

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2014 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, [\$102,624,000] \$107,500,000. (Department of Education Appropriations Act, 2013.)

NOTE

A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

OFFICE FOR CIVIL RIGHTS

Amounts Available for Obligation
(dollars in thousands)

Appropriation and Adjustments	2012	2013	2014
<hr/>			
Discretionary budget authority:			
Annual appropriation	\$102,818	\$102,624	\$107,500
Across-the-board reduction (P.L. 112-74).....	-194	0	0
Across-the-board increase (P.L. 112-175).....	<u>0</u>	<u>+628</u>	<u>0</u>
Subtotal, appropriation	102,624	103,252	107,500
Unobligated balance, expiring	<u>-109</u>	<u>0</u>	<u>0</u>
Total, direct obligations	102,515	103,252	107,500

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Obligations by Object Classification (dollars in thousands)

Object Class	2012	2013	2014	CHANGE FROM 2013 to 2014
11.10 Full-time permanent	\$56,469	\$58,856	\$58,159	(\$697)
11.31 Full-time temporary	1,558	1,233	1,138	(95)
11.32 Part-time	1,677	1,335	2,587	1,252
11.33 Consultants	222	0	0	0
11.51 Overtime	12	18	18	0
11.52 Awards	614	451	251	(200)
11.80 Other Compensation	0	0	0	0
Compensation subtotal	60,552	61,893	62,153	260
12.00 Benefits	17,093	17,905	18,436	531
13.10 Benefits for former personnel	0	0	0	0
Comp/benefits subtotal	77,645	79,798	80,589	791
21.00 Travel	546	826	826	0
22.00 Transportation of things	1	0	0	0
23.10 Rental Payments to GSA	8,343	8,314	8,314	0
23.31 Communications	340	162	162	0
23.32 Postage/fees	15	36	36	0
Subtotal 23	8,698	8,512	8,512	0
24.00 Printing & Reproduction	23	13	13	0
25.10 Advisory and Assistance Svcs	0	0	0	0
25.21 Other Services	898	1,513	1,041	(472)
25.22 Training/Tuition/Contracts	142	320	305	(15)
25.23 Field Readers	0	0	0	0
25.30 Goods/Services from Gov't	2,638	2,865	2,773	(92)
25.40 Operations/Maint of Facilities	0	1	1	0
25.50 Research & Development	0	0	0	0
25.71 Operations/Maint of Equipment	21	15	15	0
25.72 IT Services/Contracts	11,643	9,243	13,280	4,037
Subtotal 25	15,342	13,957	17,415	3,458
26.00 Supplies	176	51	43	(8)
31.10 IT Equipment/Software	76	95	102	7
31.30 Other Equipment	8	0	0	0
Subtotal 31	84	95	102	7
32.00 Building Alterations	0	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	102,515	103,252	107,500	4,248

Note: The amount shown in FY 2013 includes a 0.612 percent across-the-board increases provided by P.L. 112-175.

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Summary of Changes
(dollars in thousands)

2013.....	\$102,624 ¹
2014.....	<u>107,500</u>
Net change	+4,876

¹ Excludes a 0.612 percent across-the-board increase of \$628,000 in FY 2013 provided by P.L. 112-175.

Increases:	<u>2013 base</u>	<u>Change from base</u>
<u>Built in:</u>		
Increase in salaries primarily to support a proposed 1 percent Governmentwide pay raise.	\$61,424	+\$460
Increase in benefits for OCR's share of health, retirement, and other benefits.	17,905	+531
<u>Program:</u>		
Increase in other services for electronic records management and renewal of periodical law and disability subscriptions.	885	+156
Increase in information technology services/ contracts for the biennial Civil Rights Data Collection.	9,243	+4,037
Small increase in Information Technology equipment/software.	95	<u>+7</u>
Subtotal, increases		+5,191

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Summary of Changes
(dollars in thousands)

	<u>2013 base</u>	<u>Change from base</u>
Decreases:		
<u>Program:</u>		
Decrease in awards.	\$451	-\$200
Decrease in training.	320	-15
Decrease in goods/services due to lower projected amount for security background investigations.	2,865	-92
Decrease in supplies.	51	<u>-8</u>
Subtotal, decreases		-315
Net Change		+4,876

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Authorizing Legislation
(dollars in thousands)

Activity	2013 Authorized	2013 Estimate	2014 Authorized	2014 Request
Civil Rights (DEOA)	<u>Indefinite</u>	<u>\$102,624</u>	<u>Indefinite</u>	<u>\$107,500</u>
Total definite authorization	0		0	
Total appropriation		102,624		107,500
Total annual appropriation including 0.612 percent ATB increase		103,252		

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Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
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
2008	93,771	93,771	93,771	89,612
2009	96,826	96,040 ²	89,612 ²	96,826
2009 Transfer	0	0	0	-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	102,624	102,624 ⁷	102,624 ⁷	103,252 ⁸
2014	107,500			

¹ This account operated under a full-year continuing resolution (P.L. 110-5). House and Senate allowances 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.

