

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2021 Budget Request**

**CONTENTS**

	<u>Page</u>
Appropriations Language .....	AA-1
Amounts Available for Obligation .....	AA-2
Obligations by Object Classification .....	AA-3
Summary of Changes .....	AA-4
Authorizing Legislation .....	AA-5
Appropriations History .....	AA-6
Significant Items in FY 2020 Appropriations Reports.....	AA-7
Activity:	
Office for Civil Rights .....	AA-9



## 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, \$130,000,000. (*Department of Education Appropriations Act, 2020.*)

**OFFICE FOR CIVIL RIGHTS**

**Amounts Available for Obligation**  
(dollars in thousands)

Appropriation and Adjustments	2019	2020	2021
Discretionary appropriation:			
Appropriation.....	\$125,000	\$130,000	\$130,000
Unobligated balance, expiring .....	<u>    0</u>	<u>    0</u>	<u>    0</u>
Total, direct obligations.....	125,000	130,000	130,000

**OFFICE FOR CIVIL RIGHTS**

**Obligations by Object Classification**  
(dollars in thousands)

Object Class		2019 Actual	2020 Appropriation	2021 Request	Change from 2020 to 2021
11.10	Full-time permanent	\$58,692	\$70,303	\$71,784	+\$1,481
11.31	Full-time temporary	849	980	995	+15
11.32	Part-time	1,146	857	871	+14
11.33	Consultants	0	0	0	0
11.51	Overtime	571	40	40	0
11.52	Awards	478	678	678	0
11.80	Other Compensation	<u>21</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, Personnel Comp.	61,757	72,858	74,368	+1,510
12.00	Benefits	20,011	23,711	24,446	+735
13.1	Benefits for Former Personnel	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, Per. Comp. & Ben.	81,768	96,569	98,814	+2,245
21.00	Travel	752	965	795	-170
22.00	Transportation of things	9	0	0	0
23.10	Rental Payments to GSA	6,233	9,826	9,143	-683
23.31	Communications	6	10	10	0
23.32	Postage/fees	<u>32</u>	<u>17</u>	<u>17</u>	<u>0</u>
	Subtotal, 23	6,271	9,853	9,170	-683
24.00	Printing & Reproduction	3	5	5	0
25.1	Advisory and Assist Serv	0	0	0	0
25.21	Other Services	6,767	1,525	1,414	-111
25.22	Training/Tuition/Contracts	248	509	529	+20
25.30	Goods/Services from Gov't	5,193	2,173	2,228	+55
25.71	Operations/Maint of Equipment	1	1	1	0
25.72	IT Services/Contracts	<u>22,689</u>	<u>17,805</u>	<u>16,432</u>	<u>-1,373</u>
	Subtotal, 25	34,898	22,013	20,604	-1,409
26.00	Supplies	88	104	104	0
31.10	IT Equipment/Software	259	491	508	+17
31.30	Other Equipment	<u>41</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, 31	300	491	508	+17
32.00	Building Alterations	<u>794</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Total, obligations	124,883	130,000	130,000	0

**OFFICE FOR CIVIL RIGHTS**

**Summary of Changes**  
(dollars in thousands)

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2020 .....	\$130,000
2021 .....	<u>130,000</u>
Net Change .....	0

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	<u>2020</u> <u>Appropriation</u>	Change from <u>Appropriation</u>
<b>Increases:</b>		
<u>Built in</u>		
Increase in Personnel Costs & Benefits (PC&B)	\$96,569	+\$2,245
<u>Program:</u>		
Increase in training	509	+20
Increase in goods/services from the Government	2,173	+55
Increase in IT equipment/software	491	<u>+17</u>
Subtotal, increases		+2,337
 <b>Decreases:</b>		
<u>Built-in:</u>		
Decrease in rent to GSA	\$9,826	-\$683
<u>Program:</u>		
Decrease in travel	965	-170
Decrease in other services	1,525	-111
Decrease in IT services contracts	17,805	<u>-1,373</u>
Subtotal, decreases		-2,337
Net Change		0

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**OFFICE FOR CIVIL RIGHTS**

**Authorizing Legislation**  
(dollars in thousands)

Activity	2020 Authorized	2020 Appropriation	2021 Authorized	2021 Request
Civil Rights (DEOA).....	<u>Indefinite</u>	<u>\$130,000</u>	<u>Indefinite</u>	<u>\$130,000</u>
Total appropriation.....		130,000		130,000

## OFFICE FOR CIVIL RIGHTS

### Appropriations History (dollars in thousands)

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Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2012	\$107,772	\$102,818 <sup>1</sup>	\$102,818 <sup>1</sup>	102,624
2013	102,624	102,624 <sup>2</sup>	102,624 <sup>2</sup>	98,356
2014	98,356	N/A <sup>3</sup>	98,356	98,356
2015	102,000	N/A <sup>3</sup>	102,000 <sup>4</sup>	100,000
2016	130,691	100,000 <sup>5</sup>	100,000 <sup>5</sup>	107,000
2017	137,708	100,000 <sup>6</sup>	110,000 <sup>6</sup>	108,500 <sup>6</sup>
2018	106,797	108,500 <sup>7</sup>	117,000 <sup>7</sup>	117,000 <sup>7</sup>
2019	107,438	117,000 <sup>8</sup>	125,000 <sup>8</sup>	125,000 <sup>8</sup>
2020	125,000	130,000	125,000 <sup>9</sup>	130,000 <sup>9</sup>
2021	130,000			

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<sup>1</sup> The level for the House allowance reflects an introduced bill and the level for the Senate allowance reflects Senate Committee action only.

<sup>2</sup> 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.

<sup>3</sup> The House allowance is shown as N/A because there was no Subcommittee action.

<sup>4</sup> The level for the Senate allowance reflects Senate Subcommittee action only.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> The level for the House allowance reflects floor action on the Omnibus appropriations bill; the Senate allowance reflects Committee action on the regular annual 2018 appropriations bill; the Appropriation reflects the Consolidated Appropriations Act, 2018 (P.L. 115-141).

<sup>8</sup> The levels for the House and Senate allowance reflect Committee action on the regular annual 2019 appropriations bill; the Appropriation reflects enactment of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 (P.L. 115-245).

