Archived Information
OFFICE FOR CIVIL RIGHTS

Goal: To ensure equal access to education for all students through the vigorous enforcement of civil rights.

Relationship of Program to Volume 1, Department-wide Objectives: The Office for Civil Rights (OCR) is the principal office within ED that enforces Federal civil rights laws. OCR also supports ED Strategic Plan Goals 1, 2, and 3 by ensuring equal access to education to enable all students to achieve high standards. By definition, "all students" in the ED Strategic Plan means students from all backgrounds regardless of race, national origin, color, disability, age, or gender.

FY 2000—$71,200,000

FY 2001—$76,000,000 (Requested budget)

OBJECTIVE 1: TO ELIMINATE DISCRIMINATORY EDUCATIONAL PRACTICES WITHIN SCHOOLS.

Indicator 1.1 Increased compliance: The number of recipients of Federal funds (e.g., school districts, postsecondary institutions, and state educational agencies (SEAs), that change policies, procedures, or practices to comply with Federal civil rights laws will increase.

Targets and Performance Data			Assessment of Progress	Sources and Data Quality
Year	**Actual Performance**	**Performance Targets**	**Status:** Target met. **Explanation:** In FY 1998, 1,378 recipients—consisting of approximately 1,013 school districts, 22 SEAs (with 2,936 school districts), 233 postsecondary institutions, and two state systems of higher education—changed policies, practices, and procedures to comply with Federal civil rights law. In FY 1999, 1,563 recipients—consisting of approximately 1,152 school districts, five SEAs (with 6,670 school districts), 403 postsecondary institutions, and two state systems of higher education (with 139 postsecondary institutions)—changed policies, practices, and procedures to comply with Federal civil rights laws.	**Source:** Annual data from OCR's Case Information System, 1999. *Frequency:* Annually. *Next Update:* 2000. **Validation Procedure:** ED Data Quality Attestation Process and ED <u>Standards for Evaluating Program Performance Indicators</u>. **Limitations of Data and Planned Improvements:** *Limitations:* OCR chose to measure compliance at the point of case resolution rather than at the end of monitoring. In doing so, OCR recognizes that the extent of influence of the agreement to effect change is being measured, rather than the actual accomplished change. While this indicator places equal value on all recipients, it is important to note that changes to policies, procedures, and practices at the state or district-wide level have a more systemic impact than those made at a school-based level. *Planned Improvements:* Replace CIS with a more user friendly and less labor-intensive system. The system will have the capacity to link CIS data to specific case files, which will improve the validity of the data. In addition, OCR will move CIS to a platform that is compatible with the Department's information technology environment.
FY 1998:	1,378	Baseline year		
FY 1999:	**1,563**	**Increase over 1,378***		
FY 2000:		Increase over 1,563*		
FY 2001:		Increase over FY 2000*		
* Meeting the targets is contingent on complaint workload and funding.				

Indicator 1.2 Number of students affected: The estimated number of students positively affected by OCR's work will increase.

	Targets and Performance Data		Assessment of Progress	Sources and Data Quality
Year	**Actual Performance**	**Performance Targets**	**Status:** Target met.	**Source:** Annual data from OCR's Case Information System, 1999.
FY 1998:	5,900,000	Baseline year		*Frequency:* Annually.
FY 1999:	**6,571,725**	**Increase over 5,900,000***	**Explanation:** This indicator expands on the results of Indicator 1.1. It demonstrates the number of students positively affected by improved access to equal educational opportunity when recipients change policies, practices, and procedures to eliminate or prevent civil rights problems.	*Next Update:* 2000.
FY 2000:		Increase over 6,571,725*		**Validation Procedure:** ED Data Quality Attestation Process and ED Standards for Evaluating Program Performance Indicators.
FY 2001:		Increase over FY 2000*		

* Meeting the targets is contingent on complaint workload and funding.

OCR counts student impact at the point of case resolution rather than at the end of monitoring because case resolution is the point in case processing that provides the most reliable, available, and contemporaneous information for making meaningful program management decisions within the budget cycle. In doing so, OCR recognizes the extent of influence of the agreement to effect change is being measured, rather than the actual accomplished change. OCR is careful to count only the students who are expected to directly experience change through the implementation of a resolution agreement. In some instances, the numbers are small, such as the resolution of a gifted and talented case or one that involves only English-language learners. The resolution of a disability complaint often affects one student. Alternatively, the numbers can be large, such as with the resolution of a sexual harassment case that involves training all staff and students on the implementation of a new policy.

Limitations of Data and Planned Improvements: *Limitations:* Student enrollment data used by OCR to calculate student impact is the most current data available to the recipient. *Planned Improvements:* Replace CIS with a user-friendlier and less labor-intensive system. The system will have the capacity to link CIS data to specific case files, which will improve the validity of the data. In addition, OCR will move CIS to a platform that is compatible with the Department's IT environment.

