

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2016 Budget Request

CONTENTS

	<u>Page</u>
Appropriations Language	AA-1
Amounts Available for Obligation	AA-2
Obligations by Object Classification	AA-3
Summary of Changes	AA-4
Authorizing Legislation	AA-6
Appropriations History	AA-7
Activity:	
Office for Civil Rights	AA-8

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, [~~\$100,000,000~~] \$130,691,000. (Department of Education Appropriations Act, 2015.)

OFFICE FOR CIVIL RIGHTS

Amounts Available for Obligation
(dollars in thousands)

Appropriation and Adjustments	2014	2015	2016
<hr/>			
Discretionary budget authority:			
Appropriation.....	\$98,356	\$100,000	\$130,691
Subtotal, appropriation	98,356	100,000	130,691
Unobligated balance, expiring	<u>-123</u>	<u>0</u>	<u>0</u>
Total, direct obligations	98,233	100,000	130,691

OFFICE FOR CIVIL RIGHTS

Obligations by Object Classification (dollars in thousands)

Object Class	2014	2015	2016	CHANGE FROM 2015 to 2016
11.10 Full-time permanent	\$55,417	\$57,306	\$77,408	\$20,102
11.31 Full-time temporary	997	1,183	945	(238)
11.32 Part-time	1,487	1,075	840	(235)
11.33 Consultants	2	0	0	0
11.51 Overtime	5	8	71	63
11.52 Awards	483	330	500	170
11.80 Other Compensation	39	0	0	0
Compensation subtotal	58,430	59,902	79,764	19,862
12.00 Benefits	16,781	18,169	24,561	6,392
Comp/benefits subtotal	75,211	78,071	104,325	26,254
21.00 Travel	683	450	1,273	823
22.00 Transportation of things	1	0	0	0
23.10 Rental Payments to GSA	8,205	7,733	8,349	616
23.31 Communications	182	53	202	149
23.32 Postage/fees	34	24	23	(1)
Subtotal 23	8,421	7,810	8,574	764
24.00 Printing & Reproduction	7	3	26	23
25.21 Other Services	1,184	712	1,046	334
25.22 Training/Tuition/Contracts	405	256	464	208
25.30 Goods/Services from Gov't	1,844	2,114	2,180	66
25.40 Operations/Maint of Facilities	0	1	1	0
25.71 Operations/Maint of Equipment	9	15	15	0
25.72 IT Services/Contracts	10,115	10,444	12,555	2,111
Subtotal 25	13,557	13,542	16,261	2,719
26.00 Supplies	153	20	54	34
31.10 IT Equipment/Software	105	104	103	(1)
31.30 Other Equipment	63	0	75	75
Subtotal 31	168	104	178	74
32.00 Building Alterations	32	0	0	0
Total	98,233	100,000	130,691	30,691

[Click here for accessible version](#)

OFFICE FOR CIVIL RIGHTS

Summary of Changes
(dollars in thousands)

2015.....	\$100,000
2016.....	<u>130,691</u>
Net change	+30,691

Increases:	<u>2015 base</u>	<u>Change from base</u>
<u>Built in:</u>		
Increase in salaries and benefits, primarily for a proposed 1.3 percent Governmentwide pay raise, one additional paid day, and increased FERS contribution rates.	\$77,733	+\$1,394
Increase in rent.	7,733	+616
<u>Program:</u>		
Increase in salaries and benefits for 200 additional FTE.	77,733	+24,681
Increase in awards and overtime.	338	+233
Increase in travel.	450	+823
Increase in communications.	53	+149
Increase in printing for pamphlets and letterhead.	3	+23
Increase in training for staff.	256	+208
Increase in other services for electronic records management and translation services, and security services.	712	+334
Increase in goods and services from Government for IT and physical security, and payroll processing.	2,114	+66
Increase in information technology services/ contracts for the Civil Rights Data Collection, EDWeb, and Information Assurance Enhancement.	10,444	+2,111

OFFICE FOR CIVIL RIGHTS

Summary of Changes
(dollars in thousands)

Increases:	<u>2015 base</u>	<u>Change from base</u>
<u>Program:</u>		
Increase in supplies and copy paper.	\$20	+\$34
Increase in other equipment.	0	<u>+\$75</u>
Subtotal, increases		+30,747
Decreases:	<u>2015 base</u>	<u>Change from base</u>
<u>Program:</u>		
Decrease in postage.	\$24	-\$1
Decrease in transit benefits.	351	-54
Decrease in IT equipment and software.	104	<u>-1</u>
Subtotal, decreases		-56
Net Change		+30,691

OFFICE FOR CIVIL RIGHTS

Authorizing Legislation

(dollars in thousands)

Activity	2015 Authorized	2015 Estimate	2016 Authorized	2016 Request
Civil Rights (DEOA)	<u>Indefinite</u>	<u>\$100,000</u>	<u>Indefinite</u>	<u>\$130,691</u>
Total definite authorization	0		0	
Total appropriation		100,000		130,691

OFFICE FOR CIVIL RIGHTS

Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2007	\$92,866	N/A ¹	N/A ¹	\$91,205 ¹
2008	93,771	\$93,771	\$93,771	89,612
2009	96,826	96,040 ²	89,612 ²	96,826
2009 Transfer	0	0	0	-60
2010	103,024	103,024	103,024 ³	103,024
2011	105,700	103,024 ⁴	105,700 ³	102,818 ⁵
2012	107,772	102,818 ⁶	102,818 ⁶	102,624
2013	102,624	102,624 ⁷	102,624 ⁷	98,356
2014	98,356	N/A ⁸	98,356 ³	98,356
2015	102,000	N/A ⁸	102,000 ⁹	100,000
2016	130,691			

¹ This account operated under a full-year continuing resolution (P.L. 110-5). House and Senate allowances are shown as N/A (Not Available) because neither body passed a separate appropriations bill.

² The levels for the House and Senate allowances reflect action on the regular annual 2009 appropriations bill, which proceeded in the 110th Congress only through the House Subcommittee and the Senate Committee.

³ The level for the Senate allowance reflects Committee action only.

⁴ The level for the House allowance reflects the House-passed full-year continuing resolution.

⁵ The level for appropriation reflects the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10).

⁶ The level for the House allowance reflects an introduced bill and the level for the Senate allowance reflects Senate Committee action only.

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

⁸ The House allowance is shown as N/A because there was no Subcommittee action.

⁹ The level for the Senate allowance reflects Senate Subcommittee action only.

