

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2018 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, \$106,797,000.

NOTE

A full year 2017 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2017 (P.L. 114-254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution.

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Amounts Available for Obligation
(dollars in thousands)

Appropriation and Adjustments	2016	2017 Annualized CR	2018
Discretionary appropriation:			
Appropriation.....	\$107,000	\$107,000	\$106,797
Across-the-board-reduction (P.L. 114-254)	<u>0</u>	<u>-203</u>	<u>0</u>
Subtotal, appropriation.....	107,000	106,797	106,797
Unobligated balance, expiring	<u>-309</u>	<u>0</u>	<u>0</u>
Total, direct obligations.....	106,691	106,797	106,797

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Obligations by Object Classification
(dollars in thousands)

Object Class		2016	2017 Annualized CR	2018	Change from 2017 to 2018
11.10	Full-time permanent	\$58,211	\$59,642	\$56,431	-\$3,211
11.31	Full-time temporary	1,114	972	1,004	32
11.32	Part-time	1,376	864	892	28
11.33	Consultants	0	0	0	0
11.51	Overtime	7	8	8	0
11.52	Awards	396	35	35	0
11.80	Other Compensation	<u>21</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, Personnel Comp.	61,125	61,521	58,370	-3,151
12.00	Benefits	<u>19,534</u>	<u>19,851</u>	<u>19,123</u>	<u>-728</u>
	Subtotal, Per. Comp. & Ben.	80,659	81,372	77,493	-3,879
21.00	Travel	654	414	424	10
22.00	Transportation of things	1	0	0	0
23.10	Rental Payments to GSA	8,345	8,672	9,106	434
23.31	Communications	79	72	72	0
23.32	Postage/fees	<u>4</u>	<u>24</u>	<u>24</u>	<u>0</u>
	Subtotal, 23	8,428	8,768	9,202	434
24.00	Printing & Reproduction	15	12	12	0
25.21	Other Services	1,146	1,134	1,052	-82
25.22	Training/Tuition/Contracts	98	324	270	-54
25.30	Goods/Services from Gov't	2,274	2,563	2,420	-143
25.40	Operations/Maint of Facilities	0	1	1	0
25.71	Operations/Maint of Equipment	0	15	15	0
25.72	IT Services/Contracts	<u>13,012</u>	<u>11,965</u>	<u>15,688</u>	<u>3,723</u>
	Subtotal, 25	16,530	16,002	19,446	3,444
26.00	Supplies	141	59	58	-1
31.10	IT Equipment/Software	142	170	162	-8
31.30	Other Equipment	<u>112</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, 31	254	170	162	-8
32.00	Building Alterations	<u>9</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Total, obligations	106,691	106,797	106,797	0

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Summary of Changes
(dollars in thousands)

2017 Annualized CR	\$106,797
2018.....	<u>106,797</u>
Net change	0

Increases:	<u>2017 Annualized CR</u>	<u>Change from Annualized CR</u>
<u>Built in:</u>		
Increase in rent for annual increases for tax and operating costs escalations.	8,672	+434
<u>Program:</u>		
Increase in travel.	414	+10
Increase in information technology services/ contracts mostly for the Civil Rights Data Collection, Case and Activity Management System, and IT Security.	<u>11,965</u>	<u>+3,723</u>
Subtotal, increases		+4,167

Decreases:	<u>2017 Annualized CR</u>	<u>Change from Annualized CR</u>
<u>Built in:</u>		
Net decrease in personnel compensation due to FTE reductions, partially offset by an increase in pay for the proposed 1.9% pay and anticipated benefits increases.	\$81,372	-\$3,879
<u>Program:</u>		
Decrease in other services.	\$1,134	-\$82
Decrease in training.	324	-54
Decrease in goods/services from government.	2,563	-143
Decrease in supplies.	59	-1
Decrease in IT equipment/software.	170	<u>-8</u>
Subtotal, decreases		-4,167
Net Change		+0

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Authorizing Legislation

(dollars in thousands)

Activity	2017 Authorized	2017 Annualized CR	2018 Authorized	2018 Request
Civil Rights (DEOA).....	<u>Indefinite</u>	<u>\$106,797</u>	<u>Indefinite</u>	<u>\$106,797</u>
Total appropriation.....		106,797		106,797

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Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2009	\$96,826	\$96,040 ¹	\$89,612 ¹	\$96,826
2009 Transfer	0	0	0	-60
2010	103,024	103,024	103,024 ²	103,024
2011	105,700	103,024 ³	105,700 ²	102,818 ⁴
2012	107,772	102,818 ⁵	102,818 ⁵	102,624
2013	102,624	102,624 ⁶	102,624 ⁶	98,356
2014	98,356	N/A ⁷	98,356 ²	98,356
2015	102,000	N/A ⁷	102,000 ⁸	100,000
2016	130,691	100,000 ⁹	100,000 ⁹	107,000
2017	137,708	100,000 ¹⁰	110,000 ¹⁰	108,500 ¹⁰
2018	106,797			

¹ 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.

² The level for the Senate allowance reflects Committee action only.

³ The level for the House allowance reflects the House-passed full-year continuing resolution.

⁴ The level for appropriation reflects the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10).

⁵ The level for the House allowance reflects an introduced bill and the level for the Senate allowance reflects Senate Committee action only.

⁶ 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.

⁷ The House allowance is shown as N/A because there was no Subcommittee action.

⁸ The level for the Senate allowance reflects Senate Subcommittee action only.

⁹ The levels for House and Senate allowances reflect action on the regular annual 2016 appropriations bill, which proceeded in the 114th Congress only through the House Committee and Senate Committee.

¹⁰ The levels for the House and Senate allowances reflect Committee action on the regular annual 2017 appropriations bill; the Appropriation reflects the Consolidated Appropriations Act, 2017.

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Office for Civil Rights
(DEOA, section 203)

(dollars in thousands)

FY 2018 Authorization: Indefinite

Budget Authority:

	<u>2017 Annualized CR</u>	<u>2017 Appropriation</u>	<u>2018</u>	<u>Change from Annualized CR</u>
Personnel compensation and benefits costs	\$81,372	83,261	\$77,493	-\$3,879
Non-personnel costs	<u>25,425</u>	<u>25,239</u>	<u>29,304</u>	<u>+3,879</u>
Total	106,797	108,500	106,797	0
FTE	569	582	523	-46

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 educational excellence and ensure equal access.

OCR's law enforcement function is to ensure that institutions, programs, and activities that receive financial assistance from the Department and other covered entities comply with the Federal civil rights laws enacted by Congress. OCR fulfills this responsibility by enforcing six civil rights laws and their implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and a statute that ensures equal access to school facilities for the Boy Scouts of America or other groups identified by Congress as patriotic societies. 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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Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance. Under the Boy Scouts Act, OCR has jurisdiction over public elementary schools, public secondary schools, local educational agencies and State educational agencies that receive funds made available through the Department.