⁷ The levels for the House and Senate allowances reflect action on the regular annual 2013 appropriations bill, which proceeded in the 112th Congress only through the House subcommittee and the Senate Committee.

⁸ The amount shown includes the 0.612 percent across-the-board increase provided by P.L. 112-175, in effect through March 27, 2013.

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Office for Civil Rights

(DEOA, section 203)

(dollars in thousands)

FY 2014 Authorization: Indefinite

Budget Authority:

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Change from 2012</u>
Personnel Costs	\$78,997	\$79,798	\$80,589	+\$1,592
Non-personnel costs	<u>23,627</u>	<u>22,826</u>	<u>26,911</u>	<u>+3,284</u>
Total	102,624	102,624 ¹	107,500	+4,876
FTE	603	598	598	0

¹ Excludes a 0.612 percent across-the-board increase provided by P.L. 112-175.

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 16,900 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 is located in 12 enforcement offices throughout the country and the remaining 12 percent occupies OCR's headquarters office. The Headquarters 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 the 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 the Department's programs and initiatives and among Federal Agencies. Policy Guidance letters have been issued in priority areas to inform recipients about their legal obligations and the legal framework of complaint investigations and compliance reviews.

The Resource Management Group supports OCR nationwide in the areas of customer service, information technology, budget, procurement, and human capital management.

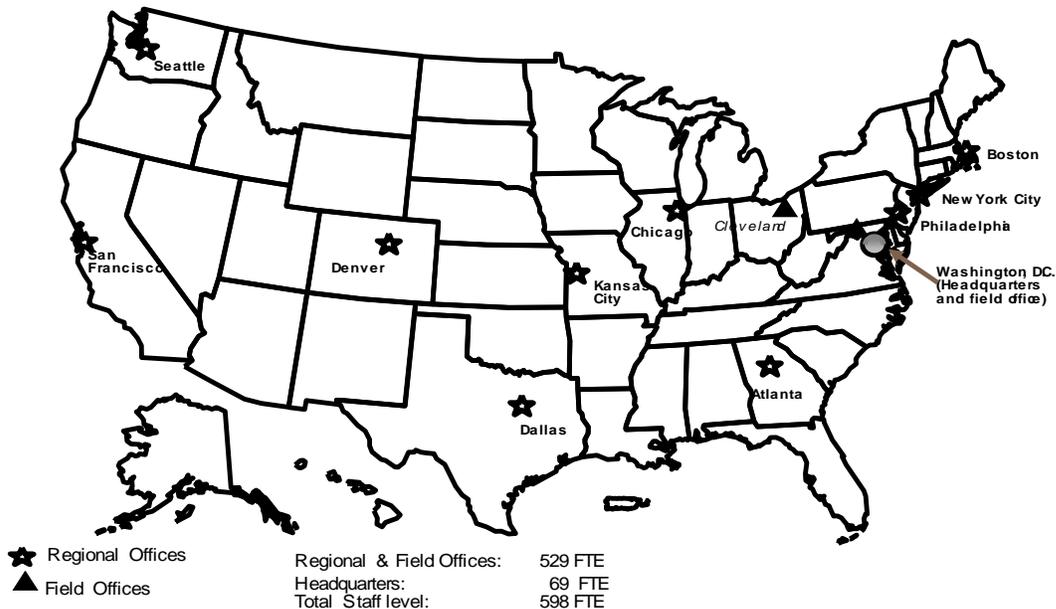
OCR has become a more effective and visible organization, and requests for OCR's services are increasing while the appropriations have remained flat. Complaint receipts are not only rising (a documented 13 percent increase from FY 2010 to FY 2012), but becoming increasingly complex. Cases are being resolved with extensive and effective relief for the complainants, such as: access to appropriate education programs, activities and services; counseling services; auxiliary aids and services, and facility modifications to provide access to students with disabilities; housing relocations; and, in a vast majority of cases, fundamental changes in institutional policies and/or practices to comply with the applicable laws. Compliance reviews have resulted in resolution agreements with robust systemic remedies that not only remediate concerns about whether recipients are in compliance with the civil rights laws, but help prevent

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future discrimination. Requests for technical assistance have also increased (by 112 percent from FY 2010 to FY 2012) and OCR is focusing on monitoring activities to ensure that commitments made to remedy civil rights violations are fully implemented.