OBJECTIVE 2: TO TEACH PARENTS AND STUDENTS HOW TO RESOLVE PROBLEMS OF SECURING EQUAL ACCESS TO HIGH-QUALITY EDUCATION.

Indicator 2.1 Successful partnerships: The number of partnerships with parents that lead to civil rights compliance will increase.

Targets and Performance Data			Assessment of Progress	Sources and Data Quality
Year	**Actual Performance**	**Performance Targets**	**Status:** Baseline established.	**Source:** Annual data from OCR's Case Information System, 1999.
FY 1999:	**18**	**Baseline year**		*Frequency:* Annually.
FY 2000:		Increase over 18*	**Explanation:** A parental partnership is established when OCR's facilitates a collaboration between parents and schools to achieve ongoing civil rights compliance without OCR's continued involvement.	*Next Update:* 2000.
FY 2001:		Increase over FY 2000*		
* Meeting the targets is contingent on complaint workload and funding.				**Validation Procedure:** ED Data Quality Attestation Process and ED <u>Standards for Evaluating Program Performance Indicators</u>.
				Limitations of Data and Planned Improvements: *Limitations:* OCR's conservative approach to measuring parent partnerships generated by OCR's activities results in an undercount of potential benefits to students. We count a parent partnership only when we validate that a measurable result for students has occurred. *Planned Improvements:* Replace CIS with an user-friendlier and less labor-intensive system. The system will have the capacity to link CIS data to specific case files, which will improve the validity of the data. In addition, OCR will move CIS to a platform that is compatible with the Department's information technology environment.

OBJECTIVE 3: TO OBTAIN RESULTS BY THE EFFICIENT MANAGEMENT OF CIVIL RIGHTS COMPLIANCE ACTIVITIES.

Indicator 3.1 Resolution of complaints: Eighty percent of the complaints are resolved within 180 days of receipt.

Targets and Performance Data			Assessment of Progress	Sources and Data Quality
Year	**Actual Performance**	**Performance Targets**	**Status:** Target met.	**Source:** Annual data from OCR's Case Information System and analysis of complaint workload, 1999.
1997:	80%			*Frequency:* Annually.
1998:	81%		**Explanation:** A key factor contributing to OCR's success in prompt complaint resolution is the ability to establish a target date for resolving each case on its own merit in an appropriate and timely way. Informed by experience in case resolution and given adequate funding, OCR determined that approximately 80 percent of its cases could be resolved in 180 days or less. Twenty percent of OCR's cases are so large in scope and complexity that the time needed to resolve these cases exceeds 180 days. These circumstances are not expected to change in the foreseeable future. Consequently, OCR does not anticipate changing its performance targets.	*Next Update:* 2000.
1999:	**80%**	**80%**		
2000:		80%		**Validation Procedure:** ED Data Quality Attestation Process and ED <u>Standards for Evaluating Program Performance Indicators</u>.
2001:		80%		
				Limitations of Data and Planned Improvements: *Planned Improvements:* Replace CIS with a more user friendly and less labor-intensive system. The system will have the capacity to link CIS data to specific case files, which will improve the validity of the data. In addition, OCR will move CIS to a platform that is compatible with the Department's information technology environment.

KEY STRATEGIES

Strategies Continued from 1999

- ❖ To manage an increasing workload and address complex civil rights issues, the Office for Civil Rights (OCR) continues to move from a reactive complaint-driven system to implement a balanced enforcement program by responding promptly to complaints and initiating activities that target resources for maximum impact. A Government Accounting Office (GAO) study dated February 23, 1999, acknowledged significant improvements in OCR's operations between FY 1993 and FY 1997 in the time to process complaints, the number of complaints processed annually, and the average backlog of unprocessed complaints at year end. The GAO concluded: "OCR has improved its complaint resolution process in two major ways, replacing a process that focused on investigating complaints with a more flexible system that focuses on resolving complaints as soon as possible … allow[ing] complaints to be resolved at any point in the process [and improving performance] by undertak[ing] several information and communication efforts."

- ❖ To expand customer service, OCR provides civil-rights-related information, technical expertise, and assistance to a broad range of stakeholders engaged in collaborative efforts to ensure equal educational opportunity.

- ❖ To ensure that investigative strategies and resolution approaches are well informed, OCR develops case resolution agreements that provide for the active participation of parents and students.

- ❖ To maintain a technically proficient and highly trained staff, OCR uses performance measures, human resource development, and technology to promote efficiency.

- ❖ Numerical benchmarks and performance indicators provide one body of quantifiable information relevant to the assessment of OCR's work. There are many other facets to the evaluation of OCR's work that are not readily quantifiable, such as the professionalism and responsiveness of OCR staff.

