



## U. S. DEPARTMENT OF EDUCATION



# Annual Report to Congress Of the Office for Civil Rights Fiscal Year 2006



*Annual Report to Congress  
Of the Office for Civil Rights  
Fiscal Year 2006*

*July 2007*

**U.S. Department of Education**

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*Secretary*

**Office for Civil Rights**

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## OCR's Mission

*Ensuring equal access to education and promoting educational excellence throughout the nation through vigorous enforcement of civil rights*



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## FOREWORD

It is my pleasure to present the Office for Civil Rights' (OCR) *Annual Report to Congress* for FY 2006. In this report, OCR provides a summary of its substantive achievements in FY 2006. I am proud to serve with the highly motivated, qualified and committed staff of OCR in furthering the mission of this office on behalf of our nation's students.

OCR's mission is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. This report details OCR's accomplishments in enforcing the civil rights laws under which OCR has been granted jurisdiction to address and remedy discrimination. These enforcement efforts include complaint investigation and resolution, and proactive enforcement through compliance reviews and technical assistance, as well as regulatory and policy development. This report also highlights OCR's efforts to improve its enforcement capabilities by promoting management excellence. Even in light of shrinking resources and increasing complaint receipts, OCR continues to accomplish its mission and meet the highest performance and quality standards.

The *No Child Left Behind Act of 2001 (NCLB)* is based on the premise that every child can learn. In announcing *No Child Left Behind* in January 2001, President Bush said, "These reforms express my deep belief in our public schools and their mission to build the mind and character of every child, from every background, in every part of America." For every child to learn, every child must have equal access to educational opportunities. OCR continues to play a key role in ensuring equal access.

A primary requirement of *NCLB* is grade-level proficiency for all students by 2014. The President's American Competitiveness Initiative announced in the president's 2006 State of the Union address further emphasizes the importance of this goal. President Bush explained, "[T]o keep America competitive, one commitment is necessary above all: We must continue to lead the world in talent and human creativity." Education is key to keeping America competitive. To fully realize the great talent and ingenuity present in this country, all Americans must have equal access to education. We must not let discrimination hinder the next step: ensuring that every child does learn.

*If we ensure that America's children succeed in life, they will ensure that America succeeds in the world.*

President George W. Bush  
*2006 State of the Union address*

Ensuring that no child is left behind includes making certain that no child is subjected to discrimination in our schools. OCR's efforts in 2006 had a profound impact on securing access to high-quality education for all students, such as by ensuring that: elementary and secondary school students with disabilities receive a free appropriate public education; students are not incorrectly placed in special education on the basis of race or due to the student's limited English proficiency; schools respond appropriately when students are subjected to racial, sexual or disability harassment; and postsecondary education institutions provide access to programs to individuals with disabilities.

When U.S. Secretary of Education Margaret Spellings announced her “Action Plan for Higher Education” in FY 2006, she stated: “[t]here are far too many Americans who want to go to college but can’t—either because they’re not prepared or can’t afford it. To expand access to higher education we must better prepare our students—starting with high standards and accountability in our public schools.” OCR continues to work to prevent and address discrimination at the postsecondary level so that all students have the opportunity to obtain higher education. OCR’s work in ensuring access to high-quality elementary and secondary school programs also impacts the success of the American postsecondary education system by providing students access to academic programs and activities that better prepare them for college. Ultimately, these efforts necessarily impact the nation’s ability to succeed in a competitive global economy.

*Our aim is simply to ensure that in a new era of global competition, higher education remains the path to the American Dream, and that more Americans have access to it.*

Secretary Margaret Spellings  
*Remarks at the National Press Club:  
An Action Plan for Higher Education  
Sept. 26, 2006*

Secretary Spellings has said, “We are honored and trusted with the responsibility of ensuring our next generation is equipped to participate in the American Dream.” For all students to be equipped, all students must have equal access to educational opportunities. This *Annual Report to Congress* details OCR’s efforts in meeting this mission.

Respectfully submitted,

Stephanie Monroe  
Assistant Secretary for Civil Rights

## OVERVIEW OF OCR'S STRUCTURE AND PROGRAM

The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is responsible for enforcing five federal civil rights laws prohibiting discrimination on the bases of race, color and national origin, sex, disability and age by recipients of federal financial assistance. These laws are:

- Title VI of the *Civil Rights Act of 1964* (prohibiting discrimination based on race, color and national origin);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education programs);
- Section 504 of the *Rehabilitation Act of 1973* (prohibiting disability discrimination);
- The *Age Discrimination Act of 1975* (prohibiting age discrimination); and
- Title II of the *Americans with Disabilities Act of 1990* (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance, such as elementary and secondary education systems and institutions, institutions of higher education and vocational education other than schools of medicine, dentistry, nursing and other health-related schools, and libraries).

In addition, OCR enforces the *Boy Scouts of America Equal Access Act*. This law, part of the *No Child Left Behind Act of 2001*, provides equal access to meet in school forums for the Boy Scouts of America and other youth groups designated, in Title 36 of the United States Code, as “patriotic societies.” The act applies to any public elementary school, public secondary school or state or local education agency that has a designated open forum or limited public forum and that receives funds from ED.

These civil rights laws represent a national commitment to end discrimination in education programs. Since most education institutions receive some type of federal financial assistance, these laws apply throughout the nation.

Coverage of these civil rights laws extends to:

- 17,468 public elementary and secondary education agencies<sup>1</sup>;
- 4,216 colleges and universities; and<sup>2</sup>
- thousands of institutions conferring certificates below the associate degree level, such as training schools for truck drivers and cosmetologists, and other entities, such as libraries, museums, and vocational rehabilitation agencies.<sup>3</sup>

Consequently, these civil rights laws protect millions of students attending or seeking to attend our education institutions. In certain situations, the laws also protect persons who are employed or seeking employment at education institutions. Overall, these laws protect:

<sup>1</sup> U.S. Department of Education, National Center for Education Statistics (2005). *Digest of Education Statistics 2004-05*, Table 86, “Number of public elementary and secondary education agencies, by type of agency and state or jurisdiction: 2002-03 and 2003-04,” Washington, D.C.: Author.

<sup>2</sup> Ibid, Table 244, “Degree-granting institutions and branches, by type and control of institution and state or jurisdiction: 2004-05.”

<sup>3</sup> Ibid, Table 355, “Number of non-degree-granting Title IV institutions offering postsecondary education, by control and state or jurisdiction: 2000-01 through 2004-05.”

- more than 48.7 million students attending public elementary and secondary schools;<sup>4</sup> and
- more than 17.6 million students attending degree-granting institutions, such as colleges and universities.<sup>5</sup>

Enforcing these laws is critical to carrying out the mission of ED: to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

In FY 2006, OCR's budget was \$90,611,000, with full-time equivalent (FTE) usage of 630. See Table 1 showing appropriations, FTEs and workload from 1996 to 2006.

FY	Presidential Request	Congressional Appropriation	FTE (Usage)	Complaints		Compliance Reviews	
				Filed	Resolved†	Initiated	Resolved†
2006†	\$91,526,000	\$90,611,000	630	5,805	5,893	9	72
2005	\$92,801,000	\$89,375,000	640	5,533	5,365	73	66
2004	\$91,275,000	\$88,305,000	655	5,044	4,968	53	29
2003	\$89,710,000	\$85,715,000	672	5,141	5,246	74	14
2002	\$79,934,000	\$79,666,000	698	5,019	4,842	11	18
2001	\$76,000,000	\$75,822,000	696	4,571	4,777	21	43
2000	\$73,262,000	\$71,200,000	712	4,897	6,364	47	71
1999	\$68,000,000	\$66,000,000	727	6,628††	5,369	76	93
1998	\$61,500,000	\$61,500,000	685	4,847	4,753	102	100
1997	\$60,000,000	\$54,900,000	681	5,296	4,981	152	140
1996	\$62,784,000	\$55,277,000	744	4,828	4,886	146	173

