

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2022 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, [\$131,000,000] \$144,000,000. (*Department of Education Appropriations Act, 2021.*)

OFFICE FOR CIVIL RIGHTS

Amounts Available for Obligation
(dollars in thousands)

Appropriation and Adjustments	2020	2021	2022
Discretionary appropriation:			
Appropriation.....	\$130,000	\$131,000	\$144,000
Unobligated balance, expiring.....	<u>-1,501</u>	<u>0</u>	<u>0</u>
Total, direct obligations	128,499	131,000	144,000

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Obligations by Object Classification
(dollars in thousands)

Object Class		2020 Actual	2021 Appropriation	2022 Request	Change from 2021 to 2022
11.10	Full-time permanent	\$63,312	\$70,511	\$75,846	+\$5,335
11.31	Full-time temporary	1,205	976	998	+22
11.32	Part-time	1,058	854	874	+20
11.33	Consultants	13	0	0	0
11.51	Overtime	259	40	60	+20
11.52	Awards	653	1,012	1,042	+30
11.80	Other Compensation	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, Personnel Comp.	66,504	73,393	78,820	+5,427
12.00	Benefits	22,696	25,945	29,236	+3,291
13.1	Benefits for Former Personnel	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, Per. Comp. & Ben.	22,696	25,945	29,236	+3,291
21.00	Travel	323	179	719	+540
22.00	Transportation of things	0	0	0	0
23.10	Rental Payments to GSA	9,041	9,861	10,170	+309
23.31	Communications	2	10	10	0
23.32	Postage/fees	<u>17</u>	<u>17</u>	<u>17</u>	<u>0</u>
	Subtotal, 23	9,060	9,888	10,197	+309
24.00	Printing & Reproduction	1	5	5	0
25.1	Advisory and Assist Serv	0	0	0	0
25.21	Other Services	6,307	1,737	1,518	-219
25.22	Training/Tuition/Contracts	116	331	527	+196
25.30	Goods/Services from Gov't	2,297	1,849	2,314	+465
25.71	Operations/Maint of Equipment	0	1	1	0
25.72	IT Services/Contracts	<u>19,993</u>	<u>17,120</u>	<u>20,110</u>	<u>+2,990</u>
	Subtotal, 25	28,713	21,038	24,470	3,432
26.00	Supplies	50	86	85	-1
31.10	IT Equipment/Software	102	466	468	+2
31.30	Other Equipment	<u>15</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Subtotal, 31	117	466	468	+2
32.00	Building Alterations	<u>1,035</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Total, obligations	128,499	131,000	144,000	+13,000
	Total Pers. Comp. & Ben.	89,200	99,338	108,056	+8,718
	Total Non-Personnel	39,299	31,662	35,944	+4,282

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Summary of Changes
(dollars in thousands)

2021	\$131,000
2022	<u>144,000</u>
Net Change	+13,000

	<u>2021 Appropriation</u>	<u>Change from Appropriation</u>
Increases:		
<u>Built-in:</u>		
Increase in salaries and benefits primarily for 30 additional FTE, increased benefits for FERS contribution rates and a 2.7 percent pay raise.	\$98,156	+\$8,333
Increase in rent to GSA.	9,861	+309
<u>Program:</u>		
Increase in overtime.	40	+20
Increase in awards.	1,012	+30
Increase in transit benefits after being reduced due to COVID pandemic.	46	+335
Increase in travel primarily for increase after reduced travel due to COVID pandemic.	179	+540
Increase in training.	331	+196
Increase in goods/services from the Government.	1,849	+465
Increase in IT service contracts primarily for Enterprise Cybersecurity Program and Civil Rights Data Collection.	17,120	+2,990
Increase in IT equipment/software.	466	<u>+2</u>
Subtotal, increases		+13,220
 Decreases:		
<u>Program:</u>		
Decrease in other services.	1,737	-219
Decrease in supplies.	86	<u>-1</u>
Subtotal, decreases		-220
Net Change		+13,000

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Authorizing Legislation
(dollars in thousands)

Activity	2021 Authorized	2021 Appropriation	2022 Authorized	2022 Request
Civil Rights (DEOA)	<u>Indefinite</u>	<u>\$131,000</u>	<u>Indefinite</u>	<u>\$144,000</u>
Total appropriation		131,000		144,000

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Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2013	\$102,624	\$102,624 ¹	\$102,624 ¹	\$98,356
2014	98,356	N/A ²	98,356 ²	98,356
2015	102,000	N/A ³	102,000 ³	100,000
2016	130,691	100,000 ⁴	100,000 ⁴	107,000
2017	137,708	100,000 ⁵	110,000 ⁵	108,500
2018	106,797	108,500 ⁶	117,000 ⁶	117,000 ⁶
2019	107,438	117,000 ⁷	125,000 ⁷	125,000 ⁷
2020	125,000	130,000	125,000 ⁸	130,000 ⁸
2021	130,000	132,000 ⁹	130,000 ⁹	131,000 ⁹
2022	144,000			

¹ 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.

² The House allowance is shown as N/A because there was no Subcommittee action; Senate allowance reflects Senate Subcommittee action only.

³ The House allowance is shown as N/A because there was no Subcommittee action; Senate allowance reflects Senate Subcommittee action only.

⁴ 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.

⁵ 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.

⁶ The level for the House allowance reflects floor action on the Omnibus appropriation 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).