<sup>9</sup> The Senate allowance reflects the Chairman's mark; the Appropriation reflects the Further Consolidated Appropriation Act, 2020 (P.L. 116-94)



## OFFICE FOR CIVIL RIGHTS

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### Significant Items in FY 2020 Appropriations Reports

#### **OCR Civil Rights Data Collection**

Managers' Statement	The agreement directs the Department to provide a briefing to the appropriation and authorizing Committees within 90 days of enactment of this Act on the proposed changes, how the changes reflect civil rights enforcement needs, information on the comments received on the proposal, an evaluation of the 2017-18 CRDC, and any impact on the mission and purpose of the CRDC and the Office for Civil Rights.
Response	The Department will submit a briefing to the Committees as directed.
House	The Committee encourages OCR to obtain data through the Civil Rights Data Collection on access to K–12 computer science education and computational thinking education, and to submit a report of its findings, within 180 days of enactment of this Act, to the Committees on Appropriations and the authorizing committees of jurisdiction. The data obtained should include the number of computer science and computational thinking classes offered in elementary and secondary schools, the number of students enrolled in these classes disaggregated by race, sex, disability according to the Individuals with Disabilities Education Act, and English Learner status, and the number of teachers in elementary and secondary schools with computer science certifications. The agreement directs the Department to provide a briefing to the appropriation and authorizing Committees within 90 days of enactment of this Act on the proposed changes, how the changes reflect civil rights enforcement needs, information on the comments received on the proposal, an evaluation of the 2017-18 CRDC, and any impact on the mission and purpose of the CRDC and the Office for Civil Rights.
Response	The Department will submit a briefing of its findings to the Committees as directed.

#### **OCR School Discipline Rates and Recommendations**

House	OCR should submit to the Committees on Appropriations, no later than 180 days after the enactment of this Act, and annually thereafter, a report detailing school discipline in all preschool and K–3 classrooms, including disaggregated data and any disparities by subgroup in disciplinary rates. The report should also include specific recommendations given to schools on expulsions and suspensions— including evidence-based interventions, consumer education specific to each school, and opportunities to improve school climate.
Response	The Department will submit an annual report to the Committees as directed.

## OFFICE FOR CIVIL RIGHTS

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### **OCR Full-Time Equivalency (FTE) Discrepancy**

- House            The Joint Statement accompanying the Department of Education Appropriations Act, 2019, directed the Department to submit quarterly reports on FTE levels and attrition. The first report was submitted to the Committees on Appropriations on February 11, 2019. In the report, OCR showed 510 FTE for the first quarter of 2019. Yet, the fiscal year 2020 budget request shows the number of FTE in fiscal year 2019 at 625. The Committee is concerned about this discrepancy and expects the Department to explain how it onboarded 115 FTE between the time the first report was submitted and the end of fiscal year 2019 in the fiscal year 2021 Congressional Budget Justification.
- Response        The Department will continue to submit quarterly reports to the Committees and explain the FTE discrepancy in the fiscal year 2021 Congressional Budget Justification as directed.

### **OCR Increase of Full-Time Equivalency (FTE)**

- House            The Committee directs OCR to use this appropriation to increase its level of full-time equivalent (FTE) employment in order to effectively and timely investigate complaints; execute and accurately report the civil rights data collection; thoroughly monitor corrective actions of institutions and meet other critical workloads.
- Response        The Department will continue to submit quarterly reports to the Committees and explain the FTE discrepancy in the fiscal year 2021 Congressional Budget Justification as directed.

### **OCR Seclusion and Restraint Data**

- House            The agreement strongly urges the Assistant Secretary for the Office for Civil Rights to take immediate steps in the ongoing 2017-2018 CRDC to improve the accuracy of the data, to remind and clarify for all schools and school districts to only report zero incidents of seclusion and restraint when no incidents have occurred, to leave cells blank for missing or incomplete data, and to contact schools and school districts that already submitted data for the 2017-2018 CRDC and verify the accuracy of the data. Finally, the agreement strongly urges the Assistant Secretary to monitor compliance with action plan requirements for missing data, and ensure plans are submitted and address all missing data. The agreement requests an update on these efforts in the fiscal year 2021 Congressional Justification.
- Response        The Department has taken significant steps to improve many aspects of the CRDC. Those efforts are detailed in the Department's response to Government Accountability Office (GAO) dated December 18, 2019.

## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2021 Authorization: Indefinite

Budget Authority:

	<u>2020</u>	<u>2021</u>	<u>Change from 2020 to 2021</u>
Personnel Compensation and Benefits Costs	\$95,112	\$97,165	+\$2,053
Non-Personnel Costs	<u>34,888</u>	<u>32,835</u>	<u>-2,053</u>
Total	130,000	130,000	0
FTE	589	592	+3

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

## OFFICE FOR CIVIL RIGHTS

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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.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2016.....	107,000
2017.....	108,500
2018.....	117,000
2019.....	125,000
2020.....	130,000

### **FY 2021 BUDGET REQUEST**

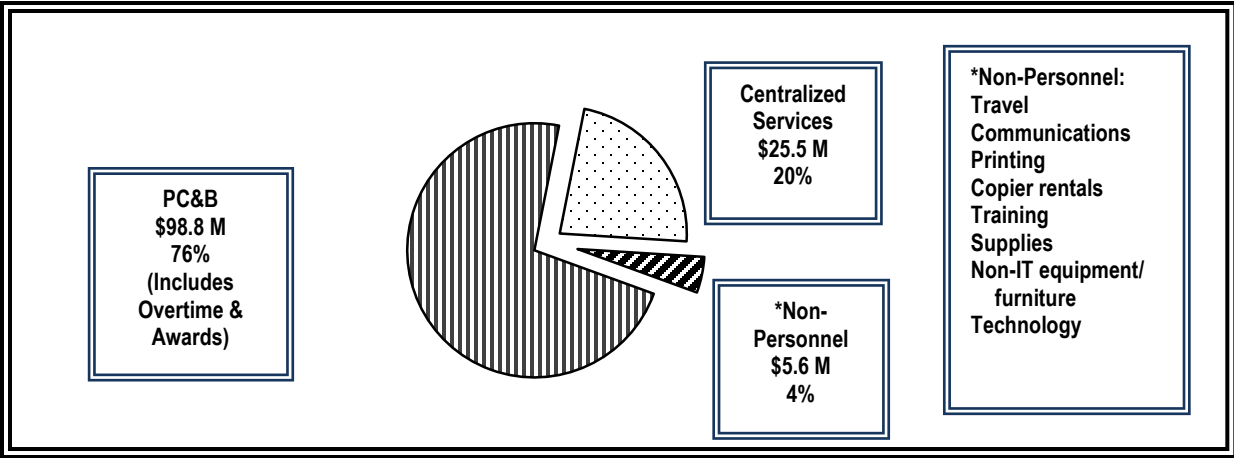
For fiscal year 2021, the Administration requests \$130 million for the OCR, level with the fiscal year 2020 appropriation. Funds would support an FTE level of 592 and would provide for the resources essential for OCR to deliver on its statutory and regulatory mandates.

