

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2013 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, [~~\$102,818,000~~] \$105,318,000. (Department of Education Appropriations Act, 2012.)

OFFICE FOR CIVIL RIGHTS

Amounts Available for Obligation
(dollars in thousands)

Appropriation and Adjustments	2011	2012	2013
<hr/>			
Discretionary budget authority:			
Annual appropriation	\$103,024	\$102,818	\$105,318
Across-the-board reduction (P.L. 112-10).....	-206	0	0
Across-the-board reduction (P.L. 112-74).....	<u>0</u>	<u>194</u>	<u>0</u>
Subtotal, appropriation	102,818	102,624	105,318
Unobligated balance, expiring	-226	0	0
Total, direct obligations	102,592	102,624	105,318

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Obligations by Object Classification (dollars in thousands)

Object Class	2011	2012	2013	CHANGE FROM 2012 to 2013
11.10 Full-time permanent	\$58,923	\$58,557	\$59,276	\$719
11.31 Full-time temporary	1,267	1,226	1,252	26
11.32 Part-time	1,699	1,839	1,878	39
11.33 Consultants	153	0	0	0
11.51 Overtime	8	18	18	0
11.52 Awards	736	601	601	0
11.80 Other Compensation	0	0	0	0
Compensation subtotal	62,786	62,241	63,025	784
12.00 Benefits	17,248	16,756	17,094	338
13.10 Benefits for former personnel	0	0	0	0
Comp/benefits subtotal	80,034	78,997	80,119	1,122
21.00 Travel	1,064	900	826	(74)
22.00 Transportation of things	38	0	0	0
23.10 Rental Payments to GSA	8,173	8,259	8,259	0
23.31 Communications	193	162	193	31
23.32 Postage/fees	2	36	36	0
Subtotal 23	8,368	8,457	8,488	31
24.00 Printing & Reproduction	24	13	13	0
25.10 Advisory and Assistance Svcs	5	0	0	0
25.21 Other Services	1,282	1,005	985	(20)
25.22 Training/Tuition/Contracts	92	335	320	(15)
25.23 Field Readers	0	0	0	0
25.30 Goods/Services from Gov't	2,867	3,082	2,876	(206)
25.40 Operations/Maint of Facilities	0	1	1	0
25.50 Research & Development	0	0	0	0
25.71 Operations/Maint of Equipment	13	15	15	0
25.72 IT Services/Contracts	8,476	9,587	11,425	1,838
Subtotal 25	12,735	14,025	15,622	1,597
26.00 Supplies	150	147	154	7
31.10 IT Equipment/Software	114	85	96	11
31.30 Other Equipment	31	0	0	0
Subtotal 31	145	85	96	11
32.00 Building Alterations	34	0	0	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	102,592	102,624	105,318	2,694

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Summary of Changes
(dollars in thousands)

2012.....	\$102,624
2013.....	<u>105,318</u>
Net change	+2,694

Increases:	<u>2012 base</u>	<u>Change from base</u>
<u>Built in:</u>		
Increase in salaries primarily for minor changes in average salaries, a proposed Governmentwide pay raise, and one additional paid day in 2013.	\$61,622	+\$784
Increase in benefits for OCR's share of health, retirement, and other benefits.	16,756	+338
<u>Program:</u>		
Increase in communications.	162	+31
Increase in information technology services/ contracts for the Civil Rights Data Collection.	9,587	+1,838
Small increase in supplies for copy paper.	147	+7
Small increase in Information Technology equipment/software.	85	<u>+11</u>
Subtotal, increases		+3,009

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Summary of Changes
(dollars in thousands)

Decreases:	<u>2012 base</u>	<u>Change from base</u>
<u>Program:</u>		
Decrease in travel.	\$900	-\$74
Decrease in other services due to Equity Commission completion.	1,005	-20
Decrease in training due from lower projected costs for regional training.	335	-15
Decrease in goods/services due to lower project amount for security guards.	3,082	<u>-206</u>
Subtotal, decreases		-315
Net Change		+2,694

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Authorizing Legislation

(dollars in thousands)

Activity	2012 Authorized	2012 Estimate	2013 Authorized	2013 Request
Civil Rights (DEOA)	Indefinite	\$102,624	Indefinite	\$105,318
Total definite authorization		0		0
Total annual appropriation		102,624		105,318

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Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
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 2009 Transfer	96,826	96,040 ²	89,612 ²	96,826 -60
2010	103,024	103,024	103,024 ³	103,024
2011	105,700	103,024 ⁴	105,700 ³	102,818 ⁵
2012	107,772	102,818 ⁶	102,818 ⁶	102,624
2013	105,318			

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.

³ The level for the Senate allowance reflects Committee action only.

⁴ The level for the House allowance reflects the House-passed full-year continuing resolution.

⁵ The level for appropriation reflects the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10).

⁶ The level for the House allowance reflects an introduced bill and the level for the Senate allowance reflects Senate Committee action only.

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Office for Civil Rights (DEOA, section 203)

(dollars in thousands)

FY 2013 Authorization: Indefinite

Budget Authority:

	<u>2012</u>	<u>2013</u>	<u>Change</u>
Personnel Costs	\$78,997	\$80,119	+\$1,122
Non-personnel costs	<u>23,627</u>	<u>25,199</u>	<u>+1,572</u>
Total	\$102,624	\$105,318	+2,694
FTE	603	598	-5

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).