⁷ 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).

⁸ The Senate Allowance reflects the Chairman's mark; the Appropriation reflects the Further Consolidated Appropriations Act, 2020 (P.L. 116-94).

⁹ The level for the House allowance reflects subcommittee action. The level for the Senate Allowance reflects the Chairman's mark; the Appropriation reflects Division H of the FY 2021 Consolidated Appropriations Act, 2021 (P.L. 116-260).

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Significant Items in FY 2021 Appropriations Reports

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. The Committee requests a briefing within 90 days of enactment of this Act on the progress the Department is making towards these goals.

Response: The Department will submit an annual report to the Committees 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 2022 Congressional Budget Justification as directed.

OCR Title IX

House: The Committee directs OCR to provide a report to further disaggregate data provided in the Civil Rights Data Collection. The report must include an assessment of the FTE status of Title IX coordinators at the local educational agencies (LEAs) and state educational agencies (SEAs) levels, including full-time versus part-time status, and if the Title IX coordinator also oversees other civil rights coordinator positions, including Title VII of the Civil Rights Act, Title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973. In addition to harassment and bullying data, the report should include data on the prevalence of rape in schools. The Committee directs OCR to submit recommendations, no later than 180 days after enactment of this Act, on actions Congress can take to ensure the Department provides full oversight to prevent, mitigate, and address sexual harassment, assault, and rape in schools.

Response: The Department is working on the requested report.

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Office for Civil Rights

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2022 Authorization: Indefinite

Budget Authority:

	<u>2021</u>	<u>2022</u>	<u>Change from 2021 to 2022</u>
Personnel Compensation and Benefits Costs	\$99,338	\$108,056	+\$8,718
Non-Personnel Costs	<u>31,662</u>	<u>35,944</u>	<u>+4,282</u>
Total	131,000	144,000	+13,000
FTE	593	623	+30

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 ensures that schools and other institutions that receive financial assistance from the Department for education programs and activities comply with the Federal civil rights laws enacted by Congress. Specifically, OCR fulfills its mission by enforcing six civil rights laws and their implementing regulations which prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and ensure equal access to school facilities for certain youth groups. These laws are:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., implementing regulation at 34 C.F.R. Part 100 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., implementing regulation at 34 C.F.R. Part 106 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, implementing regulation at 34 C.F.R. Part 104 (prohibiting disability discrimination);
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 1231 et seq., implementing regulation at 28 C.F.R. Part 35 (prohibiting disability discrimination by public entities, whether or not they receive Federal financial assistance);
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., and its implementing regulation at 34 C.F.R. Part 100 (prohibiting age discrimination); and

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- The Boy Scouts of America Equal Access Act of 2002, 20 U.S.C. § 7905, implementing regulation at 34 C.F.R. Part 108 (prohibiting public elementary and secondary schools, local education agencies, and State education 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).

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. 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.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)	
2017	\$108,500	
2018	117,000	
2019	125,000	
2020	130,000	
2021	131,000	

FY 2022 BUDGET REQUEST

For fiscal year 2022 request, the Administration requests \$144.0 million for OCR, \$13.0 million more than the fiscal year 2021 Appropriation. Funds would support an FTE level of 623 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 \$108.1 million is \$8.7 million more than the fiscal year 2021 Appropriation. The fiscal year 2022 request will support PC&B costs associated with an FTE level of 623, which includes 610 FTE for OCR and 13 FTE for centralized FTE costs (e.g., human resources support, facilities management). The request also incorporates a proposed 2.7 percent cost of living increase and projected benefits increases. The 30 additional FTE included in this request will assist OCR in fulfilling its mission of ensuring that our Nation is a place where all students attend and participate in school free from discrimination. While the bulk of the additional FTE will likely go towards legal staff in both enforcement and policy positions, OCR's commitment to transparency and improved customer engagement may necessitate additional staffing of OCR's Freedom of Information Act (FOIA) team and other positions related to customer service and the delivery of technical assistance.

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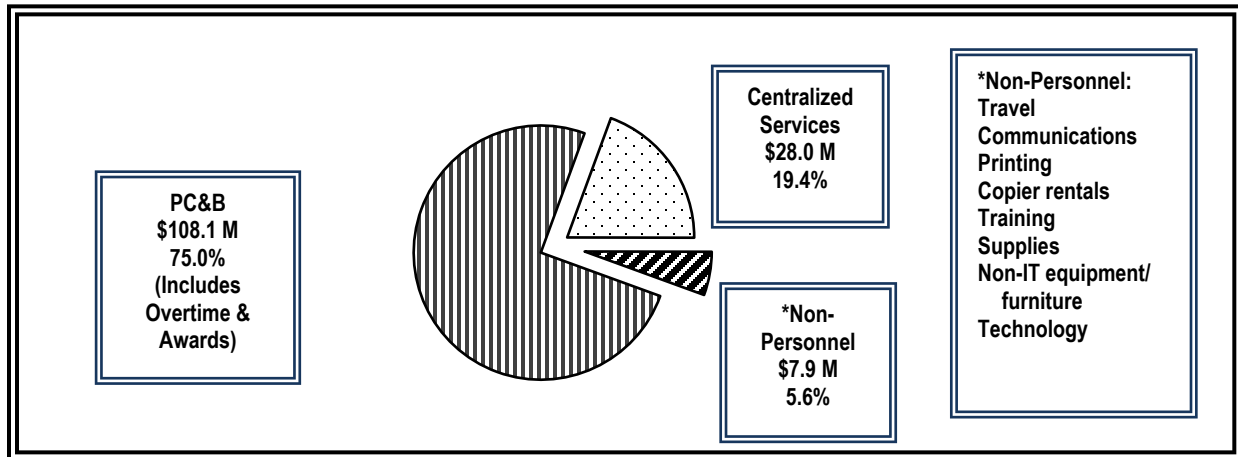
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$7.9 million is \$3.1 million more than fiscal year 2021 Appropriation. Most non-personnel funds are for the Civil Rights Data Collection (CRDC): \$5.3 million; travel: \$719,000; the software support to operate OCR's Case and Activity Management System (CAMS): \$574,000; and the Online Discrimination Complaint Form and Back-end Database: \$422,000.
- OCR's fiscal year 2022 request share of the **Department's Centralized Services (overhead)** is \$28.0 million, \$1.2 million more than the fiscal year 2021 Appropriation.