OFFICE FOR CIVIL RIGHTS

Office for Civil Rights

(DEOA, section 203)

(dollars in thousands)

FY 2016 Authorization: Indefinite

Budget Authority:

	<u>2015</u>	<u>2016</u>	<u>Change from 2015</u>
Personnel costs	\$78,071	\$104,325	+\$26,254
Non-personnel costs	<u>21,929</u>	<u>26,366</u>	<u>+4,437</u>
Total	100,000	130,691	+30,691
FTE	554	754	+200

PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services – whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

OFFICE FOR CIVIL RIGHTS

These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 16,900 local educational agencies; approximately 7,200 postsecondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

OCR PROGRAM INFORMATION

Organizational Structure and Staffing

For fiscal year (FY) 2016, the Office for Civil Rights is requesting a staffing level of 754 full-time equivalents to support its mission. Of the 754 requested, approximately 90 percent will be located in 12 enforcement offices throughout the country, with the remaining 10 percent located in OCR's headquarters office. The Headquarters and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located throughout the Nation in 10 regional centers and 1 field office: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and the Cleveland field office.

OCR is headed by an Assistant Secretary. The staff supporting the Assistant Secretary includes a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, and a Deputy Assistant Secretary for Strategic Operations and Outreach.

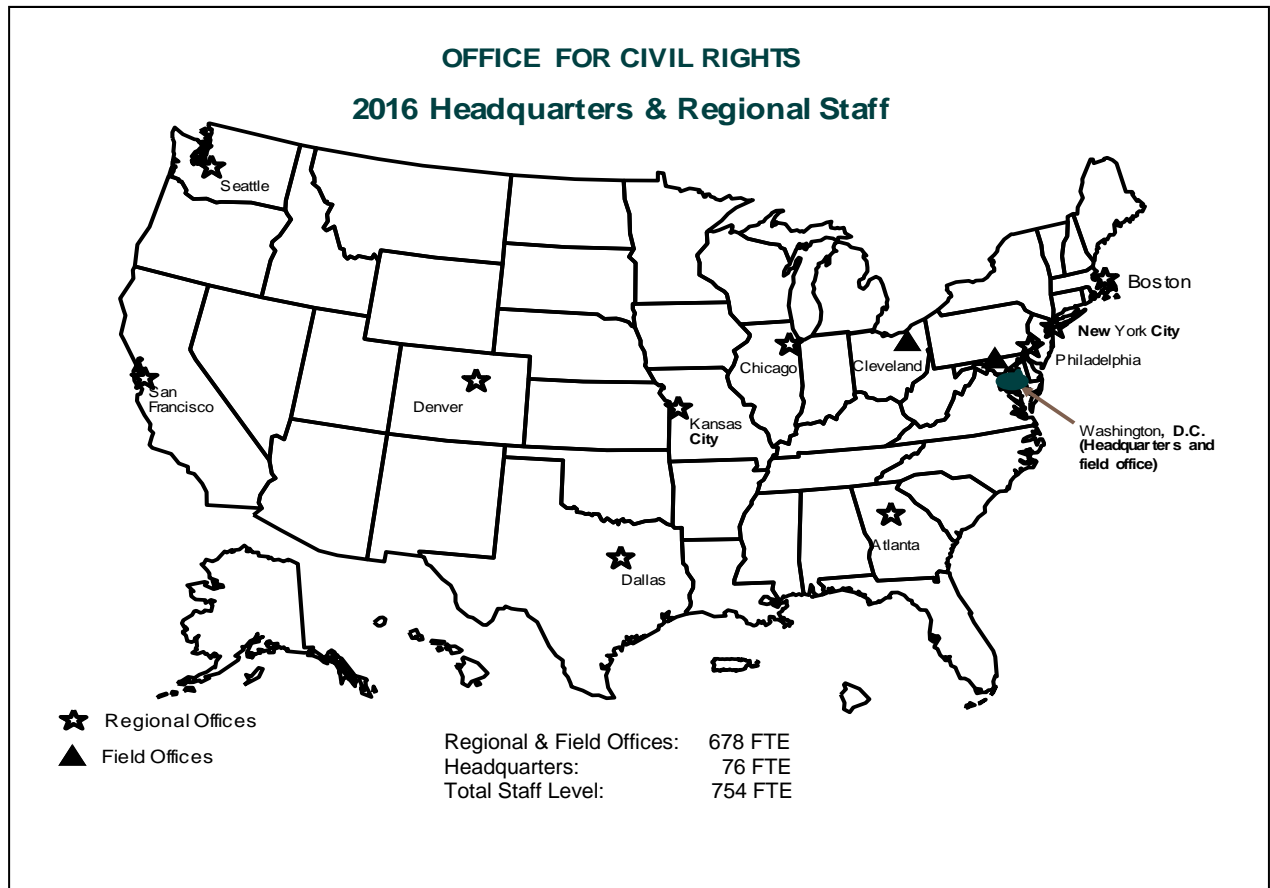
The Principal Deputy Assistant Secretary is responsible for assisting and advising the Assistant Secretary in the overall direction and management of the agency.

The Deputy Assistant Secretary for Enforcement is responsible for overseeing the 12 Enforcement offices and 2 Enforcement Directors who provide day-to-day leadership to those offices. The Enforcement Offices' primary responsibilities are conducting complaint investigations and determining the compliance status of recipients; participating in identifying and setting proactive enforcement priorities, developing an annual proactive enforcement agenda, conducting proactive investigations and determining the compliance status of recipients; monitoring recipients' compliance with settlement agreements, and developing technical assistance materials and delivering technical assistance.

The Deputy Assistant Secretary for Policy oversees the Headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance, developing technical assistance materials, consulting on novel cases from the 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 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.

OFFICE FOR CIVIL RIGHTS



Promoting Efficient Spending to Maximize Civil Rights Enforcement Capacity

Recognizing the need to become more efficient in order to address the increasing workload despite level funding and lower staffing, in recent years OCR has taken aggressive measures to improve efficiency in operations:

- OCR developed a Pre-Complaint Online Screening Process to help potential complainants understand the scope of OCR's authority and reduce the number of complaints filed that do not fall under OCR's authority. While anyone may file a complaint even after going through the online screening process, this process saves time and resources when staff no longer have to receive and process cases over which OCR has no jurisdiction and refer the many complaints that do not fall under OCR's authority to another agency. Even with this new complaint screening process, however, OCR projects that the number of complaints received in FY 2015 will exceed the record total of nearly 10,000 complaints received in FY 2014.
- OCR streamlined the resolution of a portion of its disability complaints, which comprise the majority of complaints filed with OCR, by resolving single-issue complaints using expedited case review procedures. This streamlined process has reduced staff travel

OFFICE FOR CIVIL RIGHTS

time and costs and freed up staff time to respond to other complaints such as disability complaints, or pursue proactive investigations.

- OCR expanded the use of online communication and surveys to obtain information in investigations, saving time and resources needed for travel and conducting individual interviews yet significantly increasing the number of individuals from which OCR can receive information.
- OCR analyzed work distribution patterns to ensure all current staff are being fully and equitably utilized.
- OCR has switched from live training and meetings to more cost-efficient online training and videoconferencing.
- OCR expects that improvements to the Civil Rights Data Collection (CRDC) online data collection tool will reduce data reporting errors and the staff time needed to follow up on those errors.