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FY 2014 Headquarters/Regional Staff



Office of Management and Budget Memorandum – Promoting Efficient Spending to Support Agency Operations

OCR is committed to increased efficiency in work processes and is continuously refining investigative procedures and information management systems to become better stewards of taxpayer dollars. These productivity improvements will help OCR manage its rising complaint workload and education initiatives while redirecting critical staff resources to address issues of systemic discrimination through strengthened proactive compliance and enforcement activities. However, 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. It requires successive years of sufficient resources and depends on funding the 598 FTE in this budget request. As discussed below, improvements and efficiencies in OCR's processes help ensure that Federal funds are used for purposes that are appropriate, cost effective, and help fulfill OCR's core mission.

Complaint Processing Pilot

Data analysis reveals that over a 10-year-period, 50 percent of OCR's cases claimed discrimination on the basis of disability. In May 2012, a pilot program was initiated (in 4 of 12

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field offices for a period of 4 months) using a new approach to address OCR's high proportion of disability-only complaints. The pilot uses a "rapid resolution" approach for appropriate individual disability-based complaints. The OCR team assigned to a case determines if the complaint is appropriate for rapid resolution. Complaints with class implications are not subject to the new process. If the complaint is appropriate for rapid resolution, immediate contact is made with the school district or university (e.g., through a phone call) to obtain relevant information and attempt to resolve the complaint. Additionally, to expedite resolutions obtained through this process, final approval authority is streamlined. The pilot was evaluated at the end of FY 2012 and we found, in fact, that this approach reduced the resolution time for typical cases of this nature. In light of this, OCR implemented the rapid resolution process for single-issue disability cases nationwide in FY 2013.

Finding ways to obtain positive case resolutions more quickly not only provides better customer service for complainants so they can move forward with their education, it also ensures that OCR has sufficient staff resources to devote to more complex cases.

Funding levels for the past 5 fiscal years were:

	(dollars in thousands)
2009.....	\$96,826
2010.....	103,024
2011.....	102,818
2012.....	102,624
2013.....	102,624 ¹

¹ Excludes a 0.612 percent across-the-board increase provided by P.L. 112-175.

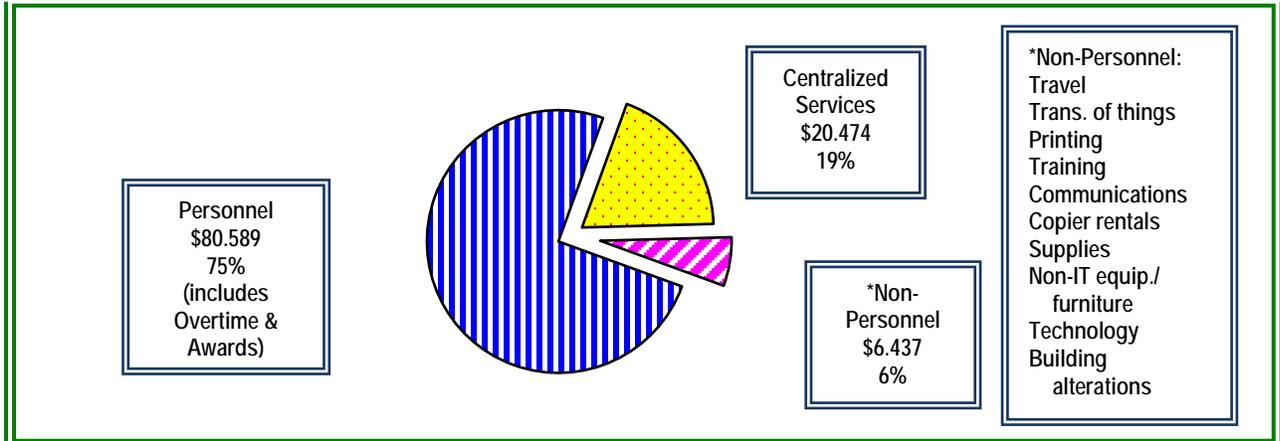
FY 2014 BUDGET REQUEST

The total FY 2014 request is \$107.5 million with an FTE level of 598. This request is a \$4.9 million increase, or 4.8 percent, above the FY 2013 level of \$102.6 million.

- The Personnel Compensation and Benefits (PC&B) request of \$80.589 million is an increase of \$791,000 over the FY 2013 level due to a proposed pay raise of 1 percent, as well as built-in benefits increases. The FTE level of 598 is the same as the FY 2013 level.
- OCR's FY 2014 share of the Department's centralized services (overhead) amount is \$20.474 million.
- Non-Personnel costs, excluding centralized services, will be \$6.437 million, which is an increase of \$4.530 million over the FY 2013 level. The majority of non-personnel funds are for the biennial Civil Rights Data Collection (CRDC) (\$4.942 million), for software support to operate OCR's Case and Activity Management System (CAMS) (\$255,000), and for travel (\$826,000).