- The **Personnel Compensation and Benefits (PC&B)** request of \$98.8 million is \$2.2 million more than the fiscal year 2020 appropriation. The fiscal year 2021 request will support PC&B costs associated with an FTE level of 592, an increase of 3 from the fiscal year 2020 level.
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$5.6 million is \$273,000 less than fiscal year 2020 appropriation. Most of non-personnel funds are primarily for the Civil Rights Data Collection (CRDC): \$3.2 million; travel: \$867,000; the Online Discrimination Complaint Form Enhancement System: \$568,000; and the software support to operate OCR's Case and Activity Management System (CAMS): \$360,000.

**OFFICE FOR CIVIL RIGHTS**

- OCR’s fiscal year 2021 share of the **Department’s Centralized Services (overhead)** is \$25.5 million, \$1.9 million less than the fiscal year 2020 appropriation. The chart below shows the funding level by category and the percentage share of the fiscal year 2021 request.

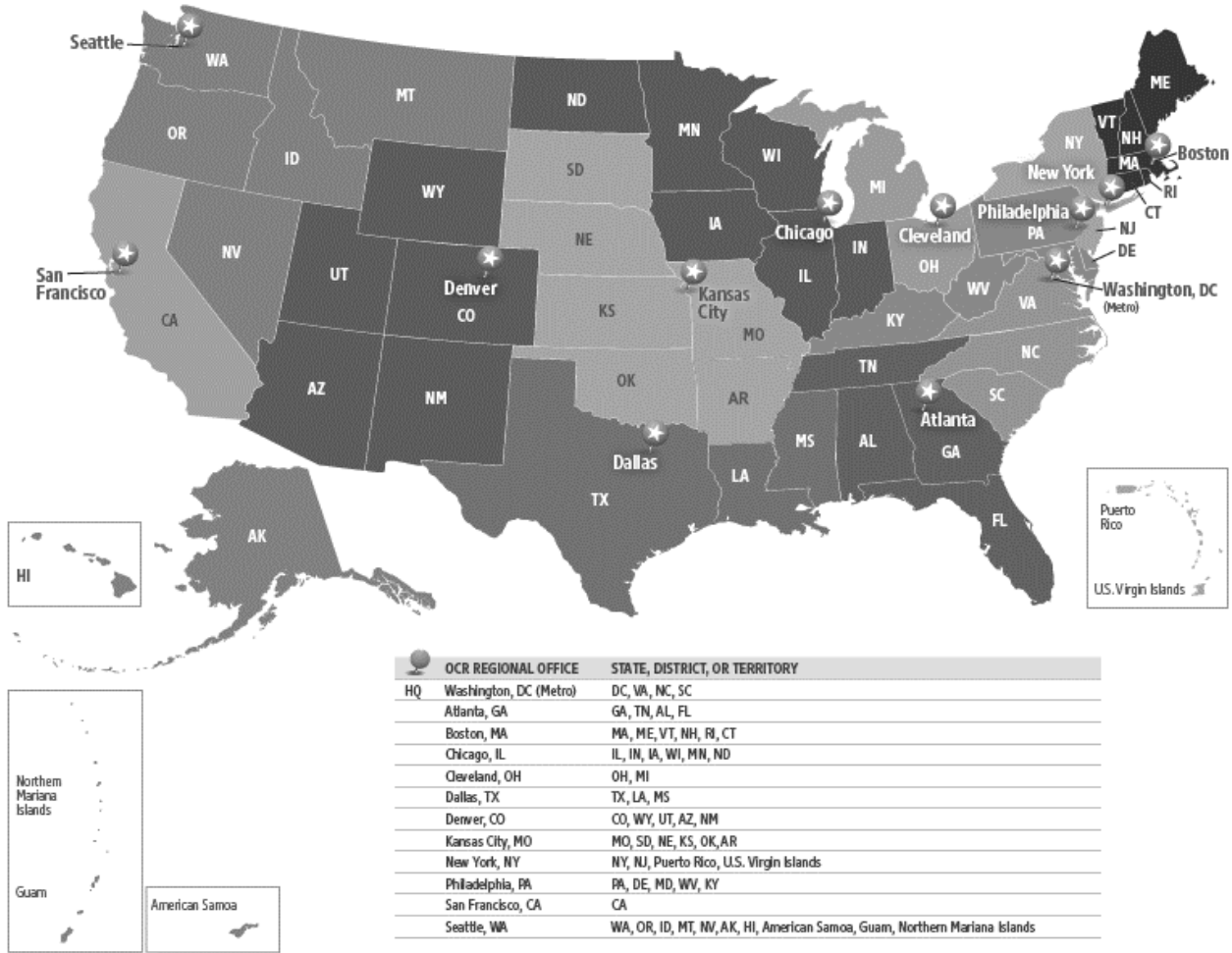
**FY 2021 Budget by Category**  
**(dollars in millions)**  
**Total: \$130.0**  
**FTE: 592**



# OFFICE FOR CIVIL RIGHTS

## Organizational Structure and Staffing

### OFFICE FOR CIVIL RIGHTS 2021 Headquarters and Regional Enforcement Office Locations and Staffing



**Regional Enforcement Offices:** 488 FTE  
**Headquarters:** 104 FTE  
**Total Staff Level:** 592 FTE

The Office for 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 and Development, a Deputy Assistant Secretary for Strategic Operations and Outreach, and a Deputy Assistant Secretary for Management and Planning.

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.

## OFFICE FOR CIVIL RIGHTS

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The *Deputy Assistant Secretary for Enforcement* manages the overall operations of the 12 regional enforcement offices that are responsible for ensuring that recipients of Federal assistance and other covered entities comply with the Federal civil rights laws prohibiting discrimination. Most of OCR's staff members work in the agency's 12 regional enforcement 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 described in more detail below under the *Personnel Compensation and Benefits (PC&B) Costs* section. Enforcement staff also monitors 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 and Development* oversees the Headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance, technical assistance materials, consulting on novel cases from the regional enforcement 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 Planning* has the responsibility for overseeing and directing areas of planning, developing, and implementing budget, operational, and administrative policy for OCR.

OCR consists of a headquarters office located in Washington, DC and 12 regional enforcement offices. These offices are in Washington, DC (co-located with headquarters), Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and Cleveland.