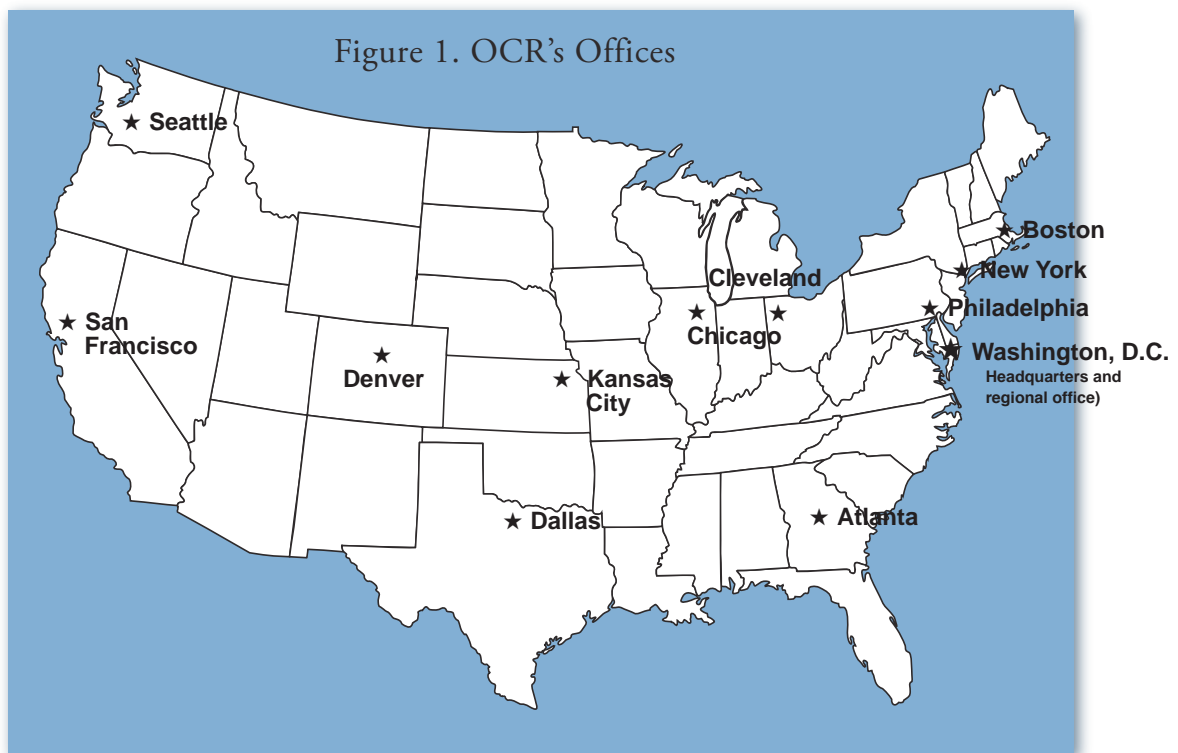
† Includes cases carried over from previous years.  
 †† 1,614 filed by a single complainant.

<sup>4</sup> U.S. Department of Education, National Center for Education Statistics (2006). *Projections of Education Statistics to 2015* (NCES-2005074), Table 1 “Actual and projected numbers for enrollment in grades PK–12, PK–8 and 9–12 in elementary and secondary schools, by control of school: Fall 1990 through fall 2015,” Washington, D.C.: Author.

<sup>5</sup> Ibid, Table 10, “Actual and alternative projected numbers for total enrollment in all degree-granting postsecondary institutions, by sex, attendance status, and control of institution: Fall 1990 through fall 2015.”

## I. ORGANIZATIONAL STRUCTURE

OCR is composed of a headquarters office, located in Washington, D.C., and 12 enforcement offices representing 12 regions located in the United States and its jurisdictions. The headquarters office provides overall leadership, policy development and coordination of enforcement activities. The enforcement offices are responsible for investigating and resolving complaints of discrimination, conducting compliance reviews, monitoring corrective action agreements, and providing technical assistance. The majority of OCR's staff are assigned to the enforcement offices, which are located in Boston, New York, Philadelphia, Washington, D.C., Atlanta, Dallas, Cleveland, Chicago, Kansas City, Denver, San Francisco, and Seattle. Appendix A lists the enforcement offices and contact information.



## II. COMPLAINT INVESTIGATIONS AND RESOLUTIONS

One of the most important ways OCR carries out its responsibilities is by investigating and resolving complaints. People who believe there has been a violation of the civil rights laws enforced by OCR may file a complaint with the appropriate enforcement office.

In resolving complaints, OCR's primary objectives are to promptly investigate the allegations of discrimination, to accurately determine whether the civil rights laws have been violated, and to remedy the violation. In FY 2006, OCR received 5,805 complaints and resolved 5,893, some of which had been filed in previous years. (See Table 1. Also, Appendix B shows FY 2006 complaint receipts by OCR enforcement office.)

Timeliness is critical to students and parents in the resolution of civil rights issues. OCR has set goals for timeliness, which serve as a useful measure of the efficiency and effectiveness of its complaint resolution process. OCR's goal is to have at least 80 percent of new complaints resolved within 180 days of being filed. In FY 2006, 91 percent of new complaints were resolved in 180 days, significantly exceeding the target of 80 percent.

OCR continues to meet or exceed its customers' expectations of resolving complaints in a timely and thorough manner as well as its *Government Performance and Results Act (GPRA)* performance indicator, as demonstrated in the chart below.

In FY 2006, the performance target was modified to measure whether at least 80 percent of complaints with due dates in the relevant fiscal year were resolved within the 180 day timeframe. The charts below illustrate performance results for FY 2006 using the new standard as well as prior fiscal year results using the former standard.

### Current performance measures for complaint workload:

Fiscal Year	Number of Complaints With Resolution Due Dates in FY 2006*	Number of Complaints Resolved Within 180 Days of Receipt	Percentage of Complaints Within 180 Days
2006	5,692	5,201	91%

\*Complaints received April 1, 2005 through March 31, 2006 have resolution due dates in FY 2006.

### Historical performance measure for complaint workload:

Fiscal Year	Number of Complaints Resolved	Number of Complaints Resolved Within 180 Days	Percentage of Complaints Within 180 Days
2002	4,842	4,301	89%
2003	5,225	4,737	91%
2004	4,968	4,539	92%
2005	5,365	4,924	92%

In addition, after identifying an increase in the percentage of pending cases, OCR added a new target to ensure that no more than 25 percent of pending cases would be over 180 days old. In FY 2006, only 21 percent of pending cases were over 180 days old, exceeding the 25 percent *GPRA* target.

Fiscal Year	Number of Pending Complaints	Number of Pending Complaints Over 180 Days	Percentage of Pending Complaints Over 180 Days
2006	1,458	308	21%



OCR's *Case Resolution and Investigation Manual* (CRIM) (updated May 2005) provides procedures for promptly and effectively investigating and resolving complaints. The CRIM explains how OCR will process all phases of complaint resolution, including evaluation, investigation, resolution, monitoring, and enforcement. The CRIM is posted on OCR's Web site and is available to the public at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcrm.html>.

During FY 2006, OCR continued using an investigative approach that stresses full investigation of complaints prior to making a determination of compliance. In some cases, OCR will also use the Early Complaint Resolution (ECR) process to resolve cases. The ECR process *facilitates* the resolution of complaints by providing an opportunity for the parties involved to voluntarily resolve the allegations that prompted the complaint. If OCR determines that ECR is appropriate and the complainant and the recipient are willing to proceed, OCR will initiate ECR to facilitate an agreement between the recipient and the complainant. ECR may take place at any time during the investigative process. OCR does not sign, approve, or endorse any agreement reached between the parties. However, OCR assists both parties in understanding pertinent legal standards and possible remedies. OCR will not monitor the agreement but will inform the parties that if a breach occurs, the complainant has the right to file another complaint. OCR monitors the process of ECR carefully to ensure adequate time for completion of the investigation in the event that ECR is unsuccessful. The investigation must be completed in accordance with normal case processing standards and timelines. In FY 2006, OCR resolved 218 complaints using the ECR process.

If, after a full investigation, OCR determines that there is evidence of a violation, OCR will attempt to negotiate a resolution agreement with the recipient to correct the violation. Pursuant to both statute and regulation, OCR is obligated to resolve civil rights violations by voluntary and informal means, if possible. If negotiation and resolution methods fail, OCR issues a violation letter of findings and again attempts to negotiate a settlement agreement to correct the violations. It is only after OCR has advised recipients of their failure to comply with the civil rights laws and has determined compliance cannot be secured by voluntary means that, as a last resort, OCR seeks compliance through the administrative hearing process or refers cases to the U.S. Department of Justice for judicial enforcement.

