

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2017 Budget Request

CONTENTS

	<u>Page</u>
Appropriations Language	Z-1
Amounts Available for Obligation	Z-2
Obligations by Object Classification	Z-3
Summary of Changes	Z-4
Authorizing Legislation	Z-6
Appropriations History	Z-7
Activity:	
Office for Civil Rights	Z-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, [~~\$107,000,000~~] \$137,708,000. (Department of Education Appropriations Act, 2016.)

OFFICE FOR CIVIL RIGHTS
Amounts Available for Obligation
(dollars in thousands)

Appropriation and Adjustments	2015	2016	2017
Discretionary budget authority:			
Appropriation.....	<u>\$100,000</u>	<u>\$107,000</u>	<u>\$137,708</u>
Subtotal, appropriation.....	100,000	107,000	137,708
Unobligated balance, expiring	<u>-61</u>	<u>0</u>	<u>0</u>
Total, direct obligations.....	99,939	107,000	137,708

OFFICE FOR CIVIL RIGHTS

Obligations by Object Classification
(dollars in thousands)

Object Class		2015	2016	2017	CHANGE FROM 2016 to 2017
11.10	Full-time permanent	\$55,585	\$62,067	\$76,238	\$14,171
11.31	Full-time temporary	962	977	932	(45)
11.32	Part-time	1,478	868	829	(39)
11.33	Consultants	0	0	0	0
11.51	Overtime	16	17	71	54
11.52	Awards	686	330	500	170
11.80	Other Compensation	21	0	0	0
	Compensation subtotal	<u>58,748</u>	<u>64,259</u>	<u>78,570</u>	<u>14,311</u>
12.00	Benefits	<u>17,835</u>	<u>19,918</u>	<u>24,599</u>	<u>4,681</u>
	Comp/benefits subtotal	76,583	84,177	103,169	18,992
21.00	Travel	766	800	1,273	473
22.00	Transportation of things	3	0	0	0
23.10	Rental Payments to GSA	7,906	8,243	10,147	1,904
23.31	Communications	106	114	202	88
23.32	Postage/fees	28	23	24	1
	Subtotal 23	<u>8,040</u>	<u>8,380</u>	<u>10,373</u>	<u>1,993</u>
24.00	Printing & Reproduction	11	12	26	14
25.21	Other Services	1,263	947	1,500	553
25.22	Training/Tuition/Contracts	109	347	546	199
25.30	Goods/Services from Gov't	2,176	2,056	2,825	769
25.40	Operations/Maint of Facilities	0	1	1	0
25.71	Operations/Maint of Equipment	11	15	15	0
25.72	IT Services/Contracts	<u>10,738</u>	<u>10,000</u>	<u>17,618</u>	<u>7,618</u>
	Subtotal 25	14,297	13,366	22,505	9,139
26.00	Supplies	122	115	117	2
31.10	IT Equipment/Software	116	150	170	20
31.30	Other Equipment	1	0	75	75
	Subtotal 31	<u>117</u>	<u>150</u>	<u>245</u>	<u>95</u>
32.00	Building Alterations	0	0	0	0
	Total, obligations	<u>99,939</u>	<u>107,000</u>	<u>137,708</u>	<u>30,708</u>

OFFICE FOR CIVIL RIGHTS

Summary of Changes
(dollars in thousands)

2016.....	\$107,000
2017.....	<u>137,708</u>
Net change	+30,708

Increases:	<u>2016 base</u>	<u>Change from base</u>
<u>Built in:</u>		
Increase in salaries and benefits, primarily for a proposed 1.6 percent Governmentwide pay raise, and increased benefits.	\$83,328	+\$1,355
Increase in rent.	8,243	+1,904
<u>Program:</u>		
Increase in salaries and benefits for 164 additional FTE.	83,328	+17,306
Increase in awards and overtime.	347	+224
Increase in transit benefits for additional FTE.	297	+107
Increase in travel for additional FTE.	800	+473
Increase in communications and postage.	137	+89
Increase in printing for pamphlets and letterhead.	12	+14
Increase in training for staff.	347	+199
Increase in other services for electronic records management, student privacy, translation services, and security services.	947	+553
Increase in goods and services from Government for background investigations, physical security, and payroll processing.	2,056	+769
Increase in information technology services/ contracts for the Civil Rights Data Collection, Online Discrimination complaint form, and IT Security.	10,000	+7,618

OFFICE FOR CIVIL RIGHTS

Summary of Changes
(dollars in thousands)

Increases:	<u>2016 base</u>	<u>Change from base</u>
<u>Program:</u>		
Increase in supplies.	\$115	+\$2
Increase in IT equipment and software.	150	+20
Increase in other equipment.	0	<u>+75</u>
Subtotal, increases		+30,708
Net Change		+30,708

OFFICE FOR CIVIL RIGHTS

Authorizing Legislation
(dollars in thousands)

Activity	2016 Authorized	2016 Estimate	2017 Authorized	2017 Request
Civil Rights (DEOA)	<u>Indefinite</u>	<u>\$107,000</u>	<u>Indefinite</u>	<u>\$137,708</u>
Total appropriation		107,000		137,708

OFFICE FOR CIVIL RIGHTS

Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2008	\$93,771	\$93,771	\$93,771	\$89,612
2009	96,826	96,040 ¹	89,612 ¹	96,826
2009 Transfer	0	0	0	-60
2010	103,024	103,024	103,024 ²	103,024
2011	105,700	103,024 ³	105,700 ²	102,818 ⁴
2012	107,772	102,818 ⁵	102,818 ⁵	102,624
2013	102,624	102,624 ⁶	102,624 ⁶	98,356
2014	98,356	N/A ⁷	98,356 ²	98,356
2015	102,000	N/A ⁷	102,000 ⁸	100,000
2016	130,691	100,000 ⁹	100,000 ⁹	107,000
2017	137,708			

¹ The levels for the House and Senate allowances reflect action on the regular annual 2009 appropriations bill, which proceeded in the 110th Congress only through the House Subcommittee and the Senate Committee.

