

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2023 Budget Request

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Appropriations Language

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$161,300,000.

Note

A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of P.L. 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

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Amounts Available for Obligations
(dollars in thousands)

Appropriation and Adjustments	2021	2022	2023
Discretionary appropriation	\$131,000	\$131,000	\$161,300
Unobligated balance expiring	-163	0	0
Total, direct obligations	\$130,837	\$131,000	\$161,300

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Obligations by Object Classification
(dollars in thousands)

Object Class	2021 Actual	2022 Estimate	2023 Request	Change from 2022 to 2023
11.10 Full-time permanent	\$68,902	\$69,932	\$86,386	\$16,454
11.31 Full-time temporary	1,100	999	1,045	46
11.32 Part-time	1,052	874	914	40
11.33 Consultants	25	0	0	0
11.51 Overtime	66	60	60	0
11.52 Awards	1,091	1,004	1,080	76
11.8 Other Compensation	6	0	0	0
--- Compensation subtotal	72,242	72,869	89,485	16,616
12.00 Benefits	25,382	26,966	33,122	6,156
13.1 Benefits for former personnel	0	0	0	0
--- Comp/benefits subtotal	97,624	99,835	122,607	22,772
21.00 Travel	13	25	801	776
23.10 Rental payments to GSA	9,681	10,100	10,458	358
23.31 Communications	1	5	10	5
23.32 Postage/fees	27	4	4	0
--- Subtotal 23	9,709	10,109	10,472	363
24.00 Printing & reproduction	2	5	5	0
25.1 Advisory and assistance services	0	0	0	0
25.21 Other services	2,506	1,085	1,194	109
25.22 Training/tuition/contracts	246	240	509	269
25.30 Goods/services from Federal sources	2,142	2,428	2,520	92
25.40 Operations/maint of facilities	0	0	0	0
25.71 Operations/maint of equipment	0	1	1	0
25.72 IT services/contracts	18,124	16,791	22,643	5,852
--- Subtotal 25	23,018	20,545	26,867	6,322
26.00 Supplies	5	53	103	50
31.10 IT equipment/software	416	428	445	17
31.30 Other Equipment	8	0	0	0
--- Subtotal 31	424	428	445	17
32.00 Building Alterations	73	0	0	0
Total, Obligations	130,868	131,000	161,300	+30,300

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Summary of Changes
(dollars in thousands)

2022		\$131,000
2023		161,300
	Net Change	+30,300

Increases:	2022 Base	Change from Base
<u>Built in</u>		
..Increase in salaries and benefits for increased FTE, projected benefits increase, and a 4.6 percent pay raise.	\$98,831	+\$22,696
..Increase in Rent.	10,100	+358
<u>Program:</u>		
..Increase in awards.	1,004	+76
..Increase in travel.	25	+776
..Increase in communications.	5	+5
..Increase in other services mainly for space plan design and relocation.	1,085	+109
..Increase in training.	240	+269
..Increase in goods and services from government.	2,428	+92
..Increase in IT services mainly for CRDC, IT modernization, and central IT services.	16,791	+5,852
..Increase in supplies.	53	+50
..Increase in IT equipment and software.	428	+17
Subtotal, increases		+30,300

Decreases:	2022 Base	Change from base
<u>Program:</u>		
Decreases – none.	0	0
Subtotal, decreases		0
Net Change		+\$30,300

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Authorizing Legislation
(dollars in thousands)

Activity	2022 Authorized	2022 Estimate	2023 Authorized	2023 Request
Civil Rights (DEOA)	Indefinite	\$131,000	Indefinite	\$161,300
Total appropriation		131,000		161,300

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Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2014	\$98,356 ¹	N/A	\$98,356	\$98,356
2015	102,000 ²	N/A	102,000	100,000
2016	130,691 ³	\$100,000	100,000	107,000
2017	137,708 ⁴	100,000	110,000	108,500
2018	106,797 ⁵	108,500	117,000	117,000
2019	107,438 ⁶	117,000	125,000	125,000
2020	125,000 ⁷	130,000	125,000	130,000
2021	130,000 ⁸	132,000	130,000	131,000
2022	144,000 ⁹	144,000	144,000	144,000
2023	161,300			

¹ The House allowance is shown as N/A because there was no Subcommittee action; Senate allowance reflects Senate Subcommittee action only.

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

³ The levels for House and Senate allowances reflect action on the regular 2016 appropriations bill, which proceeded in the 114th Congress only through the House Committee and Senate Committee.

⁴ The levels for the House and Senate allowances reflect Committee action on the regular annual 2017 appropriations bill; the Appropriation reflects the Consolidated Act, 2017.

⁵ 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).

⁶ 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).

⁷ The Senate Allowance reflects the Chairman's mark; the Appropriation reflects the Further Consolidated Appropriations Act, 2020 (P.L. 116-94). The level for the House allowance reflects subcommittee action.

⁸ The level for the Senate Allowance reflects the Chairman's mark; the Appropriation reflects Division H of the FY 2021 Consolidated Appropriations Act (P.L. 116-260).