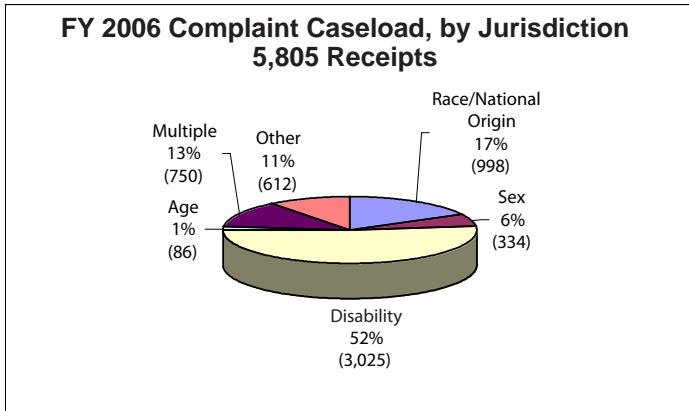
If the complainant disagrees with a decision not to proceed with a complaint or a determination that the investigation did not establish a violation of law, OCR has procedures whereby the complainant may ask OCR to reconsider the decision. A complainant may not request reconsideration when OCR has investigated, found a compliance concern, and entered into an agreement with a recipient. Reconsiderations focus on factual or legal concerns that could change the disposition of the case.

### III. COMPLAINT JURISDICTIONS

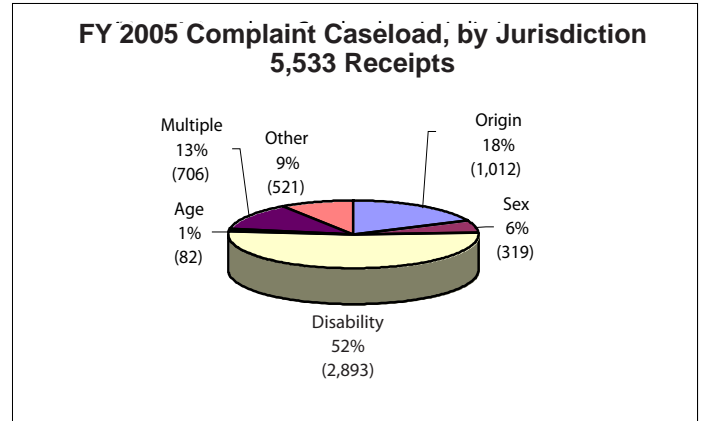
As in most years, the majority of complaints OCR received in FY 2006 alleged discrimination on the basis of disability (52 percent). Overall, the focus of complaints filed over the last several years has remained fairly consistent, with similar percentages of complaint receipts in each of the subject-matter jurisdictional areas.

Figures 2 through 8 below show the number and percentage of complaint receipts by jurisdiction for each fiscal year, 2000 through 2006. (Note, “other” includes mostly complaints over which OCR had no jurisdiction or that were referred to another agency.) Appendix B provides a breakout of complaint receipts by jurisdiction and by jurisdiction and OCR enforcement office.

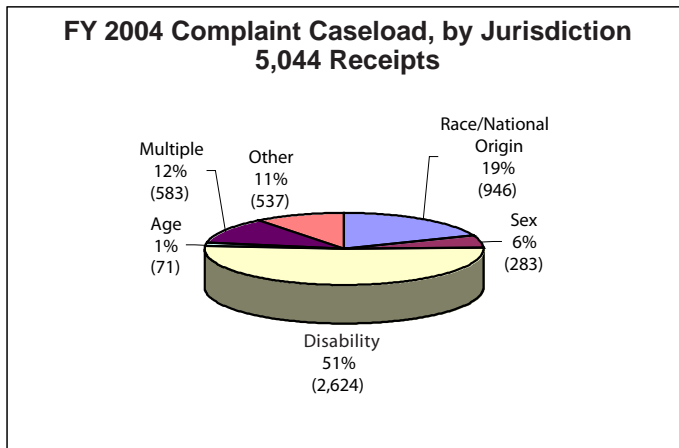
**Figure 2**



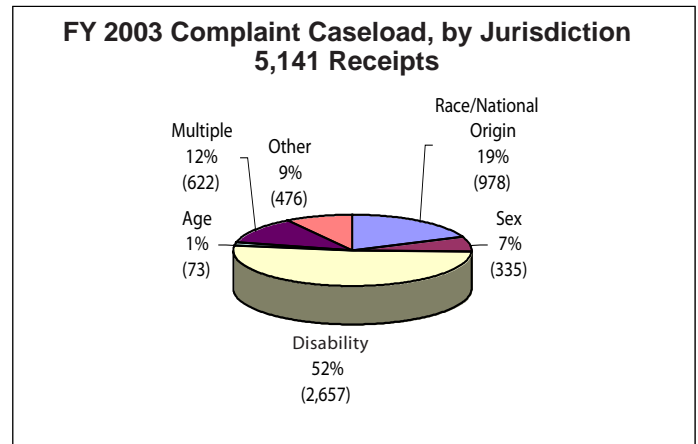
**Figure 3**



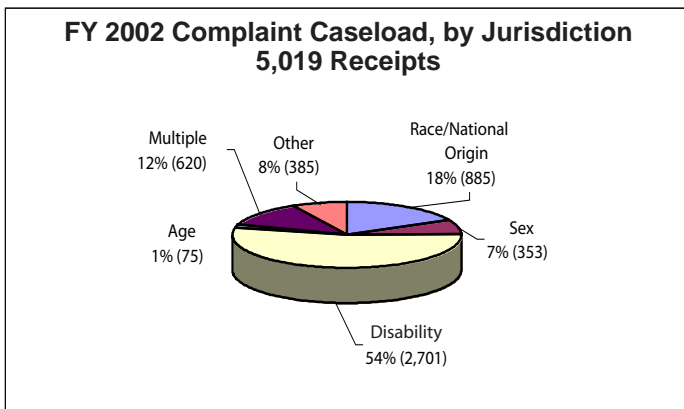
**Figure 4**



**Figure 5**



**Figure 6**



**Figure 7**

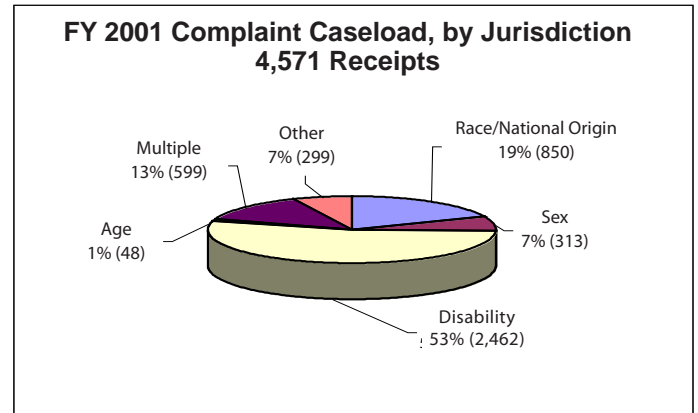
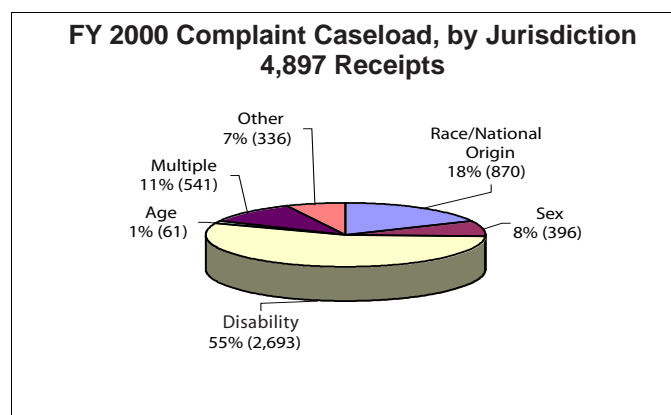


Figure 8



The number of complaints indicated on the chart as received in each of the jurisdictions represents those complaints that were “purely” within that jurisdiction. Those complaints that contained, for example, allegations of both sex and race discrimination, are counted in the “Multiple” section. With this in mind, the following represents the total number of complaints, received in FY 2006, that contained allegations in each of the jurisdictions, including in those complaints that contained allegations in the “Multiple” jurisdiction category.

**Title VI: 1,585** complaints received containing race discrimination allegations (including 998 complaints that contained only Title VI issues)

**Title IX: 670** complaints received containing sex discrimination allegations (including 334 complaints that contained only Title IX issues)

**Section 504/Title II: 3,511** complaints received containing disability discrimination allegations (including 3,025 complaints that contained only Section 504/Title II issues)

**Age Discrimination Act: 359** complaints received containing age discrimination allegations (including 86 complaints that contained only *Age Discrimination Act* issues)

#### IV. COMPLIANCE REVIEWS AND OTHER PROACTIVE INITIATIVES

In addition to resolving complaints, OCR initiates compliance reviews and takes other proactive steps to focus on specific compliance problems that are particularly acute or national in scope. It has been OCR’s experience that targeted compliance reviews and proactive initiatives increase the impact of OCR’s resources, complement the complaint resolution process, and can benefit larger numbers of students than sole reliance on complaint resolutions, which may involve only one student. Compliance review sites are selected based on various sources of information, including information provided by parents, education groups, media, community organizations, and the public, and, in certain circumstances, on statistical data if they are supported by other sources of information.

