letter will also be issued to inform recipients of their obligations not to discriminate when administering discipline to students. Compliance reviews and technical assistance activities will also be conducted on this issue.

### Sexual Violence/Gender-Based Harassment

OCR will issue a Dear Colleague letter reminding recipients of their Title IX obligations to prevent gender-based harassment. In addition, OCR will issue a Dear Colleague letter on recipients' obligations under Title IX to address sexual violence, prevent recurrence, and

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remedy the effects of sexual violence on the victim and the school community. OCR will also conduct compliance reviews and technical assistance activities related to sexual harassment and bullying in schools to ensure that students have a safe and secure educational environment that affords them equal educational opportunities, regardless of their sex.

### Grievance Procedures

OCR will issue a Dear Colleague letter with sample grievance procedures to remind recipients of this Title IX regulatory requirement.

### Teenage Pregnancy and Parenthood

OCR will publish a pamphlet and deliver technical assistance on Title IX compliance requirements regarding teenage pregnancy and parenthood, and will identify approaches that schools can use to address the educational needs of students who become pregnant. These activities should advance compliance with Title IX and help ensure that students receive the support necessary to remain in school. They will also increase student and parent awareness of their rights and strengthen their capacity to advocate for these rights.

### Identification for Medical and Health Services

Students with food allergies and other health impairments may not be properly identified pursuant to Section 504 and, therefore, are denied the opportunity to participate in and benefit from a school district's programs and activities. OCR will conduct compliance reviews and provide technical assistance to school districts to ensure that students with food allergies and other health impairments are evaluated to determine if they are eligible for services under Section 504.

### Seclusion and Restraint

OCR will issue a Dear Colleague letter providing guidance on the application of Section 504 and ADA Title II to the use of seclusion and restraint.

### Equity and Excellence Commission

OCR will provide the financial, administrative, and staff support for the Secretary's Equity and Excellence Commission. The Commission will be tasked to collect information, analyze issues, and obtain broad public input on how the Government can increase educational opportunity by improving school funding equity. The Commission will recommend to the Secretary, in a written report, whether Federal funds are being spent effectively in order to increase equity at public K-12 schools. The Commission will also recommend ways that school financing can be improved to ensure that States and local districts are providing equal educational opportunity to all students, regardless of where they live or their background.

### Inter-Office Sharing and Communication

OCR has worked to increase connection and collaboration across the 12 enforcement offices and headquarters to improve the flow of ideas and best practices across OCR components. The Assistant Secretary has initiated more frequent, direct communication between headquarters and the regional offices, increased interoffice trainings, and begun to elevate best practices that were developed at the regional level. To leverage expertise across the organization and encourage collaboration, cross-office "issue networks" have been reinvigorated, bringing together staff working on similar civil rights challenges.

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### Use of Race in Admission to Educational Institutions

OCR is reviewing recent Supreme Court decisions on the use of race in admission and/or student assignment to educational institutions. OCR will review its policies and issue clarifications as appropriate to provide recipients with policies and technical assistance. OCR will also address use of race issues in the context of its enforcement work and in OCR's civil rights reviews of Magnet School Assistance Program grant applications. OCR will also support OCR Enforcement Offices in their analysis of these issues, and will provide staff with investigative and other guidance as necessary.

### Veterans/Wounded Warriors

Most wounded warriors (veterans returning from war with disabilities) and their service providers (often non-governmental organizations) are unfamiliar with Federal disability rights laws and do not fully understand the protections and services that are available to them as persons with disabilities if they want to pursue higher education. Likewise, most higher education institutions are not used to working with this unique population, the nature of whose disabilities (e.g., traumatic brain injuries and post traumatic stress disorder) are unlike those of more traditional college-bound students with disabilities. OCR's technical assistance initiative on this issue familiarizes recipients, including administrators, faculty, disability services staff, and veterans services staff, with the unique challenges they face in ensuring equal educational opportunity for wounded warriors, and makes students aware of the protections afforded to veterans and their families.

### Civil Rights Data Collection

The Civil Rights Data Collection (CRDC) is a tool that provides important information about access to equal educational opportunity and assists OCR in making decisions about how to effectively target agency resources. In FY 2010, OCR made important changes to the 2009-10 CRDC. New CRDC data items enhance OCR's ability to ensure equal educational opportunity for the Nation's students, and provide a valuable resource for school administrators, policymakers, researchers, and parents.