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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

Organizational Structure and Staffing

The Office for Civil Rights requires a staffing level of 598 full-time equivalents (FTEs) to support its mission. Currently, 88 percent of OCR's staff are located in 12 enforcement offices throughout the country, and the remaining 12 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 (field office).

OCR is headed by an Assistant Secretary. The Assistant Secretary 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 the 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 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.

Removing the barriers to equal educational opportunity is urgently needed if we are to meet President Obama's challenge to the Nation to lead the world in college graduates by 2020. To achieve this goal, *all* students must have a fair chance at a high quality education. To that end, OCR has reinvigorated its policy, enforcement, and compliance functions. OCR is implementing an ambitious multi-year strategic plan focused on activities that engage both recipients and beneficiaries in addressing priority issues of educational inequity. OCR has become a more effective and visible organization, and requests for OCR's services are increasing. Complaint receipts are not only rising (a 16 percent increase is projected from FY 2010 to FY 2013), but becoming increasingly complex, and cases are closing with relief for the complainant and a change in institutional policy and/or practice to comply with the law. Compliance reviews have resulted in resolution agreements with robust remedies that not only remediate violations, but help prevent future discrimination. "Dear Colleague" letters have been issued in priority areas to inform recipients about their legal obligations, and the legal framework of complaint

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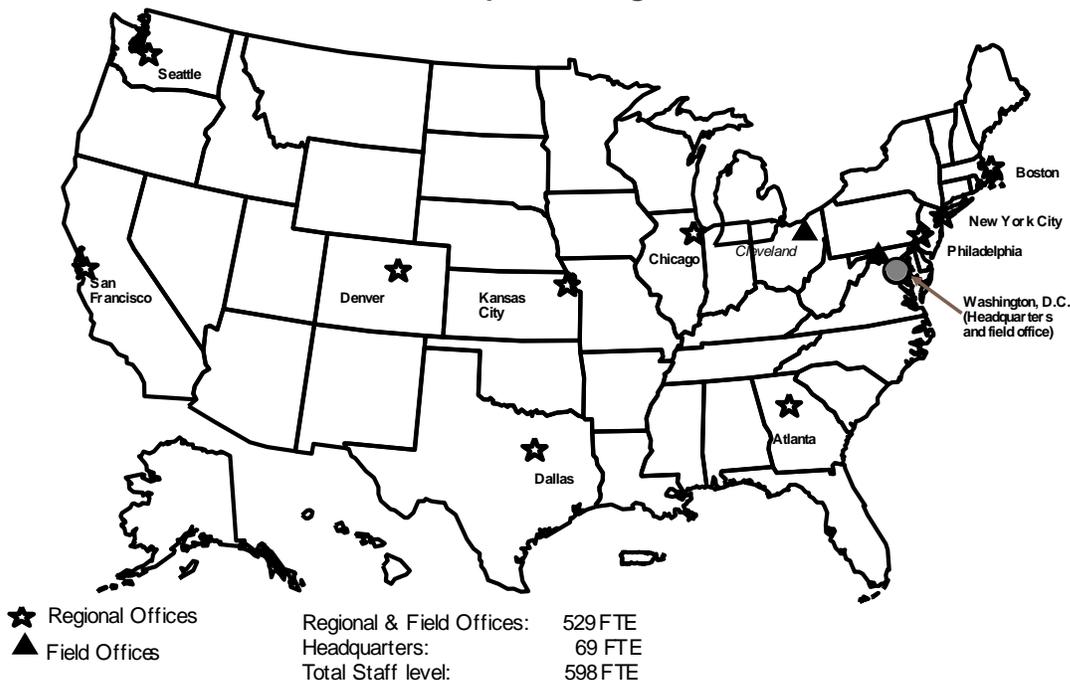
investigations and compliance reviews. Requests for technical assistance have increased, and OCR is focusing on monitoring activities to ensure that commitments made to remedy civil rights violations are executed.

OCR is committed to increased efficiency in work processes and is continuously refining investigative procedures and information management systems. OCR's newly developed electronic dashboard enables senior managers to monitor case activities nationwide in real time, ensuring increased agency accountability. Updated technical assistance presentations posted on OCR's Intranet site are readily available for staff use, and customized electronic civil rights training is available online. To maximize the effectiveness of robust remedies in priority areas, all compliance review findings and remedies, as well as those from selected complaint investigations, have been posted on ED's Internet site where they can serve as models for the field, for schools to proactively come into compliance with the law, and to inform parents and the public about students' rights under the law.

All of these productivity improvements enable OCR to manage its rising workload. However, the challenge is to continue to address issues of systemic discrimination through strengthened proactive compliance and enforcement activities. There is no process or technology that can take the place of adequate staffing. OCR's work is complex, labor intensive, and requires a sufficient number of well-educated and highly trained staff. Full implementation of OCR's strategic plan is critical to closing the Nation's achievement gap.