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

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

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

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

⁶ The levels for the House and Senate allowances reflect action on the regular annual 2013 appropriations bill, which proceeded in the 112th Congress only through the House subcommittee and the Senate Committee.

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

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

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

OFFICE FOR CIVIL RIGHTS

Office for Civil Rights
(DEOA, section 203)

(dollars in thousands)

FY 2017 Authorization: Indefinite

Budget Authority:

	<u>2016</u>	<u>2017</u>	<u>Change from 2016</u>
Personnel costs	\$84,177	\$103,169	+\$18,992
Non-personnel costs	<u>22,823</u>	<u>34,539</u>	<u>+11,716</u>
Total	107,000	137,708	+30,708
FTE	589	753	+164

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 18,200 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 2017, the Office for Civil Rights is requesting a staffing level of 753 full-time equivalents to support its mission. Of the 753 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, a Deputy Assistant Secretary for Strategic Operations and Outreach, and a Deputy Assistant Secretary for Management and Operations.

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

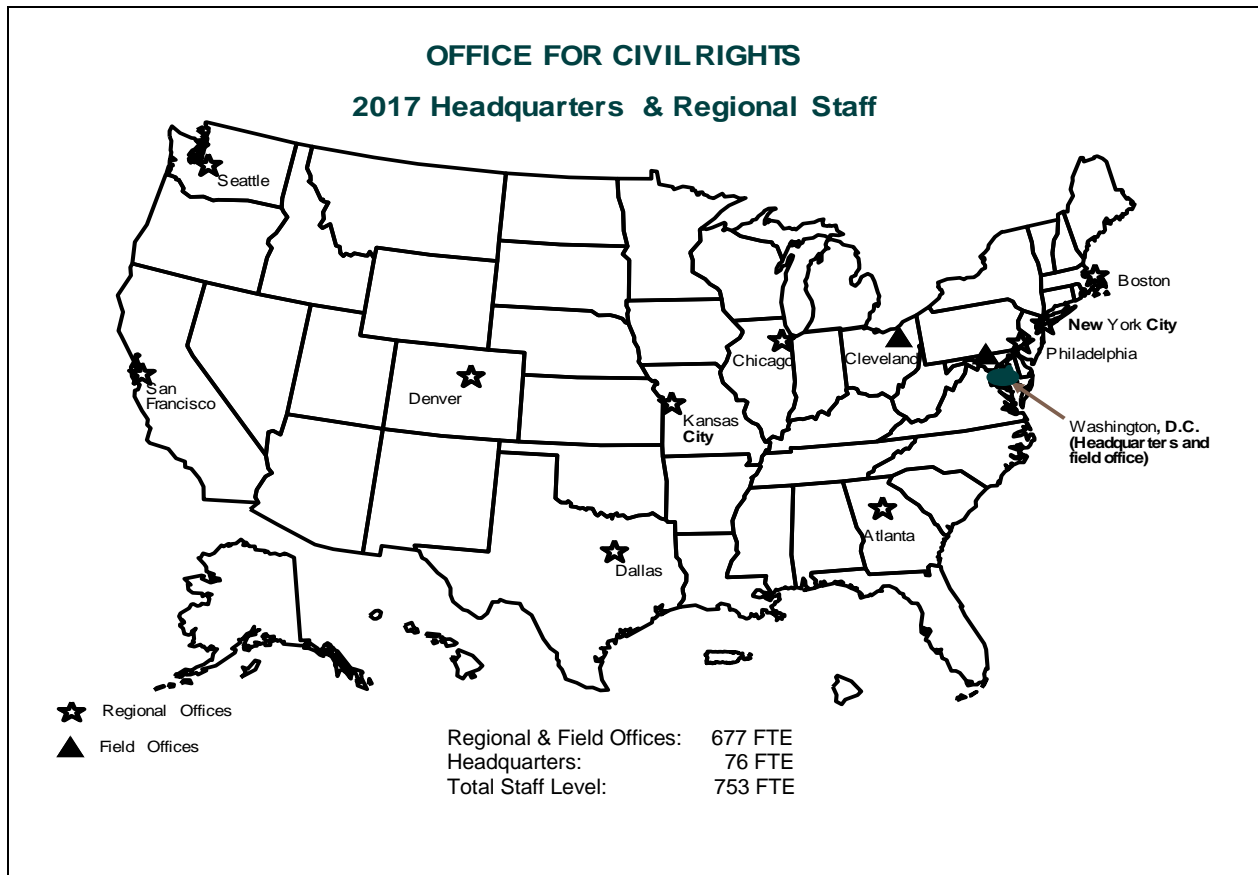
The Deputy Assistant Secretary for Enforcement manages the overall operations of the 12 Enforcement offices that are responsible for ensuring compliance with the Federal civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age. The Enforcement Offices' primary responsibilities are investigating complaints and determining the compliance status of recipients; developing an annual proactive enforcement agenda; conducting proactive investigations and compliance reviews; 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

The Deputy Assistant Secretary for Management and Operations has the responsibility for overseeing and directing all areas involving OCR's budget, human resources, general operations, administration and management coordination.