⁹ The House allowance reflects floor action on the FY 2022 Consolidated Appropriations Act; the Senate allowance reflects the Chairman's mark; and the Appropriation reflects the annualized continuing resolution level.

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Significant Items in FY 2022 Appropriations Reports

OCR Closing of Civil Rights Cases

House: The Committee is concerned by the number of civil rights cases, including racial discrimination and sexual harassment, that are closed without any findings of wrongdoing or corrective action, often due to insufficient evidence. The Committee directs the Department to include in its fiscal year 2023 Congressional Budget Justification the following information, broken down by jurisdiction: (1) the number of civil rights complaints evaluated; (2) the number of civil rights complaints investigated; (3) the number of civil rights complaints monitored; (4) the number of civil rights complaints that resulted in enforcement action; and, (5) the number of civil rights complaints not evaluated and the reason for not evaluating.

Response: The Department will include the requested information in its fiscal year 2023 Congressional Budget Justification.

OCR The State of Desegregation Orders

House: The Committee is concerned by research from the UCLA Civil Rights Project indicating that schools and school districts are becoming increasingly racially and socioeconomically segregated across the country. At the same time, there is no clear or accurate reporting or transparency on the number of federal desegregation orders, the status of these orders, or the impact they have had on segregation in districts. The Committee, therefore, urges the Office for Civil Rights to make a report publicly available on the Department's website, detailing a comprehensive list of all existing federal desegregation orders in the United States, their principle requirements, and the status of the affected districts' compliance with these orders.

Response: The Department will make a report publicly available on the Department's website.

OCR Disaggregated Data on Student Bullying During COVID-19

House: The Committee is concerned about the rates of anti-Asian bullying of Asian American students during the COVID-19 pandemic. There have been numerous reports of students being bullied, shunned, verbally abused, and in some cases, physically assaulted due to them being scapegoated for the spread of COVID-19. As schools are reopening for in-person learning, the Committee is concerned about reports of parents foregoing in-person learning due to fear of the discrimination their students may face. The Committee recognizes data collections by the Department, OCR, and NCES on student bullying insufficiently reflects the diversity of Asian American Pacific Islander (AAPI) sub-ethnic groups, as the U.S. Census Bureau reports data on at least 25 distinct AAPI

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Significant Items in FY 2022 Appropriations Reports — Continued

ethnic groups. The Committee strongly encourages the Department to collect and report data on student bullying related to anti-Asian sentiment during the COVID-19 pandemic, disaggregated by all racial and ethnic groups and sub-groups identified in the American Community Survey, no later than 60 days from the enactment of this act. The Committee believes OCR must promptly investigate such student bullying, conduct compliance reviews and effectively support LEAs in meeting their nondiscrimination obligations.

Response: The Department will comply with this directive.

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(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2023 Authorization: Indefinite

Budget Authority:

	2022 Estimate	2023 Request	Change
Personnel Compensation and Benefits Costs	\$99,835	\$122,607	+\$22,772
Non-Personnel Costs	31,165	38,693	+7,528
Total	\$131,000	\$161,300	+30,300
FTE	575	676	+101

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)
2018	\$117,000
2019	125,000
2020	130,000
2021	131,000
2022 Estimate	131,000

FY 2023 BUDGET REQUEST

For fiscal year 2023, the Administration requests \$161.3 million for OCR, \$30.3 million more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. Funds would support an FTE level of 676 and provide resources necessary for OCR to deliver on its statutory and regulatory mandates.

- The **Personnel Compensation and Benefits (PC&B)** request of \$122.6 million is \$22.8 million more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. The fiscal year 2023 Request will support PC&B costs associated with an FTE level of 676, which includes 663 FTE for OCR and 13 FTE for centralized FTE costs (e.g., human resources support, facilities management). The request also incorporates a proposed 4.6 percent pay raise for January 2023 and projected benefits increases. The 101 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 be staff in enforcement positions, OCR's ongoing policy development and commitment to transparency and improved customer engagement may also necessitate additional staffing of OCR's policy and Freedom of Information Act (FOIA) teams and other positions related to customer service.