The chart below shows the funding level by category and the percentage share of the fiscal year 2022 request.

FY 2022 Budget by Category (dollars in millions)

Total: \$144

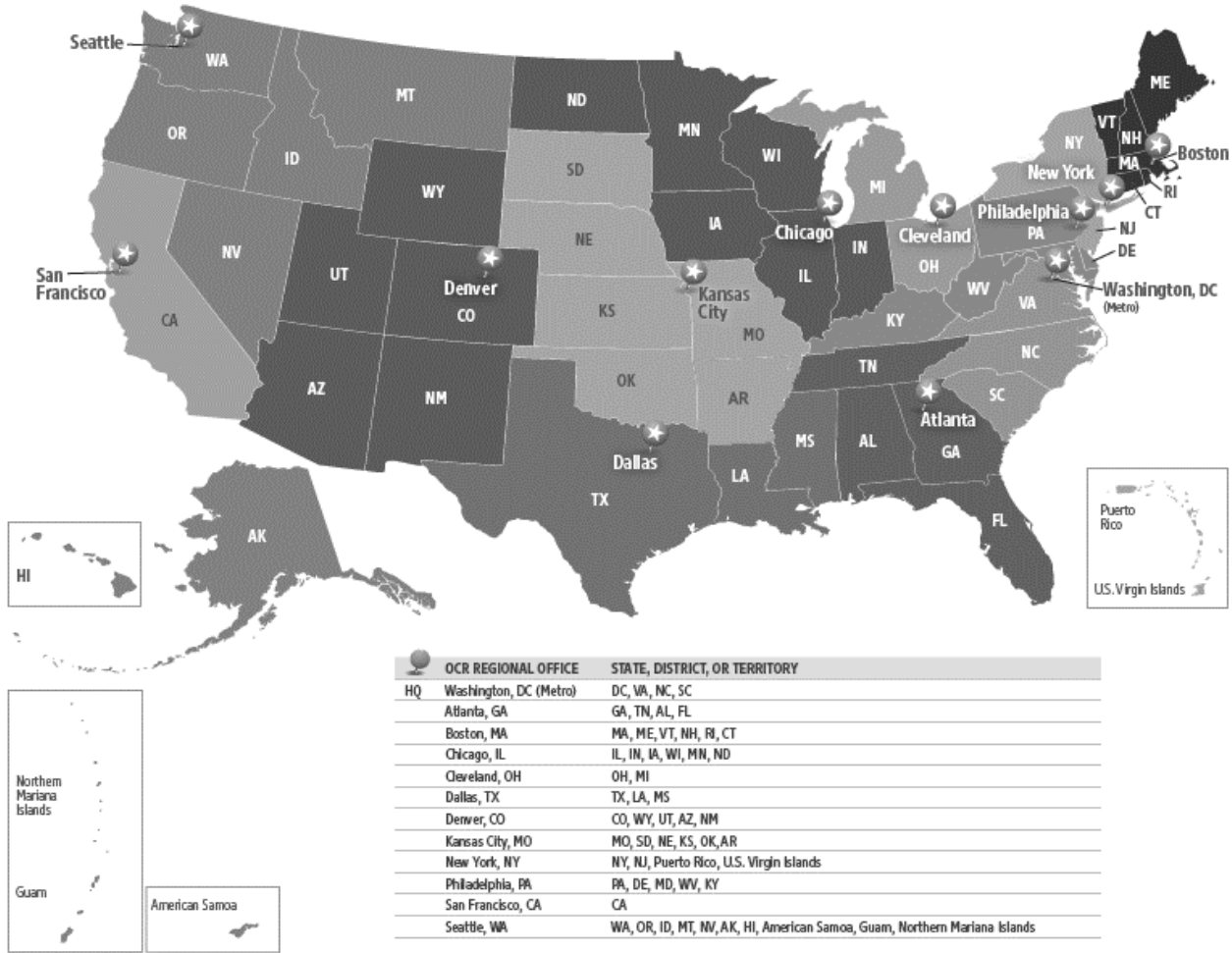
FTE: 623



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Organizational Structure and Staffing

OFFICE FOR CIVIL RIGHTS 2022 Headquarters and Regional Enforcement Office Locations and Staffing



Regional Enforcement Offices: 472 FTE
Headquarters: 151 FTE
Total Staff Level: 623 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.