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. More than 80 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

For fiscal year (FY) 2018, the Office for Civil Rights is requesting a staffing level of 523 full-time equivalents (FTE) employment to support its mission. Of the 523 requested, approximately 90 percent will be located in 12 enforcement offices throughout the country, with the remaining 10 percent located in OCR's headquarters office. The headquarters and DC metropolitan enforcement offices are located in Washington, DC, and the remaining 11 regional offices are located in: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and Cleveland.

The Office of Civil Rights is headed by an Assistant Secretary who is appointed by the President and confirmed by the Senate. The staff in the immediate office of the Assistant Secretary may include a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, a Deputy Assistant Secretary for Strategic Operations and Outreach, and a Deputy Assistant Secretary for Management and Operations, depending on which positions the Administration chooses to utilize.

The Principal Deputy Assistant Secretary performs functions as assigned by the Assistant Secretary such as assisting and advising the Assistant Secretary in the overall direction and management of the agency.

The Deputy Assistant Secretary for Enforcement manages the overall operations of the 12 regional offices that are responsible for ensuring that recipients of Federal assistance and other covered entities comply with the Federal civil rights laws prohibiting discrimination. The vast majority of OCR's staff members work in the agency's 12 regional offices. Their main function is to investigate complaints from the public that allege a violation of one or more of the statutes that OCR enforces and to determine the compliance status of recipients. Time and resources permitting, employees launch proactive investigations of recipients, which is

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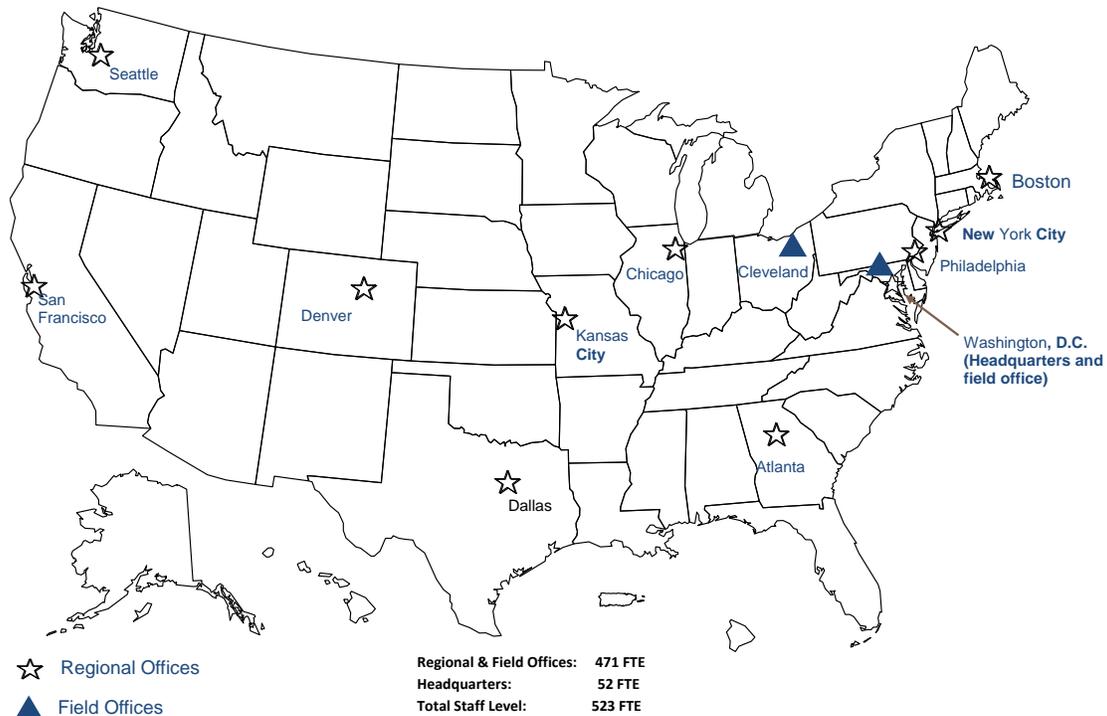
described in more detail below on page Z-11 under “Personnel Compensation and Benefits (PC&B) Costs”. Enforcement staff also monitor recipients’ compliance with voluntary settlement agreements. In addition, they develop and provide technical assistance to foster greater understanding of the statutes that OCR enforces.

The Deputy Assistant Secretary for Policy oversees the Headquarters’ Program Legal Group that provides a range of legal services including: developing policy guidance, developing technical assistance materials, consulting on novel cases from the regional offices, regulation development, and helping to ensure that civil rights issues are appropriately addressed within the Department’s programs and initiatives and among Federal Agencies. The Program Legal Group also has responsibility for administration of the Civil Rights Data Collection.

The Deputy Assistant Secretary for Strategic Operations and Outreach has responsibility for overseeing OCR’s strategic and operational planning, establishing and maintaining effective collaboration with other components of the Department, and ensuring effective outreach and communication between OCR and external stakeholders and the public.

The Deputy Assistant Secretary for Management and Operations has the responsibility for overseeing and directing areas of planning, developing, and implementing budget, operational, and administrative policy for OCR.

OFFICE FOR CIVIL RIGHTS 2018 Headquarters & Regional Staff



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Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2013.....	98,356
2014.....	98,356
2015.....	100,000
2016.....	107,000
2017.....	108,500

FY 2018 BUDGET REQUEST

For FY 2018, the Administration requests \$106.797 million for the Office for Civil Rights, supporting an FTE level of 523. This funding request is level with the FY 2017 annualized Continuing Resolution level and supports the resources essential for OCR to deliver on its statutory and regulatory mandates. A full-year 2017 appropriation was not enacted at the time of the FY 2018 Budget was prepared; therefore, the Budget is built off the Further Continuing Appropriations Act, 2017 (P.L. 114-254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution. The Department of Education Appropriations Act, 2017, provided \$108.5 million, an increase of \$1.5 million or 1.4 percent above the 2016 level.