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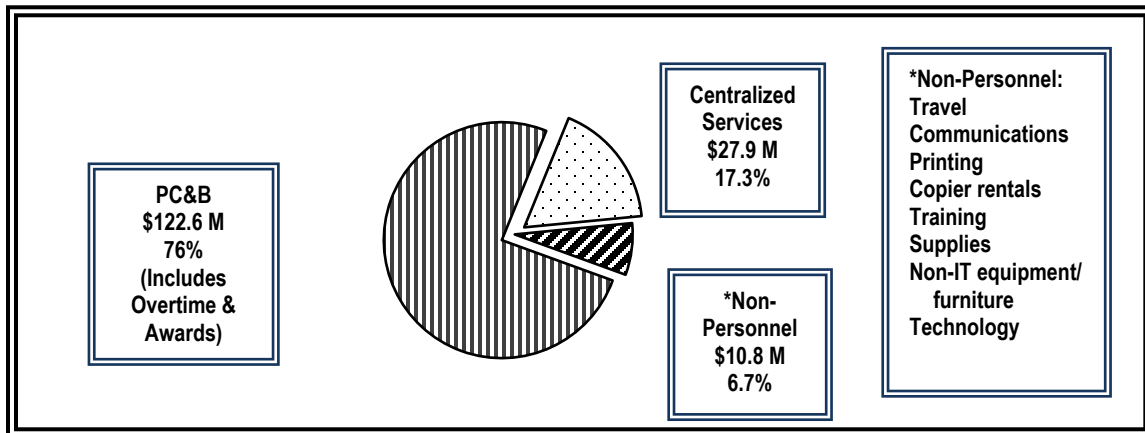
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$10.8 million is \$5.8 million more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. This increase mostly supports additional funds for training, especially for the new FTE who would be hired; travel to investigate complaints; the 2023-24 collections cycle for the Civil Rights Data Collection; the new IT Modernization project; and enhancements to apply business process changes and to improve the usage of the Case and Activity Management System (CAMS). The largest parts of the OCR non-personnel funds are for the Civil Rights Data Collection (CRDC): \$6.4 million; IT Modernization: \$1.6 million; travel: \$802,000; software support to operate OCR’s Case and Activity Management System (CAMS): \$574,000; and the Online Discrimination Complaint Form and Back-end Database: \$414,000.
- OCR’s fiscal year 2023 Request share of the **Department’s Centralized Services (overhead)** is \$27.9 million, \$1.7 million more than the fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. The increase is mostly due to the Enterprise Cybersecurity program mandatory requirements and Security rent charges.

The chart below shows the funding level by category percentage share of the Fiscal Year 2023 request.

FY 2023 Budget by Category
(dollars in millions)

Total: \$161.3

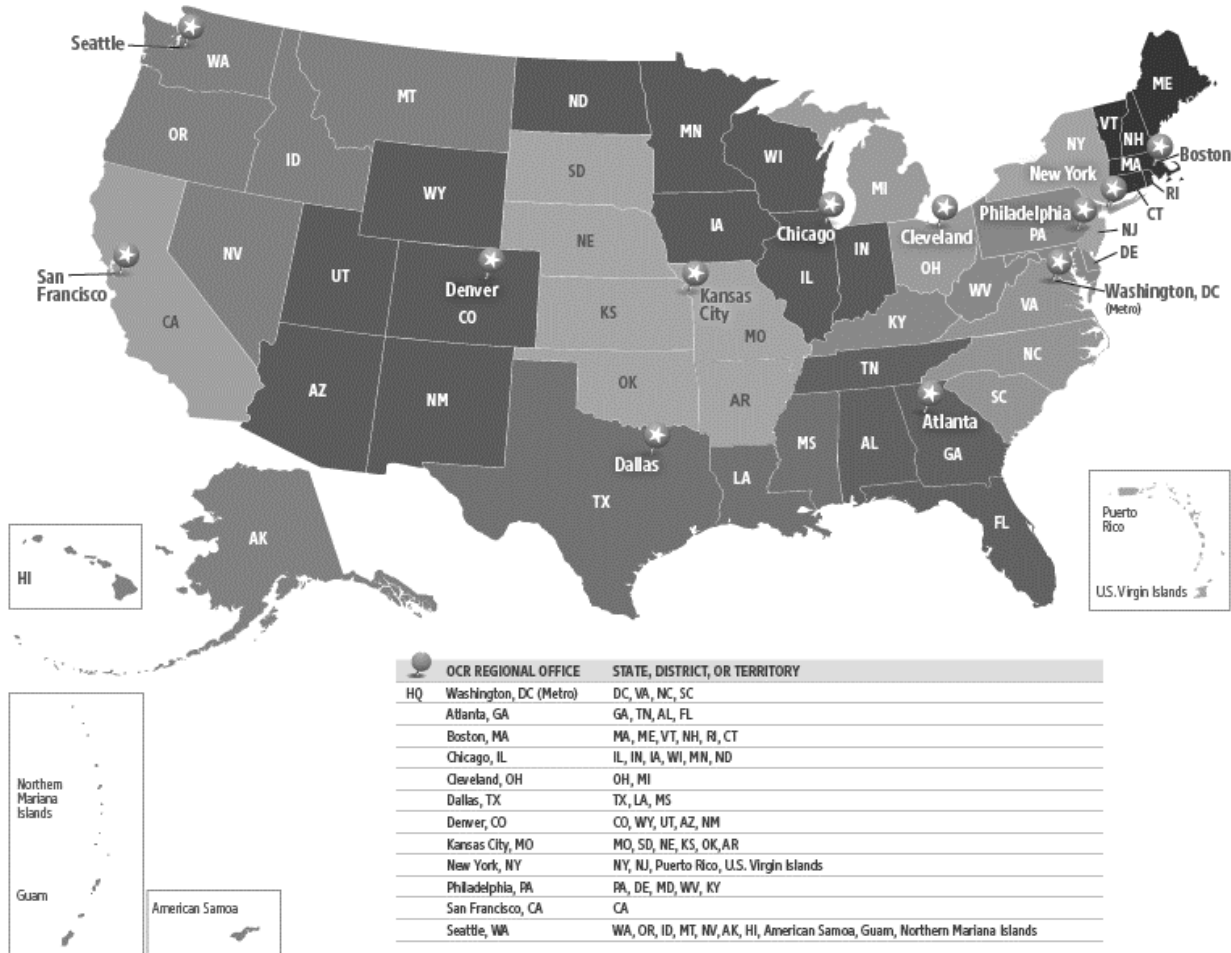
FTE: 676



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Organizational Structure and Staffing