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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* 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.

The *Chief of Staff*, working on behalf of the Assistant Secretary, coordinates activities related to human resources, budget, operations, communications and outreach, and policy development.

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

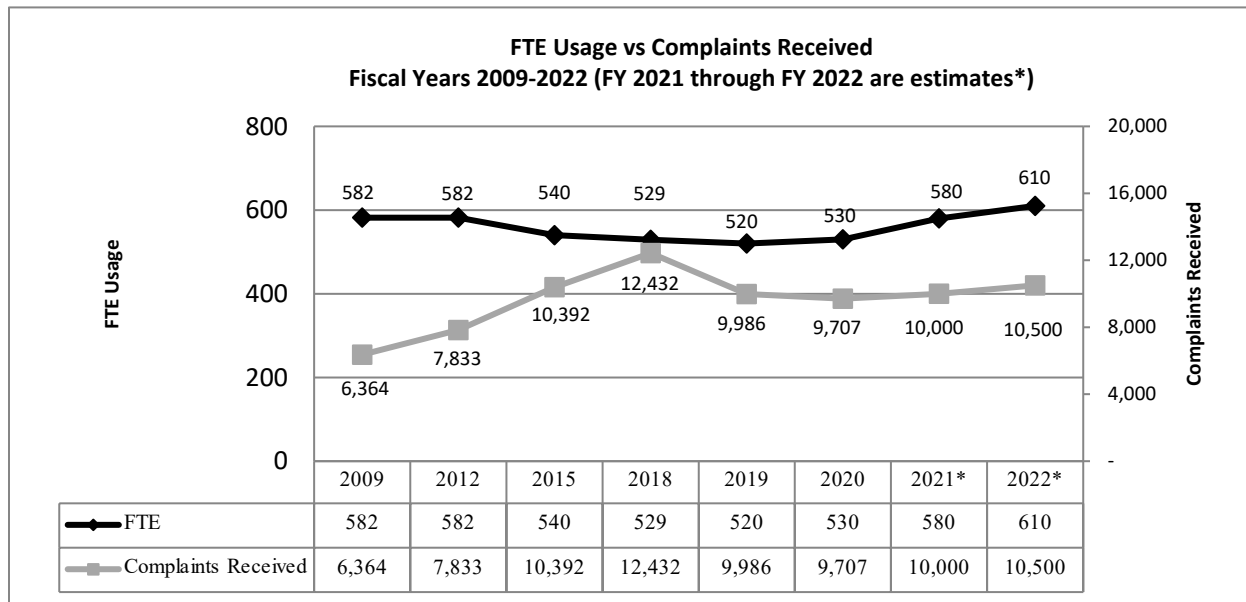
OCR accomplishes its mission primarily by responding to complaints and initiating proactive investigations, both of which require significant investments in human capital. Proactive investigations include compliance reviews and directed investigations. OCR initiates compliance reviews to assess the practices of recipients and determine whether the practices comply with civil rights laws and regulations. OCR initiates directed investigations when OCR has information that indicates a possible failure to comply with the laws and regulations enforced by OCR, the matter warrants attention, and the compliance concern is not currently being addressed through OCR's complaint, compliance review, or technical assistance activities. The statutes and implementing regulations enforced by OCR require recipients of Federal financial

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assistance to ensure nondiscrimination in their programs and activities. 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 largest component of OCR’s budget and a key factor in OCR’s ability to fulfill its mission.

For fiscal year 2022 request, PC&B costs are 75 percent of the request, or \$108.1 million, \$8.7 million more than the fiscal year 2021 Appropriation. The 2022 request provides a 2.7 percent cost of living increase and supports 623 FTE, 30 more than the fiscal year 2021 Appropriation. The 623 FTE include 610 FTE for OCR and 13 FTE for centralized FTE costs (e.g., human resources support, facilities management).

The *FTE Usage vs. Complaints Received* chart below shows trends in FTE levels and caseload. The FTE levels depicted below excludes the 13 FTE for Office of Finance and Operations, Human Resource office FTE costs in fiscal years 2020 through 2022.



The average number of new cases assigned to the enforcement staff was 20 in fiscal year 2020, in addition to the ongoing cases from previous years. OCR expects this number to increase, as schools reopen after the COVID-19 pandemic.

Investing in Legal and Administrative Staff

OCR’s legal staff is responsible for the following: (1) resolving complaints of discrimination; (2) conducting directed investigations/compliance reviews; (3) providing technical assistance to help recipients achieve voluntary compliance with federal civil rights laws; and developing policy guidance, regulatory materials, and providing input on civil-rights issues that rise within the Department’s programs and initiatives and among Federal Agencies.

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OCR's administrative staff provides 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 (2) supporting the Civil Rights Data Collection (3) responding to Freedom of Information Act (FOIA) requests (4) aiding in the provision of high-quality, accurate, thorough, and legally-sound technical assistance to recipients; (5) formulating and executing OCR's budget; and (6) recruitment, hiring, training, and professional development.

Awards and Overtime

The Administration is requesting \$1.0 million for awards and \$60,000 for overtime, for a total of \$1.1 million, which is \$50,000 more than the fiscal year 2021 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 2022 request, excluding Departmental Centralized Services, is \$7.9 million, \$3.1 million more than the fiscal year 2021 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 comply with the civil rights laws enforced by OCR. The fiscal year 2022 request funds will also support the maintenance, monitoring, enhancement, and hosting of OCR's database investments (CRDC, CAMS and Online Discrimination Complaint Form).