New or Strengthened Strategies

- ❖ **Tools to Facilitate Positive Change by Stakeholders:** (1) OCR partnered with the National Association of Attorneys General to publish a guide for schools, Protecting Students from Harassment and Hate Crime. The guide was posted on the ED Internet Web site and disseminated to over 20,000 school superintendents and state attorneys general; (2) OCR collaborated with a state educational Agency and a state interscholastic athletic agency to develop a Web site to enable school districts throughout the state to conduct self-evaluations of their athletic programs. This Web site was added to a prominent athletic equity site on the Web increasing the availability of the self-evaluation tools OCR assisted in developing.

- ❖ **Strategies for Statewide Collaborations to Achieve Positive Educational Results:** (1) OCR worked collaboratively with statewide higher education systems that may have vestiges of *de jure* segregation to take action to ensure access to postsecondary education and to enhance facilities and programs of Historically Black Colleges and Universities; (2) OCR established statewide resolutions on important access issues including services to English-language learners and access to gifted and talented programs.

- ❖ **Sound Educational Results and Customer Service:** (1) OCR has begun a project to evaluate to what degree OCR agreements in designated issues, such as services to English-language learners, are producing good educational results. As OCR identifies practices that are working well for districts, it will share them with other recipients; (2) An OCR project evaluating the effectiveness of resolution agreements in minorities and special education cases disclosed additional educationally effective strategies that can be used in future cases; (3) OCR established a new strategy for monitoring, with additional attention paid to active and frequent engagement with recipients and other stakeholders, to ensure that OCR's agreements were effective in achieving change.

- ❖ **Educational Reform and Equity:** OCR has helped lead Departmental efforts to ensure that issues of equity are appropriately addressed in the context of elementary and secondary standards-based reforms. OCR's work with external stakeholders in this area is illustrated by (1) OCR's ongoing work with the National Academy of Sciences Board on Testing and Assessment; (2) OCR's primary oversight responsibility for Board on Testing Assessment's Forum on Educational Excellence and Testing Equity (designed to provide useful forums and resources to educational and policy stakeholders regarding educational testing issues); and (3) OCR's promulgation of a resource guide for educators and policymakers that comprehensively addresses testing and nondiscrimination issues.

- ❖ **Staff Development to Build Capacity:** OCR is building staff capacity to use methods that emphasize listening to educators and educational experts, collaborating with recipients to resolve civil rights issues, linking stakeholders with similar interests, providing legally sufficient models for civil rights compliance that are educationally sound, and providing students and parents with information about their civil rights.

- ❖ **Technology:** OCR charted a Technology Advisory Board to coordinate enterprise-wide planning on technology to ensure that technology funding decisions are integrally related to program objectives. Projects under way include the Internet redesign, the creation of an intranet community of practice, development of a Case Management information system, and an integrated data collection system. The focus of Internet redesign is to better meet the information resource needs of students, parents, recipients, and other stakeholders.

HOW THIS PROGRAM COORDINATES WITH OTHER FEDERAL ACTIVITIES

❖ Civil rights information in postsecondary education is acquired through a cooperative agreement with the National Center for Education Statistics in its Integrated Postsecondary Education Data System. A pilot project between OCR and the Office of Special Education Programs will test the feasibility of collecting data related to students with disabilities into a single, consolidated data collection instrument.

❖ OCR works with the Department of Justice, Department of Health and Human Services (HHS), the Equal Employment Opportunity Commission, and other Federal agencies to ensure consistency, as appropriate, in legal interpretations on issues of common interest. OCR and other ED components (Office of the General Counsel, Office of Elementary and Secondary Education, Office of Bilingual and Minority Languages Affairs, Office of Special Education and Rehabilitative Services, Office of Postsecondary Education Programs, Office of Educational Research and Improvement, etc.) work together on issues of educational equity and program reauthorization activities. Where appropriate, OESE and OSERS issue policy guidance jointly with OCR in overlapping areas. Working closely with other Departmental components on issues of common interest ensures that OCR uses resources effectively.

CHALLENGES TO ACHIEVING PROGRAM GOAL

❖ Expanding customer service for recipients by using case models that align principles of educational equity with high standards goals.

❖ Maintaining a staff proficient in the use of technology.

❖ Managing an increasing workload and addressing civil rights issues that raise increasingly complex educational issues in the context of limited FTE and financial resources.

❖ Ensuring that investigative strategies and resolution approaches are well informed and support educational excellence.

INDICATOR CHANGES

From FY 1999 Annual Plan (two years old)

Adjusted

❖ FY 1999 Indicator 2.1 was modified to focus specifically on partnerships with parents.

Dropped

❖ FY 1999 Indicator 1.1, Access to quality education, was dropped.

From FY 2000 Annual Plan (last year's)

Adjusted—None.

Dropped—None.

New

❖ For FY 1999, the descriptions of Objectives 1 and 2 were modified to more specifically reflect OCR's critical programmatic performance goals.

❖ For FY 1999, Objective 3 was added to measure management efficiencies that have significant impact on results.

❖ For FY 1999, the data sources for Indicators 1.1, 1.2, and 1.3 were further clarified.