OFFICE FOR CIVIL RIGHTS 2023 Headquarters and Regional Enforcement Office Locations and Staffing



Regional Enforcement Offices: 575 FTE
Headquarters: 101 FTE
Total Staff Level: 676 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 include a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy and Development, a Deputy Assistant Secretary for Strategic Operations and Outreach, a Deputy Assistant Secretary for Legal Affairs, and a Deputy Assistant Secretary for Management and Planning.

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

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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 monitor recipients' compliance with voluntary resolution agreements. In addition, they develop and provide technical assistance to foster greater understanding of the statutes that OCR enforces.

The *Deputy Assistant Secretary for Legal Affairs* advises the Assistant Secretary on legal matters, supports the policy development and strategic planning activities of OCR, and executes assignments on matters of special concern to the Assistant Secretary.

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* leads 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* oversees the planning, development, and implementation of budget, operational, and administrative policies 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

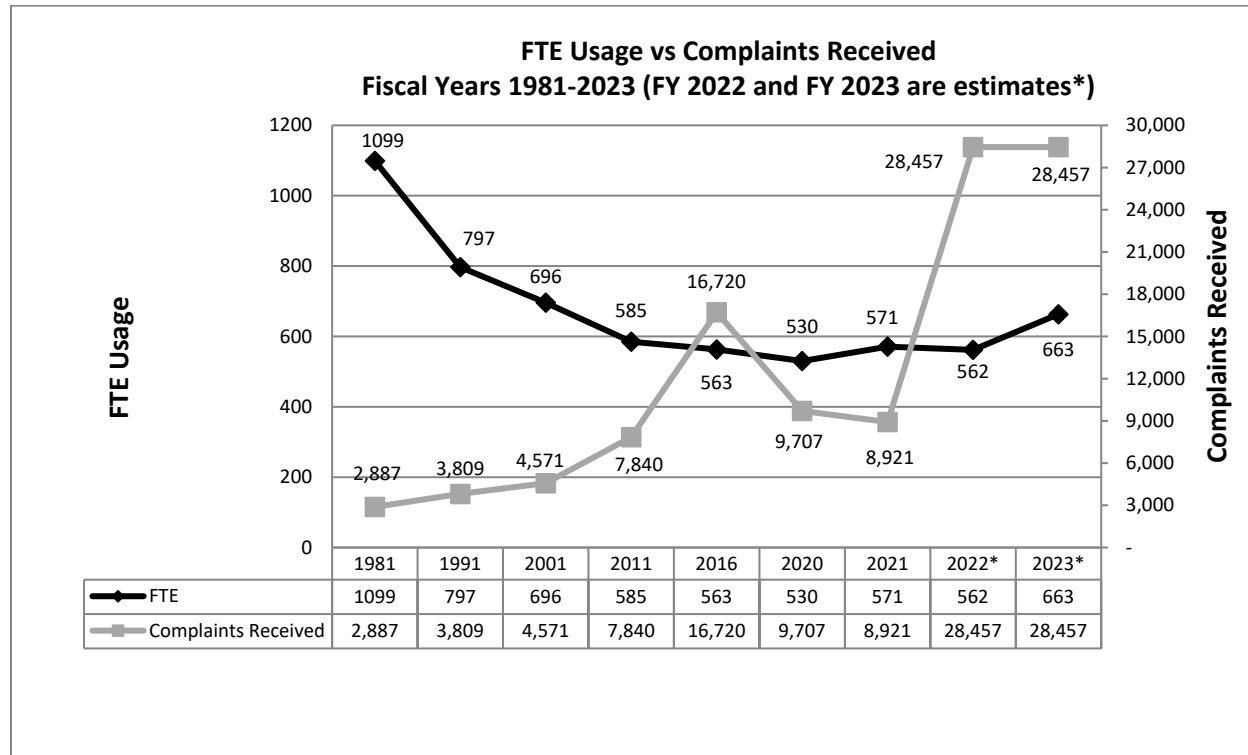
OCR accomplishes its mission primarily by responding to complaints and initiating proactive investigations, both of which require significant investments in human capital. Proactive investigations include compliance reviews and directed investigations. OCR initiates compliance reviews to assess the practices 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 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

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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 the fiscal year 2023 Request, PC&B costs are 76 percent of the request, or \$122.6 million, \$22.8 million more than a fiscal year 2022 annualized CR level based on the 2021 appropriation. The 2023 Request provides a 4.6 percent pay raise effective January 2023 and supports 676 FTE, 101 more than the fiscal year 2022 annualized CR level based on the 2021 appropriation, and 77 more than the 2023 President's Request. The 676 FTE include 663 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 exclude the 13 FTE for Office of Finance and Operations, Human Resource office FTE costs in fiscal years 2020 through 2023.