Funding levels for the past 5 fiscal years were:

	(dollars in thousands)
2011.....	\$102,818
2012.....	102,624
2013.....	98,356
2014.....	98,356
2015.....	100,000

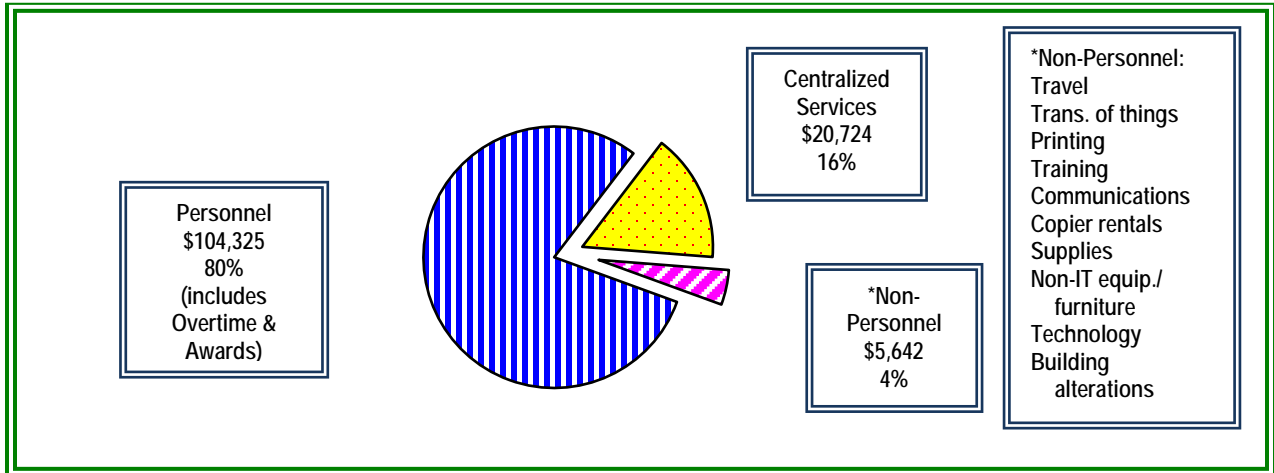
FY 2016 BUDGET REQUEST

The total FY 2016 request is \$130.691 million, supporting a full-time equivalent (FTE) level of 754. This request is a \$30.691 million, or 31 percent, increase above the 2015 level. The majority of the increase is for an additional 200 FTE, which the Department believes is essential for OCR to deliver on its mission of fulfilling the promise of the Civil Rights law by ensuring equal access to educational opportunities.

- The Personnel Compensation and Benefits (PC&B) request of \$104.325 million is an increase of \$26.254 million over the FY 2015 level to support an FTE level of 754, a proposed January 2016 pay raise of 1.3 percent, one additional paid day due to 2016 being a leap year, and other associated benefit increases.
- Non-Personnel costs, excluding centralized services, will be \$5.642 million, an increase of \$3.236 million over the 2015 level. The majority of non-personnel funds is for the Civil Rights Data Collection (CRDC) (\$3.1 million), software support to operate OCR's Case and Activity Management System (CAMS) (\$255,000), and travel (\$1.273 million) to support the additional 200 FTE.
- OCR's FY 2016 share of the Department's centralized services (overhead) amount of \$20.724 million reflects an increase of \$1.201 million above the 2015 level, due to increases in rent, Information Technology (IT) security, and physical security.

OFFICE FOR CIVIL RIGHTS

FY 2016 Budget
(dollars in millions)
Total: \$130.691
FTE: 754

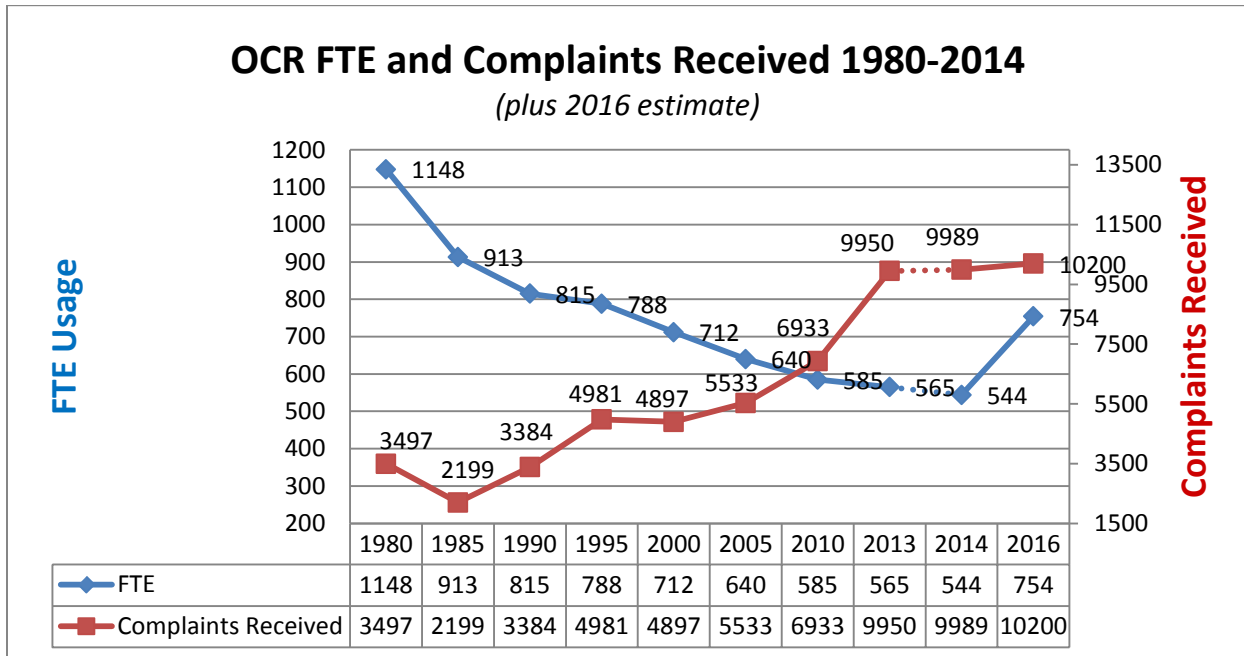


Personnel Costs

The Office for Civil Rights (OCR) ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. OCR accomplishes its mission through responding to complaints and initiating proactive investigations, both of which require significant investments in human capital. Therefore, personnel, compensation, and benefits (PC&B) costs historically have been the biggest component of OCR's budget as well as the key factor in OCR being able to accomplish its mission. In 2014, OCR resolved over 9,400 complaints.

For FY 2016, PC&B costs are 80 percent of the request or \$104.325 million, \$26.254 million over the FY 2015 level. The request includes 200 additional FTE above the 554 level. This significant increase is needed to address staffing shortages caused by the combination of increased caseload and flat-lined budgets. In addition, as OCR has been proactive in providing guidance on schools' responsibilities to comply with federal civil rights laws, OCR has recently seen an increase in high-profile investigations, including those addressing sexual violence on college campuses. OCR must not fall short in resolving these cases due to budgetary constraints. A staffing level of 754 FTE level would provide adequate resources to address the anticipated caseload, as well as close the increasing gap of unresolved cases.