### **Personnel Compensation and Benefits (PC&B) Costs**

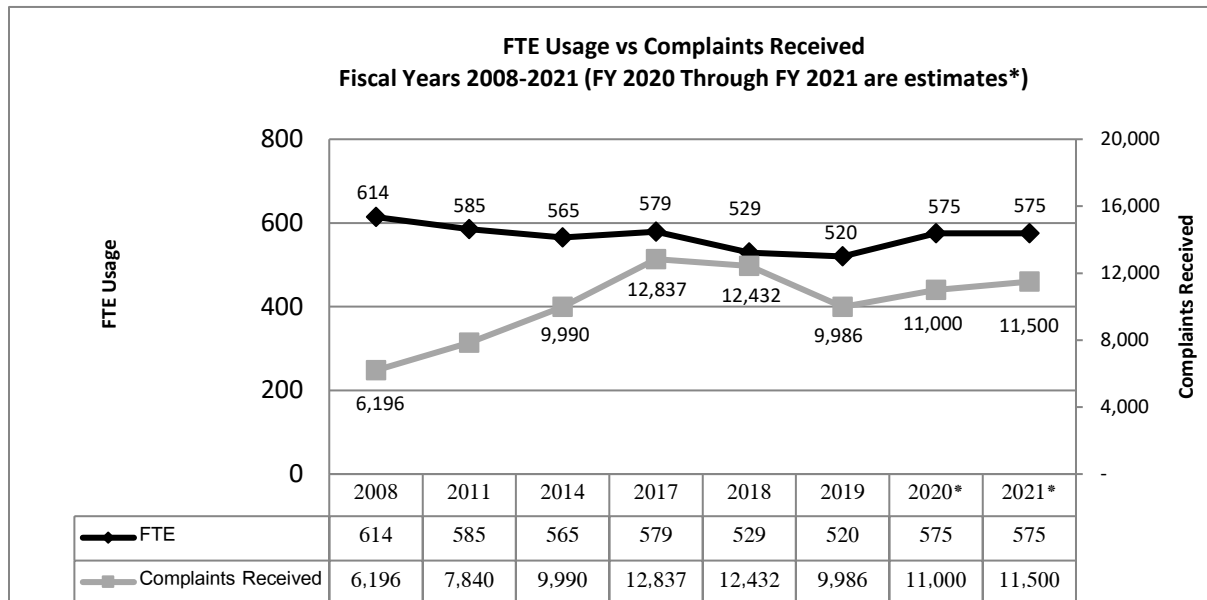
OCR accomplishes its mission primarily by responding to complaints and initiating proactive investigations, both of which require significant investments in human capital. Proactive investigations include compliance reviews and directed investigations. OCR initiates compliance reviews to determine whether recipient practices comply with civil rights laws and 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

## OFFICE FOR CIVIL RIGHTS

Federal funding. Therefore, PC&B costs historically have been the largest component of OCR's budget as well as the key factor in OCR being able to accomplish its mission.

For fiscal year 2021, PC&B costs are 76 percent of the request, or \$98.8 million, \$2.2 million more than the fiscal year 2020 appropriation. The 2021 request supports 592 FTE, 3 more than the fiscal year 2020 level.

The *FTE Usage vs. Complaints Received* chart below 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 fiscal year 2010 to \$100 million in fiscal year 2013). The decrease resulted from a significant reduction in the number of single filers with multiple complaints. However, OCR anticipates the volume of complaints to increase from fiscal year 2020 through fiscal year 2021 as reflected in the chart below.



**Table A: Caseload per Staff in FY 2008, FY 2018, and FY 2019 (Estimate)**

	FY 2008	FY 2018	FY 2019
Number of Enforcement Staff	617	461	474
Complaints Received & Proactive Investigations Launched <sup>1</sup>	6,236	12,432	10,688
# of cases per staff	10	27	23
Multi-jurisdiction cases	925	1,800	1,701

<sup>1</sup> OCR launched 42 proactive investigations in FY 2008, 3 in FY 2018, and 702 in FY 2019.



## OFFICE FOR CIVIL RIGHTS

	FY 2008	FY 2018	FY 2019
# of multi-jurisdiction cases per staff	1.5	3.9	3.6
Monitoring Caseload	1,125	4,263	4,108
# of monitoring cases per staff	1.8	9.2	3.6
Investigated Cases <sup>1</sup>	5,119	6,971	6,792
# of investigated cases per staff	8.3	15	14.3

The average number of cases assigned to the enforcement staff is projected to be 20 in fiscal year 2020 and OCR expects this number to remain consistent through fiscal year 2021 as reflected below in Table B.

**Table B: Impact of FTE per Staff Based on 10,688 Cases and 4,108 Monitoring Cases Projected in FY 2021**

Number/Staff Level	2021 Request
Projected number of Enforcement Staff	535
Increased number of Attorneys/Equal Opportunity Specialists	+3
Projected Total	538
# of cases per staff	20
# of monitoring cases per staff	7.7

### Investing in Investigative and Administrative Staff

OCR's enforcement staff is responsible for the following: (1) resolving complaints of discrimination; (2) initiating directed investigations/compliance review; and (3) providing technical assistance to help institutions achieve voluntary compliance with civil rights laws.

OCR's administrative staff provides help and support tools for the enforcement staff's improved efficiency. Support activities include: (1) providing policy guidance to clarify schools' responsibilities; (2) providing information technology and web support for OCR's enforcement and technical assistance activities and OCR's website; (3) supporting the Civil Rights Data Collection; and (4) responding to Freedom of Information Act (FOIA) requests.

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<sup>1</sup> 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, Facilitated Resolution Between Parties, or change with or without a resolution agreement.

## OFFICE FOR CIVIL RIGHTS

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### **Freedom of Information Act (FOIA)**

Over the past several years the OCR has experienced an upward trend in the number of FOIA requests received. In fiscal year 2020, OCR anticipates receiving a record high number of requests and this trend is not expected to decline. Moreover, OCR is the respondent to the majority of FOIA request received by the Department. These requests are the most complex and it is not uncommon for them to require the review, redaction, and production of entire case files that contain thousands of records. To address this in fiscal year 2020, OCR is hiring a fully supported administrative staff dedicated to FOIA processing. The fiscal year 2021 request will ensure the FOIA Team remains sufficiently staffed and supports the core functions of the investigative and administrative staff above.

### **Awards and Overtime**

The Administration is requesting \$678,000 for awards and \$40,000 for overtime for a total of \$718,000, which is level to fiscal year 2020 appropriation. The request will cover mandated performance awards for the eligible Senior Executive Service staff and performance-based awards for general schedule employees.