The chart above indicates that OCR's volume of complaints received has increased significantly since 1981 while the FTE levels have decreased considerably in the same period. From fiscal year 2011 to fiscal year 2021, OCR's FTE decreased by 2 percent, from 585 FTE to 571 FTE. At the same time, the number of complaints received increased by 14 percent, from 7,840 complaints in fiscal year 2011 to 8,921 in fiscal year 2021. OCR anticipates receiving 28,457 complaints in FY 2022, which is 70% higher than the 16,720 complaints received in FY 2016,

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the highest number of complaints received on record.¹ Excluding the thousands of complaints filed by a handful of complainants, OCR anticipates receiving 10,843 complaints in FY 2022, an increase of 22% over the FY 2021 total.² The additional FTE requested for fiscal year 2023 will improve OCR’s ability to efficiently respond to the increased volume of complaints anticipated through fiscal year 2023.

This increase in complaints is expected for a number of reasons. First, OCR has already seen a sizeable increase in complaints during the current fiscal year. In the first quarter of FY 2022, OCR received 9,958 complaints, which includes 7,339 complaints filed by a handful of complainants. Even excluding the complaints filed by a few complainants, OCR’s complaint receipts are up nearly 53% compared to the first quarter of FY 2021, when OCR received 1,715 complaints. Second, with the return of students to the classroom and in the unprecedented context of the pandemic, it is reasonable to assume that more students and families will file complaints with OCR. Third, the Biden-Harris administration has made a concerted effort to ensure that students, families, and advocates are aware of the rights and responsibilities assured in the federal civil rights laws OCR enforces; this effort will increase awareness and, in turn, likely drive an uptick in complaints.

Of the total additional 101 FTE, at least 91 staff will work directly on investigations. OCR’s per-staff caseload has increased markedly over the last decade. More manageable caseloads would enhance OCR’s ability to resolve cases in a timely manner and improve OCR’s capacity to engage in directed investigations and compliance reviews. Table A below indicates that the average caseload per staff has increased 42 percent from 19 cases in 2011 to 27 cases in 2021.

Table A: Caseload per Staff in FY 2011, FY 2020, and FY 2021

	<i>FY 2011</i>	<i>FY 2020</i>	<i>FY 2021</i>
<i>Number of Attorneys/Equal Opportunity Specialists (excluding managers)</i>	<i>417</i>	<i>360</i>	<i>334</i>
Complaints Received & Proactive Investigations Launched	7,882	9,752	8,938
# of cases per staff	19	27	27

As depicted in Table B, based on the projected complaint volume for FY 2023, the additional FTE requested would reduce the average caseload per investigative staff from 27 to 26. In other words, because of an increase in the number of complaints received, the additional FTE would

¹ The estimate for FY 2022 is a twelve-month projection that includes nearly 7,500 complaints received thus far in FY 2022 that were filed by a handful of complainants who file large numbers of complaints. Likewise, the FY 2016 complaint totals include more than 6,000 complaints filed by a single complainant. OCR excludes these complaints from its calculation of caseloads per staff.

² This estimate was calculated as follows: from October 1, 2021, through February 28, 2022, OCR received 4,518 complaints, or an average of 903.6 complaints per month for the first five months of FY 2022. The monthly average, multiplied by twelve, equals 10,843 complaints.

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keep the caseload per staff nearly level with FY 2021. Without the requested increase in FTE, the investigative staff caseload burden will increase.

Table B: Impact of Additional FTEs per Staff Based on 10,843 Cases Projected in FY 2023

Staff Level	2023 Request
Projected number of Attorneys/Equal Opportunity Specialists (excluding managers) in FY 2022	327
Increased number of Attorneys/Equal Opportunity Specialists	+91
<i>Projected Total for FY 2023</i>	<i>418</i>
# of cases per staff	26

Investing in Enforcement Staff

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

Awards and Overtime

The Administration is requesting \$1.1 million for awards and \$60,000 for overtime, which is \$76,000 more than the fiscal year 2022 annualized CR level based on 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 2023 Request, excluding Departmental Centralized Services, is \$10.8 million, \$5.8 million more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. The increases include additional collections for the CRDC; a new IT Modernization project, enhancements to the CAMS project, travel, legal services, and training. 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 2023 Request funds will also support the maintenance, monitoring, enhancement, and hosting of OCR's database investments (CRDC, CAMS and Online Discrimination Complaint Form), as well as the beginning of a comprehensive IT modernization project.

Information Technology (IT) Non-Personnel Costs

Civil Rights Data Collection (CRDC)

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

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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. OCR administered a 2020–21 CRDC as planned, as well as a 2021-22 collection.

The Administration requests \$6.4 million for fiscal year 2023 for the CRDC, an increase of \$3.3 million above the 2022 Annualized CR level. This request supports tasks related to three separate cycles, as follows:

- Data file creation and reporting tasks for the 2021–22 CRDC;
- Pre-collection, collection, and post-collection tasks for the next CRDC; and
- Planning and improvement tasks for the next CRDC.