Information Technology (IT) Non-Personnel Costs

Civil Rights Data Collection (CRDC)

As the nation begins to emerge from the COVID-19 pandemic and schools continue to reopen, it is perhaps more critical than ever to collect key data and information about students' experiences. Last year, due to the extraordinary challenges created by the COVID-19 pandemic for state educational agencies (SEAs), local educational agencies (LEAs), and schools in providing educational and support services to students and parents, and based on input from several stakeholders, OCR decided to shift the CRDC from the 2019–20 school year to the 2020–21 school year.

Given the continuing importance of measuring the impact of the pandemic, OCR will move forward with administering a 2020–21 CRDC as planned, followed by a 2021-22 collection, and depending on funding and other factors, an additional collection in school year 2022-23.

The Administration is requesting \$5.5 million for fiscal year 2022 for the CRDC, an increase of \$2.2 million above 2021 Appropriation. This request supports tasks related to three separate cycles, as follows:

- Post-collection tasks for the 2020–21 CRDC;
- Pre-collection, collection, and post-collection tasks for the 2021–22 CRDC; and

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- Planning and improvement tasks for the subsequent CRDC (either 2022-23 or 2023-24 depending on funding and other factors).

This request also supports basic operations and maintenance, major enhancements, and web hosting for the CRDC reporting website; the preparation of topic-specific reports on civil rights areas of interest; the addition of enhanced data visualizations and tools on the reporting website; and the execution of research and evaluation tasks.

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. OCR has administered the CRDC since 1968, and the collection is an important aspect of OCR's overall strategy for administering and enforcing the civil rights statutes for which it is responsible. For over 50 years, the CRDC has informed the efforts of the OCR, school administrators, and advocates to ensure that the nation's students have access to equitable educational opportunities.

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 and school-level data. In addition, under Section 1111(h)(1)(c)(viii) of the Elementary and Secondary Education Act (ESEA) as amended in 2015 by the Every Student Succeeds Act (ESSA), SEAs that receive Title I funds must include, starting on December 31, 2018 (for the 2017-18 school year), in their state and local report cards, certain CRDC data. Specifically, ESSA requires that state and LEA report cards include information 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 harassment or bullying; (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). Under the ESSA, information must be reported at the state, LEA, and school levels.

There are several major tasks associated with the administration of the CRDC. Each CRDC collection cycle consists of four major phases:

- I. **Planning & Improvement:** This phase includes the implementation of high-priority enhancements to the submission system, the facilitation of training and support, and the preparation and enhancement of technical assistance resources;
- II. **Pre-Collection:** Tasks executed during this phase include defining the CRDC universe of schools and LEAs, communicating survey changes and updates to LEAs, and implementing submission system enhancements;
- III. **Collection:** This phase includes the collection of data, providing technical support to LEAs and SEAs, monitoring system performance and data submissions, and performing data file extracts for data quality analysis; and
- IV. **Post-Collection:** This phase includes the evaluation of submission system business rules, data quality reviews of the final data, and the creation of data files.

Additional key CRDC tasks include **Data File Creation and Reporting**, which includes activities related to the creation of CRDC data products such as the national and state estimates, the creation of informational reports, and the application of privacy protections to the public-use

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data file. Other major work includes **CRDC Research and Evaluation**, which involves research and evaluation projects related to the improvement of the quality, usability, and administration of the CRDC. Activities related to the **CRDC Reporting Website** include operations and maintenance, data uploads and integration, and the development, modernization, and enhancement of that website.

Over the last few CRDC cycles, OCR has made substantial improvements in both the quality and the usability of the data. For example, OCR has developed pre-submission analytic reports to assist LEAs in reducing errors, used data to improve submission system business and validation rules, and boosted support provided to LEAs throughout the collection cycle. OCR has also made the data more accessible and user-friendly for the general public, researchers, and policymakers.

Since 2015, the CRDC reporting website (<https://ocrdata.ed.gov>) has provided users with data analysis tools that generate school, district, and state data comparison reports on all data elements. OCR has also made older CRDC data files readily available on the website. Currently, OCR is undergoing modernization efforts to the website, which includes updates to the user interface, the modernization of data analytic tools, and the inclusion of enhanced data visualizations. The website enhancements are aligned with the 21st Century Integrated Digital Experience Act requirements, which aim to improve the digital experience of those using federal public websites.

In October 2020, OCR released data from the 2017–18 CRDC, which was the sixth universal collection. The 2017–18 CRDC release also included the publication of two topic-specific data briefs—one on restraint and seclusion, and the other on school violence. The 2017–18 collection included data from more than 17,600 LEAs and more than 97,600 public schools representing 50.1 million students in all 50 states, Washington, D.C., and Puerto Rico.

The CRDC budget table on page 17 provides an overview of the CRDC budget for FY 2020, FY 2021 and FY 2022.