In FY 2006, OCR focused significant resources on resolving pending compliance reviews. In FY 2006, OCR resolved 72 of 106 reviews, exceeding the FY 2005 total number of reviews resolved. In addition, OCR initiated nine new compliance reviews that focused on several important areas, including sexual harassment, minorities in special education, Title IX grievance procedures, services for students with limited English proficiency and inappropriate inclusion of students with limited English proficiency in special education. More specific information about the compliance reviews resolved during FY 2006 is included later in this report. Table 2 shows the number of reviews initiated and resolved by compliance issue.

<b>Table 2. OCR Compliance Reviews Initiated and Resolved, by Issue: FY 2006</b>		
<b>Compliance Issue</b>	<b>Initiated</b>	<b>Resolved*</b>
Accessibility (Section 504, ADA Title II)		13
Discipline (Title VI)	1	
Access to Gifted and Talented (Title VI)		2
Services for Students with Limited English Proficiency/ Limited English Proficient Students and Special Education (Title VI, Section 504, ADA Title II)	2	9
Minorities and Special Education (Title VI, Section 504, Title II ADA)	1	26
Procedural Requirements (Title IX)	1	15
Procedural Requirements (Title IX, 504, Title VI, Age)	2	
Sexual Harassment (Title IX)	2	7
<b>Total</b>	<b>9</b>	<b>72</b>

\*Includes compliance reviews carried over from previous years

## V. MONITORING

To ensure accountability and effectiveness in enforcing the civil rights laws, OCR monitors complaint and compliance review resolution agreements to ensure the commitments made by school districts, colleges, universities and other appropriate entities in those agreements are carried out. During FY 2006, OCR monitored a total of 1,037 cases. OCR also completed the monitoring of a number of resolution agreements and, after ensuring that all commitments had been fully implemented, closed 365 cases—315 complaints and 50 compliance reviews. The 315 complaints closed after monitoring involved diverse jurisdictions and issues, including: 48 Title VI race and-or national origin discrimination, 44 Title IX sex discrimination, 192 Section 504-ADA Title II disability discrimination, 28 multiple jurisdictions, and 3 retaliation. The 50 compliance reviews closed after monitoring involved jurisdictions and issues such as: 19 Title VI race and-or national origin discrimination, 24 Title IX sex discrimination, 2 Section 504-Title II disability discrimination, and 5 involving both Title VI and disability issues.

## VI. TECHNICAL ASSISTANCE

Technical assistance to education institutions assists them in complying with federal civil rights requirements, while assistance to parents, students and others informs them of their rights under the law. Both components are critical to OCR's success in meeting its mission. OCR provides information and other support services through a variety of methods, including on-site consultations, conferences, training, community meetings, and publication and dissemination of materials—including extensive materials publicly posted on the Internet—to interested parties, including students, parents, teachers, administrators, schools, colleges, universities and community groups. Appendix C lists a sample of the technical assistance publications available on OCR's Web site, [www.ed.gov/ocr](http://www.ed.gov/ocr).

In FY 2006, OCR provided nearly 170 technical assistance presentations at over 130 events. Entities hosting these presentations included state departments of education, colleges and universities, school districts and associations. OCR participated in national and regional conferences. OCR also participated in small classes for college students preparing to become teachers. Audiences for OCR presentations included school administrators, educators, parents, students, guidance counselors, psychologists, therapists, school attorneys, Section 504 and ADA coordinators, Title IX coordinators and English as a Second Language teachers.

Disability is by far the most requested subject matter for technical assistance. In FY 2006, OCR provided over 110 presentations that focused entirely or partially on disability issues. The most commonly presented disability presentation concerned students with disabilities transitioning from the high school setting to the postsecondary setting. The second most popular presentation explained the requirements under Section 504 of the *Rehabilitation Act of 1973* for public elementary and secondary schools. OCR also provided technical assistance presentations on its policy regarding students with limited English proficiency (LEP), Title IX, Title IX athletics, sexual harassment and racial harassment, as well as an overview of all the laws enforced by OCR.

*Recently, three members of your staff came down to do a Title IX day-long seminar for personnel in my nine school districts. Throughout the process of scheduling, preparing for, and hosting the day ... I cannot begin to tell you what a pleasure it was to work with your staff. They were very professional ... flexible to meet our unique needs of a diverse group of attendees ... and a joy to work with. If we ever have a need in our region again, I (and anyone else in my consortium) will not hesitate to pick up the phone and call your office.*

**E-mail from an executive director of a consortium**



## ENSURING EQUAL ACCESS TO EDUCATION: GETTING RESULTS

Each year, OCR investigates thousands of cases that result in resolution agreements impacting hundreds of thousands of students. OCR understands its critical mission: *Ensuring equal access to education and promoting educational excellence throughout the nation through vigorous enforcement of civil rights.* OCR is constantly striving to improve the effectiveness and efficiency of its case resolution process. Following are case-related examples of OCR's work in FY 2006. These important resolutions have a positive impact on students, parents and teachers, and ultimately, on the success of our nation's education system.

### I. TITLE VI OF THE *CIVIL RIGHTS ACT OF 1964*

Title VI of the *Civil Rights Act of 1964* prohibits discrimination on the basis of race, color or national origin by recipients of federal financial assistance. The Title VI regulations (34 C.F.R. Part 100) call for OCR investigations when an individual or representative files a complaint with the agency. The regulations also call for periodic compliance reviews on issues identified by OCR. OCR staff have investigated and resolved numerous cases since Title VI's inception, including desegregation, overrepresentation of minority students in special education classes, underrepresentation of minority students in gifted and talented classes, racial harassment, and limited English proficient (LEP)-related issues.

#### A. **Complaint Resolutions**

##### *Resolved Through Early Complaint Resolution (ECR)*

- A complaint alleged that two American Indian children enrolled at a high school were subjected to racially offensive comments from other students that created a racially hostile environment for them at school. The complaint alleged that the district failed to respond adequately to address the racially hostile environment and that a district teacher also unfairly punished a student based on race. With the help of OCR, the parent and the district entered into an agreement through OCR's Early Complaint Resolution process. The district agreed to take appropriate steps to ensure that the children's environment at school would be free from racial hostility, to establish procedures for reporting and investigating complaints of racial harassment promptly, to ensure adherence to its disciplinary policy for violations of its anti-harassment policy, and to expunge the one student's disciplinary records.
- A complaint alleged that the district failed to take action when an African-American high school student was subjected to racially offensive comments from other students. With the help of OCR, the parent and the district entered into an agreement through OCR's Early Complaint Resolution process. The district agreed to promptly address allegations of harassment filed by the student, take disciplinary actions as appropriate, and notify the parent of the outcome of its investigation regarding the harassment allegations. In addition, the district agreed to provide training for administrators and other staff to ensure that the school environment would be free from acts of racial harassment and to reinforce with students the district's policies and procedures prohibiting, and imposing discipline for, the harassment of students based on race.

##### *Discipline*

- A complaint alleged a school district discriminated against black and Native American high school students by imposing upon them harsher disciplinary sanctions than were given to white



students with similar infractions. OCR's investigation found a pattern of different treatment on the basis of race and national origin in the district's imposition of disciplinary sanctions. As part of its corrective action agreement, the district agreed to evaluate its discipline policy and procedures; institute a data tracking process that would allow discipline referrals and sanctions to be monitored and analyzed based on race and national origin to ensure non-discriminatory implementation; and train staff involved in making disciplinary referrals and determining disciplinary sanctions.

## *Segregation*

- OCR resolved a Title VI complaint in which the district did not dispute the allegation that it was segregating elementary school Hispanic students based on national origin. The district acknowledged that the segregation was not justified under the district's approach to educating students with limited English proficiency (LEP). The district entered into a settlement agreement with OCR in which the district agreed to discontinue classes that isolated LEP Hispanic students, and to develop and implement its LEP program in the least segregated manner that was consistent with achieving the program's goals.
- A complaint alleged that a school district discriminated against students on the basis of race by requiring the high school student body vote for queens and members of the homecoming court on the basis of race. OCR's investigation found that students were given two separate listings: one with black candidates and one with white candidates. The district agreed to voluntarily resolve this complaint by revising its procedures, eliminating the segregatory listings, and deleting any reference to race from the selection process.

## *Limited English Proficient (LEP) Students*

In FY 2006, OCR received 40 complaints involving issues related to students with limited English proficiency (LEP). This was up from 35 complaints received in FY 2005.