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 for students in pre-K through grade 12. OCR has administered the CRDC since 1968, and the collection is an important aspect of OCR's overall strategy for administering, overseeing, and enforcing the civil rights statutes for which it is responsible. For over 50 years, the CRDC has informed the efforts of the OCR, education 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. Furthermore, 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), as of December 31, 2018, SEAs that receive Title I funds are required to include certain CRDC data in their state and local report cards. Specifically, ESSA requires that state and LEA report cards include information on measures of school quality, climate, and safety, such as information on: (1) in-school suspensions; (2) out-of-school suspensions; (3) expulsions; (4) school-related arrests; (5) referrals to law enforcement; (6) incidents of violence, including harassment or bullying; and (7) chronic absenteeism. SEA and LEA report cards must include the number and percentage of students enrolled in preschool programs, and the number and percentage of students enrolled in accelerated coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate). The numbers and percentages must be for all students and each student demographic group (e.g., sex by race/ethnicity; sex by disability status; and sex by English learner status). Under ESSA, information must be reported at the state, LEA, and school levels.

There are several major tasks associated with the administration of the CRDC that would be supported by the budget request. 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;

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- 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 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 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 serving 50.1 million students in the 50 states, Washington, D.C., and Puerto Rico. In May 2021, OCR released a corrected public-use data file for the 2017–18 CRDC. National and state estimates were released in June 2021.

The CRDC budget table below provides an overview of the CRDC budget for FY 2021, FY 2022, and FY 2023. The FY 2022 CRDC budget does not include the \$2 million that OCR received in American Rescue Plan Act funds.

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SCHOOL YEAR	ACTIVITY	FY 2021	FY 2022	FY 2023
2020-21 CRDC				
2020-21	Planning and Improvement Phase			
2020-21	Pre-collection Phase	\$763,127		
2020-21	Collection Phase	\$1,080,858		
2020-21	Post-collection Phase	\$594,539		
2020-21	Data File Creation and Reporting		\$80,000	
2021-22 CRDC				
2021-22	Planning and Improvement Phase			
2021-22	Pre-collection Phase		\$652,691	
2021-22	Collection Phase		\$673,665	
2021-22	Post-collection Phase		\$652,691	
2021-22	Data File Creation and Reporting			\$436,213
Future CRDC				
N/A	Planning and Improvement Phase			\$2,000,000
N/A	Pre-collection Phase			\$2,343,145
CRDC Research and Evaluation				
N/A	Data Quality Projects (e.g., independent quality reviews, topic-specific research projects)		\$131,702	\$406,213
CRDC Reporting Website				
N/A	Operation and Maintenance Tasks needed to sustain the reporting website at the current capability, including compliance and transition management.	\$181,515	\$184,965	\$188,479
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.	\$664,320	\$703,734	\$1,005,615
N/A	Web Hosting Web hosting under the PIVOT contract. The Department's centralized services covered the hosting cost for FY2021. OCR will cover the cost beginning in FY 2022.	\$65,985	\$59,952	\$59,663
	Total CRDC	\$3,350,344	\$3,139,400	\$6,439,328

IT Modernization

The Administration is requesting \$1.6 million for IT Modernization, a new request. This new request will support the modernization of OCR's complaint management system by addressing the inefficiencies in the current disparate legacy systems, Case and Activity Management System (CAMS) and the Online Complaint Form, providing a single platform solution for complaint filing and management that will benefit internal and external users. The funding will

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cover one-time fees that include \$676,000 for software and hardware and \$540,800 for implementation. The request also includes \$338,000 for operations and maintenance and \$135,200 for server hosting.

CAMS was developed in 2002 and the Online Complaint Form was developed in 2003. Since then, various patches have kept the two systems functioning despite outdated technology. Currently, civil rights complaints are electronically filed in the Online Complaint Form and are then uploaded manually into CAMS. Generally, end users experience CAMS as two separate systems – a case docketing/activity log system and a document management system. The system does not have sufficient functionality to operate as an official electronic case repository and is not accessible for people with disabilities, as required by Section 508 of the Rehabilitation Act of 1973.

Modernization of OCR's complaint management system would improve efficiency and effectiveness, automate many of the complaint processing activities, provide electronic solutions to reduce paper waste, limit cyber-security risks, and ensure compliance with Section 508. Moreover, OCR anticipates that the IT Modernization project will yield future cost savings once CAMS and the Online Complaint form are retired.

Case Activity Management System (CAMS)

The Administration requests \$574,000 for the CAMS, an increase of \$9,000 above the 2022 Annualized CR level. The increase of \$9,000 supports contractual increases for operations and maintenance and enhancements. 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.

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

The Administration is requesting \$414,000, a decrease of \$8,000 from the fiscal year 2022 Annualized CR level. Of this request, \$344,000 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

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

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resolution letters and agreements entered into on or after October 1, 2013. The remaining \$70,000 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 several 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 to provide transparency to the public about OCR enforcement and compliance activities.