OFFICE FOR CIVIL RIGHTS



The chart above shows recent trends in OCR FTE and caseload. OCR’s cases include complaints of sexual assault, discriminatory disciplinary practices, and inequitable access to such educational resources as effective educators, rigorous coursework, and safe and healthy facilities. This work is crucial to the larger equity agenda of the Department. While much of the decline in FTE from the 1980s may be attributed to technological advances that improved efficiency, the more recent staffing declines resulted from level or decreased funding. Despite the increase in complaints and decrease in staffing, OCR has managed to meet its performance goals for percentage of complaints resolved within 180 days. However, because of the increased complaint volume, the number of cases that have been pending more than 180 days has increased from 315 at the end of FY 2009 to 630 as of September 30, 2014. Many of these cases, such as those addressing sexual violence and school discipline, are both more complex and more high profile. As a result of inadequate staffing, the length of time these cases go without resolution has increased. In order to meet its performance goals, OCR also has been forced to limit the number of agency discretionary enforcement activities that it undertakes. For example, the number of compliance reviews initiated by OCR has decreased from 96 in 1995 to 38 in 2014. Absent a significant commitment to expanding OCR’s staff capacity, these negative trends will continue. The requested budget will allow OCR to bolster its FTE so that it can continue its vital law enforcement role in such high profile areas as sexual assault on college campuses (more detail on these efforts is provided on pages AA-25–AA-28).

OCR’s continued momentum depends on the resolution of the following issues:

1. *Overly burdensome caseload.* OCR has too many cases per staff. Table A on page AA-15 below depicts that the workload for each investigative staff member has increased significantly from 2006 to 2014. Combining the complaints received and proactive investigations (compliance reviews and directed inquiries) launched, the number of cases per investigative staffer has almost doubled since FY 2006. For cases

OFFICE FOR CIVIL RIGHTS

that move beyond the dismissal stage, the number of investigated cases per staffer has increased by 17 percent over the same period. Pending complaints have also increased steadily over recent years, from 2,198 in 2009 to 2,691 in 2014, a 22 percent increase. While some increase in the number of cases per staffer reflects a positive increase in staff efficiency, current staffing levels are inadequate to stem the rising tide of pending complaints, especially the number of pending complaints open for more than 180 days, which has doubled from 315 to 630 over the last 5 years. Unless new FTE are added, the backlog of unresolved cases will grow, frustrating students and, in many cases, jeopardizing their access to education. To manage the workload, OCR needs to add enough staff to reduce the average case load per staff from 28 to 19 cases per year.

2. *OCR's cases are becoming more complex.* Among the aforementioned cases are an increasing number of multi-jurisdiction cases that involve more than one statute under OCR's jurisdiction (e.g., Title VI and Title IX complaints involving allegations of both race and sex discrimination). While single-jurisdiction cases may be as or more complex than multi-jurisdiction cases, in general, multi-jurisdiction cases tend to be among the most complex and time-consuming. The number of multi-jurisdiction cases has more than doubled since FY 2006, from 766 to 1,591 in FY 2014.
3. *Complex and time-consuming monitoring activities.* OCR has too many monitoring cases per staff. When an investigation results in a resolution agreement outlining a number of corrective steps the institution must take, the case remains open and OCR enters into a period of monitoring to ensure the institution faithfully adheres to the terms of the resolution agreement. This can include review of progress reports and documents, additional site visits and interviews, and other negotiations. The number of cases in monitoring has increased by 120 percent in the past 9 years, from 1,054 in FY 2006 to 2,318 in FY 2014. This means that, on average, each investigator works on 6.5 monitoring cases currently, compared to just 2.7 in FY 2006.
4. *OCR's cases in key issue areas take too long to resolve.* OCR has experienced a surge in investigations in key issue areas in recent years, particularly those in the areas of sexual violence, harassment, and discipline. The number of cases progressing beyond dismissal and resolved via means other than administrative closure in these areas increased from 361 in 2010 to 705 in 2014. At the same time, average processing times for these cases increased from 289 days to 325 days for sexual violence investigations, 200 days to 216 days for harassment, and 198 days to 217 days for Title VI discipline. These average resolution times are increasing and will require additional staffing to be reversed.

The requested increase in FTE will address these issues by:

1. *Reducing the number of cases per staff to a manageable level.* Of the total increase of 200 FTE, OCR plans to add 192 investigative staff, which would reduce the anticipated case level per staff from 28 to 19, as shown in Table B on page AA-16. This caseload burden is expected to result in a significant reduction in pending complaints (including those pending for more than 180 days) and also allow OCR staff to initiate more proactive investigations and provide greater levels of technical assistance.

OFFICE FOR CIVIL RIGHTS

2. *Reducing the number of cases in monitoring per staff.* The requested increase of 192 investigators would reduce the level of monitored cases from 6.5 in FY 2014 to 4.2 in FY 2016. This lower caseload level will ensure a more robust monitoring effort in each case and a more rapid closure.

3. *Reducing the time it takes to resolve cases.* The requested FTE would reduce the time needed to resolve cases in key issue areas. While it is impossible to project the impact of each FTE on the reduction of days needed to resolve these cases, OCR reasonably estimates that each additional FTE could reduce case processing time in complex cases by 10 percent. This would result in a reduction in the average processing time for sexual violence cases by 33 days, and harassment and discipline cases by 22 days, a significant impact.

In addition to 192 additional investigators, OCR is requesting 8 non-investigative staff to address other OCR workload areas that have been increasing, including customer service and FOIA requests. For example, from 2013 to 2014, FOIA requests have increased 6 percent and hotline calls have increased 14 percent.

Table A: Caseload per Staff in FY 2006, FY 2013, and FY 2014

	<i>FY 2006</i>	<i>FY 2013</i>	<i>FY 2014</i>
<i>Number of Attorneys/Equal Opportunity Specialists (excluding managers)</i>	<i>391</i>	<i>366</i>	<i>354</i>
Complaints Received & Proactive Investigations Launched	5,816	9,986	10,027
# of cases per staff	15	27	28
# of multi-jurisdiction cases	766	1,359	1,591
Monitoring Caseload	1,054	2,433	2,318
# of monitoring cases per staff	2.7	6.6	6.5
Investigated Cases*	4,803	5,897	5,087
# of investigated cases per staff	12	16	14

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

OFFICE FOR CIVIL RIGHTS

Table B: Impact of additional FTEs per staff based on 10,200 cases & 2,318 monitoring cases projected in FY 2016

Staff Level	2016 Request
Current number of Attorneys/Equal Opportunity Specialists (excluding managers)	354
Increase number of Attorneys/Equal Opportunity Specialists	+192
<i>Total</i>	<i>546</i>
# of cases per staff	19
# of monitoring cases per staff (at increased staff level)	4.2

Awards & Overtime

OCR is requesting \$500,000 for awards and \$71,000 for overtime for a total of \$571,000, an increase of \$233,000 above the 2015 level. This increase corresponds with the requested increase in staff. OCR rewards staff based upon performance. The requested amount will enable OCR to provide appropriate recognition for high performance and will compensate those employees who work additional hours to complete critical projects within constricted timeframes, consistent with departmental policy. The requested increase in overtime would help OCR train new staff and reduce the number of cases pending more than 180 days.