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FY 2013 Headquarters/Regional Staff



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

	(dollars in thousands)
2008	\$89,612
2009	96,826
2010	103,024
2011	102,818
2012	102,624

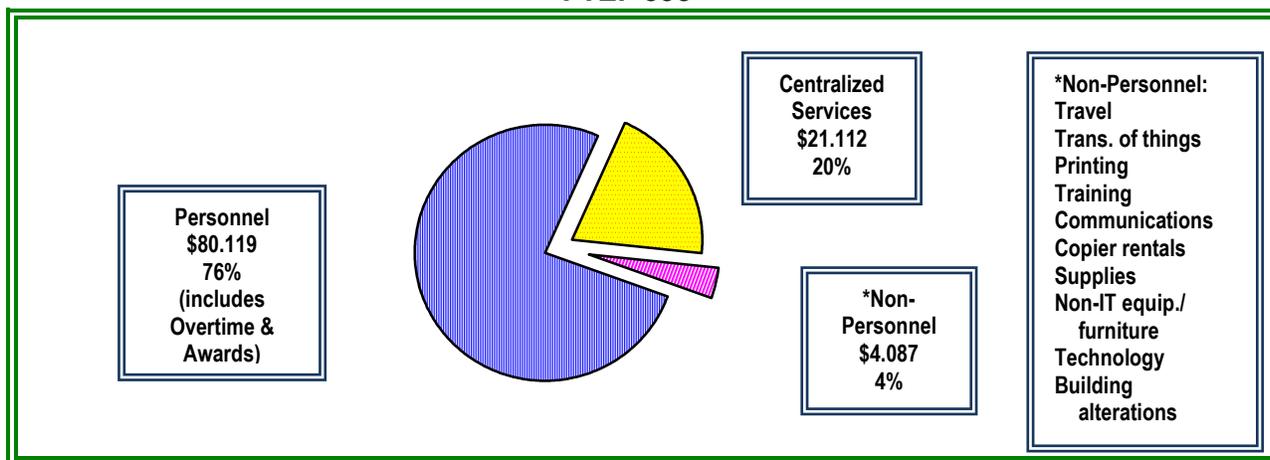
FY 2013 BUDGET REQUEST

The total FY 2013 request is \$105.318 million with a full-time equivalent (FTE) level of 598. This request is \$2.694 million, or a 2.6 percent increase, over the FY 2012 level of \$102.624 million.

- The Personnel Compensation and Benefits (PC&B) request of \$80.119 million is an increase of \$1.122 million over the FY 2012 level due to an increase in OCR's average compensation and benefits and 261 paid days. The FTE level of 598, a decrease of 5 FTE from the 2012 level, will help ensure successful management of OCR's enforcement programs, priorities, and complaint resolution. OCR projects complaint receipts of 7,841 in FY 2013, an increase of 13.1 percent from FY 2010, the largest number of complaints ever received by the Agency. Managing the increased complaint workload and implementing strategic priorities will require a minimum of 598 FTE.
- OCR's FY 2013 share of the Department's centralized services (overhead) amount of \$21.112 million reflects a decrease of \$195,000 below the FY 2012 level of \$21.307 million due to a decrease in estimated security guard services.
- Non-Personnel costs, excluding centralized services, will be \$4.087 million, or \$1.767 million above the FY 2012 level. The majority of non-personnel funds are for the Civil Rights Data Collection (CRDC), and for analysis, travel, training, legal services, and software support to operate OCR's Case and Activity Management System (CAMS).

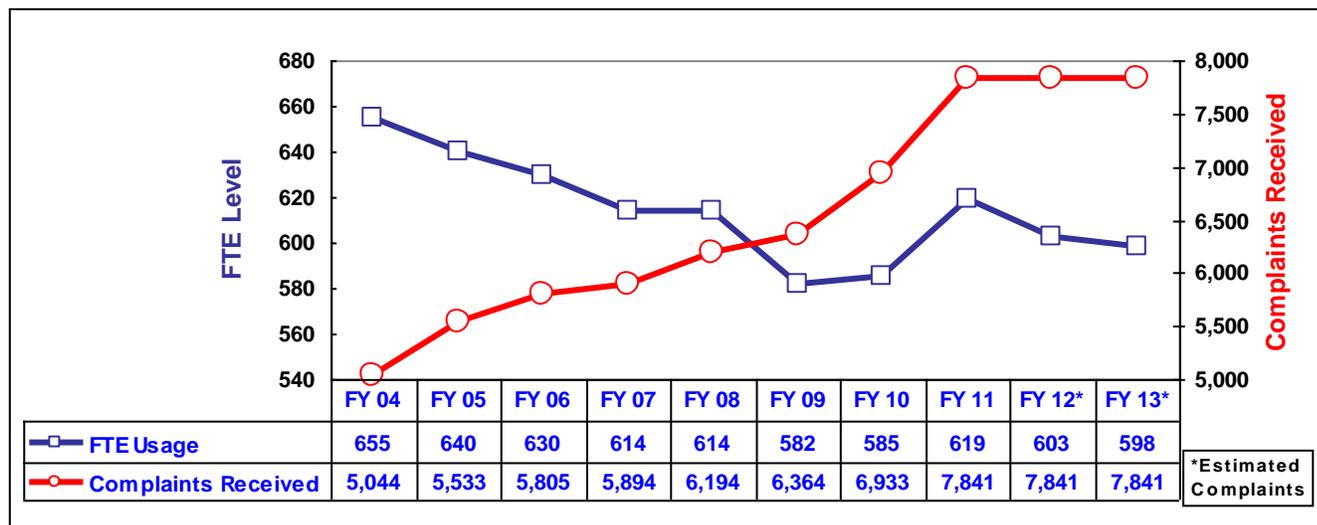
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FY 2013 Budget
 (dollars in thousands)
Total: \$105.318
FTE: 598



Personnel Costs

For FY 2013, PC&B costs are 76 percent of the request, or \$80.119 million, \$1.122 million over the FY 2012 level of \$78.997 million. As the chart below shows, over the past 7 years, from 2004 to 2010, OCR reduced its staffing level by 8.5 percent while complaint receipts rose by 37 percent.