Promoting Efficient Spending to Maximize Civil Rights Enforcement Capacity

Level funding and decreased staffing levels have forced OCR to pare back and streamline some processes in order to address an increasing workload. Additionally, 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.
- 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 process has reduced staff travel time and costs.
- 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.
- OCR analyzed work distribution patterns to ensure all current staff are being fully and equitably utilized.

OFFICE FOR CIVIL RIGHTS

- OCR has switched from live training and meetings to more cost-efficient online training and videoconferencing.
- OCR enhanced the Civil Rights Data Collection (CRDC) online data collection tool, reducing data reporting errors and staff time needed to follow up on those errors.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2012.....	\$102,624
2013.....	98,356
2014.....	98,356
2015.....	100,000
2016.....	107,000

FY 2017 BUDGET REQUEST

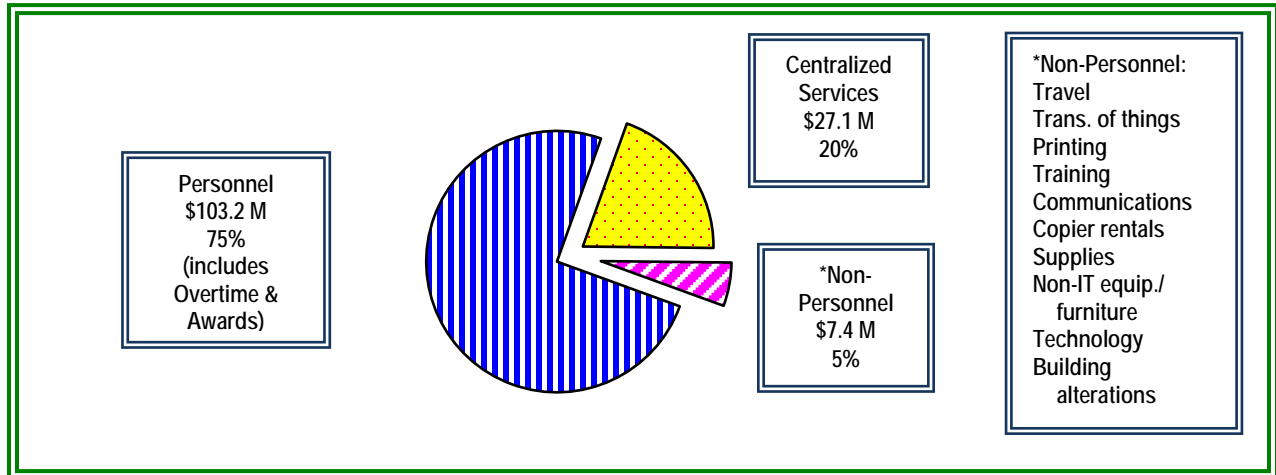
- The total fiscal year (FY) 2017 request for the Office for Civil Rights (OCR) is \$137.7 million, supporting a full-time equivalent (FTE) level of 753. This request is a \$30.7 million, or 29 percent, increase above the FY 2016 level. The majority of the increase is for an additional 164 FTE, which the Department believes is essential for OCR to deliver on its mission of fulfilling the promise of the civil rights laws by ensuring all students equal access to educational opportunities. The FY 2017 increase in FTE is a critical first step to provide OCR the capacity to address current workload. In fact, current data projections and enforcement trends indicate that even more staff may be needed to effectively address anticipated future workload. The Personnel Compensation and Benefits (PC&B) request of \$103.2 million is an increase of \$19.0 million over the FY 2016 level to support an FTE level of 753, a proposed January 2017 pay raise of 1.6 percent, other associated benefit increases, including transit benefits.
- Non-Personnel costs, excluding centralized services, will be \$7.4 million, an increase of \$5.2 million over the FY 2016 level. The majority of non-personnel funds is for the Civil Rights Data Collection (CRDC) (\$4.7 million), software support to operate OCR's Case and Activity Management System (CAMS) (\$255,000), Online Discrimination Complaint Form Enhancement (\$182,000), and travel (\$1.3 million).
- OCR's FY 2017 share of the Department's centralized services (overhead) amount of \$27.2 million reflects an increase of \$6.1 million above the FY 2016 level, due to increases in rent, Information Technology (IT) security, the Education Department Utility for Communications, Applications and Technical Environment (EDUCATE) follow-on contract, background investigations, and physical security.