### **Non-Personnel Costs – Non-Centralized Services**

The total request for Non-Personnel activities in fiscal year 2021, excluding Departmental Centralized Services, is 5.6 million, \$273,000 less than the fiscal year 2020 appropriation. 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. The fiscal year 2021 funds will also support the maintenance, monitoring and enhancement of OCR's database investments (CRDC, CAMS and Online Discrimination Complaint Form).

### **Information Technology (IT) Non-Personnel Costs**

#### **Civil Rights Data Collection (CRDC)**

The Administration is requesting \$3.2 million for the CRDC, level to the fiscal year 2020 appropriation. The request will support analysis and reporting for 2017-18 CRDC data collection activities and review of data files for the 2019-20 CRDC. The request will also support basic operations and maintenance, non-major enhancements, and some web hosting for the CRDC reporting website, and will support the preparation of topic-specific reports on civil rights areas of interest that will incorporate increased visualization of data.

For the CRDC to be useful to OCR, the Department, State educational agencies (SEAs), local educational agencies (LEAs), and other stakeholders, the data must be collected, analyzed and distributed in a timely manner. Beginning with the 2017-18 CRDC, data will be collected from Puerto Rico; unless the school district informs OCR that it will be unable to do so, in whole, or in part, due to the devastating impact of the 2017 hurricane season. 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), SEAs and LEAs are

## OFFICE FOR CIVIL RIGHTS

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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 have begun to produce report cards as required by ESSA using the CRDC data from the 2015-16 school years.

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) preparing the data file for upload to the CRDC website. In summary, the five phases can be captured in three categories. They are: (1) pre-collection, which includes Phases I and II; (2) collection activities, comprised of Phase III; and (3) post-collection, which include Phases IV and V. Activities related to the CRDC Reporting Website operations, maintenance, and data upload and integration are detailed separately. All phases and costs are listed in detail on the CRDC chart on the next page.

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 collection cycles have shown substantial improvements in both the quality and the usability of the data. OCR developed pre-submission analytic reports to assist districts in reducing errors. This effort is complemented by tip sheets, FAQs, and guidance documents posted to the CRDC website. In addition, several enhancements were made to the data submission system for the 2015-16 CRDC to improve functionality and user experience, which resulted in a decrease in the overall data collection period.

With respect to improved usability, the CRDC has become more accessible and understandable for the general public, researchers, and policymakers. In fiscal year 2018, OCR released data from the 2015-16 CRDC, which was the fourth universal collection. Previous universal collections were conducted for the 2000-01, 2011-12, and 2013-14 school years. The 2015-16 CRDC was released on April 24, 2018, and the report includes, for the first time, comprehensive data regarding incidents of criminal offenses in our nation's public schools. It also includes several new categories of data on Science, Technology, Engineering and Mathematics (STEM) course taking. The Department used CRDC data to produce topic-specific data briefs on two major topics STEM Course Taking and School Climate and Safety. The collection surveyed more than 17,300 school districts and 96,400 public schools representing more than 50 million students. The 2017 -2018 CRDC is a universal collection.

In response to the June, 18, 2019 report published by the Government Accountability Office (GAO), the Office for Civil Rights (OCR) has taken significant steps to improve many aspects of the U.S. Department of Education's (Department) Civil Rights Data Collection (CRDC) – especially with respect to restraint and seclusion data. For example, in May of 2018, OCR informed certain school districts that OCR would be placing them on high-risk status for grant award purposes unless they satisfactorily explained and addressed apparent errors on their

## OFFICE FOR CIVIL RIGHTS

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2013-14 CRDC restraint and seclusion data submissions.<sup>1</sup> On January 17, 2019, Secretary of Education Betsy DeVos announced an initiative<sup>2</sup> to address the possible inappropriate use of restraint and seclusion on children with disabilities, and as a result compliance reviews were conducted by all of OCR's regional enforcement offices and CRDC data quality reviews were initiated to provide technical assistance to districts to better ensure the accurate reporting of restraint and seclusion data. Moreover, on August 14, 2019, OCR sent a letter to all school districts requesting that they promptly address any errors in reporting restraint or seclusion for the 2017-18 CRDC and requesting that they adhere to only reporting zero incidents of restraint or seclusion when no such incidents have occurred. OCR also significantly increased its collaboration<sup>3</sup> with the Institute of Education Science (IES) and the National Center for Education Statistics (NCES). The enhanced partnership is important because it will further help ensure that collections are authenticated in a manner that provides an accurate picture of key civil rights issues in education. As OCR shared with GAO on May 24, 2019, the Department already has taken steps to more closely scrutinize action plans.<sup>4</sup> For instance, OCR communicates with each school district with an approved action plan to seek confirmation that it will take the needed steps to collect and report the data for the upcoming collection and schedules conference calls with LEAs requesting similar or repetitious action plans over the course of two or more collections. Going forward, OCR will also contact each LEA with an approved action plan before the start of each new collection and re-confirm that the LEA will take the needed steps to collect and report the data.

The Civil Rights Data Collection (CRDC) budget table on page AA-19 provides an estimated detailed account of the CRDC budget for fiscal years 2019-2021.

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<sup>1</sup> The school districts provided sufficient explanations, and ultimately, they were not placed on high-risk status.

<sup>2</sup> OCR, in partnership with the Office of Special Education and Rehabilitative Services. See <https://www.ed.gov/news/press-releases/us-department-education-announces-initiative-address-inappropriate-use-restraint-and-seclusion-protect-children-disabilities-ensure-compliance-federal-laws>.

<sup>3</sup> See U.S. Department of Education Continues Work to Improve Civil Rights Data Quality, August 23, 2019, available at <https://www.ed.gov/news/press-releases/us-department-education-continues-work-improve-civil-rights-data-quality>.

<sup>4</sup> Action plans are created to provide reporting entities with an organized means of identifying and addressing missing or incomplete data, as well as the necessary tools to ensure that the data they collect and submit for future collections are true and correct.