- A complaint alleged that a school district, located in a refugee resettlement city that had become the home to many Somali refugees, failed to provide Somali students who did not speak English with effective instruction in academic content areas and English acquisition. OCR's investigation found, among other things, instances in which the school district failed to provide the Somali students with effective access to its education program. The district agreed to hire additional bilingual tutors, hire an outreach worker to provide translation and liaison services for parents of the Somali students, and offer Somali students compensatory instruction during the summer months.
- A complaint alleged that a school district discriminated against national-origin minority students who are LEP by excluding them from its gifted and talented program. In response to OCR's investigative findings, the district

*Thank you for your thorough investigation and for assisting us in ensuring that the rights of the Somali children ... are upheld.*

**Letter from the complainant**

*Remembering to communicate with parents in languages they understand is now part of our routine.*

**Letter from school administrator**



agreed to ensure that eligibility criteria for the gifted and talented program did not screen out LEP students because of their limited English. The district also agreed to take steps to make LEP students and their parents aware of the eligibility and program changes made to the gifted and talented program.

- OCR closed the monitoring of a settlement agreement that concerned a school district's failure to provide parents with limited English proficiency (LEP parents) with information about school-related matters in a language they could understand. The agreement required the district to develop a written plan specifying how the school would provide information about school matters which would be understandable to LEP parents. In its last monitoring progress report, the school's administrator reported that the district indicated that "LEP parents and students now have equal access to its programs and that the communication process with LEP parents, which is so vitally important in an organization, is much better improved." The administrator also thanked OCR for its guidance.

### *Racial Harassment*

Harassment in schools can deny students the right to an education free of discrimination, threaten students' physical or emotional well-being, influence how well they do in school and make it difficult for students to achieve their career goals. Preventing and remedying harassment in schools is essential to ensuring a safe environment in which students can learn.

- OCR closed the monitoring of a corrective action agreement that concerned a school district's failure to promptly address persistent and pervasive racially harassing name-calling of a student. The agreement required the district to conduct training for school staff and students and issue a letter to the harassed student and the student's parents identifying the steps the district took and would continue to take to address the issue.
- OCR resolved a complaint alleging that a district failed to respond to a racially hostile environment and disciplined African-American students differently on the basis of their race at a high school. Although OCR found insufficient evidence to support a violation of Title VI, its investigation to determine whether a racially hostile environment existed in the school included interviews with students regarding their experiences. This provided a great deal of information to the district regarding the perceptions and experiences of some of its minority students. The district then independently implemented several initiatives. The director of the district's vocational school later contacted OCR for technical assistance regarding this issue.

*The last 10 years of Civil Rights Data Collection<sup>6</sup> shows a progressive increase in the total number and percentage of LEP students from 1994 through 2004. In 1994, 6.12 percent of the students (2,612,161 students) in the nation's public schools were identified as needing LEP services. By 2004, 8.74 percent of the students (4,205,872 students) required LEP services. As of 2004, approximately one of every 11 students was classified as requiring LEP services, and 89.4 percent of them were receiving such services. For 2007, the projected percentage of students needing LEP services is estimated to be 9.53 percent, indicating almost one in 10 students in the nation needs LEP service.*

<sup>6</sup>U.S. Department of Education (2004). "Office for Civil Rights Elementary and Secondary School Survey Projections and Documentation" 1994–2004, *Civil Rights Data Collection* (previously called *OCR's Elementary and Secondary School Survey, 1968–2003*), Washington, D.C.: Author.

## B. Proactive Enforcement

### *Compliance Reviews*

Continuing a nationwide initiative under Title VI, Section 504 and Title II to address the discriminatory misclassification of students, based on race, as in need of special education, OCR initiated numerous compliance reviews in FY 2003, 2004 and 2005 examining whether minority students were being denied education benefits because of discriminatory inclusion in or exclusion from special education. During these years, OCR also focused its reviews on school districts around the country to determine whether LEP students were being discriminated against by inappropriate inclusion in or exclusion from special education because of their limited English proficiency, and to ensure that such students were provided the services they needed so they could participate meaningfully in the districts' education programs. In FY 2006, OCR resolved 26 compliance reviews that focused on the issue of minorities in special education and nine that focused specifically on the issue of LEP students in special education.



- In FY 2006, OCR completed and resolved a compliance review that addressed the issue of minorities in gifted and talented programs in a major urban school district. As a result of OCR's review, the district created gifted and talented programs in traditionally underserved communities, enrichment programs and multi-source notices to parents in each community. The district also implemented a new multiple-criteria test to assess student eligibility for the programs, and established training to provide professional development for teachers in those programs.
- OCR resolved compliance reviews of three school districts concerning the evaluation of LEP students, and their referral and placement into special education. One district agreed to develop and implement a system to track and monitor the identification and assessment process for LEP students. Another district agreed to implement procedures for the identification and assessment of LEP students; ensure that the native language, cultural background and other factors were taken into account when LEP students were evaluated for special education; and take steps to ensure effective communication with LEP parents. The third district agreed, among other things, to explain and discuss the home language survey with all parents of students enrolled in the district; assess the English proficiency of students whose home language was not English; and provide effective access to the regular education intervention process for LEP students.
- In another compliance review, OCR found a school district violated Title VI and Section 504 by exiting LEP students who were also in special education from LEP programs based solely on oral language proficiency, rather than considering all of the modalities. OCR also found the district limited the services provided to LEP students who remained in both programs. OCR found a violation regarding the district's written policy concerning communication with LEP parents.

The district agreed to review and revise its procedures so that exiting decisions would be based upon an assessment of the student's total English language proficiency. The district also agreed to communicate school-related information to parents in a language they understood.

## *Technical Assistance*

As part of its proactive enforcement of Title VI, OCR provided presentations on harassment, including racial harassment, at events ranging from a national conference focusing on American-Arabs, to a training session for teachers, administrators and staff of a school district. At a conference concerning LEP students, OCR discussed the responsibilities of schools to address and prevent racial harassment in addition to discussing the schools' responsibilities to ensure equal educational opportunities for LEP students.

OCR has conducted numerous technical assistance presentations on its policies regarding LEP students, including those organized through state boards of education and state-sponsored agencies. In addition, OCR participated in a Department-sponsored nationwide conference, with 4,000 participants, which focused on *No Child Left Behind* issues with respect to the role of parental involvement. At that conference, OCR provided technical assistance to the conference's participants about its role and the rights of parents of English Language Learners as well as responsibilities of recipients under Title VI. Many attendees were parents with limited English proficiency from all over the nation. OCR also participated in a conference hosted by a state department of education that included administrators and teachers from school districts faced with the responsibilities of serving LEP students displaced by hurricane Katrina. OCR provided information to the conference participants concerning the responsibilities of local education agencies in educating LEP students.

*[T]hank you for your presentation on the various types of harassment during our in-service training ... You did an excellent job explaining the various types of harassment and generated many positive comments. Thanks to OCR, our teachers and staff are better prepared to be proactive and prevent harassment in our schools. If I were grading you, you would receive an A+. Not only did you provide excellent information, you made a difficult to during and after the talk ...*

Letter from a superintendent

## **C. Higher Education Desegregation Agreements**

In the 1994 U.S. Supreme Court case *United States v. Fordice* (*Fordice*), the Court set forth standards for determining whether states that previously operated racially segregated higher education systems had met their affirmative duty to dismantle those systems and their vestiges under the Fourteenth Amendment to the U.S. Constitution and Title VI. After the *Fordice* decision, OCR negotiated and entered into agreements to address and resolve higher education desegregation compliance issues in Florida, Texas, Kentucky, Ohio, Pennsylvania, Maryland and Virginia.

During FY 2006, OCR continued to monitor implementation of its higher education agreements with the seven states, which continued to make progress in enhancing the programs and facilities of their historically black institutions and in carrying out the other commitments in their agreements. OCR continues to monitor the progress in those states to ensure compliance with Title VI.

## II. TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities that receive federal funds. The enforcement provisions applicable to Title VI of the *Civil Rights Act of 1964* (investigating complaints and conducting periodic compliance reviews on identified issues) are incorporated by reference in the Title IX regulations (34 C.F.R. Part 106). The Title IX regulations cover admissions and recruitment policies, participation in education programs and activities (such as athletics), financial assistance and employment in education programs and activities.

### A. Complaint Resolutions

In FY 2006, OCR received 670 complaints that contained allegations related to discrimination on the basis of sex. Over half of these complaints, 338, involved elementary and secondary schools, and 250 alleged violations at postsecondary institutions. OCR received 144 complaints alleging discrimination in athletic programs and activities on the basis of sex.

#### *Sexual Harassment*

In FY 2006, OCR received 95 complaints that included allegations of sexual harassment. The following are examples of resolutions OCR obtained that address this issue.