OFFICE FOR CIVIL RIGHTS

FY 2017 Budget (dollars in millions)

Total: \$137.7

FTE: 753

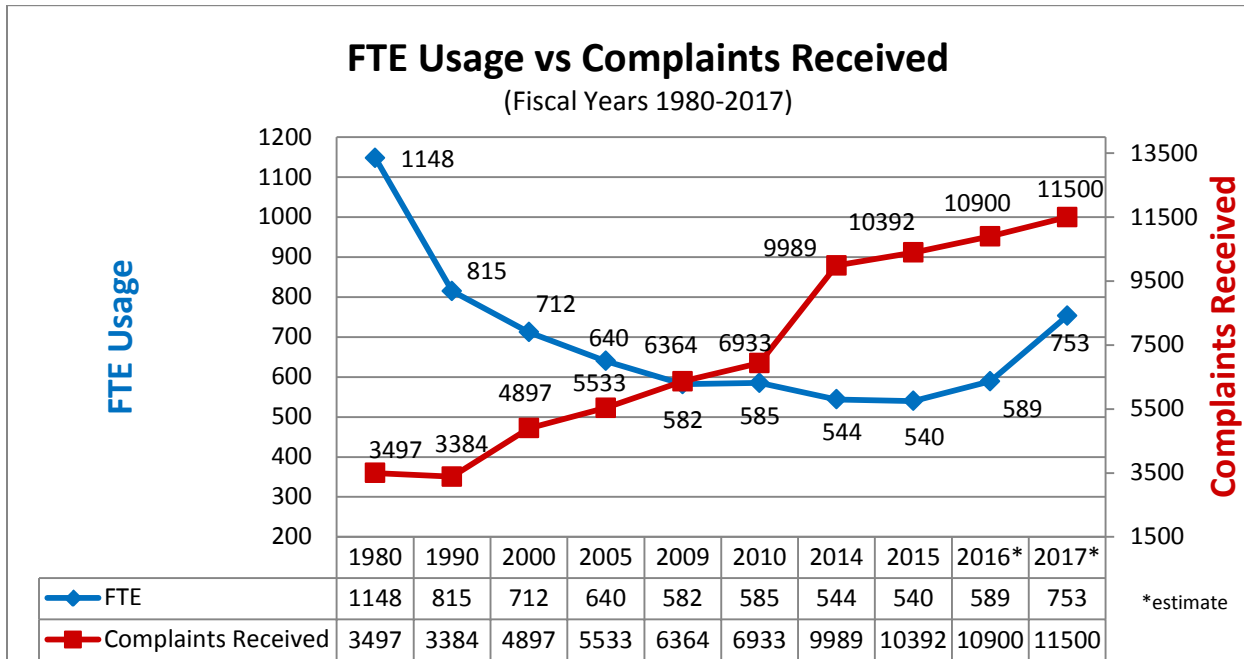


Personnel Costs

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 2015, OCR resolved over 9,200 complaints.

For FY 2017, PC&B costs are 75 percent of the request or \$103.2 million, \$19 million over the FY 2016 level. The request includes 164 additional FTE. This significant increase is needed to address staffing shortages caused by increased caseload, as reflected in the nearly 90 percent increase in the number of complaints between FY 2005 and FY 2015. 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 753 FTE level would begin to 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 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 through 2015 may be attributed to technological advances that improved efficiency, the declines in 2012 to 2015 also 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 in the last 6 years, the number of cases that have been pending more than 180 days has increased from 315 at the end of FY 2009 to 1,311 at the end of 2015. The level of unresolved cases has been growing at an increasingly fast pace. Many of these cases, such as those addressing sexual violence and school discipline, are both more complex and more high profile. Unfortunately, because of inadequate staffing, the length of time these cases go without resolution has increased. In order to meet its performance goals, OCR has also been forced to limit the number of discretionary enforcement activities it undertakes. For example, the number of compliance reviews initiated by OCR has decreased 80 percent since 1995, or from 96 to 19 in 2015. 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 Z-25–Z-26).

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 Z-15 depicts that the workload for each investigative staff member has increased significantly from 2006 to 2015. Combining the complaints received and proactive investigations (compliance reviews and directed inquiries) launched, the number of

OFFICE FOR CIVIL RIGHTS

cases per investigative staff has almost doubled since FY 2006. For cases that move beyond the dismissal stage, the number of investigated cases per staff has increased by 20 percent over the same period. Pending complaints have also increased steadily over recent years, from 2,198 in 2009 to 3,848 in 2015, an increase of over 75 percent. While some increase in the number of cases per staff 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 quadrupled from 315 to 1,311 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 caseload per staff from 26 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 increased by 83 percent from FY 2006 to FY 2015.
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 128 percent in the past 10 years. On average, each investigator works on 6.0 monitoring cases currently, compared to just 2.7 in FY 2006.
4. *Increasing complexity of OCR's cases result in longer case-resolution times.* 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 complexity of these cases has contributed to the increase in average processing times for these cases. Since 2010, the average processing times for these cases increased from 289 days to 963 days for sexual violence investigations, 200 days to 287 days for harassment, and 198 days to 451 days for Title VI discipline. These average resolution times are increasing and require additional staffing to be reversed.