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SCHOOL YEAR	ACTIVITY	FY 2020	FY 2021	FY 2022
2017-18 CRDC				
2017-18	Data File Creation and Reporting	\$56,979		
2020-21 CRDC				
2020-21	Planning and Improvement Phase	\$3,355,168		
2020-21	Pre-collection Phase		\$763,127	
2020-21	Collection Phase		\$1,080,858	
2020-21	Post-collection Phase		\$568,001	
2020-21	Data File Creation and Reporting			\$60,000
2021-22 CRDC				
2021-22	Planning and Improvement Phase			
2021-22	Pre-collection Phase			\$1,196,072
2021-22	Collection Phase			\$1,305,382
2021-22	Post-collection Phase			\$1,196,072
2021-22	Data File Creation and Reporting			
2022-23 CRDC				
2022-23	Planning and Improvement Phase			\$758,255
2022-23	Pre-collection Phase			
2022-23	Collection Phase			
2022-23	Post-collection Phase			
CRDC Research and Evaluation				
N/A	Data Quality Projects (e.g., independent quality reviews, topic-specific research projects)	\$40,000		\$50,000
CRDC Reporting Website				
N/A	Operation and Maintenance Tasks needed to sustain the reporting website at the current capability, including compliance and transition management.	\$178,133	\$181,515	\$184,965
N/A	Development, Modernization, and Enhancement Projects and activities related to modifying the reporting website to improve capability and performance; develop data use and visualization improvements; and identify, prioritize, and release system enhancements.	\$907,245	\$690,858	\$663,880
N/A	Web Hosting Web hosting under the PIVOT contract. The Department's centralized services will cover the hosting cost for FY2021. OCR will cover the cost beginning in FY 2022.	\$70,172	\$65,985	\$59,952
Total CRDC		\$4,607,697	\$3,350,344	\$5,474,578

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Case Activity Management System (CAMS)

The Administration requests \$574,000 for the CAMS, \$168,000 more than the fiscal year 2021 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 upgrades and technical phone support on the Open Text products and Matrix Logic add-on modules, and (d) server hosting services. OCR continues to enhance these essential applications for critical unmet needs identified by CAMS' core users. The funding increase primarily supports the server hosting services, which was previously supported under the Department's Centralized Services.

Information Technology Services: Support for Operations and Maintenance (O&M) for Online Complaint Form and Back-End Database Project

The Administration is requesting \$422,000, \$6,000 less than the fiscal year 2021 Appropriation. Of this request, \$351,000 covers two subtasks in support of the maintenance and general web operations contracting task: (a) General O&M to support OCR's publicly accessible website¹ 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 \$71,000 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 Online 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.

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

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Non-IT Costs

Travel

The Administration requests a travel budget of \$719,000, \$540,000 more than fiscal year 2021 Appropriation. The overwhelming majority of OCR's travel funds are used to investigate complaints. This request will also support 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 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 2021 Appropriation, to cover necessary printed items such as pamphlets highlighting OCR activities in various languages, reports, fact sheets, business cards, and letterhead.

Training

The Administration requests a training budget of \$251,000, \$151,000 more than the fiscal year 2021 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 2022 request for communications and operations and maintenance of facilities, the same as fiscal year 2021 Appropriation. These funds are needed for overnight shipping costs and maintenance of copiers and other equipment.

Other Services

The Administration requests \$335,000, \$18,000 more than the fiscal year 2021 Appropriation. The request includes:

- Legal Research Services - \$211,000. This is \$18,000 more than the fiscal year 2021 Appropriation, which covers the annual escalation in the cost per user. OCR's legal research service 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 the same as the fiscal year 2021 Appropriation. The request supports the reimbursement of attorneys' bar dues - \$70,000; translation and interpretation services (translating documents and pamphlets into several languages which

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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 2022 request includes \$38,000, the same as the fiscal year 2021 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 \$80,000, the same as the fiscal year 2021 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.

IT Equipment/ Software

The Administration is requesting \$42,000, the same as the fiscal year 2021 Appropriation. This request supports a contract for an online survey tool that is used to measure customer satisfaction with OCR's complaint process and the effectiveness of technical assistance activities.