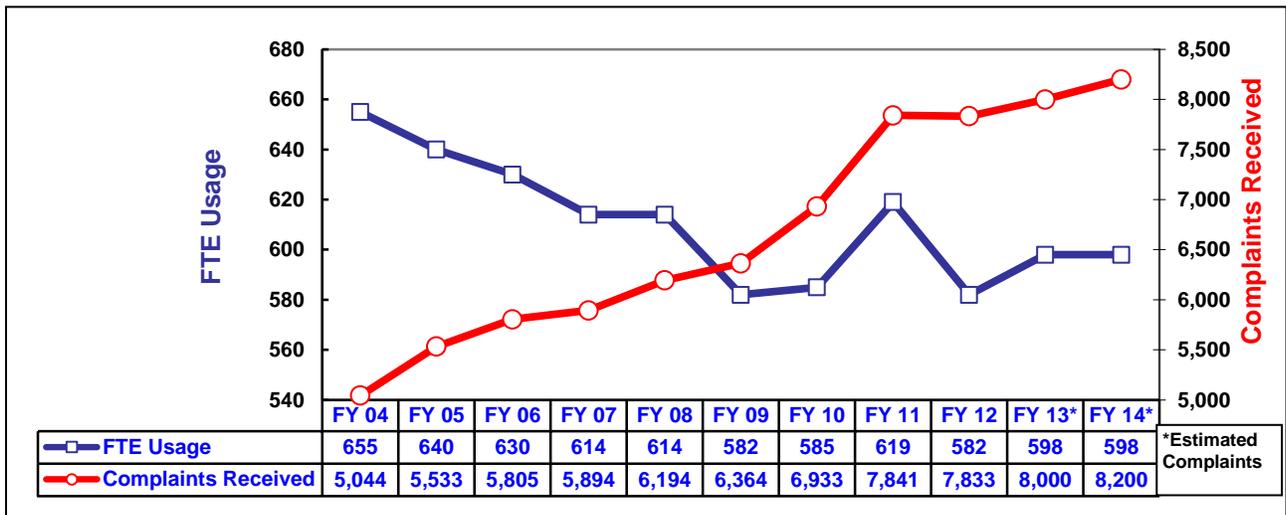
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FY 2014 Budget
(dollars in thousands)
Total: \$107.500
FTE: 598



Personnel Costs

For FY 2014, PC&B costs are 75 percent of the request, or \$80.589 million, \$791,000 over the FY 2013 level of \$79.798 million. As the chart below shows, over the past 9 years, from 2004 to 2012, OCR reduced its staffing level by 11.1 percent while complaint receipts rose by 55 percent.



Awards & Overtime

OCR is requesting \$251,000 for awards and \$18,000 for overtime for a total of \$269,000, a decrease of \$200,000 below the FY 2013 level. OCR rewards staff based upon performance. The requested amount will compensate those employees who work additional hours to complete critical projects within constricted timeframes, consistent with departmental policy.

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Non-Personnel Costs

The total request for non-personnel activities in FY 2014, excluding departmental centralized services, is \$6.437 million, an increase of \$4.530 million above the 2013 level.

The majority of OCR's non-personnel costs include CRDC, CAMS, and travel. 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.

Information Technology Services/Civil Rights Data Collection (CRDC)— OCR is requesting \$4.942 million for the CRDC, an increase of \$4.484 million above the FY 2013 level of \$458,000. Due to the anticipated funding reduction in FY 2013, CRDC activities in that fiscal year have been scaled back. A portion of the CRDC and analysis funds in FY 2014, therefore, will be used to complete survey activities relating to the data for the 2011-2012 school year collected from the entire universe, as opposed to a sample, of all school districts in the country. The last universal survey was conducted in the 2000-2001 school year. Since then, important changes have occurred in the demographics of local educational agencies and the students they serve.

The 2011-2012 survey will provide OCR with current information about all school districts that will be used for investigating complaints and making decisions about proactive activities. In addition, stakeholders, including parents, school districts, Department of Education staff, the Department of Justice, the Congress, and the public, will have access to the information for research, compliance, and public policy purposes.

FY 2014 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. The funds will also support planning activities for the next universal data collection, scheduled for the 2013-2014 school year. OCR has been working with other offices at the Department, including the National Center for Education Statistics (NCES), to identify key new data items, such as those relating to school safety, for inclusion in the 2013-14 CRDC.