Non-Personnel Costs

The total request for non-personnel activities in FY 2016, excluding departmental centralized services, is \$5.642 million, an increase of \$3.236 million above the 2015 level. The requested non-personnel funds would provide program support to resolve complaints of discrimination filed by the public and ensure that institutions receiving Federal financial assistance are in compliance with the civil rights laws enforced by OCR. Of the requested increase, \$955,000 would support costs for an additional 200 FTE in the areas of travel (\$600,000), training (\$180,000), printing (\$13,000), supplies (\$20,000), other equipment/furniture (\$75,000), and legal services (\$67,000). The remaining amount would be used to support increases in the Civil Rights Data Collection (\$1.652 million); the Information Technology Services Support for Operations and Maintenance and Web Based Data Collection System Document Upload Project (\$45,000); and to restore cuts made in FY 2015 to travel (\$223,000), communications (\$149,000), other services (\$177,000); EDpubs (\$11,000); printing (\$10,000); and supplies (\$14,000).

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

Information Technology Services/Civil Rights Data Collection (CRDC) — OCR is requesting \$3.114 million for the CRDC, an increase of \$1.652 million above the expected 2015 level of \$1.462 million. This funding level supports the 2015-16 and 2017-18 CRDC data collections. The available funds in FY 2014 were sufficient to fund Phase I and to partially fund Phase II of the 2013-2014 Universal CRDC. NCES is covering the remaining costs for the 2013-14 Universal survey collection. Funds provided in FY 2015 will begin important notification efforts

OFFICE FOR CIVIL RIGHTS

for the 2015-2016 Universal CRDC and complete funding of Phases I and II. Phases III, IV and V will be funded in FY 2016. OCR intends to use fiscal year 2015 and 2016 funds to provide technical assistance for school districts on preparing and submitting accurate data and to maintain and improve the Web sites for collecting the data and reporting the data to the public.

The Department of Education recently released the CRDC data from the 2011-2012 school year, a massive undertaking that produced a comprehensive snapshot of Civil Rights data from our Nation's 97,000 public schools and its 16,500 school districts, representing 49 million students. It is the first comprehensive look at civil rights data from every public school in the country in nearly 15 years. For the first time, State-, district- and school-level information is accessible to the public in a searchable online database at crdc.ed.gov.

The following table provides a detailed account of the CRDC budget for fiscal years 2014-2016.

School Year	Major Activity	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
CRDC 2013-14	<i>Phase I - Notification, Submission Guidance, Data Preparation and Q&A Guidance:</i> Notification to school districts, identifying primary point of contact, guidance (Q&A); preparation for analysis of incoming data; modification of reporting Web site to reflect decisional changes to data presentations (both graphical and tables); prepare data quality standards to be met by all providers submitting CRDC data for current and future collections.	NCES funds covered this phase		
	<i>Phase II - Preparing for data submissions:</i> Technical assistance to prepare districts to collect and submit data and confirmation of school directory (<i>Flat file specifications, pre-collection tools funded through NCES contract</i>).	NCES and OELA funds covered this phase		
	<i>Phase III - Survey Submission Window:</i> Begin data collection from LEAs, Partner Support Center for technical support for school districts' data submissions (<i>Web collection tool development and Partner Support center funded through NCES contract</i>).	NCES and OELA funds covered this phase		
	<i>Phase IV - Finalizing Data Files:</i> Data quality review and editing, time series, privacy protection (<i>Web collection tool development and data editing funded through NCES contract</i>).	NCES funds covered this phase		

OFFICE FOR CIVIL RIGHTS

School Year	Major Activity	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
CRDC 2015-16	Phase I - Notification and Guidance: Notification to school districts, identifying primary point of contact, guidance (Q&A).		\$488,285	
	Phase II - Preparing for data submissions: File specifications, pre-collection tools, confirmation of school directory, technical assistance to prepare districts to collect and submit data.		\$647,931	\$58,960
	Phase III - Survey Submission Window: Begin data collection from LEAs, Partner Support Center for technical support for school districts' data submissions). Note: \$1,020,040 moved from FY 2015 to 2016.			\$1,020,040
	Phase IV - Finalizing Data Files: Data quality review and editing, time series, privacy protection.			\$100,000
	Phase V – Data Upload: Applying CRDC 2015–2016 data to the CRDC (Reporting) Web site; hosting and releasing the new data to the general public. (This Phase is now separated from Phase IV.)			\$200,000
CRDC 2017-18	Phase I - Notification and Guidance: Notification to school districts, identifying primary point of contact, guidance (Q&A).			\$526,038
	Phase II - Preparing for data submissions: File specifications, pre-collection tools, confirmation of school directory, technical assistance to prepare districts to collect and submit data.			\$1,031,230
CRDC Reporting Web Site (<u>Re- Competition</u>)	Fund the “Base Year” of CRDC (Reporting) Web site application operation and maintenance (New: re-competition for FY 2015).		\$167,000	
CRDC Data Analysis	Data Analysis and special tabulations for public use of the 2013-14 CRDC data. Publications, design and editing of CRDC issues briefs for the 2013-14 CRDC data.	\$81,156		
CRDC Data Web site	Data Web site operations and maintenance support.	\$529,538	\$75,000	\$88,832
Web Hosting	Web hosting under the EDUCATE contract.	\$83,784	\$83,784	\$88,900
2011-2012 Estimations	Data cleaning for State and national level estimations of selected CRDC variables.	\$74,840		
Total CRDC Expenses		\$769,318	\$1,462,000	\$3,114,000

Information Technology Services/Case Activity Management System (CAMS) — OCR is requesting \$255,000 for CAMS, level with 2015. OCR's CAMS is an electronic tracking system used to record OCR's case status and store the documents associated with each case. It uses a combination of three software applications: Case Management System, Activity Management System, and Open Text Document Management System. The funding for this project provides for: (a) enhancements to apply business process changes and to improve the usage of these core systems; (b) compliance with up-to-date departmental IT environment; and (c) software subscription services to maintain version upgrades and technical phone support on the Open Text products. OCR's current contract must be re-competed in 2015. OCR is currently conducting a needs assessment to determine the extent of and requirements for critical unmet needs that have been identified by CAMS' core users.