Non-IT Costs

Travel

The Administration requests a travel budget of \$802,000, \$777,000 more than a fiscal year 2022 annualized CR level based on the 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. The increase will support travel costs associated with the additional 101 FTE, assuming a return to normal travel post-pandemic. 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 a fiscal year 2022 annualized CR level based on 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 \$315,000, \$265,000 more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. Training expenses in fiscal year 2020 and 2021 were much lower than normal due to the pandemic. OCR's leadership recognizes that the success of its work depends on the quality of its staff across all levels of the organization. The increase will support training cost associated with the additional 101 FTE. 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.

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Communications and Equipment Repairs and Maintenance

The Administration is requesting \$11,000 in fiscal year 2023 Request for communications and equipment repairs and maintenance, \$5,000 more than a fiscal year 2022 annualized CR level based on the 2021 appropriation. These funds are needed for overnight shipping costs and maintenance of copiers and other equipment.

Other Services

The Administration requests \$124,000, the same as the fiscal year 2022 annualized CR level based on the 2021 appropriation. The request supports \$70,000 for the reimbursement of attorneys' bar dues; \$42,000 for translation and interpretation services (translating documents and pamphlets into several languages which is different than the printing of documents in different languages); and \$12,000 for miscellaneous services (advertisement and short-term contractual services).

Goods/Services from the Government

The fiscal year 2023 Request includes \$334,000, \$77,000 more than the fiscal year 2022 annualized CR level based on the 2021 appropriation. Of this request, \$296,000 supports legal research. 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. The fiscal year 2023 \$69,000 increase over fiscal year 2022 covers the annual escalation in the cost per user.

The request also 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, \$50,000 more than the fiscal year 2022 annualized CR level based on the 2021 appropriation. The increase will cover the cost of supplies for the additional 101 FTE. 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 2022 annualized CR level based on the 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 \$27.9 million for centralized services, \$1.7 million more than the fiscal year 2022 annualized CR level based on the 2021 appropriation. The 2023 Request will cover the costs of services such as rent; departmental

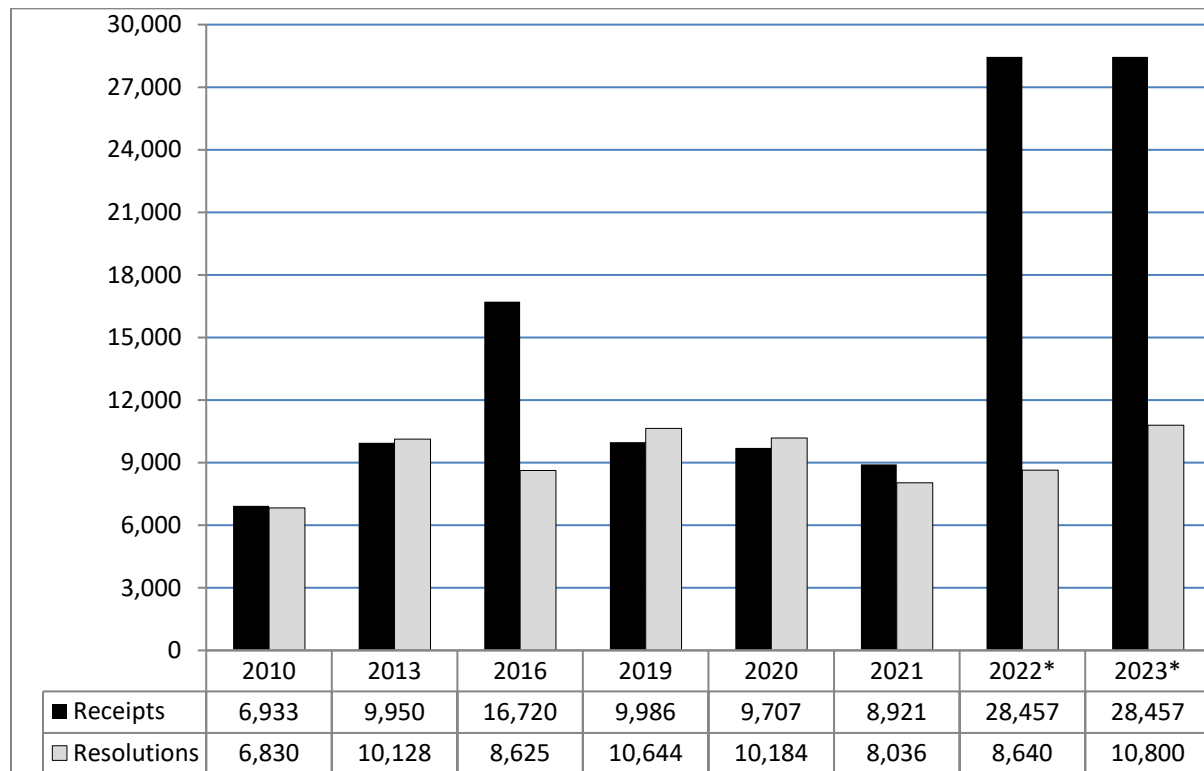
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training; personnel security; records information management support services; interagency agreements for administrative services provided by other Federal Agencies, such as payroll processing, overtime utilities, training coordination and career counseling; IT security; telecommunications; computers and related hardware; smartphones; IT processing services; and network support.