OFFICE FOR CIVIL RIGHTS

Table A: Caseload per Staff in FY 2006, FY 2014, and FY 2015

	<i>FY 2006</i>	<i>FY 2014</i>	<i>FY 2015</i>
<i>Number of Attorneys/Equal Opportunity Specialists (excluding managers)</i>	391	354	397
Complaints Received & Proactive Investigations Launched	5,816	10,027	10,411
# of cases per staff	15	28	26
# of multi-jurisdiction cases	766	1,591	1,400
Monitoring Caseload	1,054	2,318	2,399
# of monitoring cases per staff	2.7	6.5	6.0
Investigated Cases ¹	4,803	5,087	5,756
# of investigated cases per staff	12	14	14

¹ Criteria: The selection of investigated cases is based on cases either still pending or cases that progressed beyond dismissal and were resolved with administrative closure, no violation, Early Complaint Resolution, or change with or without a resolution agreement.

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 164 FTE, OCR plans to add 157 staff to work on investigations, which would reduce the anticipated case level per staff from 26 to 19, as shown in Table B on page Z-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.
2. *Reducing the number of cases in monitoring per staff.* The requested increase of 192 investigators would reduce the level of monitored cases from 6.0 in FY 2015 to 4.3 in FY 2017. 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.

In addition to 157 additional staff to work on investigations, 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 2014 to 2015, FOIA requests have increased 4 percent and hotline calls have increased 11 percent.

OFFICE FOR CIVIL RIGHTS

Table B: Impact of Additional FTEs per Staff Based on 10,411 Cases & 2,399 Monitoring Cases Projected in FY 2017

Staff Level	2017 Request
Current number of Attorneys/Equal Opportunity Specialists (excluding managers)	397
Increased number of Attorneys/Equal Opportunity Specialists	+157
<i>Total</i>	<i>554</i>
# of cases per staff	19
# of monitoring cases per staff (at increased staff level)	4.3

Awards & Overtime

OCR is requesting \$500,000 for awards and \$71,000 for overtime for a total of \$571,000, an increase of \$224,000 above the 2016 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 existing staff to stay on schedule in processing their cases within the 180-day timeframe as they help train the new staff.

Non-Personnel Costs

The total request for non-personnel activities in FY 2017, excluding departmental centralized services, is \$7.4 million, an increase of \$5.2 million above the 2016 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, \$644,000 would support costs for an additional 164 FTE in the areas of: travel (\$473,000), training (\$82,000), printing (\$14,000), and other equipment/furniture (\$75,000). The remaining amount would be used to support increases in the Civil Rights Data Collection (\$4.3 million); Online Discrimination Complaint form (\$87,000); and to restore cuts made in FY 2016 to communications (\$88,000), EDpubs (\$11,000); and other services (\$118,000).

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

Information Technology Services/Civil Rights Data Collection (CRDC) — OCR is requesting \$4.7 million for the CRDC, an increase of \$4.3 million above the 2016 level. This request will complete the funding needed for the 2015-16 and 2017-18 CRDC data collections. Because of OCR's funding constraints in FY 2015, the Department continues to work with OCR to complete the 2013-14 collection, with a release anticipated in FY 2016. The requested funds will support the completion of phases III, IV, and data analysis of the 2015-16 CRDC data collection, and it will also support the 2017-18 CRDC data collection efforts for phases I - IV. In addition, CRDC (Reporting) Web Site Operations and Maintenance will be funded using FY 2017 funds. All

OFFICE FOR CIVIL RIGHTS

phases and reporting costs are listed in details on the CRDC chart on page Z-18. OCR anticipates phase V to be funded in FY 2018.

The CRDC provides data on leading civil rights indicators related to access and barriers to educational opportunity at the pre-K through 12th grade school levels. Although OCR has conducted the CRDC since 1968, the last few years have seen substantial improvements both in the quality and usability of the data. In FY 2013, for example, OCR collaborated with internal and external experts in completing the first part of a multi-phase plan to improve the data tool utilized in school-level information collection, an effort that will both increase data quality and reduce burden on school districts. In addition, OCR is in the process of developing pre-submission analytic reports to assist districts in reducing errors, and this effort is complemented by new tip sheets, FAQs, and guidance documents posted to the CRDC Web site.

With respect to improved usability, OCR has worked to make the CRDC more accessible and understandable both for the general public and for researchers and policymakers. In March 2014, for example, OCR released data from the 2011-12 CRDC, which was the first universal collection since 2000 that included data from all schools and districts nationwide. This massive undertaking produced a comprehensive snapshot of Civil Rights data from 97,000 public schools and 16,500 school districts, representing 49 million students. For the first time, State-, district- and school-level information of nearly every public school is accessible to the public in a searchable online database at crdc.ed.gov.

These efforts have produced tangible results. Data from the 2011-12 CRDC, for example, formed the foundation for OCR's guidance on and related investigations into the inequitable and discriminatory administration of school discipline. These data have spurred educators to initiate systemic changes in discipline policies, and several States and districts have begun to focus more on alternative measures to suspension and expulsion. In addition to progress on school discipline, the 2011-12 data has provided important information about the access to high quality preschool and other early education options, allowing the Department to make fully-informed, data-based policy decisions in an area that is an Administration priority.

The following table provides a detailed account of the CRDC budget for fiscal years 2015-2017.