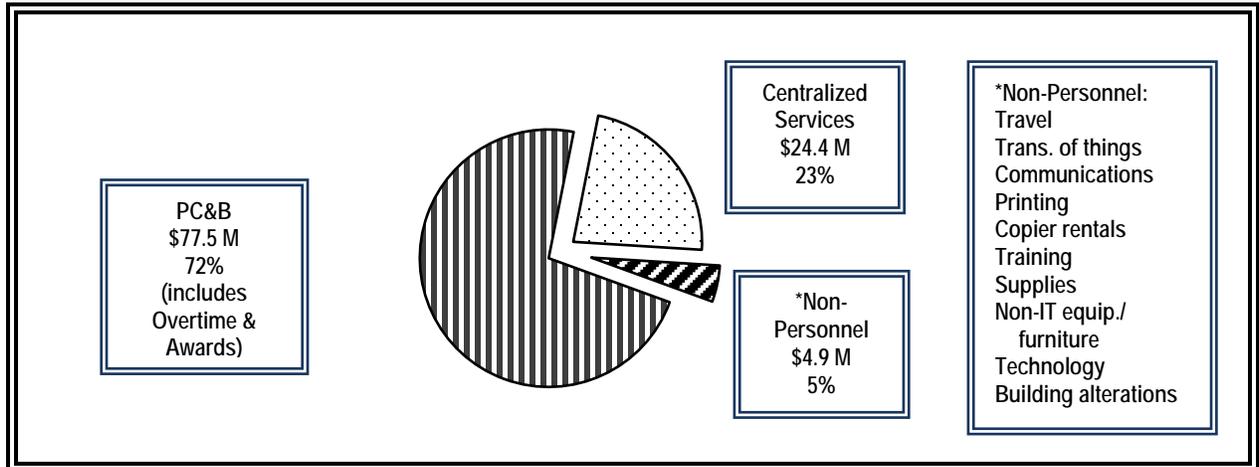
- The Personnel Compensation and Benefits (PC&B) request of \$77.5 million is a decrease of \$3.9 million from the FY 2017 annualized level. The FY 2018 request will support an FTE level of 523, a proposed January 2018 cost-of-living pay raise of 1.9 percent, and associated benefit increases, including transit benefits.
- Non-Personnel costs, excluding centralized services, will be \$4.9 million, an increase of \$2.9 million over the FY 2017 annualized level. The majority of non-personnel funds are for the Civil Rights Data Collection (CRDC): \$3.6 million; software support to operate OCR's Case and Activity Management System (CAMS): \$430,000; Online Discrimination Complaint Form Enhancement: \$102,000; and travel: \$508,000.
- OCR's FY 2018 share of the Department's centralized services (overhead) amount of \$24.4 million reflects an increase of \$1 million above the FY 2017 annualized level due to increases in rent, Information Technology (IT) security, the Department's new Portfolio of Integrated Value-Oriented Technologies (PIVOT) network contract (the replacement to Education Department Utility for Communications, Applications and Technical Environment [EDUCATE]), and physical security.

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FY 2018 Budget (dollars in millions)

Total: \$106.8

FTE: 523

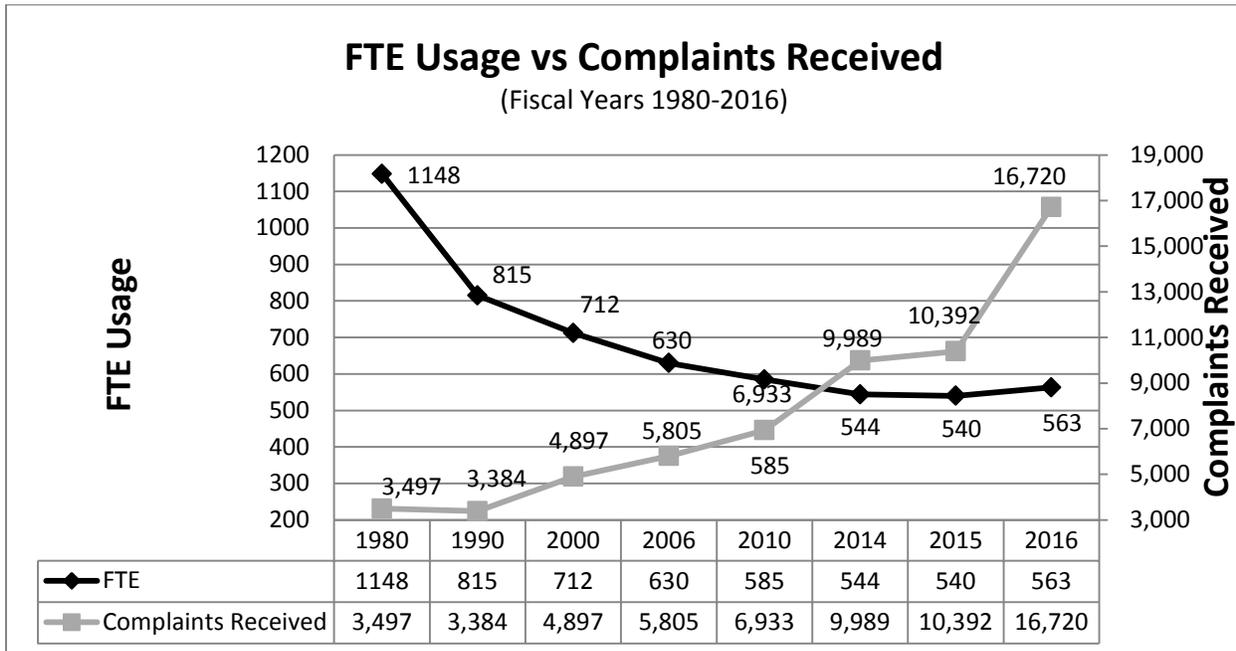


Personnel Compensation and Benefits (PC&B) Costs

OCR accomplishes its mission primarily by responding to complaints and initiating proactive investigations, both of which require significant investments in human capital. Proactive investigations include compliance reviews and directed investigations. OCR initiates compliance reviews to determine whether recipient practices comply with civil rights regulations. OCR initiates directed investigations to address possible discrimination that is not currently being addressed through OCR's complaint resolution, compliance review, or technical assistance activities. The statutes and implementing regulations enforced by OCR require recipients to ensure nondiscrimination in their programs and activities that receive Federal financial assistance. The regulations require OCR "to make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply" with laws protecting students from discrimination in academic institutions that receive Federal funding. Therefore, PC&B costs historically have been the biggest component of OCR's budget as well as the key factor in OCR being able to accomplish its mission.

For FY 2018, PC&B costs are 73 percent of the request, or \$77.5 million, \$3.9 million less than the FY 2017 annualized level. The request supports 523 FTE, a decrease of 46 FTE from the FY 2017 annualized level of 569 FTE. The decrease is needed to cover the 1.9 percent pay raise, CRDC, and central services increases. OCR will rely on attrition to reduce its FTE level by 46.

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The chart above shows trends in FTE levels and caseload. While some of the decline in FTE since 1980 may be attributed to technological advances that improved efficiency, the FTE decline from 2010 to 2015 was a result of decreased funding (\$103 million in FY 2010 to \$100 million in FY 2015). Since FY 2006, the number of complaints nearly tripled through FY 2016, while the number of investigative staff only increased by 5 percent over the same period. In FY 2016, complaint receipts increased by 61 percent, or by 6,328 compared to the previous year. This spike in receipts is primarily attributed to one individual that filed 6,201 Title IX complaints against school districts and elementary and secondary schools. Attributing for this one individual brings the increase in total complaint receipts down to a much smaller increase of 127.

In FY 2018, OCR staff must handle its increased complaint workload while maintaining existing operations. At the reduced FTE level, the number of days to complete investigations may continue to increase, and OCR may have difficulty meeting the performance target levels for complaints resolved within 180 days (80 percent) and complaints pending over 180 days (<25 percent) as established pursuant to the Government Performance and Results Act (GPRA). In the first quarter of FY 2017, OCR failed to meet the targets for both of these performance measures. OCR only resolved 72 percent of cases within 180 days, and the percentage of complaints pending over 180 days was 36 percent.