Awards & Overtime

OCR is requesting \$601,000 for awards and \$18,000 for overtime for a total of \$619,000, the same as the FY 2012 level. OCR rewards staff based upon performance. The requested amount will enable OCR to provide appropriate recognition for high performance and will

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compensate those employees who work additional hours to complete critical projects within constricted timeframes, consistent with departmental policy.

Non-Personnel Costs

The total request for non-personnel activities in FY 2013, excluding departmental centralized services, is \$4.087 million, or \$1.767 million above the 2012 level. OCR spends the majority of its non-personnel funds for the CRDC, travel, and CAMS. In FY 2013, increases are requested for Case and Activity Management System (CAMS) and the CRDC. 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 execute its mission and strategic goals:

Information Technology Services/Contracts — OCR is requesting a total of \$2.732 million. The funding includes the CRDC (\$2.477 million), an increase of \$1.614 million over the FY 2012 level, and CAMS (\$255,000).

- The CRDC and Analysis funds in FY 2013 will be used to complete activities relating to the 2011-12 CRDC, which will collect data from all school districts. Due to reduced funding in FY 2012, these activities may need to be scaled back. The 2011-12 universal survey will provide OCR with current information about all school districts for investigating complaints and making decisions about proactive activities. In addition, stakeholders including 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 was conducted 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 support enhanced data quality activities, the processing of the final data files, and all related analytical activities. In addition, the funds will enable OCR to make the data available to the Department and the public through the CRDC Web site, as well as support planning activities for the next data collection.
- OCR's CAMS is an electronic tracking system used to record OCR's case status and store the documents associated with each case. It uses a combination of three software applications: Case Management System (CMS), Activity Management System, and Open Text Document Management System with Records Management function. 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; and (c) software subscription services to maintain version upgrades and technical phone support on the Open Text products.

Printing — OCR is requesting \$13,000 for printing, which is level-funded at the FY 2012 level. In 2013, these funds will be used to print updated pamphlets in various languages; the Annual Report to Congress; OCR letterhead; and restocking OCR's publications inventory.

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Travel — OCR is requesting a travel budget of \$826,000, a decrease of \$74,000 below the FY 2012 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 mandatory training, conferences, workshops, invitational speakers, and OCR-wide management meetings in central locations. The amount requested is necessary to support OCR's proactive compliance reviews and technical assistance activities, and for mandatory training/conferences. If funds are not provided at the requested level, OCR's ability to execute its reinvigorated compliance and enforcement activities will be greatly diminished.

Communication/Copier Rentals and Operations and Maintenance of Facilities — OCR is requesting a total of \$101,000, no increase over the FY 2012 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 \$206,000, a decrease of \$16,000 from the FY 2012 level. The overall decrease results from the completion of the Equity and Excellence Commission. The request includes:

- Legal Research Services (\$71,000) — This is level-funded at the FY 2012 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 of attorneys to conduct desktop legal research and would necessitate their spending valuable time out of the office conducting legal research.
- All Other Services/Goods and Services/Transportation (\$135,000) — These areas are level-funded at the FY 2012 level, with the exception of a \$9,000 increase for purchase of two copiers and costs for leased vehicles. The projects include ED Pubs (\$50,000), conference space rentals (\$36,000), and interagency services for General Services Administration leased vehicles and equipment (\$49,000, an increase of \$3,000).

Departmental Centralized Support

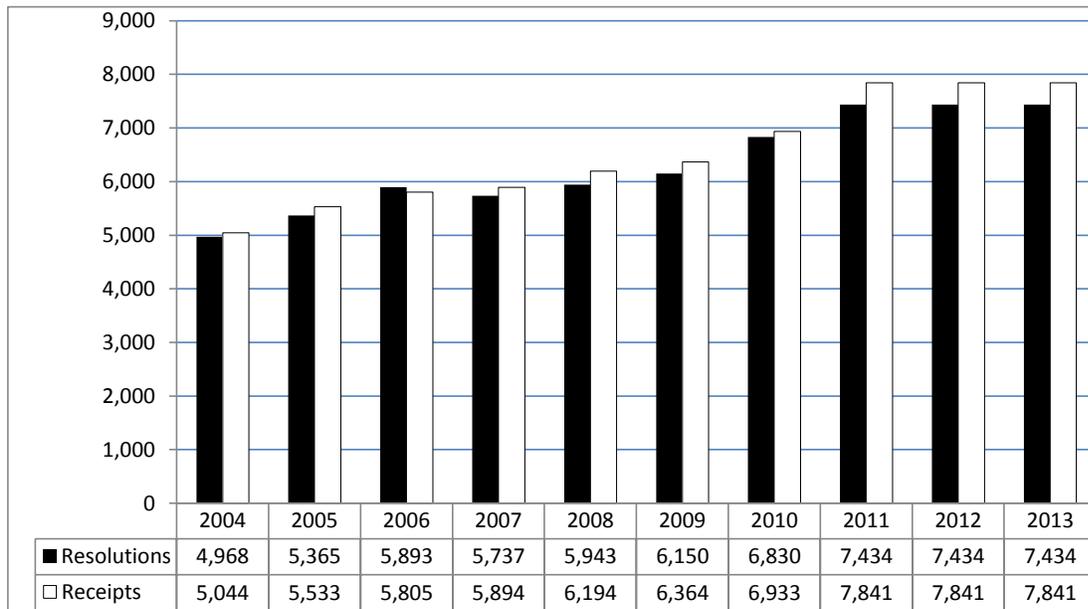
Approximately 84 percent of the total non-personnel budget request is to cover OCR's share of the Department's centralized services. The FY 2013 request is \$21.112 million, a decrease of \$195,000 from the FY 2012 level of \$21.307 million, due to lower projected guard services. The funding request will cover the cost of services such as: rent; departmental training; records information management support services; interagency agreements for administrative services provided by other Federal agencies, such as payroll processing, overtime utilities, training coordination and career counseling; and the EDUCATE contract that covers telecommunications, computers and related hardware, Blackberries, IT processing services, network support, end-user support, maintenance, and improvements.