- A complaint alleged a school district failed to respond appropriately to information that a student had been sexually harassed. In the course of OCR's investigation, the district acknowledged that its response was inadequate and agreed to take corrective action. OCR also found that the district did not have policies and procedures for addressing other forms of discrimination on the basis of sex other than sexual harassment. The district agreed to draft and publish grievance procedures in accordance with the requirements of Title IX, as well as to provide all students, parents and employees with a written notice regarding the availability of its grievance procedures.
- A complaint alleged a school district failed to respond to allegations of sexual harassment in a prompt and appropriate manner when one of the district's employees, a custodian, engaged in sexual activity with a secondary special education student during the school day. OCR determined the district's response to the harassment failed to remedy the effects of the harassment on the student. As a result of OCR's findings, the district agreed to offer and pay for counseling for the student and provide additional Title IX training for school staff.

*Civil rights data indicates<sup>7</sup> that in elementary and secondary education male student enrollment was higher than female student enrollment every year from 1994 through 2004. There were approximately 105 or more male students for every 100 female students. However, in regard to postsecondary education, a 2005 Digest of Education Statistics<sup>8</sup> report indicates that of the young adults between the ages of 20 and 24 years, 903,000 males and 1,320,000 females have bachelor's degrees. Thus males have 40.6 percent of the degrees in this age range. Males are also going to college at lower rates, representing 44 percent of enrollment,<sup>9</sup> and are graduating at even lower rates (40.6 percent). This in turn means that for every 100 females in this age range with bachelor's degrees there are 68.35 males with these degrees.*

<sup>7</sup> Ibid.

<sup>8</sup> U.S. Department of Education, National Center for Education Statistics (2005). *Digest of Education Statistics: 2005*, Table 9, "Number of persons age 18 and over, by highest level of education attained, age, sex and race/ethnicity: 2005." Washington, D.C.: Author.

<sup>9</sup> Ibid., Table 168, "Enrollment, staff, and degrees conferred in postsecondary institutions participating in Title IV programs, by level and control of institution, sex, and type of degree: Fall 2003-04."



## *Resolved Through Early Complaint Resolution (ECR)*

- A complaint, filed by the parent of a female junior high school student, alleged a school district failed to take effective corrective action when a male student sexually harassed the complainant's daughter on a school bus. The complaint also alleged the school district subjected the female student to different treatment by disciplining her more severely than the male student following the incident. OCR facilitated an agreement between the parent and the district that was mutually acceptable to both parties. The district agreed, among other things, to apply its sexual harassment policy and procedures to address the actions of the male student and to take disciplinary action against him as necessary and appropriate under the policy. The suspension received by the female student was expunged from her record. In addition, the district, which enrolls more than 3,000 students, agreed to train staff on its sexual harassment policies and procedures and review its student discipline procedures.

## *Athletics*

In FY 2006, OCR received 144 complaints alleging discrimination in athletic programs and activities on the basis of sex. Of these, 16 were filed against post-secondary institutions, and 127 involved elementary and secondary schools. Additionally, 17 of the 144 athletics complaints concerned the issue of accommodating interest and ability, one of which was filed against a postsecondary institution.

- A complaint alleged a school district did not provide female students with equal athletic opportunities in accordance with Title IX. Specifically, the complaint alleged that females at a junior high school had only one softball team while boys had two baseball teams and that females at the high school level had only two basketball teams while boys had three basketball teams. The complaint also alleged disparities regarding equipment and supplies, practice and competitive facilities, scheduling of games, assignment and compensation of coaches, and publicity. OCR's investigation confirmed the district did not effectively accommodate the interests and abilities of members of both sexes on sports teams or provide equivalent benefits or opportunities. The district voluntarily entered into a resolution agreement with OCR in which it agreed, among other things, to offer additional interscholastic sports teams for female students; provide equipment and supplies equally among girls' and boys' athletic teams; and provide improved facilities for the softball team. OCR's agreement in this complaint affected over 2,747 students.
- A complaint alleged that a school district discriminated against female students on the basis of sex by failing to effectively accommodate the athletic interests and abilities of students. After an investigation, OCR accepted a settlement agreement in which the district agreed to assess the athletic interests of its students and, if necessary, to develop a plan for effectively accommodating the interests and abilities of its students. OCR confirmed, through its monitoring activities, that the district's actions pursuant to the OCR settlement agreement increased the number of interscholastic athletic participation opportunities available to girls by nearly 14 percent. Consistent with OCR policy to seek remedies that do not involve the cutting or reduction of teams in order to demonstrate compliance with Title IX, the district's actions did not include elimination of opportunities for boys.



- A complaint alleged that a district failed to provide female softball athletes at one of its high schools with equal athletic opportunities in the provision of locker rooms, and practice and competitive facilities. Based on OCR's findings, the district agreed to provide equal athletic opportunities by making improvements at the high school's softball field, including relocating one of its varsity softball fields to a more suitable location and installing bleachers, sideline fencing, fenced dugouts, player's benches, outfield fencing, foul poles, a field irrigation system, a scoreboard and a regraded infield at the new

site. The resolution affected over 40 girls at the high school who participated in interscholastic softball competition.

## **B. Proactive Enforcement**

### *Compliance Reviews*

As a part of its proactive enforcement plan, OCR resolved seven Title IX compliance reviews at postsecondary institutions. OCR conducted an extensive review of each recipient's harassment policies, complaint and grievance procedures, and institutional publications. OCR identified areas of noncompliance at each of the institutions, and the recipients entered into agreements with OCR to take action to remedy Title IX compliance concerns.

As a result of OCR's review, the institutions agreed to implement internal institutional procedures for determining compliance with Title IX, and to provide steps to promptly and equitably remedy noncompliance. The recipients also agreed to disseminate uniform notices of nondiscrimination that comply with Title IX, and to write the notices so they would be easily understood, identified and located in all university publications. The postsecondary institutions also agreed to develop and use grievance procedures for allegations of sexual harassment filed by students, employees and outside parties.

In FY 2006, OCR ended monitoring of these agreements after determining that the recipients fully implemented the terms of the agreements and remedied the areas of noncompliance previously identified. OCR's review of the policies and procedures at these postsecondary institutions affected a total of approximately 24,000 students.

## *Technical Assistance*

As part of its proactive enforcement of Title IX in FY 2006, OCR provided technical assistance presentations on the requirements of Title IX, including targeted presentations on Title IX as it applies to school athletics and on the responsibilities of schools to address and prevent sexual harassment. It provided technical assistance on sexual harassment to approximately 350 school district staff members, and it conducted a Title IX training workshop at a conference sponsored by a state association of school administrators.

OCR also conducted training for representatives of a state university and a consortium of a six-county area, which includes nine school districts and serves over 68,000 public school students, approximately 6,000 educators, and several hundred education administrators, on Title IX procedural safeguards and the responsibilities of a school district under Title IX.

## **C. Regulatory and Policy Development**

### *Single-Sex Education*

After analyzing almost 6,000 comments, OCR completed work on the amendments to the Title IX regulations, to provide more flexibility in creating single-sex education options at the elementary and secondary level. Both the secretary of education and the Office of Management and Budget approved the final regulations for publication in the *Federal Register*. They were published in October 2006.

### *Sexual Harassment*

Sexual harassment of students is a serious problem at all levels of education. On Jan. 25, 2006, OCR issued a “Dear Colleague” letter to more than 20,000 local education agencies (LEAs), state education agencies (SEAs) and postsecondary schools. The letter to these recipients reaffirmed the importance of their Title IX responsibilities to take immediate and effective steps to end sexual harassment when it occurs, to prevent its recurrence and to remedy its effects.

*I consider it my good fortune that the timing of things allowed me to attend the Title IX workshops you provided. My group session was very clear and informative in explaining the law and the expectations for school system employers ... To have the opportunity to hear more about the real-world application of Title IX and to be able to ask questions pertaining to my own situations or to clarify my own areas of confusion was great ... I was truly impressed with your knowledge ...*

**E-mail from an assistant superintendent for human resources and administration**

*Longstanding legal authority establishes that harassment of students can be a form of sex discrimination covered by Title IX. I want to commend the efforts many of you have made to ensure that all students have a safe and secure educational environment that affords them equal educational opportunities regardless of their sex. ... Preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn.*

**Assistant Secretary Stephanie Monroe  
Dear Colleague Letter, Jan. 25, 2006**

## III. SECTION 504 OF THE *REHABILITATION ACT OF 1973* AND TITLE II OF THE *AMERICANS WITH DISABILITIES ACT OF 1990*

Section 504 of the *Rehabilitation Act of 1973* (Section 504) prohibits discrimination on the basis of disability in all programs or activities that receive federal financial assistance. The Section 504 regulations (34 C.F.R. Part 104) contain general provisions as well as more specific provisions addressing employment; accessibility; preschool, elementary and secondary education; postsecondary education; health, welfare and social services; and procedures.