Prior to FY 2016, the caseload grew by nearly 500 additional cases per year since FY 2006. The FY 2016 ratio of cases per investigative staff was 41 to 1, increased over the 2015 ratio of 26 to 1 largely due to the 6,201 complaints submitted by one individual. This ratio will likely continue to increase through FY 2018 due to fewer staff.

OCR’s core functions include the following: resolving complaints of discrimination; initiating directed investigations/compliance review; providing technical assistance to help institutions

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achieve voluntary compliance with civil rights laws; providing policy guidance to clarify schools' responsibilities; and collecting civil rights data. The FY 2018 Budget request supports these core functions of OCR. This funding is more critical than ever due to the following issues:

1. **Increased workload.** OCR has a high number of cases per staff, as reflected on Table A on page Z-14. The workload for each investigative staff member has increased significantly from 2006 to 2016. Despite the small increase in FTE achieved in FY 2016, the ratio of cases to staff is still well above the optimal level experienced in 2006. Although 58 percent of OCR cases were dismissed in FY 2016, processing each case to make a dismissal determination still requires staff resources. In FY 2016, the average age of case dismissals was 59 days (57 days for cases without multiple complaints filed by one individual).

OCR's performance measures are based on the percentage of complaints resolved within 180 days and percentage of complaints pending over 180 days. In FY 2015, 86 percent of cases met this standard. However, in FY 2016, only 78 percent of cases were resolved in 180 days, an 8 percent drop in one year.

OCR's other performance measure requires that fewer than 25 percent of its cases remain pending over 180 days. In FY 2015, OCR failed to meet this performance measure. The percentage of pending complaints over 180 days was 34 percent, or 9 percent higher than the performance target level. In FY 2016, OCR met this performance measure, with 23 percent. However, the number of cases pending over 180 days at the end of FY 2016, was 2,715, which is several times higher than the number of such cases pending over 180 days in prior fiscal years (for example, in FY 2006 it was 308).

2. **Increased number of complex (including multi-jurisdiction) cases.** Multi-jurisdiction cases tend to be among those that are more complex and require additional time; the number of such cases has more than doubled over the past eleven years (FY 2006 to FY 2016, see Table A on page Z-14). For FY 2018, OCR will direct resources toward resolving complex systemic cases more efficiently, including those that require analysis of a vast amount of data and statistical expertise. OCR only has one part-time statistical expert on staff facilitating the resolution of cases that involve statistical data analysis.
3. **Increased number of cases to be monitored.** OCR has a high number of monitoring cases per staff. When an investigation results in a resolution agreement outlining a number of corrective steps the institution must take, the case remains open and OCR enters into a period of monitoring to ensure the institution faithfully adheres to the terms of the resolution agreement. This work is critical to ensuring satisfaction of the civil rights laws OCR enforces and can include review of progress reports and documents, additional site visits and interviews, and other negotiations. The number of cases in monitoring has increased by 159 percent in the past 11 years. In addition to the caseload where investigation and case resolution are required, each investigator must work on an average of 6.6 monitoring cases, compared to 2.7 in FY 2006 (see Table A on page Z-14).

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4. **Significant need for technical assistance.** OCR's ability to provide technical assistance has been decreasing over time due to the growing volume of complaints. Providing technical assistance to schools and the public is pivotal to increasing the public's understanding of how OCR interprets and enforces civil rights laws and preventing civil rights violations from occurring.

5. **Critical information technology and web-based capacity.** OCR must direct resources toward improving and maintaining OCR's website, facilitating increased use of technology in enforcement and technical assistance activities, and monitoring and maintaining OCR's database investments (including CRDC, CAMS, and Online Discrimination Complaint Form).

Table A: Caseload per Staff in FY 2006, FY 2015, and FY 2016

	FY 2006	FY 2015	FY 2016
Number of Attorneys/Equal Opportunity Specialists (excluding managers)	391	397	412
Complaints Received & Proactive Investigations Launched	5,816	10,411	16,733 ¹
# of cases per staff	15	26	41
# of multi-jurisdiction cases	766	1,400	1,656
Monitoring Caseload	1,054	2,399	2,734
# of monitoring cases per staff	2.7	6.0	6.6
Investigated Cases ²	4,803	5,756	7,396
# of investigated cases per staff	12	14	18

¹ Note: In FY 2016 complaint receipts increased by 61% or by 6,328 compared to the previous year. This spike in receipts is primarily attributed to one individual that filed 6,201 Title IX complaints against school districts and elementary and secondary schools. This increase is partially responsible for the number of cases per staff increasing to 41.

² Criteria: The selection of investigated cases is based on cases either still pending or cases that progressed beyond dismissal and were resolved with administrative closure, no violation, Early Complaint Resolution, or change with or without a resolution agreement.

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Table B: Impact of FTE per Staff Based on 15,000 Complaint Receipts & 3,570 Monitoring Cases Projected in FY 2018

Number/Staff Level	2018 Request
Projected (through FY17) number of Attorneys/Equal Opportunity Specialists (excluding managers)	385
Decreased number of Attorneys/Equal Opportunity Specialists for FY 2018	-27
Projected Total for FY 2018	358
# of cases per staff	42
# of monitoring cases per staff	10

To address steady increases in the number of complaints received and decreased staffing levels, OCR must make difficult choices, including cutting back on initiating proactive investigations.

OCR's administrative staff provide help and support tools for the Enforcement staff's improved efficiency. Support activities include: 1) providing information technology and web support for OCR's enforcement and technical assistance activities, and OCR's website; and 2) supporting the Civil Rights Data Collection.

Awards & Overtime

OCR is requesting \$35,000 for awards and \$8,000 for overtime for a total of \$43,000, the same as the FY 2017 annualized level. The request will cover performance mandated awards for the eligible Senior Executive Staff. OCR will be unable to reward other staff based upon their performance due to funding constraints.

Non-Personnel Costs

The total request for Non-Personnel activities in FY 2018, excluding departmental centralized services, is \$4.9 million, an increase of \$2.9 million above the FY 2017 annualized level. The requested non-personnel funds would provide program support to resolve complaints of discrimination filed by the public and ensure that institutions receiving Federal financial assistance are in compliance with the civil rights laws enforced by OCR. Of the requested increase, \$2.6 million would support an increase in the CRDC.

Detailed information on OCR's non-personnel projects are provided below.

Information Technology Services/Civil Rights Data Collection (CRDC) — OCR is requesting \$3.6 million for the CRDC, an increase of \$2.7 million above the FY 2017 annualized level. Twenty-eight percent, or \$778,000, of this increase will cover pre-collection activities for the 2017-18 CRDC data collection that were delayed due to the funding shortfall in FY 2017. The increase will also support collection and post-collection activities for the 2017-18 CRDC process. It will also support operations and maintenance, minor enhancements, and web hosting for the CRDC reporting website.