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Academic Year	Activity	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014
2011-2012 CRDC	Data Collection	\$1,115,000	\$0	\$0
2011-2012 CRDC	Guidance (Q&A)	379,537	0	0
2011-2012 CRDC	File specifications and edit tool	257,274	0	0
2011-2012 CRDC	Web site enhancement	98,720	0	0
2011-2012 CRDC	Database updates	66,732	0	0
2011-2012 CRDC	Data file collections	60,740	0	0
2011-2012 CRDC	Universal survey costs	0	458,000	0
2011-2012 CRDC	Completion costs for data collection and Web hosting	0	0	942,000
2013-2014 CRDC	Start-up cost universal collection	0	0	4,000,000
Total		1,978,003	458,000	4,942,000

Information Technology Services/Case Activity Management System (CAMS) — OCR is requesting \$255,000 for CAMS, level funded from 2013. 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. The 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, level-funded at the FY 2013 level. In 2014, these funds will be used to print updated pamphlets in various languages; the “Report to the President on Accomplishments”; OCR letterhead; and restocking OCR’s publications inventory.

Travel — OCR is requesting a travel budget of \$826,000, the same level as FY 2013. The overwhelming majority of OCR’s travel funds are used to investigate complex complaints, conduct proactive compliance reviews, and monitor corrective action plans. To get essential evidence for resolution of complex cases or to ascertain the results of corrective action taken by recipients, it is often necessary for staff to go onsite to gather data and conduct face-to-face interviews.

OCR has already significantly reduced other travel costs such as travel for training, conferences, and management. If funds are not provided at the requested level, OCR’s reinvigorated enforcement and monitoring activities will be greatly diminished.

Communication/Copier Rentals and Operations and Maintenance of Facilities — OCR is requesting \$178,000, the same level as FY 2013. The funds are needed for existing copier rental and maintenance agreements (\$177,000) and maintenance of facilities (\$1,000).

Other Services/Goods and Services/Transportation/Supplies — OCR is requesting \$223,000, an increase of \$46,000 above the FY 2013 level. The request includes:

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- Legal Research Services (\$71,000) — This is level-funded at the FY 2013 level. The contract provides an automated full-text legal information system that offers online access to 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 require staff to perform legal research out of the office.
- All Other Services/Goods and Services/Transportation/Supplies (\$152,000) — These areas have been increased by \$46,000 due to cuts made in 2013. Support for ED Pubs is increased by \$20,000, for a total of \$50,000; miscellaneous services like renewal of periodical subscriptions relating to law, disabilities, general news, and support for case files maintenance, are increased by \$39,000, for a total of \$50,000. Other items included are interagency services for General Services Administration leased vehicles and equipment (\$23,000), and for supplies and copier paper (\$29,000), a decrease of \$13,000.

Departmental Centralized Support

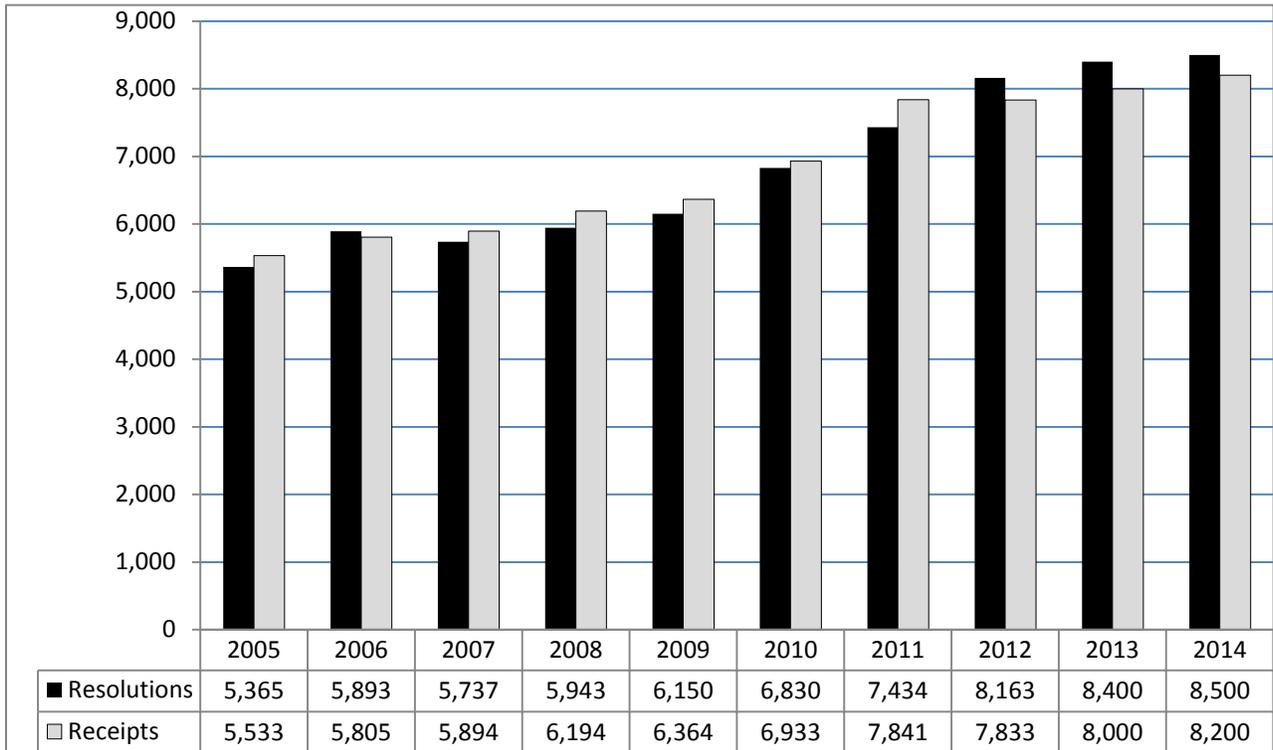
Approximately 76 percent of the total non-personnel budget request is to cover OCR's share of the Department's centralized services. The FY 2014 request is \$20.474 million, a decrease of \$445,000 below the FY 2013 level of \$20.919 million. The funding request will cover the cost of services such as: 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.