OCR also enforces Title II of the *Americans with Disabilities Act of 1990* (Title II of the *ADA*), which prohibits discrimination on the basis of disability by public entities, including public schools. OCR is responsible for enforcing Title II of the *ADA* with respect to public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing and other health-related schools), and public libraries.

### A. Complaint Resolutions

#### *Resolved Through Early Complaint Resolution (ECR)*

- A complaint alleged a school district failed to provide appropriate parking to individuals with mobility impairments at an elementary school during the time parents picked up their children from school. School policy required parents to park on the street to retrieve their children. This policy caused individuals with mobility impairments to access the school building by climbing a hill located in the front of the school. The complainant informed OCR that she observed a parent with two artificial limbs struggling up the hill to pick up her child after school. OCR facilitated an agreement between the parties that allowed individuals with disabled parking permits to enter the parking lot during the time it was closed to the general public.
- A complaint alleged that an elementary school teacher failed to implement certain provisions of the Section 504 plan for a student with Attention Deficit Disorder (ADD) because the student had a high level of intelligence and because the teacher erroneously believed that the Section 504 provisions did not apply to the student. The student's parents, despite this dispute with the teacher, valued the teacher's relationship with their daughter. OCR facilitated an early complaint resolution between the parties, enabling the parents to both preserve their relationship with the teacher and address their daughter's educational needs.

*Several individuals with disabilities were able to actually park in the handicap spots today and make it to the school to get their children without major stress of how to get there.*

Letter from the complainant

#### *Free Appropriate Public Education (FAPE)*

Of the 5,805 complaints received by OCR in FY 2006, 3,511 complaints contained allegations of disability discrimination. Moreover, 1,227 of those complaints concerned the more specific issue of the provision of a free appropriate public education.



- A complaint alleged there were significant delays in a school district's completion of mental health evaluations for students with suspected disabilities. OCR found that, over a two-year period, district Individual Education Program teams referred 165 students for mental health evaluations. However, evaluation and placement meetings were completed for only 79 of those 165 students and, of those, only two were completed in a timely manner. The average length of time from referral to completion of the evaluation was 6.6 months and, for some students, the time exceeded 12 months. The district agreed to monitor all aspects of referrals and to develop a system to ensure evaluations would be completed on a timely basis so that students received appropriate education services.
- A complaint alleged that students with disabilities who rode special education buses had shorter school days than students without disabilities because the special education buses arrived late to school and left early. OCR's investigation found that the school district's transportation schedule resulted in shortened school days for special education students without Individualized Education Program justification for a shorter day. Some parents had to resort to driving their children to and from school so that they would not miss instructional time. The district agreed to revise the transportation schedule. The district also agreed to determine which students were entitled to compensatory educational services due to the shortened school days and to provide those services.
- OCR's investigation found a district conditioned the admission of students with disabilities who would otherwise be eligible for admission to a non-traditional school in the district on the students' waiver of special education and related services. OCR also found the school district denied students with disabilities admitted to the non-traditional school a free appropriate public education. The district agreed to revise its admission policies and procedures. It also agreed to provide students with disabilities the services necessary for them to receive a free appropriate public education.
- A complaint alleged that a school district failed to provide to a student the occupational therapy and paraprofessional services specified in the student's Individualized Education Program. In investigating this allegation, OCR discovered that the school district's practice was to delay the start of these services at the beginning of the school year for all students with disabilities. The district agreed to take steps to ensure that, when education plans required related aids and services, the plans would be implemented and services and aids be delivered as soon as the school year began.

*I am so grateful for all of your help and guidance. Thank you from the bottom of my heart. God bless you ... and all who look out for children.*

**Letter from the complainant**

### *Testing and Examination*

- OCR closed the monitoring of a settlement agreement that addressed the provision of accommodations to persons with disabilities taking the General Education Diploma (GED) examination. The complaint alleged a state department of education failed to provide sufficient information and guidance to ensure that an application for necessary accommodation during the

GED examination could be processed within a reasonable amount of time. The complaint also alleged that the time and effort required of applicants with disabilities to apply greatly exceeded the time and effort required of non-disabled persons, thereby denying students with disabilities an equal opportunity to take the exam. The state department of education agreed to revise procedures for requesting and processing accommodations for the GED examination. The state also provided training to test site administrators and staff of the testing service. The provision of accommodations now routinely takes no more than a few days, rather than the weeks or months it took when the complaint was filed with OCR.

- A large school district offered free administration of the Preliminary Scholastic Assessment Test (PSAT) to all tenth-grade students in the district. A complaint alleged that the free test administration did not include certain students with disabilities and certain LEP students. The district acknowledged that it did not extend the same opportunities to all students, and voluntarily entered into a settlement agreement to offer a comparable opportunity to those students who had been excluded.

### *Disability Harassment*

- OCR found a school district failed to take appropriate action after a picture of a student with a disability appeared in the school yearbook with a disparaging disability-related nickname. The district agreed to send the student an acknowledgment of regret and to offer counseling for the student to alleviate any adverse effects that resulted from the incident. The district also agreed to institute a policy designed to prevent a similar incident from occurring in the future.

*I have just received the report concerning the High School. It is a brilliantly done piece of work; you are to be congratulated on this great report! You have left NO STONE UNTURNED! Your very pragmatic and exacting approach to detail is magnificent. It goes all the way from elevator gates to stalls in a boy's bathroom.*

Letter from the complainant

### *Accessibility*

- A complainant alleged that many areas of a university were physically inaccessible to her motorized wheel chair, including the restrooms. She alleged that the restrooms did not have handrails and were too narrow, requiring her to hang from the top of the restroom stall and inch her way to the toilet. She filed the complaint after falling in the restroom and being unable to get up. OCR determined there were accessibility problems at the university. The university agreed to make structural changes to the facility to address the violations identified by OCR.
- A complaint alleged accessibility problems at a notable high school in a large urban public school district. Based on OCR's finding, the district agreed to make an entrance accessible, provide adequate parking for persons with disabilities, create an accessible pathway from the parking lots to the school building, provide access to elevators, provide access to toilets and other critical facilities, and relocate specialized classrooms to physically accessible classrooms.

## B. Proactive Enforcement

### *Compliance Reviews*

In FY 2006, OCR resolved 13 compliance reviews, initiated in prior fiscal years, focused on eliminating barriers for postsecondary students with physical disabilities, including making residence halls, classrooms, academic buildings, and parking facilities accessible.

*I am pleased that the University and the Office for Civil Rights were able to work together to address the needs of students with disabilities.*

Letter from a university president

- OCR conducted compliance reviews at two major universities that focused on the accessibility of their residence halls. OCR found compliance problems that prevented students with disabilities from accessing the residence halls and participating in the programs offered in them. The universities entered into resolution agreements with OCR to remedy the identified problems.
- Based in part on enrollment data indicating African-American students were disproportionately represented in special education, OCR conducted a compliance review of a school district to determine whether African-American students were being subjected to discrimination on the basis of either race or disability, with respect to referral, evaluation and placement in special education. OCR's investigation found no indication of different treatment on the basis of race. OCR, however, did find that 15 students had been placed in special education without meeting established criteria for special education eligibility. The district agreed to convene education planning meetings for each of the 15 students, conduct necessary re-evaluations, make eligibility decisions consistent with established standards and procedures and in accordance with applicable law, and provide to any of the 15 students removed from special education as a result of the re-evaluation appropriate supplemental services to facilitate their successful transition into the general education program.
- OCR closely monitored actions taken by a school district to comply with an agreement to resolve compliance concerns arising from an OCR compliance review. Specifically, the district took actions to ensure that students were appropriately referred, evaluated and placed in special education programs. During the 2005--06 school year, the district re-evaluated 61 Educable Mentally Disabled (EMD) students. Twenty-three of those students continued in the EMD classification, 16 were reclassified in a different disability category, and 22 were determined not to have a disability and, thus, not to need special education services. The district also is providing transition services to the 22 students now in the general education program. When OCR initiated its review in 2004, there were 242 EMD students compared to 150 in the current 2006-07 academic year. There were 100 African-American students identified as EMD in the 2006-07 academic year, compared to 176 when OCR initiated its compliance review in the 2004-05 academic year.

## *Technical Assistance*

As part of OCR's proactive enforcement of Section 504 and Title II of the *ADA*, OCR provided numerous technical assistance presentations on disability issues. Disability is by far the most requested subject matter for OCR technical assistance.