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In order for the CRDC to be useful to OCR, the Department, State educational agencies, local educational agencies, and other stakeholders, the data must be collected, analyzed and distributed in a timely manner. Other Department offices and Federal agencies also benefit from the valuable data within the CRDC to increase awareness around key issues and provide a source of national, school-level data. In addition, under section 1111(h)(1)(C)(viii) of the Every Student Succeeds Act (ESSA), States and districts are required to include data from the CRDC on: (1) in-school suspensions; (2) out-of-school suspensions; (3) expulsions; (4) school-related arrests; (5) referrals to law enforcement; (6) incidences of violence, including bullying and harassment; (7) number and percentage of students enrolled in preschool; and (8) number and percentage of students enrolled in accelerated coursework to earn postsecondary credit while in high school (e.g., advanced placement, international baccalaureate) on their annual report cards. States and districts will begin to produce report cards as required by ESSA using the CRDC data from the 2017-18 school year.

Because of OCR's funding constraints in FY 2016 and FY 2017, the Department will continue to work with OCR to conduct 2015-16 collection activities and prepare for the 2017-18 collection activities. In FY 2017, OCR was unable to report 2015-2016 CRDC data to the public through the website for the first time since 1998. As a result of limited funding in FY 2018, OCR will not be able to support necessary updates and system enhancements to the CRDC Reporting website for the third consecutive fiscal year, which may jeopardize the functionality of the website.

CRDC collection consists of five major phases: I) notification and guidance to school districts, II) preparing for data submissions, III) survey submission window, IV) finalizing data files, and V) data upload to the CRDC website. Pre-collection includes phases I and II, collection activities comprise of phase III, and post-collection include phases IV and V. All phases and costs are listed in detail on the CRDC chart on page Z-18. OCR anticipates phase V of the 2017-18 CRDC to be funded in FY 2019.

The CRDC provides data on leading civil rights indicators related to access and barriers to educational opportunity at the pre-K through 12th grade school levels. Although OCR has conducted the CRDC since 1968, the last few years have seen substantial improvements in both the quality and the usability of the data. OCR developed pre-submission analytic reports to assist districts in reducing errors, and this effort is complemented by new tip sheets, FAQs, and guidance documents posted to the CRDC website.

With respect to improved usability, the CRDC has become more accessible and understandable for the general public, researchers, and policymakers. In FY 2016, OCR released data from the 2013-14 CRDC, which was the third universal collection. (Previous universal collections were conducted for the 2000 and 2011-12 school years.) The 2013-14 CRDC was released on June 7, 2016, including a First Look report that provided a broad overview of the data in key areas of inequity and progress. The collection surveyed more than 16,700 school districts and 95,500 public schools representing over 50 million students.

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The following table provides a detailed account of the CRDC budget for fiscal years 2016-2018.

School Year	Major Activity	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018
2013-14 CRDC Data Analysis	Data Analysis Q&A, updating and special tabulations for public use of the 2013-14 CRDC data .	98,959		
CRDC 2015-16	Phase II - Preparing for data submissions: <i>Technical assistance</i> to prepare districts to collect and submit data and confirmation of school directory. (Complete defining of file specification, and pre-collection tools deployment).	641,498		
CRDC 2015-16	Phase III - Survey Submission Window: Begin data collection from LEAs, Partner Support Center for technical support for school districts' data submissions.	1,348,568		
2015-16 CRDC Data Analysis	Data Analysis Q&A, updating and special tabulations for public use of the 2015-16 CRDC data . Publications, design and editing of CRDC issue briefs for the 2015-16 CRDC data.	146,996		
CRDC 2015-16	Phase IV - Finalizing Data Files: Data quality review and editing, time series, privacy protection.		367,200	
CRDC 2015-16	Phase V – Data Upload: Applying CRDC 2015–2016 data to the CRDC (Reporting) website; hosting and releasing the new data to the general public. (This Phase is now separate from Phase IV.)			
CRDC 2017-18	Phase I - Notification and Guidance: Notification to school districts, identifying primary point of contact, guidance (Q&A).			777,899
CRDC 2017-18	Phase II - Preparing for data submissions: File specifications, pre-collection tools, confirmation of school directory, technical assistance to prepare districts to collect and submit data.			
CRDC 2017-18	Phase III - Survey Submission Window: Begin data collection from LEAs, Partner Support Center for technical support for school districts' data submissions.			1,578,801
CRDC 2017-18	Phase IV & V - Finalizing Data Files and Data Upload: Data quality review and editing, time series, privacy protection.			811,691
CRDC 2017-18	Phase V – Data Upload: Applying CRDC 2015–2016 data to the CRDC (Reporting) website; hosting and releasing the new data to the general public. (This Phase is now separate from Phase IV.)			
CRDC Reporting Website	Fund the “Base Year” and 4 option years for the CRDC (Reporting) website’s operation and maintenance.	312,298	269,298	274,364
CRDC Reporting Website	Implement data updates to the reporting website, develop and implement system enhancements and new reports to improve data analysis and display.		166,718	49,799
Web Hosting	Web hosting under the EDUCATE contract.	83,800	83,784	83,784
Total CRDC		\$2,632,119	\$887,000	\$3,576,338

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Information Technology Services/Case Activity Management System (CAMS) — OCR is requesting \$430,000 for CAMS, an increase of \$175,000 above the FY 2017 annualized level. CAMS is an electronic tracking system used to record the status of past, ongoing, and upcoming cases and store the documents associated with each case. It uses a combination of three software applications: Case Management System, Activity Management System, and Open Text Document Management System with Record Management function. The funding for this project provides for: (a) enhancements to apply business process changes and to improve the usage of these core applications, (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. OCR continues to enhance these essential applications for critical unmet needs identified by CAMS' core users. With the majority of the increase in funds, OCR will purchase additional records management licenses.

Information Technology Services Support for Operations and Maintenance (O&M) for Online Discrimination Complaint Form Enhancement — OCR is requesting \$102,000, an increase of \$7,000 above the FY 2017 annualized level. Of this request, \$75,000 covers two subtasks in support of the contracting task: (a) General O&M to support OCR's publically accessible website¹; and (b) the OCR Web Based Collection System document upload project that allows the public to search for and access OCR enforcement resolution letters and agreements entered into on or after October 1, 2013.

- For subtask (a), O&M covers both the electronic pre-complaint and online complaint forms. The pre-complaint form is an online screening process tool that walks potential complainants through a number of considerations prior to their submission of a discrimination complaint to OCR. The Online Discrimination Complaint Form is a public facing tool. Therefore, OCR will need to invest in cybersecurity measures to manage the risks of cyber threats related to the use, processing, storage and transmission of personally identifiable information. The online complaint database is a management tool that enables OCR staff to access information and data from the online complaints necessary to evaluate the complaints for potential investigation.
- For subtask (b), the OCR Web Based Collection System document upload project involves contracting IT services to upload OCR resolution letters and agreements, policy documents, and other information to the OCR website in order to provide transparency to the public about OCR enforcement and compliance activities.