OFFICE FOR CIVIL RIGHTS

School Year	Major Activity	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017
CRDC 2013-14	Phase V – Data Upload: Applying CRDC 2013–2014 data to the CRDC (Reporting) Web site; hosting and releasing the new data to the general public. (This Phase is now separate from Phase IV.)		\$251,000	
CRDC 2015-16	Phase I – Notification, Submission Guidance, Data Preparation and Q&A Guidance: Notification to school districts, identifying primary point of contact, guidance (Q&A) activity associated with the school/districts students and financial data.	\$328,285		
CRDC 2015-16	Phase II - Preparing for data submissions: Technical assistance to prepare districts to collect and submit data and confirmation of school directory. (Complete defining of file specification, and pre-collection tools deployment).	472,615		
CRDC 2015-16	Phase III - Survey Submission Window: Begin data collection from LEAs, Partner Support Center for technical support for school districts' data submissions.		30,000	\$785,081
2015-16 CRDC Data Analysis	Data Analysis Q&A, updating and special tabulations for public use of the 2015-16 CRDC data . Publications, design and editing of CRDC issue briefs for the 2015-16 CRDC data.			200,000
CRDC 2015-16	Phase IV - Finalizing Data Files: Data quality review and editing, time series, privacy protection. (<i>Web collection tool development and data editing funded through NCES contract</i>).			279,000
CRDC 2015-16	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 separate from Phase IV.)			
CRDC 2017-18	Phase I - Notification and Guidance: Notification to school districts, identifying primary point of contact, guidance (Q&A).			538,285
CRDC 2017-18	Phase II - Preparing for data submissions: File specifications, pre-collection tools, confirmation of school directory, technical assistance to prepare districts to collect and submit data.			1,418,891
CRDC 2017-18	Phase III - Survey Submission Window: Begin data collection from LEAs, Partner Support Center for technical support for school districts' data submissions.			1,038,379
CRDC 2017-18	Phase IV - Finalizing Data Files: Data quality review and editing, time series, privacy protection. (<i>Web collection tool development and data editing funded through NCES contract</i>).			279,000
CRDC 2017-18	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 separate from Phase IV.)			
CRDC Reporting Web Site	Fund the “Base Year” and 4 option years for the CRDC (Reporting) Web site’s operation and maintenance.	175,000	86,244	88,831
Web Hosting	Web hosting under the EDUCATE contract.	83,784	83,784	88,899
Total CRDC Expenses		\$1,059,684	\$451,028	\$4,716,366

OFFICE FOR CIVIL RIGHTS

Information Technology Services/Case Activity Management System (CAMS) — OCR is requesting \$255,000 for CAMS, level with 2016. 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 was recomputed 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.

Information Technology Services Support for Operations and Maintenance (O&M) and Online Discrimination Complaint Form Enhancement — OCR is requesting \$182,000, an increase of \$87,000 above the 2016 level. The \$182,000 covers three subtasks in support of the 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 \$25,411 (for the upkeep of pre-complaint screening process and the database management tools), (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 \$71,007, and (c) Conversion of the online discrimination complaint form process into a Spanish version at a cost of \$85,582.

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 online complaint database is a management tool that enables OCR staff to access information and data from the online complaints necessary to evaluate the complaints for potential investigation. The document upload project involves uploading OCR resolution letters and agreements between OCR, educational institutions, and Title IX religious exemption documents to the OCR Web site in order to provide transparency to the public about OCR enforcement and compliance activities.

Transparency Enhancements — In an effort to further increase transparency and provide easily accessible information to the public about its enforcement activities, OCR is exploring ways to provide the public with up-to-date data about pending and resolved investigations (such as information that is sortable by date, name of institution, and issue). Currently, OCR does not have the capacity or funds to develop and maintain a searchable public online database of thousands of OCR investigations and resolutions, as has been requested by White House officials, members of Congress, and the public. OCR will gather information and explore the possibility of developing such an online database supported capability in FY 2017.

Travel — OCR requests a travel budget of \$1.3 million, which is \$473,000 above the 2016 level. The increase would be used for the additional 164 FTEs needed 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 its

OFFICE FOR CIVIL RIGHTS

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.

Printing — OCR requests \$26,000 for printing, an increase of \$14,000 above the 2016 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 \$82,000 above the 2016 level. The increase will support the training needs of the additional staff. 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 \$88,000 above the 2016 level. The funds are needed for existing copier rental and maintenance agreements and to replace expired agreements in 2017 (\$162,000), overnight shipping costs (\$40,000), and maintenance of facilities (\$1,000).

Other Services— OCR is requesting \$326,000, an increase of \$118,000 above the 2016 level. The request includes:

- Legal Research Services (\$117,000) — This level funded request reflects 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.
- Miscellaneous services (\$209,000) — This is an increase of \$118,000 over the 2016 level. Services include attorneys' bar dues (\$152,000), required by the collective bargaining agreement, as well as other professional development services for new legal staff; translation and interpretation services (translating documents and pamphlets into several languages) (\$45,000); and miscellaneous services for advertisement and short-term contractual services (\$12,000).

OFFICE FOR CIVIL RIGHTS

Goods and Services — OCR is requesting \$48,000, an increase of \$11,000 above the 2016 level. This supports ED Pubs (\$25,000), and General Services Administration leased vehicles and equipment (\$23,000).

Supplies — OCR is requesting \$110,000, the same as the 2016 level. The funds are needed for supplies for FTEs, 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 2016. These funds are needed to purchase limited furniture and equipment for the additional FTEs, even while OCR is committed to increasing teleworking and hoteling to reduce the need for additional office and cubicle space, furniture, and equipment are needed for new staff in FY 2017.