PROGRAM OUTPUT MEASURES

The following chart shows the number of OCR's complaint receipts and resolutions since FY 2005. Actual data are shown for fiscal years 2005-2012 and estimates are shown for fiscal years 2013-2014.

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**Complaint Receipts and Resolutions
FY 2005 – FY 2014**

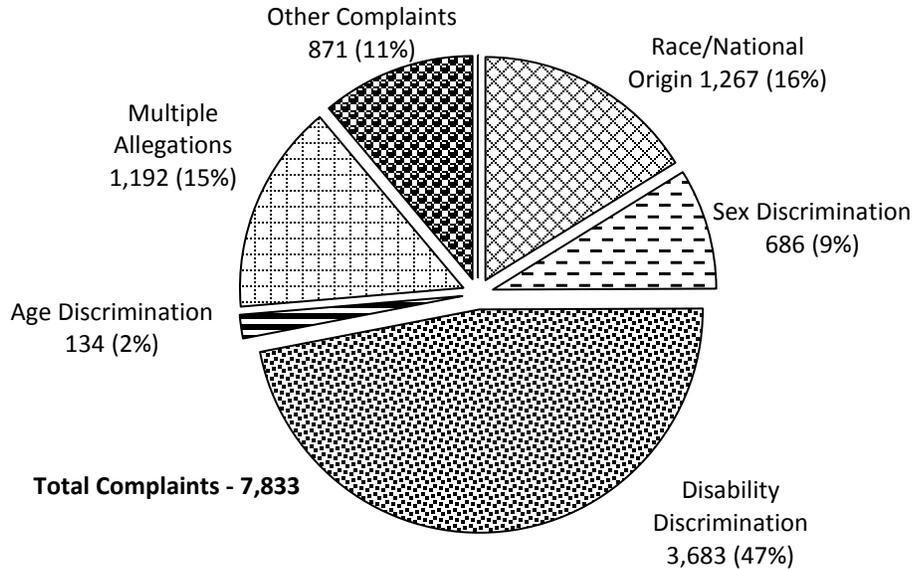


FY 2012 complaint receipts remained approximately the same as the previous year (7,833 compared to 7,841). For FY 2012, the number of complaint resolutions increased 9.8 percent (8,163 compared to 7,434), with a more than 8.2 percent increase in complaints that were resolved with change, including Early Complaint Resolution. Based on these facts, in FY 2014, OCR estimates that its complaint receipts will increase another 4.6 percent to 8,200.

FY 2012 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 2012 Complaint Caseload by Jurisdiction
(October 1, 2011 – September 30, 2012)**



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.

Current performance measures for complaint workload:

Measure: Percentage of complaints resolved within 180 days.

Year	Target	Actual
2009	80	92
2010	80	90
2011	80	92
2012	80	93
2013	80	
2014	80	

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Measure: Percentage of complaints pending over 180 days.

Year	Target	Actual
2009	< 25	15
2010	< 25	22
2011	< 25	18
2012	< 25	19
2013	< 25	
2014	< 25	

Additional information:

The first performance measure has two targets encompassing OCR's entire complaint workload. Together, the two targets hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more complex. Despite lower staffing levels, OCR has implemented an ambitious proactive agenda of complex compliance reviews and technical assistance activities. There has also been an increased number and increased level of monitoring of resolution agreements to ensure an entity's full compliance. For FY 2012, workload and OCR's GPRA scores were relatively the same as in FY 2011.

Measure: Mean score of customer satisfaction survey.