Transparency Enhancements — In an effort to further increase transparency and provide easily accessible information to the public about its enforcement activities, OCR will continue to explore ways to provide the public with up-to-date data about pending and resolved investigations (such as information that is sortable by date, name of institution, and issue). Currently, OCR does not have the capacity or funds to develop and maintain a searchable public online database of thousands of OCR investigations and resolutions, as has been requested by members of Congress and the public. OCR will gather information and explore the possibility of developing such an online database.

¹ <http://www2.ed.gov/about/offices/list/ocr/index.html>

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Travel — OCR requests a travel budget of \$424,000, which is an increase of \$10,000 above the FY 2017 annualized level. The overwhelming majority of OCR's travel funds are used to investigate complaints. However, due to the decrease in travel funds, OCR will have to limit travel for conducting proactive investigations, providing technical assistance, monitoring corrective action plans, and training. OCR must ensure that staff and leadership in the enforcement offices are able to receive critical training, civil rights updates, and management skills necessary to improve OCR operations. OCR has greatly expanded its use of video teleconference technology to enable optimal video communications and conferencing between the enforcement offices and headquarters to reduce the need for costly travel. However, face-to-face communication is sometimes essential for conveying organizational priorities, supporting professional networks and learning, and providing critical information and training for OCR's managers and staff spread among 12 locations around the country. OCR's enforcement staff will be limited in conducting onsite investigations and monitoring, and OCR's ability to achieve greater coordination and communication regarding core activities will be greatly diminished.

Printing — OCR requests \$12,000 for printing, the same as the FY 2017 annualized level, to cover necessary printed items such as pamphlets highlighting OCR activities in various languages, reports, fact sheets, business cards, and letterhead.

Training — OCR is requesting a training budget of \$4,000, same as the FY 2017 annualized level. OCR's leadership recognizes that the success of its work depends on the quality of its staff across all levels of the organization. Staff need opportunities to participate in leadership programs, supervisory training, policy conferences, and continuing legal education to fulfill OCR's mission. OCR will focus its professional and technical training to online and WebEX platforms to minimize training costs.

Communication/Copier Rentals and Operations and Maintenance of Facilities — OCR requests \$88,000, the same as the FY 2017 annualized level. These funds are needed for existing copier rental and maintenance agreements and to replace expired agreements in FY 2017 (\$83,000), overnight shipping costs (\$4,000) and maintenance of facilities (\$1,000).

Other Services— OCR is requesting \$190,000, same as the FY 2017 annualized level. The request includes:

- Legal Research Services, \$98,000 — 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 have to leave the office to perform legal research.
- Miscellaneous services, \$54,000 — The request supports translation and interpretation services (translating documents and pamphlets into several languages) (\$42,000); and miscellaneous services for advertisement and short-term contractual services (\$12,000).

Goods and Services — OCR is requesting \$38,000, the same as the FY 2017 annualized level. This supports Education publications (ED Pubs) (\$15,000), and General Services Administration-leased vehicles and equipment (\$23,000).

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Supplies — OCR is requesting \$53,000, same as the FY 2017 annualized level. The funds are needed to purchase supplies, renew periodical subscriptions relating to law, disabilities, and news; support case files maintenance; purchase copier paper; and purchase expired items in each employee’s “emergency kit,” such as batteries.

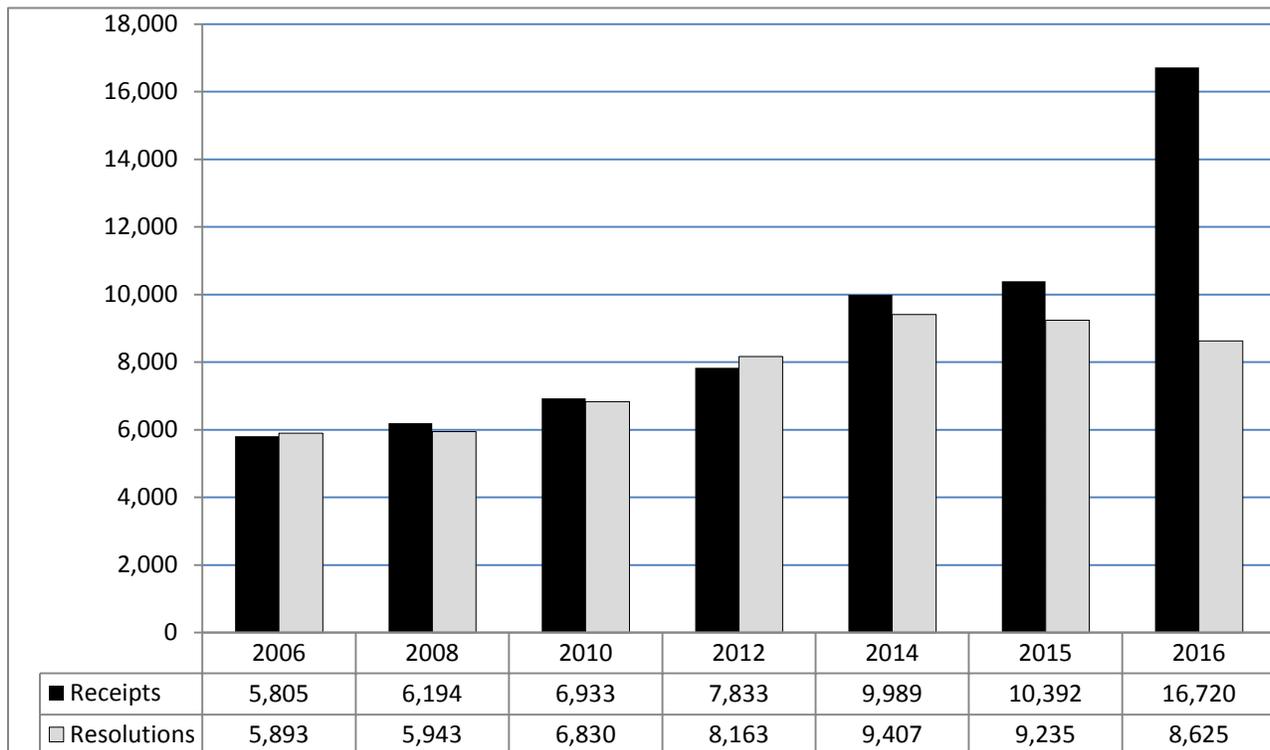
Departmental Centralized Support

Approximately 83 percent of the total non-personnel budget request is to cover OCR’s share of the Department’s centralized services. The request provides \$24.4 million for centralized services, an increase of \$1 million above the FY 2017 annualized level. The request will cover the costs of services such as rent; departmental training; personal security; 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; IT security; telecommunications; computers and related hardware; smartphones; IT processing services; and network support.

PROGRAM OUTPUT MEASURES

The following chart shows the number of OCR’s complaint receipts and resolutions since FY 2006. Actual data are shown for fiscal years 2006-2016 and estimates are shown for fiscal years 2017-2018.