Departmental Centralized Support

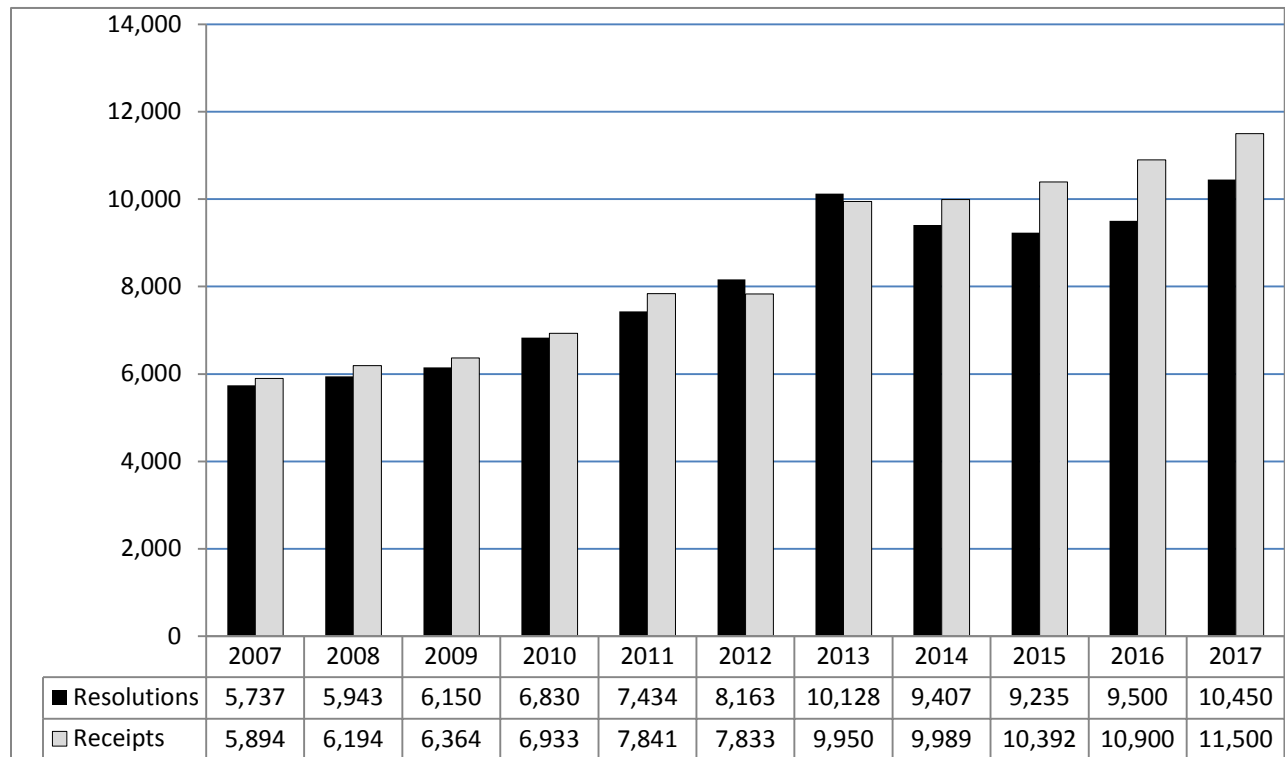
Approximately 79 percent of the total non-personnel budget request is to cover OCR's share of the Department's centralized services. The FY 2017 request is \$27.1 million, an increase of \$6.5 million above the 2016 level. The request will cover the cost of services such as rent; departmental training; personal security; records information management support services; interagency agreements for administrative services provided by other Federal Agencies, such as payroll processing, overtime utilities, training coordination and career counseling; IT security; telecommunications; computers and related hardware; smartphones; IT processing services; and network support. About a third of the requested increase is needed to transition from the current network services and IT infrastructure contract EDUCATE, which expires in November 2017, to a new contract.

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 2007-2015 and estimates are shown for fiscal years 2016-2017.