## OFFICE FOR CIVIL RIGHTS

School Year	Major Activity	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
CRDC 2015-16	National & State Estimations	33,041		
CRDC 2017-18	<b>Phase IV - Finalizing Data Files:</b> Data quality review and editing, time series, privacy protection.	730,338		
CRDC 2017-18	<b>Phase V – Data Upload Preparation:</b> Prepare CRDC 2017–18 data for upload to the CRDC (Reporting) website; hosting and releasing the new data to the general public.	309,404		
CRDC 2017-18 Data Analysis	Analysis and summarization of the 2017-18 CRDC data for public dissemination; creating special tabulations and publications; designing and editing of CRDC issue briefs.	220,000		
CRDC 2017-18 Reporting	Development of informational reports with data visualization.		25,000	
CRDC 2019-20	<b>Phase I - Notification and Guidance:</b> Notification to school districts, identifying primary point of contact, guidance (Q&A).	365,692		345,000
CRDC 2019-20	<b>Phase II - Preparing for data submissions:</b> File specifications, pre-collection tools, confirmation of school directory, technical assistance to prepare districts to collect and submit data.	547,008		530,000
CRDC 2019-20	<b>Phase III - Survey Submission Window:</b> Begin data collection from LEAs, Partner Support Center for technical support for school districts' data submissions		1,413,000	801,500
CRDC 2019-20	<b>Phase IV - Finalizing Data Files:</b> Data quality review and editing, time series, privacy protection.	242,719	780,000	568,000
CRDC Reporting Website	Fund the “Base Year” and 4 option years for the CRDC (Reporting) website’s operation and maintenance.	364,697	391,216	365,000
CRDC Reporting Website	Upload and integrate 2015-16 CRDC data, implement data updates, develop and implement system enhancements and new reports to improve data analysis and display on the reporting website.	854,521	570,000	573,716
Web Hosting	Web hosting under the EDUCATE/PIVOT contract.	71,706	70,172	65,985
<b>Total CRDC</b>		<b>\$3,739,126</b>	<b>\$3,249,388</b>	<b>\$3,249,201</b>

### Case Activity Management System (CAMS)

The Administration requests \$360,000 for the CAMS, \$82,000 less than the fiscal year 2020 appropriation. 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

## OFFICE FOR CIVIL RIGHTS

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upgrades and technical phone support on the Open Text products and Matrix Logic add-on modules. OCR continues to enhance these essential applications for critical unmet needs identified by CAMS' core users.

### **Information Technology Services: Support for Operations and Maintenance (O&M) for Online Discrimination Complaint Form**

The Administration is requesting \$568,000, \$225,000 more than the fiscal year 2020 appropriation. Of this request, \$334,000 covers two subtasks in support of the maintenance and general web operations contracting task: (a) General O&M to support OCR's publicly accessible website<sup>1</sup> and database; 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. The remaining \$234,000 will cover the support required for website hosting.

- 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 to provide the On-Line Complaint form process in a non-Cold-Fusion software support environment.
- 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.

### **Non-IT Costs**

#### **Travel**

The Administration requests a travel budget of \$795,000, \$170,000 less than fiscal year 2020 appropriation. The overwhelming majority of OCR's travel funds are used to investigate complaints. OCR will 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 often uses video teleconference technology to enable optimal video communications and conferencing between the enforcement offices and headquarters to reduce the need for costly travel.

#### **Printing**

The Administration is requesting \$5,000 for printing, the same as the fiscal year 2020 appropriation, to cover necessary printed items such as pamphlets highlighting OCR activities in various languages, reports, fact sheets, business cards, and letterhead.

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

## OFFICE FOR CIVIL RIGHTS

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### **Training**

The Administration requests a training budget of \$150,000, the same as the fiscal year 2020 appropriation. OCR's leadership recognizes that the success of its work depends on the quality of its staff across all levels of the organization. Staff needs the opportunities to participate in leadership programs, supervisory training, policy conferences, and continuing legal education to fulfill OCR's mission. OCR will also utilize its professional and technical training online when appropriate and cost-effective.

### **Communications and Operations and Maintenance of Equipment**

The Administration is requesting \$11,000 in fiscal year 2021 for communications and operations and maintenance of facilities, the same as fiscal year 2020 appropriation. These funds are needed for overnight shipping costs and maintenance of copiers and other equipment.

### **Other Services**

The Administration requests \$309,000, \$246,000 less than the fiscal year 2020 appropriation. The request includes:

- Legal Research Services - \$185,000. This is the same as the fiscal year 2020 appropriation. 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.
- Miscellaneous Services - \$124,000. This is a decrease of \$246,000 from the fiscal year 2020 appropriation. The request supports the reimbursement of attorneys' bar dues - \$70,000; translation and interpretation services (translating documents and pamphlets into several languages which is different than the printing of documents in different languages) - \$42,000; and miscellaneous services for advertisement and short-term contractual services - \$12,000.

### **Goods/Services from the Government**

The fiscal year 2021 request includes \$38,000, the same as the fiscal year 2020 appropriation. This request supports Education publications (ED Pubs) totaling \$15,000, and General Services Administration-leased vehicles and equipment totaling \$23,000.

### **Supplies**

The Administration is requesting \$100,000, the same as the 2020 Appropriation. The funds are needed to purchase supplies, renew periodical subscriptions relating to law, disabilities, and news; support case files maintenance; and purchase copier paper.

### **Departmental Centralized Support – Non-Personnel Costs**

Approximately 81 percent of the total Non-Personnel budget request is to cover OCR's share of the Department's centralized services. The request provides \$25 million for centralized

## OFFICE FOR CIVIL RIGHTS

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services, \$1.9 million less than the fiscal year 2020 appropriation. The 2021 request will cover the costs of services such as rent; departmental training; personnel 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.