**Complaint Receipts and Resolutions
(FY 2006 – FY 2016)**

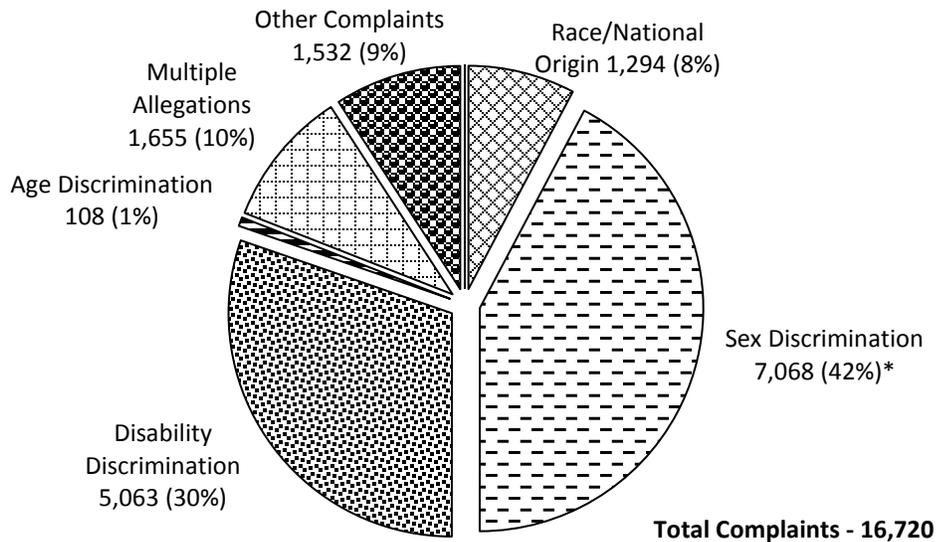


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In FY 2016, total complaint receipts increased 61 percent, or by 6,328 compared to the previous year. This spike in receipts is primarily attributed to one individual that filed 6,201 Title IX complaints against school districts and elementary and secondary schools.

The pie chart below displays the FY 2016 complaint caseload by jurisdiction. OCR sex discrimination complaints made up the largest percentage of filed complaints (see note below), followed by disability discrimination complaints. In general, disability discrimination has historically constituted the greatest share of OCR's complaint caseload. For example, in FY 2015, disability discrimination was 39 percent of the caseload, and sex discrimination was 23 percent.

**FY 2016 Complaint Caseload by Jurisdiction
(October 1, 2015 – September 30, 2016)**



Note: Of the 7,068 Sex Discrimination complaints, 6,201 were attributed to one individual that filed these Title IX complaints against school districts and elementary and secondary schools.

Although overall OCR complaints have nearly tripled, OCR has seen much more significant increases in complaints in the following growing areas, many of which require significant time and resources to investigate and resolve:

- **Online Accessibility for All Students, Including Students with Disabilities:** Although historically OCR received comparatively fewer complaints in the area of web accessibility for students with disabilities; the number of complaints in this area has grown significantly in recent years. The 593 complaints that OCR received in FY 2016 marked the highest number since OCR began tracking the issue in FY 2011, when only 9 complaints were received. Although 538 of the total complaints received in FY 2016 were filed by one person, the vast majority of the 593 complaints met the regulatory requirements for OCR to investigate.

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- **Sexual Violence:** Complaints of sexual violence at the postsecondary level have increased significantly since OCR began tracking this issue eight years ago, from 11 in FY 2009 to 177 in FY 2016. In the first quarter of FY 2017, as of December 31, 2016, OCR had 360 cases pending at the postsecondary level with an average age of 549 days.

At the elementary and secondary school level, OCR received 83 complaints in FY 2016, which is 36 percent higher than the previous highest number of complaints received in a year (61 in FY 2015). Complaints of sexual violence at the elementary, secondary, and postsecondary levels comprise 32 percent of sexual discrimination complaints. In the first quarter of FY 2017, OCR had 153 cases pending with an average age of 453 days.

- **Discriminatory Discipline:** OCR had 449 pending cases alleging discriminatory discipline based on disability, race, or sex at the elementary and secondary level as of December 31, 2016. The average age of these cases is 707 days. While the number of complaints has not grown significantly, the average number of days until completion of these cases have grown due to the scope of the investigations required for these complaints.
- **Racial Harassment:** Complaints of racial harassment at the elementary and secondary education level has increased notably in the past 11 years, from 185 in FY 2006 to 344 in FY 2016. There have also been increases at the postsecondary level; for example, in FY 2016, OCR received 198 racial harassment complaints, which quadruple the number of racial harassment complaints received (51) in FY 2006.

In addition to the growing complaint areas discussed above, OCR's cases address a broad array of issues including academic evaluation and restraint and seclusion of students with disabilities; athletics; harassment; services for English language learners; retaliation; and inequitable access to educational resources such as effective educators and rigorous coursework.

In FY 2016, OCR received an increase of \$7 million, which supported 36 of the 200 FTE requested that year. Despite this small increase in OCR's staffing level, OCR did not meet its performance goal for percentage of complaints resolved within 180 days (80%) in FY 2016. Because of the increased complaint volume in the last 11 years (from 5,805 total cases in FY 2006 to 16,720 in FY 2016), the number of cases that have been pending more than 180 days has increased from 308 at the end of FY 2006 to 2,715 in FY 2016. Many of these cases, such as those addressing sexual violence and school discipline, are both more complex and/or more time-consuming.

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The following table provides the number of cases received by jurisdiction during the past 11 years, FY 2006 through 2016. Note the areas of increases since FY 2006 by Jurisdiction.

Complaint Caseload by Jurisdiction (Fiscal Years 2006 – 2016)

Jurisdiction	FY 2006	FY 2008	FY 2010	FY 2012	FY 2014	FY 2015	FY 2016
Race	998	993	1,056	1,267	1,203	1,143	1,294
Sex	334	328	391	686	2,354	2,390	7,068*
Disability	3,025	3,165	3,405	3,683	3,909	4,052	5,063
Age	86	96	131	134	122	147	108
Multiple	750	917	1,037	1,192	1,588	1,399	1,655
Other	612	695	913	871	813	1,261	1,532
TOTAL	5,805	6,194	6,933	7,833	9,989	10,392	16,720

Note: In FY 2016, of the 7,068 Sex Discrimination complaints, 6,201 were attributed to one individual that filed these Title IX complaints against school districts and elementary and secondary schools.

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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. While performance has remained strong over time, OCR anticipates potential difficulty sustaining this degree of performance in the future.

Current performance measures for complaint workload:

Measure: Percentage of complaints resolved within 180 days.

Year	Target	Actual
2013	80%	95%
2014	80	94
2015	80	86
2016	80	78
2017	80	
2018	80	

Measure: Percentage of complaints pending over 180 days.

Year	Target	Actual
2013	< 25%	19%
2014	< 25	23
2015	< 25	34
2016	< 25	23
2017	< 25	
2018	< 25	

Additional information: The first two performance measures encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to evaluate, investigate and resolve. For FY 2018, given that the number of complaints received is likely to remain at high levels, OCR's GPRA performance may decrease over time

Because of the increase in complaints, OCR has only met one of the two performance goals addressing complaint workload -- the percentage of complaints pending over 180 days (target <25, actual 23). OCR has failed to meet the 80 percent target level for percentage of complaints resolved within 180 days (target 80 percent, actual 78).