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PROGRAM OUTPUT MEASURES

The following chart shows the number of OCR’s complaint receipts and resolutions since FY 2004. Actual data are shown for fiscal years 2004-2011 and estimates are shown for fiscal years 2012-2013. FY 2011 complaint receipts increased by 13.1 percent from the previous year. The number of complaint resolutions increased 9 percent, with a 7 percent increase in complaints that were resolved with agreements.

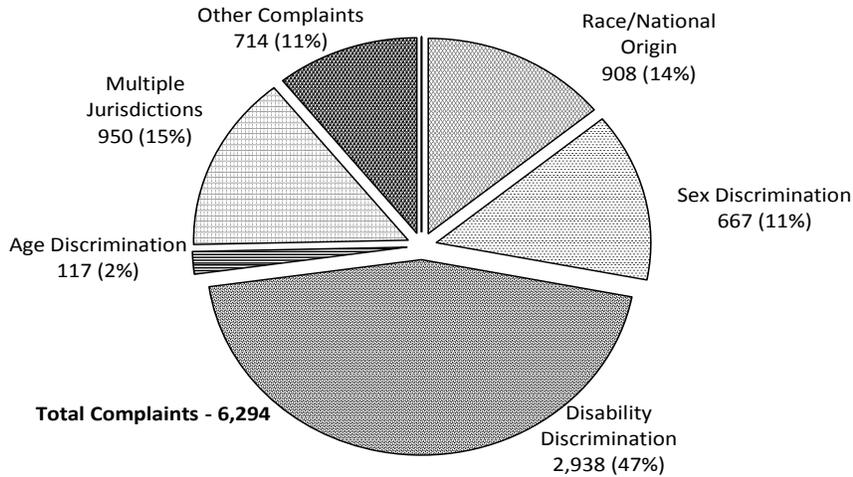
**Complaint Receipts and Resolutions
FYs 2004 – 2013**



FY 2011 complaints alleging discrimination on the basis of disability comprise 47 percent of total complaint receipts, as shown in the following chart.

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**FY 2011 Complaint Caseload by Jurisdiction
(October 1, 2010 – September 30, 2011)**



PROGRAM PERFORMANCE INFORMATION

Performance Measures

OCR’s Government Performance and Results Act (GPRA) 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 fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

Current performance measures for complaint workload:

Measure: Percentage of complaints resolved within 180 days.

Year	Target	Actual
2008	80	91
2009	80	92
2010	80	90
2011	80	92
2012	80	
2013	80	

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Measure: Percentage of complaints pending over 180 days.

Year	Target	Actual
2008	< 25	18
2009	< 25	15
2010	< 25	22
2011	< 25	18
2012	< 25	
2013	< 25	

Measure: Mean score of customer satisfaction survey.

Year	Target	Actual
2008	3.66	3.99
2009	3.66	3.93
2010	3.66	3.89
2011	3.66	3.86
2012	3.66	
2013	3.66	

Despite the increase in FY 2011 workload, OCR's GPRA scores were relatively the same as in FY 2010. In addition to lower staffing levels, complaint receipts are rising and becoming more complex; OCR has implemented an ambitious proactive agenda of complex compliance reviews and technical assistance activities that directly support the Secretary and President's education agenda; and there has been an increased number and increased monitoring of resolution agreements to ensure the entity's full compliance. OCR is committed to keeping GPRA scores high as well as conducting the full range of proactive and monitoring activities.

Revitalized Civil Rights Enforcement — Implementation of OCR's Strategic Plan

OCR is playing a role in realizing ED and the Administration's strategy and goals of ensuring that the Nation's struggling schools are transformed, that students have equitable access to great teachers, college- and career-ready coursework, and the true promise of a high-quality education. To transform levels of achievement in an increasingly diverse Nation, students must be free from discrimination and have equal access to a high-quality education. This goes to the heart of OCR's mission of ensuring equal access to education and promoting educational excellence throughout the Nation through the vigorous enforcement of civil rights.

In early FY 2010, OCR implemented its strategic plan with goals that align resources and compliance and enforcement activities for maximum impact. 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.