The new data items cover critical topics such as students' participation in algebra and other college-preparatory subjects, retention, teacher experience/absenteeism, school counselors, school funding, harassment, restraint/seclusion, SAT/ACT participation, desegregations plans, access to kindergarten and pre-kindergarten programs, and discipline. Most of the student data collected by the CRDC will be disaggregated by race, sex, disability, and limited English proficient status. Along with these changes, OCR streamlined the survey by removing several other data items. For 2009-10, the CRDC sample expanded from 6,000 to 7,000 school districts, including all districts with over 3,000 students. The survey will be conducted in two parts (spring and fall 2010), and will collect data from the 2009-10 school year. In FYs 2011-2012, the CRDC will expand to a universal survey of approximately 18,000 school districts.

OCR has also launched a new Web site, <http://ocrdata.ed.gov>, to display CRDC data. The new Web site will make the data more accessible to a wide variety of users. The Web site contains CRDC data from 2000, 2004 and 2006, and will, in the future, include the 2009-10 CRDC data.

### Title IX Athletics

On April 20, 2010, the Assistant Secretary issued a Dear Colleague letter, withdrawing the Additional Clarification and accompanying User's Guide issued in 2005. It contained guidance

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on the standards to use in assessing compliance with Part Three of the Three-Part Test for determining if institutions are meeting the regulatory requirement to accommodate students' athletic interests and abilities. In addition, the Dear Colleague letter also included techniques on properly administering a survey to assess student interest. Compliance reviews and technical assistance activities will also be conducted on this issue.

### Updated Technical Assistance Presentations

In FY 2009 and FY 2010, OCR conducted a crosscutting initiative to update and improve technical assistance presentations. A team of representatives from every enforcement office, the Program Legal Group, and headquarters was formed to review, revise, and standardize technical assistance presentations, ensuring that OCR technical assistance serves all customers, including parents and students.

### Review of Cases in Monitoring

In FY 2010, all cases in monitoring 1 year or more were reviewed on a case-by-case basis to determine the appropriateness of implementation timeframes and whether modification to agreements or monitoring closures were warranted. In addition, OCR modified the Case Management System to capture monitoring data so that its impact on regional office workload could be tracked.

### Desegregation Cases

OCR identified close to 400 school districts under desegregation agreements, commonly referred to as 441b plans, and 6 public higher education systems operating under desegregation agreements from which they have not yet been released. Over the years, many OCR desegregation plans were amended via correspondence or memoranda between school districts and OCR's regional offices. While OCR has not communicated with most of the 441b districts for decades, the information in the plans can still be useful if compliance issues surface in a district. In FY 2011, OCR will retrieve plans from all known storage locations to establish an electronic archive of all 441b's and other extant desegregation plans for future use.

### National Outreach-OCR Sponsored Conferences

As part of its proactive outreach efforts, OCR is organizing conferences throughout the Nation on priority issues that complement proactive enforcement activities. Examples include: an August 2010 conference in Albuquerque, New Mexico, *Pathways to Respecting American Indian Civil Rights*. Hosted at the University of New Mexico School of Law, interested parties attended the conference at no cost. In addition to traditional presentations, the event included a "listening lounge" where participants and agency representatives discussed civil rights issues in a more relaxed setting. Also, OCR collaborated with the Department of Justice on two discipline conferences; one held in September 2010, in Washington, D.C., the other held in November 2010, in San Francisco.

### Assurances of Compliance with the Civil Rights Laws

Each of the civil rights laws OCR enforces requires recipients of Federal financial assistance to submit to the Department a signed assurance of compliance with these laws. OCR uses an OMB-approved form to secure signed assurances of compliance from recipients. In FY 2006 and FY 2009, OCR accelerated its efforts to secure recipients' signed assurances of compliance, but some recipients still have not submitted signed assurances.

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### Activities Supporting Departmental Requirements

#### Compliance with OMB's Bulletin on Good Guidance Practices

OMB issued new 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 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 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 (see <http://www.ed.gov/policy/gen/guid/significant-guidance.doc>). The Web site will be updated as appropriate. OCR will also work with OGC to implement any necessary revisions to the process of identifying and posting significant guidance documents that is necessitated by Executive Order 13497 (Jan. 30, 2009), regarding Federal agency regulatory planning and review.