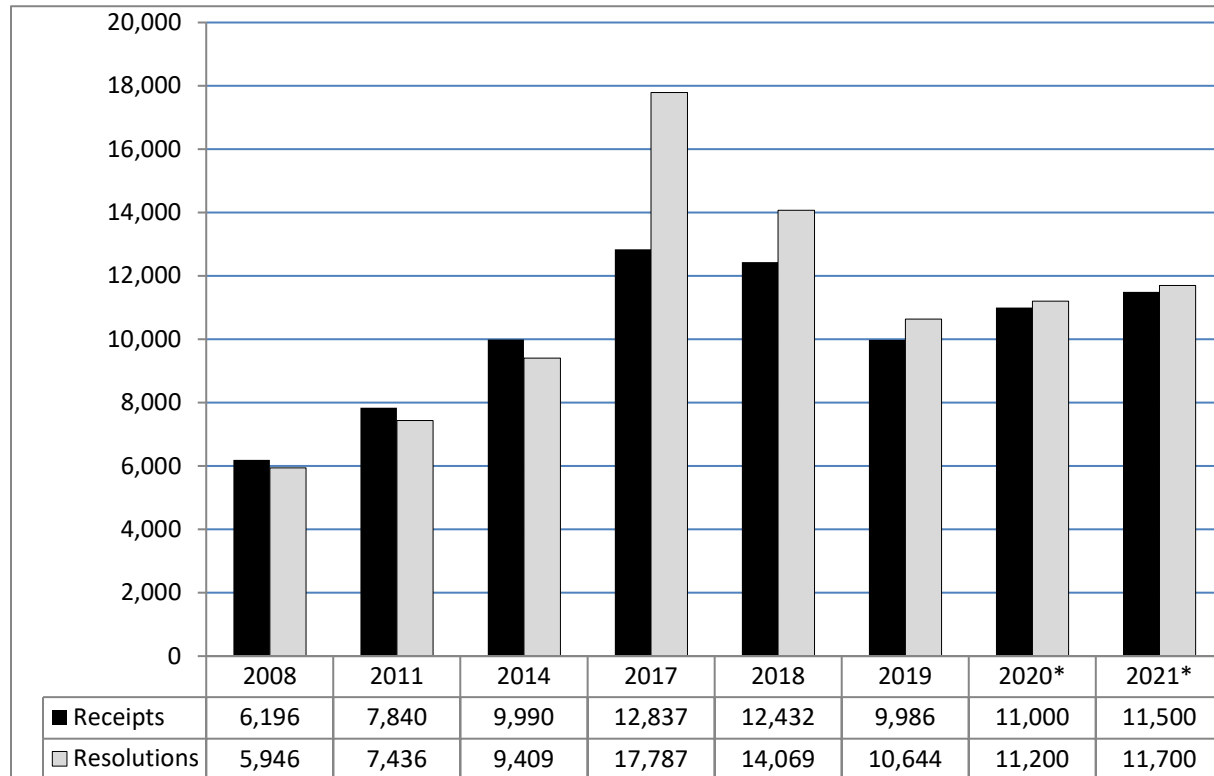


## OFFICE FOR CIVIL RIGHTS

### PROGRAM OUTPUT MEASURES

The following chart shows the number of OCR's complaint receipts and resolutions since fiscal year 2008. Actual data are shown for fiscal years 2008-2021 and estimates are shown for fiscal years 2020-2021.

**Complaint Receipts and Resolutions (FY 2008 – FY 2021)**



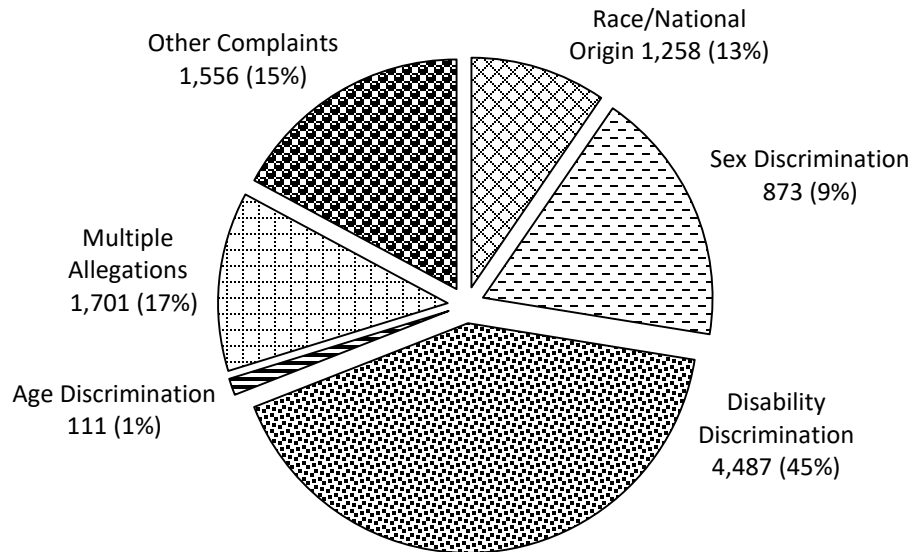
\*estimate

In fiscal year 2019, total complaint receipts decreased by 2,446 compared to the previous year. However, complaint receipts are projected to increase through fiscal year 2020.

The *FY 2019 Complaint Caseload by Jurisdiction* pie chart on page AA-24 displays the fiscal year 2019 complaint caseload by jurisdiction. OCR disability discrimination complaints made up the largest percentage of filed complaints, followed by complaints with multiple allegations. In general, disability discrimination has historically constituted the greatest share of OCR's complaint caseload.

**OFFICE FOR CIVIL RIGHTS**

**FY 2019 Complaint Caseload by Jurisdiction (October 1, 2018 – September 30, 2019)**



**Total Complaints – 9,986**

The following table provides the number of cases received by jurisdiction during the past 12 years, fiscal years 2008 through 2019.

**Complaint Caseload by Jurisdiction  
(Fiscal Years 2008– 2019)**

Jurisdiction	FY 2008	FY 2011	FY 2014	FY 2017	FY 2018	FY 2019	
<b>Race</b>	933	1,104	1,203	1,280	1,368	1,258	13%
<b>Sex</b>	326	1,096	2,354	2,249	2,773	873	9%
<b>Disability</b>	3,165	3,507	3,909	5,567	4,818	4,487	45%
<b>Age</b>	96	146	122	156	97	111	1%
<b>Multiple</b>	917	1,145	1,588	1,702	1,800	1,701	17%
<b>Other</b>	695	843	813	1,883	1,576	1,556	15%
<b>TOTAL</b>	<b>6,132</b>	<b>7,841</b>	<b>9,989</b>	<b>12,837</b>	<b>12,432</b>	<b>9,986</b>	

## OFFICE FOR CIVIL RIGHTS

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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 had some dips in recent years, OCR anticipates performance improving in fiscal years 2019 and 2020 due to the revisions to the Case Processing Manual that are intended to help decrease case processing times. Maintaining a higher number of investigative staff through fiscal year 2020 should also have a positive impact on performance.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2016	80%	78%
2017	80	81
2018	80	84
2019	80	92
2020	80	
2021	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2016	< 25%	23%
2017	< 25	58
2018	< 25	62
2019	< 25	60
2020	< 25	
2021	< 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. The first table measure the percentage of complaints received within a fiscal year, while the second table measures the percentage of complaints from prior years.