Year	Target	Actual
2009	3.66	3.93
2010	3.66	3.89
2011	3.66	3.86
2012	3.66	3.86
2013	3.66	
2014	3.66	

Additional information:

OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, 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).

OCR is committed to keeping GPRA scores high as well as conducting the full range of proactive compliance reviews, technical assistance, 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 and that students have equitable access a high-quality education, with great teachers, and college- and career-ready coursework. To

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transform levels of achievement in an increasingly diverse Nation, students must also be free from discrimination. 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 began implementation of its strategic plan with goals that align resources and compliance and enforcement activities for maximum impact, and it continues to implement this plan. 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 issuing clear Policy Guidance 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 Policy Guidance 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 its 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. The effectiveness of OCR's strategic plan relies on using all compliance and enforcement tools at its disposal.

In addition, OCR's mission and strategic goals are aligned with the Department's strategic goals, primarily Equity Goal 4. In addition, because equity is infused throughout all of ED's strategic goals, OCR helps identify disparities for other ED components. For example, the Civil Rights Data Collection is a tool that is used by other ED components to identify and track equity issues relating to their program areas.

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 investigate promptly the allegations of discrimination, accurately determine whether the civil rights laws have

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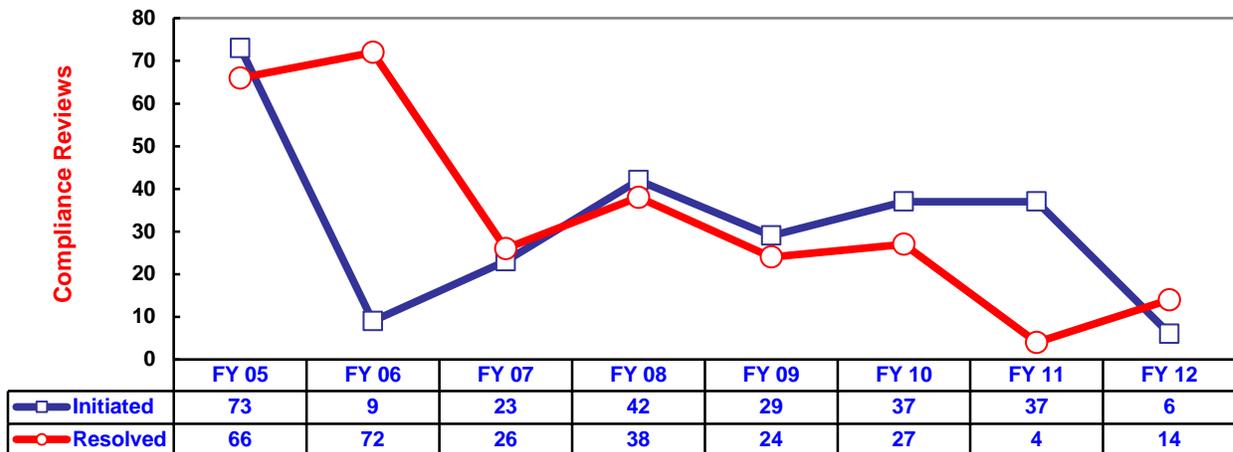
been violated, and remedy the violation. In FY 2012, OCR received 7,833 complaints and resolved 8,163, some of which had been filed in previous years.

- **Proactive activities initiated by OCR:**

- **Compliance reviews** allow OCR to target its resources on issues of discrimination that are particularly acute, regional or national in scope, or which are newly emerging. Selection for compliance review sites is based on data researched from a variety of sources, including the CRDC. Emphasis has shifted from merely increasing numbers of reviews to ensuring that robust remedies are developed to address areas of noncompliance.

Between FY 2010 and FY 2012, OCR initiated 80 compliance reviews. Most of the reviews were large-scale and required extensive investigations in FY 2012. While OCR will continue to open new compliance reviews as needed, its focus is on resolving/closing reviews that are currently open, primarily in the area of equal access to Science, Technology, Engineering and Mathematics (STEM) and college and career-ready curriculum; access to equal educational opportunities for language minority students; and equal access to a free and appropriate public education for students with disabilities, and discipline reviews based, in part, on racial disparity in school discipline identified from analysis of CRDC data.