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Measure: Mean score of customer satisfaction survey.

Year	Target	Actual
2013	3.66	3.87
2014	3.66	3.79
2015	3.66	3.59
2016	3.66	3.73
2017	3.66	
2018	3.66	

Additional information: OCR's **third performance measure** looks at customer satisfaction through a 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 fell below that threshold in 2015 and was slightly above it in 2016.

OCR's Initiatives and Activities to Support the Department's Strategic Plan

OCR's mission is specifically linked to the Department's FY 2014–2018 Strategic Plan "Goal 4: Equity", and in particular, "Subgoal 4.2: Civil Rights Enforcement." Under this subgoal, OCR is responsible for ensuring educational institutions' compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights under these laws. To ensure the success of OCR's subgoal under the Department's strategic plan, sufficient funding is needed to support initiatives and activities such as the following:

Issuing Policy Guidance

During FY 2016, OCR issued policy guidance documents addressing a range of issues, including the needs of students with attention-deficit/hyperactivity disorder (ADHD), gender equity in career and technical education (CTE), and resource equity concerns to the obligations of schools to designate a Title IX coordinator. (See chart below.) These documents serve to assist recipients of Federal financial assistance and other covered entities in understanding how OCR interprets and enforces Federal civil rights laws. In some instances, the guidance OCR issues directly responds to emerging trends that are of concern as reflected in the CRDC, requests OCR receives for technical assistance, compliance issues in career and technical education programs as identified through the Methods of Administration program, and OCR's own investigations. When appropriate, OCR issues guidance jointly with other civil rights offices, such as the Civil Rights Division at the U.S. Department of Justice (DOJ). Educational institutions may use OCR's policy guidance to help understand the law, adjusting their own policies and practices to enhance civil rights protections for students and avoid civil rights violations, which can reduce the need for OCR enforcement. Students, families, and communities often utilize OCR's guidance to better understand students' civil rights.

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Policy Guidance Issued in FY 2016

Statute	Issue/Release Date	Description
Title VI	Use of Race/Diversity September 30, 2016	Clarifies the ruling made by the U.S. Supreme Court in Fisher v. University of Texas at Austin (Fisher II) and reiterates the continued support of the Departments of Education and Justice for the voluntary use of race and ethnicity to achieve diversity in education.
Title IX	Voluntary Youth Service Organizations December 15, 2015	Explains the circumstances under which a school district lawfully may work with outside organizations that provide single-sex programming.
	Gender Equity in Career and Technical Education June 15, 2016 (released jointly with Office for Career, Technical, and Adult Education)	Reiterates that all students, regardless of their sex, must have equal access to the full range of Career and Technical Education programs offered.
Section 504/Title II	Attention-Deficit/Hyperactivity Disorder (ADHD) July 26, 2016	Clarifies the obligation of schools to provide students with ADHD with equal educational opportunity.

Protection of Students with Disabilities

Pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, OCR will continue to ensure that students with disabilities are not discriminatorily denied the opportunity to participate in and benefit from a school district's programs and activities. This includes ensuring that schools properly evaluate students, including students with food allergies and other health impairments, determining technology needs, and giving students with disabilities equitable access to athletic programs and activities. OCR anticipates further engagement regarding protecting students with disabilities from discrimination based on disability.

Combating Sexual Violence

OCR has focused resources on addressing sexual violence on college campuses. In FY 2014, OCR issued updated guidance on protecting students from sexual violence. OCR received 260 sexual violence complaints at the elementary and secondary and postsecondary levels in FY 2016, up from 128 in 2014 and 227 in 2015. OCR anticipates this work increasing through FY 2018.

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Reducing Discriminatory Discipline

Addressing school discipline is a key civil rights priority of OCR. In January 2014, OCR and the Department of Justice released a school discipline guidance package¹ to assist States, districts, and schools in developing practices and strategies to enhance school climate and ensure those policies and practices comply with Federal law. The public spotlight on this issue is likely to continue through FY 2018 and produce more discipline-related complaints, investigations, and requests for technical assistance.

Reducing Racial Isolation and Fostering Voluntary Efforts to Increase Diversity

Racial isolation in U.S. schools remains alarmingly high. Studies show that 80 percent of Latino students and 74 percent of black students are in schools where the majority of students are not white, and 43 percent of Latino students and 38 percent of black students attend "intensely segregated schools" in which white students comprise 10 percent or fewer of the student body². According to the CRDC, schools with the highest concentration of black and Latino students have less access to college- and career-ready courses and opportunities. In December 2011, OCR released two policy guidance letters to assist K-12 schools in voluntary efforts to reduce racial isolation and increase racial diversity, and to assist postsecondary institutions in voluntary efforts to increase racial diversity. Following U.S. Supreme Court cases like *Parents Involved in Community Schools v. Seattle School District* and *Fisher v. University of Texas (Fisher I and Fisher II)*, OCR can provide schools with technical assistance on how they may voluntarily take steps to diversify their student populations in accordance with the law.

Increase Knowledge of Title IX and Disability Coordinators

OCR's regulations require each recipient (a public or private agency, institution, or organization, to whom Federal financial assistance is extended, which operates an education program or activity which receives such assistance) to designate at least one employee to coordinate its efforts to comply with Title IX and Section 504, including investigations of any complaints of non-compliance the recipient receives. In order to ensure that Title IX coordinators are effectively meeting their Federal obligation to further Federal civil rights, OCR will assess the needs of these coordinators, provide them training and support, and investigate recipients who are not fulfilling their civil rights obligations concerning Title IX coordinators.

Access to College- and Career-Preparatory Courses

In some school districts, college-prep, International Baccalaureate, and Advanced Placement courses are not equitably available to students of color, English learners, or students with disabilities. OCR will continue to respond to complaints and engage in compliance reviews and technical assistance activities to address discrimination in equal access to programs that prepare students for college or careers.

¹ <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

² <http://civilrightsproject.ucla.edu>.

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Protection of English Language Learners (ELL)

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 v. Nichols* to provide effective access and services to students who are ELL and Limited English Proficiency parents. OCR expects additional engagement through complaint investigations and technical assistance efforts.

Reduction of Discriminatory Bullying, Harassment, and Violence

OCR continues to experience a high volume of complaints related to harassment and violence on the basis of race, color, national origin, sex, and disability. OCR will continue to ensure that K-12 and postsecondary schools act promptly and equitably to eliminate discrimination.

The following table shows the number of complaints regarding harassment, and violence that were received in the past 6 years, from fiscal years 2011-2016. These complaints involve various jurisdictions. The number of complaints related to bullying, harassment, and violence has increased 45 percent since FY 2011.

Bullying, Harassment and Violence Complaint Caseload (FY 2011 – FY 2016)

FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
1,170	1,229	1,400	1,355	1,389	1,700