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- 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 issuing clear "Dear Colleague" letters and other guidance and expanding technical assistance services.
- Goal 2: Increase schools', colleges', and universities' understanding of their obligations under civil rights laws and strengthen their capacity to make the vision at the heart of these laws a reality at their institutions by strategically issuing clear "Dear Colleague" letters and other 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 over time by ensuring that all components of ED are advancing civil rights and equity goals, and that OCR is supporting and reinforcing ED's strategic priorities.

Guided by the goals in the strategic plan, OCR is proactively addressing priority issues including: equal access to rigorous courses and curricula; equal access to a free and appropriate public education; racial disparities in school discipline; equal opportunity for English language learners; sexual, racial and disability harassment; sexual violence; and disproportionate numbers of minority students in special education. These issues amplify and complement those raised in complaints filed with OCR. The effectiveness of OCR's strategic plan relies on using all compliance and enforcement tools at its disposal.

Civil Rights Compliance and Enforcement

- **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 2011, OCR received 7,841 complaints and resolved 7,434, some of which had been filed in previous years.

As an example of the results of OCR's remedies, due to a single FY 2011 complaint settlement agreement, approximately 33,000 students not classified as English language learners (ELLs) will be assessed for English language proficiency and offered ELL services. In addition, the State agency will change policies and practices so that ELL students will continue to be assessed and identified in the future.

- **Proactive activities initiated by OCR:** Compliance reviews, technical assistance, outreach, and policy guidance.

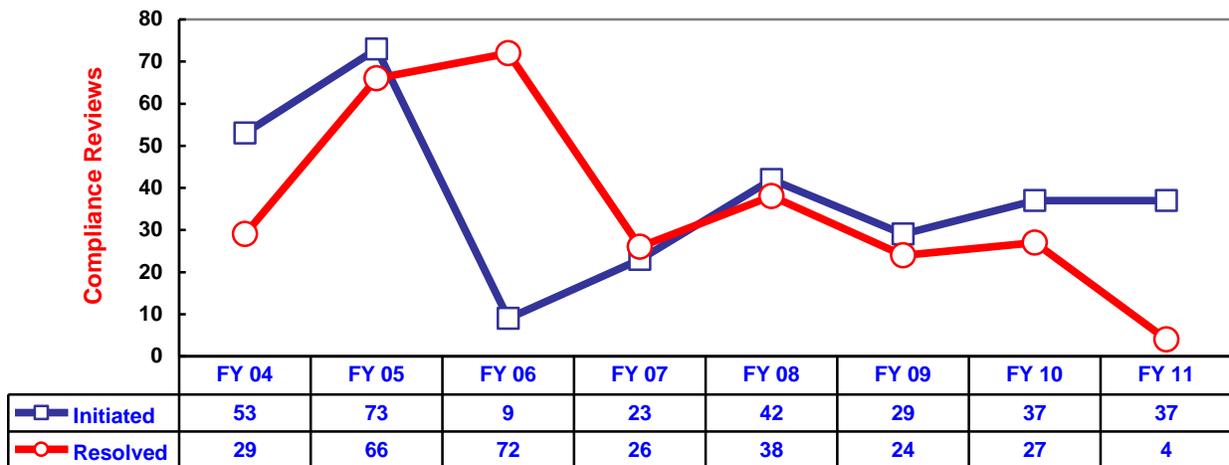
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- Compliance reviews allow OCR to target Agency resources on issues of discrimination that are particularly acute, regional or national in scope, or which are newly emerging. OCR launched 37 compliance reviews in FY 2011. Emphasis has shifted from merely increasing numbers of reviews to ensuring that robust remedies are developed in both complaints and compliance reviews to address areas of noncompliance systemically and prevent the violation from occurring in the future.

As an example of the results of OCR's remedies, due to a FY 2010 review settlement agreement in just one case, approximately 8,000 students with disabilities will be ensured transportation to education services as required by their Individualized Education Program or Section 504 Plan. Among other remedies, the school district agreed to publicize and operate a phone system to promptly troubleshoot transportation-related problems, reimburse parents for any transportation costs incurred in transporting the student to school, and provide compensatory services, as appropriate, to students who did not attend school for 10 or more consecutive school days due to lack of transportation services.

FY 2011 compliance reviews were conducted in priority areas such as equal access to rigorous courses and curricula; equal access to a free and appropriate public education; racial disparities in school discipline; equal opportunity for English language learners; sexual harassment/violence, equal access to athletic opportunity, and disproportionate numbers of minority students in special education.

Compliance Reviews Initiated and Resolved



- Educational technical assistance and outreach to students and their families as well as schools, colleges, and universities about civil rights compliance is embedded in the goals of OCR's strategic plan. These activities maximize the positive results of OCR's complaint and compliance review investigations. As a result of OCR's "Dear Colleague" letters, robust remedies to complaint investigations and compliance reviews shared on ED's Internet site; hundreds of technical assistance presentations delivered by OCR

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staff nationwide (OCR conducted 74 proactive technical assistance activities in FY 2011, many with multiple presentations); and many speeches and plenary remarks given by OCR's Assistant Secretary and senior staff, recipients are changing policies and practices, and beneficiaries are standing up for their rights

- 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. Policy guidance clarifies recipients' responsibilities under the civil rights laws and complements OCR's enforcement and proactive activities. In FY 2011, OCR's policy guidance addressed issues of bullying and harassment; sexual violence and sexual assault; schools' enrollment procedures; and equal access to emerging technologies in elementary and secondary education.
- **Monitoring activities:** These activities ensure 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 put in place, as agreed upon, to redress the discrimination. Monitoring periods are tailored to the specific terms and needs of the resolution agreement. 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. From FY 2010 to FY 2011, there was a 21 percent increase in cases in monitoring, from 1,226 (1,139 complaints and 87 compliance reviews) to 1,480 (1,402 complaints and 78 compliance reviews). In FY 2011, OCR completed the monitoring of a number of resolution agreements and, after ensuring that all commitments had been fully implemented, closed 465 cases, 452 complaints, and 13 compliance reviews.