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. OCR has undertaken a systematic, strategic and organized approach to technical assistance and outreach. To be effective, these activities have been carried out to reach the broadest possible segment of the education community—including State and local agencies, communities that may be isolated, disenfranchised, or otherwise lacking in effective communication resources -- such as language minority communities, and the public-at-large. These activities maximize the

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positive results of OCR's complaint and compliance review investigations. As a result, many more recipients are changing discriminatory 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. Thus, new policy guidance and accompanying documents focus on practical applications and technical assistance. For example, in FY 2012, OCR issued a Policy Guidance Letter regarding the Americans with Disabilities Act Amendments Act accompanied by a Frequently Asked Questions document. OCR also issued Voluntary Use of Race Guidance with specific examples of the permissible use of race to diversify educational institutions.
- **Monitoring activities:** These activities ensure that resolutions and agreements reached with federally funded educational institutions under both externally-initiated and proactive 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 2011 to FY 2012, there was a 15 percent increase in cases requiring monitoring, from 1,480 to 1,697. In FY 2012, OCR completed the monitoring of a number of resolution agreements and, after ensuring that all commitments had been fully implemented, closed 549 cases.

Strategic Initiatives and Accomplishments

Civil Rights Data Collection

In March 2012, OCR rolled out an entirely new Web site (<http://ocrdata.ed.gov>) for the release of CRDC data (for multiple years), redesigned from the ground up to enhance user-friendliness with a more intuitive search function and graphical data reports for schools and districts. The new Web site improves efficiency and productivity for all users of CRDC data, as it significantly enhances the speed and ease of locating and understanding the data. Enhancements include visually intuitive snapshot reports for every school and district in the 2009-2010 sample, and highlighting a few key indicators with click-through access to graphical displays of every data item in the entire survey. The source of the data is clearly identified, and there are readily available avenues for submitting data corrections. At the data collection stage, a partner support center is available to provide school districts training on the content of data to be submitted (i.e., data definitions) and technical assistance in both entering and correcting the data.

When it releases the 2009-2010 State and national data estimates in the spring of 2013, OCR will – for the first time – release the statistical weights used for the calculations. This will aid

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education researchers in performing their own statistical analyses of CRDC data. With this release, OCR will also expand the scope of the State and national estimations to include new data collected by the 2009-2010 CRDC.

The increased visibility of the data has led to greater use by OCR, other ED offices, school districts, advocates, researchers, education policymakers, and others and is helping to drive change. An example is the increased visibility of the disparities in student discipline practices, which is leading to increased focus on how disciplinary policies and practices affect educational and life outcomes for students.

To expand and improve on the success of the new Web site and the 2009-2010 school year CRDC data posted on the site, the 2011-2012 CRDC, which is being conducted in fiscal years 2012-2013, expands from the previous sample of 7,000 LEAs to include the universe of all (approximately 18,000) public school districts, juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities. It also adds a new data element: preschool suspension and expulsion.

The 2013-14 CRDC will continue to collect key information about discipline in schools. OCR has been working with NCES to identify key new data items, such as those relating to school safety, for inclusion in the 2013-14 CRDC.

Discipline

OCR will issue a Policy Guidance 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.

College- and Career-Ready Standards and Courses

In some school districts, college-prep, 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 of the Civil Rights Act (CRA) and Title IX of the Educational Amendments of 1972 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

Staff will use new data collected in the CRDC in the 2009-2010 academic year to analyze claims of inequitable resource distribution. The data includes information that will reveal

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discrepancies in how districts and schools provide specified college preparatory curricula, and other issues. 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 CRA 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 status 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.

Identification for Medical and Health Services

Students with food allergies and other health impairments may not be properly identified pursuant to Section 504 of the Rehabilitation Act of 1973 (RA) 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 RA Section 504.

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 them and their families.

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. In FY 2012, although the number of FOIA requests remained approximately the same as in FY 2011, the amount of information and the complexity of the FOIA requests increased, requiring sustaining current resources dedicated to this function.

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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. Limited revisions to the CPM were implemented in FY 2012. OCR continues to look for ways to improve the CPM and expects more comprehensive changes in FY 2013.

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 office 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.

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.

Issue Networks

OCR has reinvigorated issue networks in the areas of: Title IX Athletics, disability, Lau (language minority students), racial harassment, and sexual harassment. Each is headed by a regional director and a steering committee that includes representatives from field offices. Most networks host a training call or presentation every 4-6 weeks. Not only do they connect staff to internal subject-matter experts, they also enable OCR staff to learn from external subject-matter experts at low cost. While their primary purpose is to increase agency knowledge in areas that are either new or complex, they can also be tapped for training newer staff and, as appropriate, refresher training for other staff.

Information Technology Tools and Activities Supporting Civil Rights Enforcement

Case and Activities Management System

OCR's case processing manual 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. At the end of FY 2012, OCR reached a milestone with nearly 700,000 documents stored in CAMS and 100 percent of all final case resolution documents available electronically to OCR staff. Several civil rights offices in other Federal agencies and

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other components of the Department have contacted OCR for information on CAMS and are considering developing similar systems.

Posting of Case Resolution Letters and Agreements

In FY 2012, OCR continued posting compliance review resolution letters and settlement agreements on ED's Web 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.