**Complaint Receipts and Resolutions
FY 2007 – FY 2017**

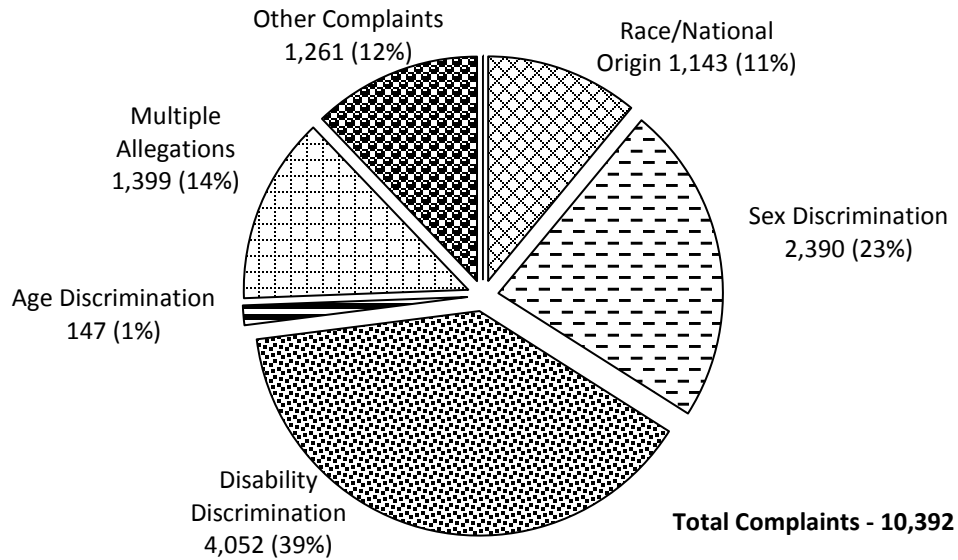


FY 2015 total complaint receipts had a 4 percent increase compared to the previous year, whereas the number of complaint resolutions slightly decreased. For FY 2017, OCR is projecting 600 more complaints receipts over FY 2016. Note: The 10,450 projection for case resolutions is based on OCR receiving additional staff.

The following chart reflects complaint caseload by jurisdiction for FY 2015. OCR disability discrimination complaints were 39 percent of the total number of filed complaints and the sex discrimination complaints were 23 percent, due mainly to many (1,703) complaints filed by two individuals.

OFFICE FOR CIVIL RIGHTS

**FY 2015 Complaint Caseload by Jurisdiction
(October 1, 2014 – September 30, 2015)**



The following table provides the number of cases received by jurisdiction during the past 9 years, FY 2007 through July 31, 2015. OCR's caseload involving multi-jurisdiction complaints increased by 65 percent since FY 2007 (1,399 compared to 848).

**Complaint Caseload by Jurisdiction
(Fiscal Years 2007 – 2015)**

Jurisdiction	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
Race	934	993	1,103	1,056	1,104	1,267	1,192	1,203	1,143
Sex	327	328	336	391	1,096	686	2,242	2,354	2,390
Disability	3,013	3,165	2,997	3,405	3,507	3,683	4,272	3,909	4,052
Age	97	96	132	131	146	134	125	122	147
Multiple	848	917	944	1,037	1,145	1,192	1,333	1,588	1,399
Other	675	695	852	913	843	871	786	813	1,261
TOTAL	5,894	6,194	6,364	6,933	7,841	7,833	9,950	9,989	10,392

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
2012	80%	93%
2013	80	95
2014	80	94
2015	80	86
2016	80	
2017	80	

Measure: Percentage of complaints pending over 180 days.

Year	Target	Actual
2012	< 25%	19%
2013	< 25	19
2014	< 25	23
2015	< 25	34
2016	< 25	
2017	< 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 2017, while the number of complaints received is projected to remain at record-high levels, OCR's GPRA performance is projected to decrease over time. In fact, the decrease has already started in 2015. All of OCR's performance measures are less than the previous fiscal years due to an insufficient staffing level to handle OCR's increased workload.

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
2012	3.66	3.86
2013	3.66	3.87
2014	3.66	3.79
2015	3.66	3.59
2016	3.66	
2017	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, "Subgoal 4.2: Civil Rights Enforcement." Under this subgoal, OCR is responsible for ensuring educational institutions' compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights under these laws. To ensure the success of OCR's subgoal under the Department's strategic plan, sufficient funding is needed to support initiatives and activities such as the following:

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. In FY 2014, OCR issued updated guidance on protecting students from sexual violence, after which OCR experienced an uptick in complaints and requests for technical assistance. In FY 2015, OCR received 230 sexual violence complaints, up from 64 in 2013 and 126 in 2014. OCR anticipates this work increasing through FY 2017.

OFFICE FOR CIVIL RIGHTS

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 students of color, English learners and other students who face discriminatory disparities have access to effective teachers and education resources. While this is a priority within the Administration, the elimination of existing disparities is specifically highlighted within the recently reauthorized Elementary and Secondary Education Act. 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 2017.

Reducing Discriminatory Discipline

Addressing school discipline is both a key civil rights priority of OCR in FY 2017 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 *Now Is the Time* initiative. The public spotlight on this issue is likely to continue through FY 2017 and produce more discipline-related complaints, investigations, and requests for technical assistance.

Reducing Racial Isolation and Fostering Voluntary Efforts to Increase Diversity

Racial isolation in U.S. schools remains alarmingly high. Studies show that 80 percent of Latino students and 74 percent of Black students are in schools where the majority of students are not White, and 43 percent of Latino students and 38 percent of Black students attend "intensely segregated schools" in which White students comprise 10 percent or 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. In FY 2015, OCR also contributed to interagency efforts to foster racial and socioeconomic diversity, including engagement with HUD to explore the relationship between public housing and education and its impact on student diversity. As highlighted through the newly proposed Stronger Together grant

OFFICE FOR CIVIL RIGHTS

program and increased prioritization throughout many Departmental programs, we expect additional OCR engagement through technical assistance and other efforts.

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. OCR is currently collecting 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 2017 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.

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.

OFFICE FOR CIVIL RIGHTS

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 6 years, from fiscal years 2010-2015. These complaints involve various jurisdictions. The number of complaints increased by 55 percent from 2010 to 2015.

Bullying, Harassment and Violence Complaint Caseload (FY 2010 – FY 2015)

FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
896	1,170	1,229	1,400	1,355	1,389