There are about 400 school districts operating under desegregation agreements (441b Plans) from which they have not yet been released. As an example of the results of monitoring a revised 441b desegregation plan negotiated by OCR, a charter school that would have opened with 9 percent African-American and 77 percent Caucasian enrollment, when total district enrollment by race was 34 percent African-American and 45 percent Caucasian, opened with 14 percent African-American and 72 percent Caucasian enrollment. The revised desegregation plan included provisions that address the need for additional outreach and recruitment in the community for a growing Latino population. For the second school year, enrollment was 17 percent African-American, 68 percent Caucasian and 4.9 percent Latino. Complying with the terms of the desegregation plan, the school has recruited minority parents for its Board of Directors; increased the number of minority staff from one to four; completed the first of its annual cultural competence and community relations training; and undertaken other measures to ensure that the school reflects the greater community. OCR continues to work with the district and monitor the implementation of the desegregation plan.

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Strategic Initiatives and Accomplishments

Equal Access to Emerging Technologies

On May 26, 2011, the Assistant Secretary issued “Dear Colleague” letters to elementary and secondary education officials and postsecondary education officials with attached Frequently Asked Questions (FAQs). The letters follow-up on a June 29, 2010, letter sent by the U.S. Departments of Education and Justice to college and university presidents, regarding the use of electronic book readers and other emerging technologies in compliance with civil rights laws that prohibit discrimination on the basis of disability. The May 26, 2011, letters answered questions about the obligations of educational institutions that provide benefits to students by means of these technologies. The guidance was developed to address issues emerging for students with disabilities and demonstrates ED’s commitment to ensure that students with disabilities enjoy equal access when information and resources are provided through technology.

School Enrollment Procedures

On May 6, 2011, a “Dear Colleague” letter was issued from the Assistant Secretary, the Department of Education General Counsel, and the Assistant Attorney General for Civil Rights, U.S. Department of Justice, regarding schools’ enrollment procedures. The letter reminds State and local education agencies of the Federal obligation to provide equal educational opportunities to all children residing in their school districts. To comply with Federal civil rights laws, school districts must ensure that there is no discrimination on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians.

Gender-Based Harassment/Sexual Violence

On October 26, 2010, the Assistant Secretary issued a “Dear Colleague” letter concerning recipients’ obligations to protect students from student-on-student harassment on the basis of sex; race, color and national origin; and disability. The letter clarifies the relationship between bullying and discriminatory harassment, provides examples of harassment, and illustrates how a school should respond in each case. The letter is part of the Administration’s efforts to end bullying and harassment and was followed by a White House conference to raise awareness and equip young people, parents, educators, coaches, and other community leaders with tools to prevent bullying and harassment.

On April 4, 2011, the Assistant Secretary issued a “Dear Colleague” letter providing guidance and examples about Title IX requirements and how they relate to sexual harassment and sexual violence. Announced by the Vice President and the Secretary of Education as part of the Administration’s effort to help schools address sexual violence, the letter discusses proactive efforts schools can take to prevent sexual violence and educate employees and students, and provides examples of the types of remedies schools and OCR may use to respond to sexual violence. Factsheets on the April 4 letter were issued in Spanish, Chinese, Korean, Tagalog, and Vietnamese; factsheets on the October 26 letter were issued in the preceding languages as well as Arabic and Punjabi.

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College- and Career-Ready Standards and Courses

In some school districts, college-prep courses, International Baccalaureate (IB), 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 continue to 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. 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

Staff will use new data collected in the CRDC in the 2009-10 academic year to analyze claims of inequitable resource distribution. 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 parents and to avoid misidentification of ELL students in special education. OCR's compliance activities, 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 activities focusing on 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 issue a "Dear Colleague" letter to inform recipients of their obligations to not discriminate when administering discipline to students. Compliance reviews and technical assistance activities will also be conducted on this issue.

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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 activities 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.

Equity and Excellence Commission

OCR has been providing the financial, administrative, and staff support for the Secretary's Equity and Excellence Commission. The Commission is in the process of collecting information, analyzing issues, and obtaining broad public input on how the Government can increase educational opportunity by improving school funding equity. To hear from experts and the general public on issues related to school finance, the Commission has conducted four town hall meetings (San Jose, Philadelphia, Kansas City, and Dallas), a hearing before the San Jose town hall meeting, a community conversation in Boston, and two Web conferences. The Commission formed several subcommittees to address particular areas and to begin drafting the report, and has convened three times as a full body to discuss the issues before it and how to approach them in its report.

Interoffice 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 elevating best practices that were developed at the regional level.

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 continuing 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.