OFFICE FOR CIVIL RIGHTS

Information Technology Services Support for Operations and Maintenance (O&M) and Web Based Data Collection System Document Upload Project — OCR is requesting \$95,000, an increase of \$45,000 from the 2015 level. The \$95,000 covers two sub-tasks in support of the ED Web contracting task: (a) General O&M to support OCR's publically accessible Web site (<http://www2.ed.gov/about/offices/list/ocr/index.html>) at a cost of \$50,000 (for the upkeep of pre-complaint screening process and the database management tools), and (b) 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, at a continuing estimated cost of \$45,000 per fiscal year. The increase of \$45,000 from the 2015 level covers this latter sub-task. The pre-complaint screening process tool is an online instrument that walks potential complainants through a number of considerations prior to their submission of a discrimination complaint to OCR. The database management tool helps OCR staff to access information and data from the online complaints necessary to evaluate the complaints for potential investigation. The document upload project involves uploading current and future OCR resolution letters and agreements between OCR and educational institutions to the OCR Web site in order to provide transparency to the public about OCR enforcement activities.

Transparency Enhancements — In an effort to further increase transparency and provide easily accessible information to the public about its enforcement activities, OCR is exploring ways to provide the public with up-to-date data about pending and resolved investigations (such as information on open/pending, resolved, or closed investigations that is sortable by date, name of institution, and issue). Currently, OCR does not have the capacity or funds to develop and maintain a searchable public online database of thousands of OCR investigations and resolutions, as has been requested by White House officials, members of Congress, and the public. These upgrades would require a considerable additional investment, the details of which OCR is now researching.

Travel — OCR requests a travel budget of \$1,273,000, which is \$823,000 above the 2015 level. Of the total increase, \$223,000 would be used to restore the travel cuts made in FY 2015, which would allow staff to conduct proactive activities, including providing technical assistance to its customers. The other \$600,000 increase would be used for the additional 200 FTEs to handle OCR's increasing and pending complaints. The overwhelming majority of OCR's travel funds are used to investigate complex complaints, conduct proactive investigations, provide technical assistance, and monitor corrective action plans. In addition, OCR must ensure that staff and leadership in the enforcement offices are able to meet regularly to receive critical training, civil rights updates, and management skills necessary to improve OCR operations. OCR has greatly expanded the use of video teleconference technology to enable optimal video communications and conferencing between the enforcement offices and headquarters to reduce the need for costly travel. However, face-to-face communication is sometimes essential for communicating organizational priorities, supporting professional networks and learning, and providing critical information and training for OCR's managers and staff spread among 12 locations around the country. If funds are not provided at the requested level, OCR's enforcement staff will be limited in conducting onsite investigations and monitoring, and OCR's ability to achieve greater coordination and communication regarding core activities will be greatly diminished.

OFFICE FOR CIVIL RIGHTS

Printing — OCR requests \$26,000 for printing, an increase of \$23,000 above the 2015 level to cover necessary items such as pamphlets highlighting OCR activities in various languages, reports, fact sheets, business cards, and letterhead.

Training — OCR is requesting a training budget of \$182,000, an increase of \$180,000 above the 2015 level. OCR's leadership recognizes that the success of its work depends on the quality of its staff across all levels of the organization, and is taking steps to increase the agency's investment in improving staff training and development, particularly for new staff. Staff need opportunities to participate in leadership programs, supervisory training, policy conferences, and continuing legal education around key civil rights priority areas. OCR has also identified a need to provide training opportunities to employees to improve efficiency and effective internal and external communications. In addition, staff must receive training on investigation, mediation, and negotiation techniques, and on OCR's case management process generally, to promote excellence and consistency in OCR's enforcement activities.

Communication/Copier Rentals and Operations and Maintenance of Facilities — OCR requests \$203,000, an increase of \$149,000 above the 2015 level. The funds are needed for existing copier rental and maintenance agreements (\$162,000), overnight shipping costs (\$40,000), and maintenance of facilities (\$1,000).

Other Services/Goods and Services/Transportation/Supplies — OCR is requesting \$419,000, an increase of \$289,000 above the 2015 level. The request includes:

- Legal Research Services (\$98,000) — This is an increase of \$67,000 from the 2015 level to reflect the needs of the additional attorneys. The contract provides an automated full-text legal information system that offers online access to Federal and State case law, statutes of all 50 States, legal publications, and law reports. If this project is not funded, it would eliminate the ability of attorneys to conduct desktop legal research and would require staff to have to leave the office to perform legal research.
- All Other Services/Goods and Services/Transportation/Maintenance of Equipment (\$272,000) — This is an increase of \$188,000 above the 2015 level. The increase would pay for attorneys' bar dues as required by the collective bargaining agreement, as well as other professional development services for staff. The remaining request includes: support for ED Pubs at \$25,000, translation and interpretation services (translating documents and pamphlets into several languages) at \$45,000, miscellaneous services for advertisement and short-term contractual services at \$12,000, and General Services Administration leased vehicles and equipment at \$23,000.
- Supplies (\$49,000) — This is a \$34,000 increase above the 2015 level. The additional funds are needed for supplies for the additional FTEs. Funds are needed to renew periodical subscriptions relating to law, disabilities, and general news; support case files maintenance; purchase copier paper; and purchase expired items in each employees' "emergency kit," such as batteries. OCR has depleted its available supplies, which hampers staff in preparing presentations and briefing materials.

Other Equipment/Furniture — OCR is requesting \$75,000. No funds were requested in FY 2015. These funds are needed to purchase limited furniture and equipment for the

OFFICE FOR CIVIL RIGHTS

additional FTEs, even while OCR is committed to increasing teleworking and hoteling to reduce the need for additional office space, furniture, and equipment for new staff in FY 2016.