### Management Tools and Activities Supporting Civil Rights Enforcement

#### Revised Case Processing Manual

In FY 2010, OCR issued a revised and updated *Case Processing Manual* (CPM), which set forth the procedures to promptly and effectively investigate complaints and compliance reviews, issue findings, and secure resolution agreements that remedy discriminatory policies or practices identified by OCR. The CPM was revised with the goal of ensuring due process and of providing greater flexibility in resolution. Training sessions on how to implement the revised CPM were conducted at each OCR enforcement office as well as at headquarters.

#### Training

OCR's leadership recognizes that the success of the work depends on the quality of OCR's staff across all levels of the organization, and is taking steps to increase the agency's investment in staff training and development. Opportunities are provided for staff to participate in leadership programs, supervisory training, policy conferences, and continuing legal education. In addition, staff is provided with training on civil rights issues and new initiatives; mediation and negotiation techniques; and use of the CPM to promote consistent application of OCR's case management process. OCR has developed its own Web-based investigative procedures training and has recently completed a Web-based training module on harassment.

#### New Employee Training

As a central component of OCR's training for new employees, in September 2010, OCR conducted a conference in Washington, D.C., for all new employees, including staff brought on since the last new employee conference in August 2007. During the conference, staff received training from OCR's national subject matter experts on priority initiatives and investigative techniques. They also had the opportunity to network with each other and to meet and interact with senior headquarters managers.

#### OCR Leadership Conference

OCR held a leadership conference in July 2010, in Washington, D.C., for senior managers from all OCR components. The conference provided attendees with substantive training on new and emerging policy issues, a forum for discussion of OCR's strategic plan and policy agenda, and

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introduced some tools and supports that are being developed to assist the regions in executing the plan's goals. Leadership and accountability issues were also addressed.

### **Information Technology Tools and Activities Supporting Civil Rights Enforcement**

#### Case and Activities Management System

The update to OCR's CPM was coupled with ongoing improvement to the Case and Activity Management System (CAMS). CAMS provides OCR staff with the best technological solutions to (1) manage the tracking of OCR complaints, compliance reviews, general legal and policy guidance, case-specific legal and policy guidance, technical assistance, and responses to information requests from the public, and (2) electronically store and share a wide range of OCR work products and make them available across offices. In FY 2009, OCR updated the case processing components in order to fully capture changes made in the CPM and enhanced the system's case resolution tracking tool. Over the past year, OCR reached a milestone with more than a quarter of a million documents stored on CAMS and fully 99.6 percent of all final case resolution documents available electronically to OCR staff. Several civil rights offices in other Federal agencies and other components of the Department have contacted OCR for information on CAMS and are considering developing similar systems.

#### Electronic Freedom of Information Act (FOIA) Library

To increase transparency and share information on effective remedies to civil rights violations, OCR will post useful Letters of Finding resulting from complaint investigations and compliance reviews to OCR's Internet site.

#### Electronic Policy Library

The Electronic Policy Library now has a comprehensive Web-based library reference tool, developed so that OCR staff can gain a quick understanding of unfamiliar areas of law and policy. The Library also contains succinct narrative explanations of OCR's statutory jurisdictions with annotated references to current policy and key case law incorporated in an easy-to-use reference guide. OCR will engage in ongoing review and revisions of the Electronic Policy Library to ensure currency of information. Retention of this information in an accessible electronic format leverages technology to simplify the management and distribution of knowledge throughout OCR.

#### Electronic Records Management

Policies and procedures will be developed pertaining to storing and sharing documents created or received in OCR. All privacy and confidentiality issues will be in full compliance with The Federal Information Security Management Act of 2002 ("FISMA", 44 U.S.C. § 3541, *et seq.*) a United States Federal law enacted in 2002 as Title III of the E-Government Act of 2002 (P.L. 107-347, 116 Stat. 2899). A thorough privacy impact assessment will be performed to identify any and all instances of personally identifiable information and a plan for the security of that data will be implemented. 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

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OCR's current work processes as well. Currently, paper files are the official copies until the electronic RM system and program is implemented.

### New Media Initiative

To capitalize on the information-sharing capabilities of social networking tools such as Twitter and Facebook, OCR will use the new media for increased customer outreach. In addition, a videotape will be created featuring OCR's Assistant Secretary discussing OCR's civil rights compliance and enforcement program. The video will be posted to OCR's Internet site and is planned to be made available on YouTube.