Departmental Centralized Support – Non-Personnel Costs

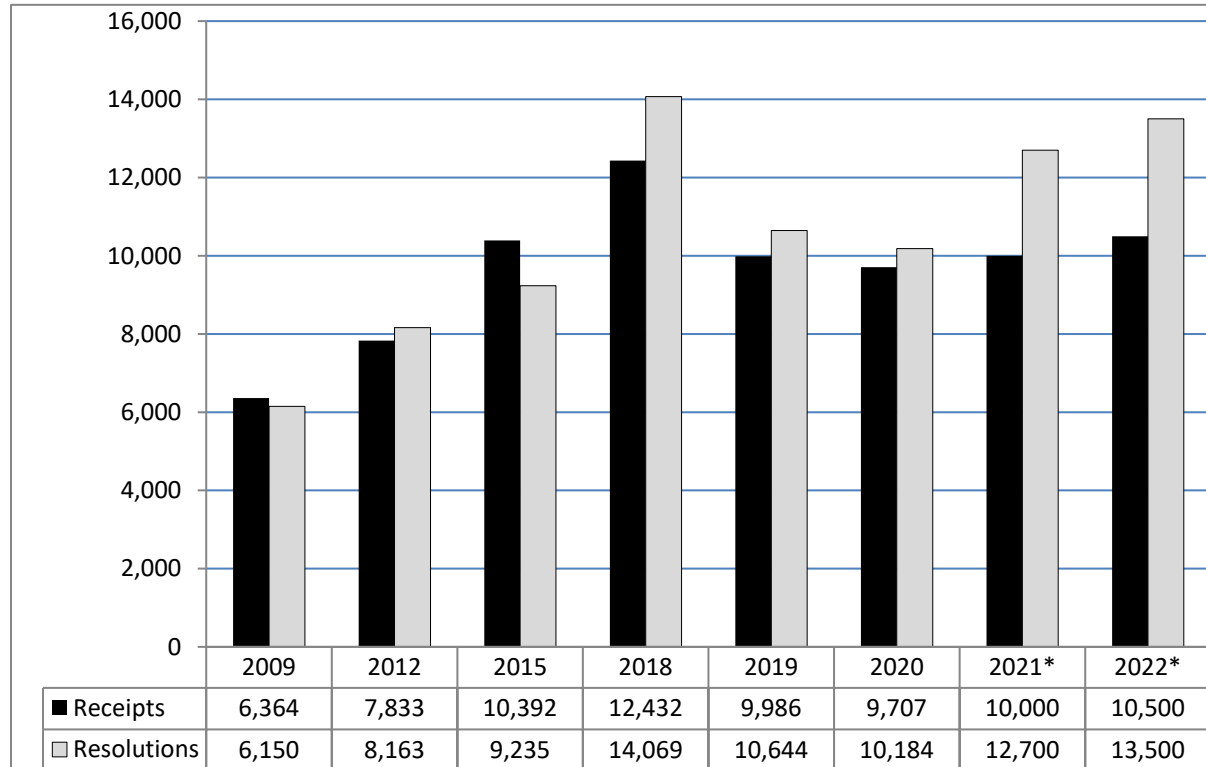
Approximately 72 percent of the total Non-Personnel budget request is to cover OCR's share of the Department's centralized services. The request provides \$28.0 million for centralized services, \$1.5 million more than the fiscal year 2021 Appropriation. The 2022 request will cover the costs of services 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.

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PROGRAM OUTPUT MEASURES

The following chart shows the number of OCR's complaint receipts and resolutions since fiscal year 2009. Actual data are shown for fiscal years 2009-2020 and estimates are shown for fiscal years 2021-2022.

Complaint Receipts and Resolutions (FY 2009 – FY 2022)



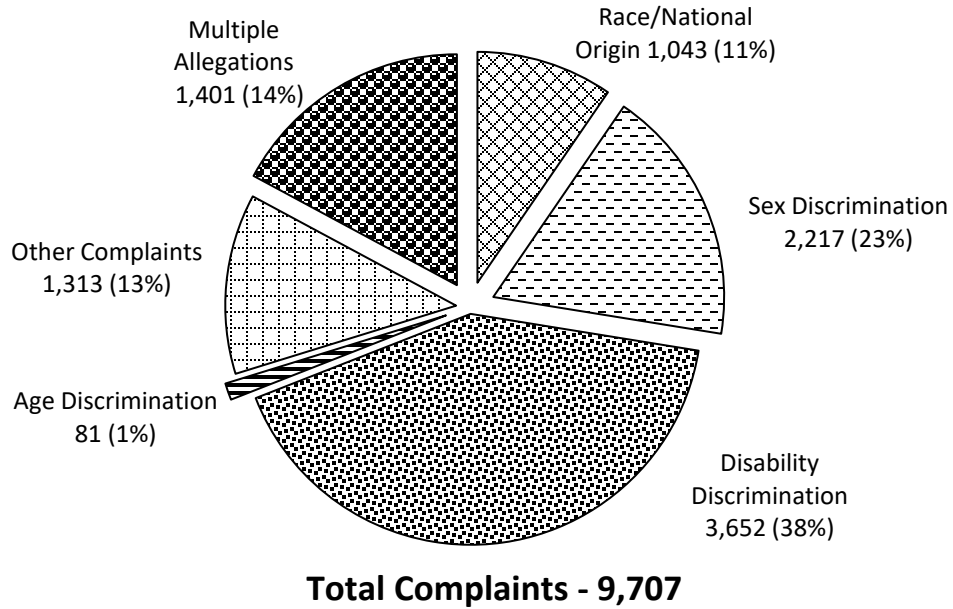
*estimate

In fiscal year 2020, total complaint receipts decreased by 279 compared to the previous year. Complaint receipts are projected to increase through fiscal year 2022.

The *FY 2020 Complaint Caseload by Jurisdiction* pie chart on page BB-23 displays the fiscal year 2020 complaint caseload by jurisdiction. Disability discrimination complaints comprise the largest percentage of complaints with OCR, followed by sex discrimination complaints. In general, disability discrimination has historically constituted the greatest share of OCR's complaint caseload.

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FY 2020 Complaint Caseload by Jurisdiction



The following table provides the number of cases received by jurisdiction during the past 12 years, fiscal years 2009 through 2020.

**Complaint Caseload by Jurisdiction
(Fiscal Years 2009– 2020)**

Jurisdiction	FY 2009	FY 2012	FY 2015	FY 2018	FY 2019	FY 2020	
Race	1,103	1,267	1,143	1,368	1,258	1,043	11%
Sex	336	686	2,390	2,773	873	2,217 ¹	23%
Disability	2,997	3,683	4,052	4,818	4,487	3,652	38%
Age	132	134	147	97	111	81	1%
Multiple	944	1,192	1,399	1,800	1,701	1,401	14%
Other	852	871	1,261	1,576	1,556	1,313	13%
TOTAL	6,364	7,833	10,392	12,432	9,986	9,707	

¹ Includes 1,121 complaints filed by a single individual.