Departmental Centralized Support

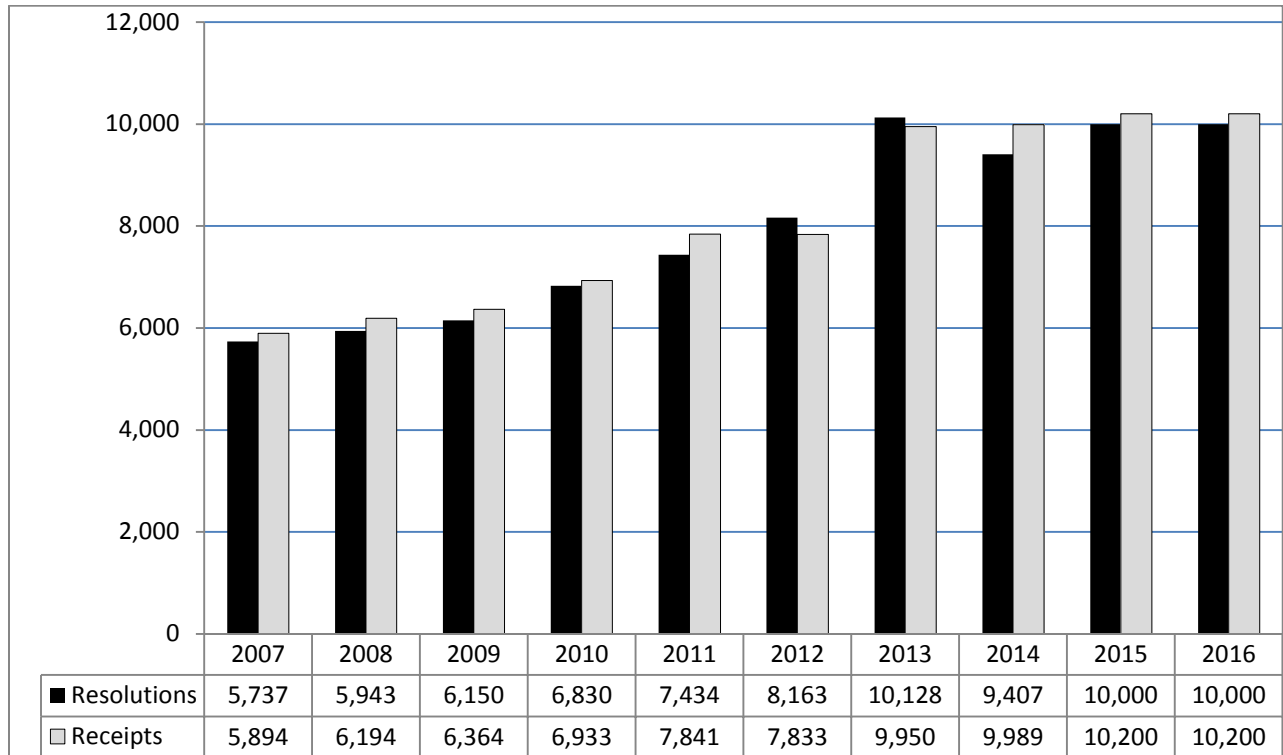
Approximately 79 percent of the total non-personnel budget request is to cover OCR's share of the Department's centralized services. The FY 2016 request is \$20.724 million, an increase of \$1.201 million above the 2015 level. The request will cover the cost of services such as rent; departmental training; records information management support services; interagency agreements for administrative services provided by other Federal Agencies, such as payroll processing, overtime utilities, training coordination and career counseling; and the EDUCATE contract that covers telecommunications, computers and related hardware, smartphones, IT processing services, network support, end user support, maintenance, and improvements.

OFFICE FOR CIVIL RIGHTS

PROGRAM OUTPUT MEASURES

The following chart shows the number of OCR's complaint receipts and resolutions since FY 2007. Actual data are shown for fiscal years 2007-2014 and estimates are shown for fiscal years 2015-2016.

**Complaint Receipts and Resolutions
FY 2007 – FY 2016**

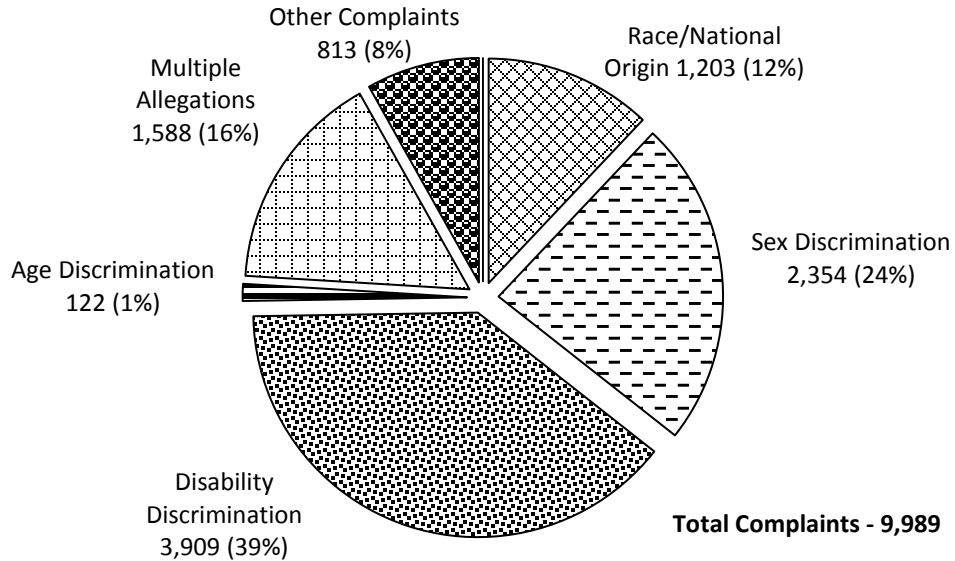


FY 2014 total complaint receipts had a slight increase compared to the previous year. For FY 2014, the number of complaint resolutions decreased 7 percent from FY 2013, but increased 15 percent above FY 2012. In fiscal years 2015-2016, OCR estimates a 2 to 3 percent annual increase in complaint receipts over FY 2014.

The following chart reflects complaint caseload by jurisdiction for FY 2014. OCR disability discrimination complaints were 39 percent of the total number of filed complaints and the sex discrimination complaints rose to 24 percent, due mainly to many (1,752) complaints filed by two individuals.

OFFICE FOR CIVIL RIGHTS

**FY 2014 Complaint Caseload by Jurisdiction
(October 1, 2013 – September 30, 2014)**



The following table provides the number of cases received by jurisdiction during the past 8 years, FY 2007 through FY 2014. OCR's caseload involving multi-jurisdiction complaints increased by 87 percent since FY 2007 (1,588 compared to 848).

**Complaint Caseload by Jurisdiction
(Fiscal Years 2007 – 2014)**

Jurisdiction	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Race	934	993	1,103	1,056	1,104	1,267	1,192	1,203
Sex	327	328	336	391	1,096	686	2,242	2,354
Disability	3,013	3,165	2,997	3,405	3,507	3,683	4,272	3,909
Age	97	96	132	131	146	134	125	122
Multiple	848	917	944	1,037	1,145	1,192	1,333	1,588
Other	675	695	852	913	843	871	786	813
TOTAL	5,894	6,194	6,364	6,933	7,841	7,833	9,950	9,989

OFFICE FOR CIVIL RIGHTS

PROGRAM PERFORMANCE INFORMATION

Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has remained strong over time, OCR anticipates difficulty sustaining this level of performance in future years without sufficient and appropriate funding.

Current performance measures for complaint workload:

Measure: Percentage of complaints resolved within 180 days.

Year	Target	Actual
2011	80%	92%
2012	80	93
2013	80	95
2014	80	94
2015	80	
2016	80	

Measure: Percentage of complaints pending over 180 days.

Year	Target	Actual
2011	< 25%	18%
2012	< 25	19
2013	< 25	19
2014	< 25	23
2015	< 25	
2016	< 25	

Additional information:

The first two performance measures encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to investigate and resolve. For FY 2015, while the number of complaints received is projected to remain at record-high levels, OCR's GPRA performance is projected to remain relatively strong, at above 80 percent.

Despite the increase in complaints and decreased staffing, OCR has managed to meet its performance goals for percentage of complaints resolved within 180 days. However, at the same time, because of the increased complaint volume, the number of cases that have been pending more than 180 days has increased. These cases naturally tend to be more complex and also more high profile. In addition, the length of time these cases go without resolution is

OFFICE FOR CIVIL RIGHTS

growing. Lastly, in order to meet its performance goals, OCR has also been forced to limit the number of agency discretionary enforcement activities that it undertakes.