PROGRAM OUTPUT MEASURES

The following chart shows the number of OCR’s complaint receipts and resolutions since fiscal year 2010. Actual data are shown for fiscal years 2010-2021 and estimates are shown for fiscal years 2022-2023.

Complaint Receipts and Resolutions (FY 2010 – FY 2023)



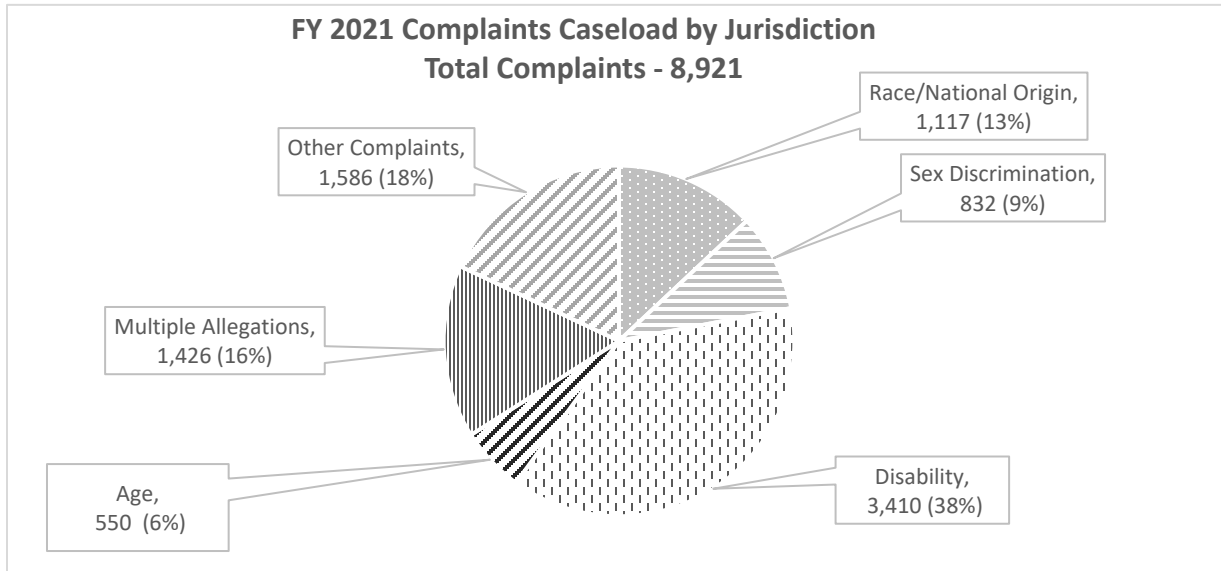
*Estimate

In fiscal year 2021, total complaint receipts decreased by 786 compared to the previous year. However, through fiscal year 2023 complaint receipts are projected to exceed the previous record high level from 2016. We are projecting cases to remain above the fiscal year 2021 level because the COVID-19 pandemic has exacerbated preexisting inequities in our nation’s schools. These inequities could potentially raise civil rights concerns. We also anticipate an uptick in complaint receipts as students return to the classrooms.

The *FY 2021 Complaint Caseload by Jurisdiction* pie chart displays the fiscal year 2021 complaint caseload by jurisdiction. Disability discrimination complaints comprise the largest

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percentage of complaints with OCR, followed by other complaints. In general, disability discrimination has historically constituted the greatest share of OCR's complaint caseload.



The following table provides the number of cases received by jurisdiction during the past 11 years, fiscal years 2010 through 2021.

Complaint Caseload by Jurisdiction (Fiscal Years 2010 – 2021)

Jurisdiction	FY 2010	FY 2013	FY 2016	FY 2019	FY 2020	FY 2021	
Race	1,833	2,209	2,439	1,258	1,043	1,117	13%
Sex	796	2,839	7,747	873	2,217 ¹	832	9%
Disability	4,004	5,022	5,936	4,487	3,652	3,410	38%
Age	131	522	581	111	81	550	6%
Multiple	1,037	1,333	1,655	1,701	1,401	1,426	16%
Other	913	786	1,532	1,556	1,313	1,586	18%
TOTAL	8,714	12,711	19,890	9,986	9,707	8,921	100%

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 2023 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 2023 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.

Fiscal Year	Target	Actual
2018	80%	84%
2019	80	92
2020	80	90
2021)	80	87
2022	80	-
2023	80	-

Measure: Percentage of complaints pending over 180 days.

Fiscal Year	Target	Actual
2018	< 25%	62%
2019	< 25	60
2020	< 25	61
2021	< 25	50
2022	< 25	-
2023	< 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 2023 for newly filed complaints. The additional FTE contemplated by this request are necessary to meet the anticipated growth in complaints in fiscal year 2023 and beyond.

OCR has not yet met the second performance measure but has made progress toward meeting this metric in the fiscal year 2021. 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.

Fiscal Year	Target	Actual
2018	3.66	3.78
2019	3.66	3.60
2020	3.66	3.75
2021	3.66	3.35
2022	3.66	-
2023	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).