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PROGRAM PERFORMANCE INFORMATION

Performance Measures

This section presents selected program performance information, including, for example, GPRA goals, measures, and performance targets and data. Achievement of program results is based on the cumulative effect of the resources provided in previous years, and those requested in fiscal year 2022 and future years, as well as the resources and efforts invested by those served by this program. The Department will be reviewing GPRA program performance goals and measures for OCR for possible revision in future years to ensure alignment with Administration policy.

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. Hiring additional enforcement staff through fiscal year 2022 request should have a positive impact on performance.

Current performance measures for complaint workload:

The first two performance measures below encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. The first table measures the percentage of complaints received within a fiscal year that were resolved within 180 days, while the second table measures the percentage of complaints 180 days or older from prior years.

Measure: Percentage of complaints resolved within 180 days.

Year	Target	Actual
2017	80%	81%
2018	80	84
2019	80	92
2020	80	90
2021	80	
2022	80	

Measure: Percentage of complaints pending over 180 days.

Year	Target	Actual
2017	< 25%	58%
2018	< 25	62
2019	< 25	60
2020	< 25	61
2021	< 25	
2022	< 25	

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Additional information: OCR will continue to prioritize the timely processing of complaints (i.e. resolution of complaints within 180 days) and expects that it will continue to meet this performance measure in fiscal year 2022 for newly filed complaints. In fiscal year 2020, OCR did not fill a number of needed positions across the 12 regional offices, undermining OCR's ability to reduce the backlog of complaints and increasing the risk of delays in evaluating and investigating new complaints. Although OCR has begun to increase hiring in FY 2021, the additional FTE contemplated by this request are necessary to meet the anticipated growth in complaints in FY 2022 and beyond.

OCR has not yet met the second performance measure but has made progress toward meeting this metric in the fiscal years 2019 and 2020. OCR continues to strive for quality and timeliness, while upholding its mission to vigorously enforce civil rights laws.

Measure: Mean score of customer satisfaction survey.

Year	Target	Actual
2017	3.66	3.75
2018	3.66	3.78
2019	3.66	3.60
2020	3.66	3.75
2021	3.66	
2022	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 complainants and recipients by OCR staff; 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).

Civil Rights and School Reopening

Safeguarding civil rights and equal opportunity is central to our national response to the COVID-19 pandemic and its effects on students, families, and schools. OCR continues to receive and respond to discrimination complaints from students and their parents and guardians. In addition, OCR will continue to take steps to provide information, including:

- In May 2021, OCR issued *Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment*, providing answers to common questions about schools' responsibilities under the civil rights laws. The document was designed to help students, families, schools, and the public support all students' rights in educational environments, including in elementary and secondary schools and postsecondary institutions.
- In the *Executive Order on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers*, President Biden directed OCR to

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author a report on the disparate impacts of the COVID-19 pandemic on students and schools. OCR expects to publish the report in fiscal year 2021.

- Access to data and information is critical to understanding the disparities that students may face in their opportunities and experiences at schools across the country. The CRDC is the single largest database in the United States with leading civil rights indicators from every public school that offers Pre-K through 12th grade education. As mentioned above, OCR intends to administer a CRDC for school years 2020-21, 2021-22, and, depending on funding and other factors, 2022-23.

Preventing Discriminatory Discipline Practices

Racial and other disparities in the administration of school discipline, including in the use of exclusionary school discipline policies and practices, tangibly harm our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. OCR hosted a convening in May 2021 exploring these issues and possible solutions, including strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

OCR will continue to work on issues of racial equity, as they are core to OCR's mission and a central priority of the Administration, as articulated in the President's *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.

Ensuring an Education Free from Sex-Based Discrimination—Including Violence and Harassment

OCR is actively taking steps to fulfill President Biden's Executive Order on *Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*. This Executive Order states:

"All students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity."

OCR has announced plans for a comprehensive review of agency regulations and other actions under Title IX, including:

- A public hearing, to be held in June 2021, to gather input and insights from students, parents, teachers, faculty members, school staff, administrators and other members of the public on the issues of sexual harassment, including sexual violence, in educational environments, and discrimination based on sexual orientation and gender identity;
- A forthcoming Q&A document to provide additional clarity about how OCR interprets schools' existing obligations under Title IX; and

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- An anticipated public notice of a rulemaking process to explore amendments to the Department's Title IX regulations.

Protecting Students from Discrimination on the Basis of Gender Identity and Sexual Orientation

OCR has also begun action under President Biden's *Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, which makes this commitment: "All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation." In this order, President Biden specifically addressed the needs of students, saying that "children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports."

In addition to the public hearing noted above, OCR has also formally withdrawn earlier actions that sought to penalize schools under Title IX for permitting transgender girls to participate in interscholastic athletics competitions and addressed other prior OCR statements that sought to restrict legal protections for transgender students in conflict with the Executive Order. These include a memorandum on the Supreme Court's decision in *Bostock v. Clayton County*, which recognized that sex discrimination protections encompass discrimination based on sexual orientation and gender identity, and an earlier OCR letter that withdrew protections for transgender students. OCR will continue to respond to complaints and engage in compliance reviews and technical assistance activities to protect students from discrimination on the basis of gender identity and sexual orientation.