As a result, OCR has only met one of the two performance goals addressing complaint workload -- the percentage of complaints resolved within 180 days (target 80 percent, actual 92 percent). OCR failed to keep the percentage of complaints pending over 180 days 25 percent or less (target <25 percent, actual 60 percent). Regional enforcement offices now have flexibility to determine the appropriate layers of review. Furthermore, there has been a reduction

## OFFICE FOR CIVIL RIGHTS

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in the types of cases requiring headquarters' review. OCR continues to ensure quality, while upholding its mission to vigorously enforce civil rights laws. For fiscal year 2019, the total number of complaint cases pending for more than 180 days as of September 30, 2019 was 3,297.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2016	3.66	3.73
2017	3.66	3.75
2018	3.66	3.78
2019	3.66	3.60
2020	3.66	
2021	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 a target baseline at 3.66 (on a scale of 1 through 5).

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

OCR's mission is linked to the Department's FY 2018-2022 Strategic Plan, specifically Strategic Objective 1.2, in which the Department commits to "provide all P-12 students with equal access to high quality educational opportunities." To meet this objective, the Department will "ensure equal access to education and promote educational excellence across the nation through vigorous enforcement of civil rights and the provision of technical assistance to help schools achieve compliance with the civil rights laws enforced by the Office for Civil Rights."

Regarding Higher Education, the Department also commits in Strategic Objective 2.1 to "support educational institutions, students, parents, and communities to increase access and completion of college, lifelong learning and career, technical and adult education." To achieve this, the Department will work on "enhancing stakeholder relationships by supporting the cultivation of safe environments conducive to lifelong learning by conducting outreach, ensuring Title IX protections and investigating civil rights and Clery Act violations."

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 responsibilities under these objectives, adequate funding is requested to support the follow initiatives and activities.

### Initiative to Address the Inappropriate Use of Restraint and Seclusion

## OFFICE FOR CIVIL RIGHTS

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In fiscal year 2019, Secretary Betsy DeVos announced a major initiative to address the possible inappropriate use of restraint and seclusion in our nation's schools. The Office for Civil Rights (OCR), in partnership with the Office of Special Education and Related Services (OSERS), led the proactive initiative to protect children with disabilities by providing technical assistance and support to schools, districts, and state education agencies, and strengthen enforcement activities.

The initiative included components that help schools and districts understand how federal law applies to the use of restraint and seclusion—and also supported schools seeking resources and information on the appropriate use of interventions and supports to address the behavioral needs of students. The initiative included three primary components: 1) Compliance Reviews; 2) CRDC Data Quality Reviews; and 3) Support for Recipients.

As a part of this proactive initiative, OCR's 12 regional enforcement offices conducted compliance reviews on recipients' use of restraint and seclusion on children with disabilities. The compliance reviews focused on the possible inappropriate use of restraint and seclusion—and how the effect of such practices on a recipient's obligation to provide a free appropriate public education (FAPE) for all children with disabilities. Through the compliance reviews, OCR worked with public schools to correct noncompliance.

Additionally, OCR's proactive initiative focused on raising awareness of the importance of data quality. As a part of the initiative, OCR conducted data quality reviews of CRDC information submitted by school districts that reported zero values, or no incidents, in their restraint and seclusion data for the 2015-16 CRDC. OCR contacted 50 school districts—four districts from each of OCR's 12 enforcement regions, and the two districts with large identical restraint and seclusion values and asked the school districts to review their data and respond to OCR in writing to explain whether the data are complete and accurate or need to be amended. The data quality aspect of the initiative is the first major effort of its kind; never-before has OCR focused on data quality as a part of a major compliance initiative.

OCR provided general support to recipients, through the provision of technical assistance, on the legal requirements of Section 504 of the Rehabilitation Act relating to the use of restraint and seclusion on children with disabilities. OCR also partnered with OSERS to support recipients in understanding how the legal requirements of Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA) informs the development and implementation of policies governing the use of restraint and seclusion.

### **Website Accessibility**

OCR enforces Section 504 of the Rehabilitation Act of 1973 and—if the institution is a public entity—Title II of the Americans with Disabilities Act of 1990. Both statutes relate to discrimination against individuals with disabilities. Among other things, these laws require educational institutions to ensure that individuals with disabilities have an equal opportunity to participate in the institution's programs and activities, including if those programs are offered digitally – e.g., through their websites.

## OFFICE FOR CIVIL RIGHTS

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In fiscal year 2018, OCR launched a new technical assistance initiative to assist recipients in making their websites and online programs accessible to individuals with disabilities, as required by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. Through webinars, OCR provided information technology professionals with vital information on website accessibility, including guidance for making online programs accessible. These webinars reached more than 3,000 individuals from more than 100 different locations. In all, OCR organized and led 19 webinars on website accessibility, a 58 percent increase over the 12 such webinars OCR conducted in fiscal year 2017.

In addition, OCR increased enforcement activities related to website accessibility. In recent years, a single individual filed over two thousand complaints related to the accessibility of educational institutions' websites to individuals with disabilities. OCR has already resolved hundreds of these complaints with resolution agreements and will continue to investigate hundreds more through the vehicle of directed investigations into fiscal year 2021.

### **Revised Case Processing Manual**

OCR is continually focused on evaluating case processing systems to ensure that students' and families' rights are fully protected, and that the agency is positioned to vigorously enforce federal civil rights laws. The key OCR document for ensuring these protections and enforcement is OCR's Case Processing Manual (CPM). The CPM provides OCR with the procedures to promptly and effectively investigate and resolve complaints, compliance reviews and directed investigations to ensure compliance with the civil rights laws and regulations enforced by OCR.

On November 19, 2018, OCR announced additional improvements to its CPM. Among other things, the new CPM did the following:

- Added provisions requiring consideration of whether the underlying conduct at issue might be protected by the Constitution, including by the First Amendment, and ensuring that any resolution agreement comports with First Amendment principles;
- Eliminated a provision, Section 108(t), under which OCR had been able to dismiss a complaint if it were part of a pattern of complaints that places an unreasonable burden on OCR's resources;
- Eliminated a provision, Section 108(g), which had required dismissal of allegations that could have been raised in a currently pending proceeding in another forum;
- Re-instituted an appeals process, giving complainants a 2-tiered process to appeal dismissals involving substantive legal issues and findings of insufficient evidence;
- Instituted Quality Assurance Reviews to ensure consistency across OCR regional enforcement offices and included internal OCR benchmarks to ensure accountability for high quality and consistency;
- Clarified the appropriate use of statistical data; and
- Clarified that OCR may attempt to resolve a complaint with recipients before the complaint has been officially opened for investigation

## OFFICE FOR CIVIL RIGHTS

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OCR believes these improvements to the CPM will enhance prompt, equitable, and timely resolution of complaints into fiscal year 2021 and beyond.