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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, AP course-taking, test-taking and testing outcomes, desegregation plans, access to kindergarten and pre-kindergarten programs, and additional data items concerning discipline. Most of the student data collected by the CRDC is 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 approximately 7,000 school districts, including all districts with over 3,000 students. The survey was conducted in two parts (spring and fall 2010), and collected data from the 2009-10 school year. Data was collected for over 72,000 schools. In the 2011-2012 school year data collection, the CRDC will expand to a universal survey of all school districts and schools.

During the summer of 2011, the Part 1 data from the 2009-10 CRDC was posted on the OCR Web site at <http://ocrdata.ed.gov>. In January 2012, the combined Part 1 and Part 2 data will be posted on an enhanced Web site that will provide new tools to make the data more accessible to a wide variety of users including the school districts that are the primary providers of the data. The Web site will also include CRDC data from the 2000, 2004 and 2006 collections, along with State and national estimations.

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 2012, OCR will develop a strategy for retrieving plans from all known storage locations to establish an electronic archive of all 441b's and other extant desegregation plans for future use. Depending on available resources, the strategy will be implemented in FY 2012 or FY 2013.

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:

- a March 2011 conference "*Expanding Horizons: California American Indian Civil Rights in Education*" with approximately 130 attendees, featuring 8 workshops with 15 speakers, including a youth forum workshop where 26 American Indian students discussed civil rights issues they have faced in school;

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- a June 2011 conference, “*Moving Forward: Advancing Civil Rights through Collaboration Between Government and the Advocacy Community*,” with the New York State Division of Human Rights and several Federal civil rights agencies, including Health and Human Services-OCR, Department of Justice, and Equal Employment Opportunity Commission, which included panel discussions focusing on how government and the advocacy community can work together to enhance enforcement of civil rights laws and the rights of protected groups. OCR moderated a panel discussion on bullying in school and in the workplace;
- an April 2011 seminar, “OCR’s 2011 Civil Rights Seminar: Ensuring Equal Access and Promoting Educational Achievement and Excellence for *All* Students,” for an elementary/secondary education audience, composed of representatives from school districts, State education departments and community organizations from OCR Chicago’s six-State region with approximately 100 participants. The Principal Deputy Assistant Secretary gave the keynote address concerning OCR’s reform agenda with emphasis on preventing harassment and bullying in education. OCR staff conducted sessions on racial, sexual and disability harassment and grievance procedures.

Outreach efforts will continue in fiscal years 2012 and 2013.

Activities Supporting Departmental Requirements

Freedom of Information Act (FOIA) Processing

With the President’s emphasis on increased transparency in Federal information and processes, OCR’s FOIA workload has been steadily growing. Not only have the number of FOIA requests increased, but so has the amount of information requested. As of June 1, 2011, FOIA requests increased by 18 percent compared to FY 2010.

Management Tools and Activities Supporting Civil Rights Enforcement

Revised Case Processing Manual (CPM)

The CPM sets forth 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. In FY 2010, OCR issued a revised and updated CPM, with the goal of ensuring due process and providing greater flexibility in case processing. Revising the CPM is a continuous process, and a Manual with new revisions is projected to be issued in FY 2012.

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 two Web-based training modules, one on investigative procedures and the other on harassment.

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New Employee Training

As a follow-up to new employee training in September 2010, the Headquarters' Program Legal Group and the Enforcement offices have been conducting in-house training on new policy, investigative procedures, and priority initiatives.

OCR Leadership

OCR's Regional Directors were required by ED to take leadership training in headquarters four times in FY 2011. To maximize the use of travel funds and time the Directors spend away from their offices, OCR is supplemented each one-day session of departmental training with a one-day Directors' meeting. The meeting provided a forum for discussing OCR-specific leadership issues and strategic priorities, as well as for information sharing.

Information Technology Tools and Activities Supporting Civil Rights Enforcement

Case and Activities Management System

OCR's CPM updates are coupled with ongoing improvements to the Case and Activity Management System (CAMS). CAMS provides OCR staff with 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, making them available across offices. In FY 2010, OCR updated the case processing components to fully capture changes made in the CPM and enhance the system's case resolution tracking tool. On March 1, 2011, OCR reached a milestone with a half million documents stored in CAMS and 99.9 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 Library of Case Resolution Letters and Agreements

In FY 2011, OCR began posting compliance review resolution letters and settlement agreements on ED's Internet site, along with those from selected complaints. Increasing transparency and sharing the positive results of compliance reviews is an effective way to educate recipients of Federal funding so that they may take corrective action without OCR's intervention. It also increases students and their families' awareness of their rights and strengthens their capacity to identify, elevate, and resolve civil rights issues in their communities. Internally, it promotes uniform and consistent interpretation of regulations, policies, and remedies to similar issues.

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.

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

New Media Initiative

In FY 2011, OCR began using social media tools, Facebook and Twitter, to build and maintain relationships with civil rights advocates, engage key stakeholders around key policy issues, and communicate the Department's vision and progress towards equity in education. OCR's use of social media tools to support its outreach efforts enables information to reach the public and feedback to be received in real time.

OCR Dashboard

In FY 2011, OCR developed an in-house electronic "Dashboard" that provides real time information on OCR's cases. This electronic database will increase agency accountability and oversight by enhancing leadership's knowledge of, and ability to monitor, OCR's case processing activities nationwide.