Measure: Mean score of customer satisfaction survey.

Year	Target	Actual
2011	3.66	3.86
2012	3.66	3.86
2013	3.66	3.87
2014	3.66	3.79
2015	3.66	
2016	3.66	

Additional information:

OCR's third performance measure looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

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

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

Combating Sexual Violence

In January 2014, President Obama established a White House Task Force to Protect Students from Sexual Assault in order to increase sharing of best practices, transparency, enforcement, public awareness, and interagency coordination to prevent violence and support survivors of sexual assault. In April 2014, the Task Force issued a report, <https://www.notalone.gov/assets/report.pdf>, outlining a number of steps to which OCR has committed to improve its enforcement procedures, including instituting time limits on negotiating voluntary resolution agreements (applicable to all OCR investigations), improving visibility on campus during its investigations, and better coordinating enforcement efforts within the Department and with the Department of Justice. During this Administration, OCR has stepped up enforcement to address sexual violence on college campuses, including by fostering investigations and remedies that are comprehensive and systemic in nature. OCR recently issued updated guidance on protecting students from sexual violence, which may produce more

OFFICE FOR CIVIL RIGHTS

complaints and requests for technical assistance. OCR anticipates this work increasing through FY 2016.

Promoting Teacher and Resource Equity

Inequitable access to strong teachers and the resources necessary to succeed are leading contributors to opportunity gaps experienced by low-income and racial and linguistic minority students in America. OCR is committed to reducing the opportunity gaps by vigorously enforcing Title VI to ensure that African-American and Hispanic students, English learners and other students who face discriminatory disparities have access to effective teachers and education resources. Because of the sheer volume of materials and data involved in investigating such cases, teacher and resource equity investigations are among the most challenging that OCR conducts. These types of investigations require funding for attorneys, investigators, data statistical analysis and entry support, and policy counsel. OCR anticipates allocating more staffing and support to complete these investigations in FY 2016.

Reducing Discriminatory Discipline

In July 2011, Attorney General Eric Holder and Secretary of Education Arne Duncan announced the Supportive School Discipline Initiative (SSDI), a collaborative project between the Departments of Justice and Education, to address the “school-to-prison pipeline” and the disciplinary policies and practices that can push students out of school and into the justice system. The initiative aims to support good discipline practices to foster safe and productive learning environments in every classroom.

The goal of SSDI took on new urgency following the Newtown tragedy in late 2012, when 26 children and school personnel lost their lives in an act of gun violence at Sandy Hook Elementary School. In January 2014, the President announced *Now Is the Time*, a four-part plan to reduce gun violence and create safer schools and communities. The plan acknowledges that “effective school discipline policies are critical to addressing school and community crime and violence issues” and requires the Department of Education to “collect and disseminate best practices on school discipline policies and help school districts develop and equitably implement such policies.”¹ Addressing school discipline is both a key civil rights priority of OCR in FY 2016 and a priority for the entire Administration.

In January 2014, OCR and the Department of Justice released a school discipline guidance package (see <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>) to assist States, districts, and schools in developing practices and strategies to enhance school climate, and ensure those policies and practices comply with Federal law. The guidance package included two critical documents related to school discipline: (1) a legal policy guidance (“Dear Colleague Letter”) describing educational institutions’ obligations to identify and remedy discriminatory school discipline practices under Title VI of the Civil Rights Act of 1964; and (2) a guidance principles document responsive to the President’s directive in *Now Is the Time*. The public spotlight on this issue is likely to continue through FY 2016 and produce more discipline-related complaints, investigations, and requests for technical assistance.

¹ See http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf.

OFFICE FOR CIVIL RIGHTS

Reducing Racial Isolation and Fostering Voluntary Efforts to Increase Diversity

Racial isolation in U.S. schools remains alarmingly high. Studies show that 80 percent of Latino students and 74 percent of Black students are in schools where the majority of students are not White, and 43 percent of Latinos and 38 percent of Black students attend "intensely segregated schools" in which White students comprise 10 percent or less of the student body. (See <http://civilrightsproject.ucla.edu>.) According to the Civil Rights Data Collection, schools with the highest concentration of Black and Latino students have less access to college- and career-ready courses and opportunities. In December 2011, OCR released two policy guidance letters to assist K-12 schools in voluntary efforts to reduce racial isolation and increase racial diversity, and to assist postsecondary institutions in voluntary efforts to increase racial diversity. Following U.S. Supreme Court cases like *Parents Involved in Community Schools v. Seattle School District* and *Fisher v. University of Texas*, OCR needs further resources in order to provide schools with technical assistance on how they may voluntarily take steps to diversify their student populations in accordance with the law.

Increase Knowledge of Title IX and Disability Coordinators

OCR's regulations require each recipient (a public or private agency, institution, or organization, to whom Federal financial assistance is extended, which operates an education program or activity which receives such assistance) to designate at least one employee to coordinate its efforts to comply with Title IX and Section 504, including investigations of any complaints of non-compliance the recipient receives. For the first time, OCR has proposed to collect from each public school district (through the Civil Rights Data Collection) the name and contact information of these employees. OCR plans to issue guidance on the responsibilities of schools to have trained Title IX coordinators and the duties of those coordinators, which will likely produce additional complaints and requests for technical assistance. In order to ensure that Title IX coordinators are effectively meeting their Federal obligation to further Federal civil rights, OCR will need funds in FY 2016 to assess the needs of these coordinators, provide them training and support, including creating a community of practice, and investigate recipients who are not fulfilling their civil rights obligations concerning Title IX coordinators.

Access to College- and Career-Preparatory Courses

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

OFFICE FOR CIVIL RIGHTS

Protection of English Language Learners (ELL)

OCR will continue its enforcement and technical assistance activities to ensure recipients comply with their obligations under Title VI and the Supreme Court's ruling *in Lau v. Nichols* to provide meaningful access and services to students who are ELL and LEP parents. OCR recently issued guidance on ensuring equitable treatment of and access for ELL students and LEP parents, which will likely produce additional complaints and requests for technical assistance.

Protection of Students with Disabilities

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

Reduction of Discriminatory Bullying, Harassment and Violence

OCR continues to experience a high volume of complaints related to bullying, harassment, and violence on the basis of race, color, national origin, sex (including gender stereotypes and gender-nonconformity), and disability. OCR will continue to ensure that K-12 and postsecondary schools act promptly, vigorously, and equitably to ensure student safety.

The following table shows the number of complaints regarding bullying, harassment, and violence that were received in the past 5 years, from fiscal years 2010-2014. These complaints involve various jurisdictions. The number of complaints increased from 896 in 2010 to 1,355 in 2014, a 51 percent increase.

**Bullying, Harassment and Violence Complaint Caseload
(FY 2010 – FY 2014)**

FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
896	1,170	1,229	1,400	1,355