OCR presented technical assistance presentations on the issues of students with disabilities transitioning from high school to college nearly 40 times in FY 2006. There are differences between the rights and responsibilities of students with disabilities in the high school setting and those of students in the postsecondary education setting. Therefore, OCR has taken proactive steps to provide students with information to make this transition effectively. In FY 2006, OCR presented technical assistance on this transition from high school to college at high schools, college fairs, postsecondary institutions and conferences. For example, OCR participated in five student leadership conferences sponsored by a state department of education, at which OCR informed students about the importance of recognizing the differences between their rights in high school and their rights in college. Approximately 300 students, teachers, administrators and parents attended each conference. OCR also presented transition information at a disability symposium at which there were approximately 230 administrators, faculty and students in attendance from over 60 colleges and universities.



In FY 2006, OCR provided technical assistance on over 30 occasions regarding the requirements under Section 504 of the *Rehabilitation Act of 1973* in the public elementary and secondary school context. OCR provided this presentation to over 350 educators in one state. The participants stated that they would be able to use the information shared by OCR throughout the state and expressed interest in future OCR presentations. OCR also presented this technical assistance in smaller settings, for example, presentations to several classes of undergraduate students.

In addition to the presentations discussed above, OCR provided disability-related technical assistance in FY 2006 on issues such as assistive technology, academic adjustments and auxiliary aids, accessibility and disability harassment. OCR provided over 110 presentations that focused entirely or partially on disability issues in FY 2006.

## **C. Regulatory and Policy Development**

On July 19, 2006, OCR issued correspondence to a large state department of education, addressing how disability civil rights requirements govern school references to student disabilities on report cards and transcripts. The correspondence, signed by Assistant Secretary Stephanie Monroe and written to a high-ranking official of one of the country's largest public education systems, articulates key civil rights principles relevant to disability references placed on such student-specific school reporting documents. In order to provide more comprehensive information to state officials, OCR's July 19, 2006, correspondence not only addressed the OCR-enforced requirements of Section 504



and Title II of the *ADA*, but also provided information about the *Individuals with Disabilities Education Act (IDEA)*, which is administered within the Department by the Office of Special Education and Rehabilitative Services (OSERS).

#### IV. THE *AGE DISCRIMINATION ACT OF 1975*

The *Age Discrimination Act of 1975* (the *Age Act*) generally prohibits discrimination on the basis of age in programs or activities that receive federal financial assistance. ED's regulations implementing the *Age Act* are codified at 34 C.F.R. Part 110 and state that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

OCR received 352 complaints of age discrimination in FY 2006. Of these, 86 were "age-only" complaints and 266 were "multiple bases" complaints. Of the 352 complaints received, 203 were processed in OCR and 149 were referred to other federal agencies for processing as appropriate. Issues surrounding allegations of discrimination on the basis of age vary. The most frequently cited issues involving students include "treatment of beneficiary" (61 complaints); "admission to education programs" (45 complaints); "academic evaluation/grading" (27 complaints); "discipline" (17 complaints); "student rights-retaliation/harassment" (12 complaints); and "support services-counseling/housing/financial assistance" (12 complaints).

#### V. THE *BOY SCOUTS OF AMERICA EQUAL ACCESS ACT*

On March 24, 2006, OCR published final regulations implementing the *Boy Scouts of America Equal Access Act* (the *Boy Scouts Act*) in the Federal Register. The *Boy Scouts Act*, part of the *No Child Left Behind Act of 2001*, applies to any public elementary school, public secondary school, LEA or SEA that has a designated open forum or limited public forum and that receives funds made available through ED. Under the *Boy Scouts Act*, these entities may not deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code (as a patriotic society) that wishes to conduct a meeting within the covered entity's designated forum. The law gives ED, through OCR, responsibility for ensuring that the Boy Scouts and other covered youth groups have equal access to public school facilities.

On Oct. 19, 2004, the secretary of education published a notice of proposed rulemaking (NPRM), requesting public comment on proposed regulations for the *Boy Scouts Act*. The 45-day period for public comment closed on Dec. 3, 2004. OCR received over 3,000 comments. After extensive review by DOJ and OMB of ED's draft of the final regulations based on its review of the comments, ED issued the final *Boy Scouts Act* regulations on March 24, 2006.

One of the *Boy Scouts Act's* regulatory provisions, at 34 CFR §108.8, concerns assurances of compliance with the act. An applicant for funds made available through ED to which the *Boy Scouts Act* applies must submit an assurance that the applicant will comply with the act and its regulations. In order to collect these assurances of compliance with the *Boy Scouts Act*, OCR amended the form OCR uses to collect assurances of compliance with other laws enforced by OCR. That form (now called "Assurance of Compliance—Civil Rights Certificate") includes language by which the applicant assures that it will comply with Title VI, Title IX, Section 504, the *Age Discrimination Act*, and the *Boy Scouts Act*, as well as all regulations, guidelines and standards

adopted under these statutes. In FY 2006, OCR secured OMB approval to collect the revised Assurance of Compliance—Civil Rights Certificate. On July 21, 2006, OCR issued a “Dear Colleague” letter to more than 17,000 SEAs and LEAs providing information about the *Boy Scouts Act* and the requirement to provide new signed assurances of compliance with all the civil rights laws, regulations, guidelines and standards as a condition of continued receipt of funding from ED. OCR began collecting and documenting the receipt of newly signed assurances of compliance from these 17,000 recipients in August 2006, and will take action to follow-up with recipients that do not complete and return them.

### **A. Complaint Resolution**

In FY 2006, OCR received seven complaints containing allegations of violations of the *Boy Scouts Act*. In FY 2006, OCR resolved eight complaints that contained allegations involving the *Boy Scouts Act*. Several of the *Boy Scouts Act* complaints received prior to issuance of the regulations did not present factual situations covered by the act. OCR expects that its issuance of the *Boy Scouts Act* regulations in March 2006 will assist the public in better understanding the provisions of the *Boy Scouts Act*.

## **VI. OTHER PROGRAM MANDATES AND ACTIVITIES**

### **A. Magnet Schools Assistance Program (MSAP)**

The Magnet Schools Assistance Program (MSAP), administered by ED’s Office of Innovation and Improvement (OII), provides financial assistance to school districts seeking to improve education programs and to reduce, prevent or eliminate minority group isolation. The program provides three-year grants for the enhancement or establishment of magnet schools. The MSAP statute expressly requires that the assistant secretary for civil rights determine whether applicant school districts will meet nondiscrimination assurances specified in the MSAP statute. OCR also assesses whether applicants’ MSAP plans are consistent with Title VI of the *Civil Rights Act of 1964*.

In FY 2006, OCR reviewed and certified 52 school districts as meeting their MSAP civil rights assurances. It reduced the average processing time of these reviews by 33 percent as compared with FY 2005, enabling OII to more quickly deliver MSAP funding to these districts. In addition, OCR provided technical assistance to several MSAP recipients to help them comply with the civil rights statutes.

### **B. Vocational Education Methods of Administration**

OCR oversees the civil rights compliance programs of 68 state agencies that administer vocational education at the secondary and postsecondary levels. Under the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap* in Vocational Education Programs (Appendix B of the Title VI regulation), OCR leverages state agency resources to enhance compliance by school districts and community colleges that provide career and technical education. To guide and assist state agencies in their civil rights compliance activities, OCR conducts annual training conferences, provides case-specific technical assistance, evaluates state agency compliance reports, and provides individualized recommendations for improvement of state agency compliance programs. The 68 state agencies conduct approximately 350

comprehensive compliance reviews annually, and approximately 80 percent of these reviews result in corrective action. As a result of the training, guidance and technical assistance that OCR provides to the state agencies, these agencies have steadily improved the quality of their compliance reviews and findings and the adequacy of the resulting remedies.

## C. Minority-Serving Institutions

In April 2006, OCR published new lists of minority-serving institutions on a redesigned Web site and provided technical assistance to callers. OCR provides these lists solely as a service to the public. None of the lists are necessarily a complete listing of all colleges and universities that might fall within a particular category. Whether or not an institution of higher education appears on one of these lists, that institution is responsible for establishing its eligibility for a particular grant or contract competition, or other benefit, with ED or any other federal agency.

## D. Gulf Coast Hurricanes Displacement Initiative

The summer of 2005 brought with it hurricanes Katrina, Wilma and Rita and the most severe and deadly hurricane season in the history of the United States. The immediate devastation accompanying those hurricanes along the Gulf Coast region also presented longer-term challenges, including—for parents, students and educators—the challenge of how students displaced from their home school districts by the hurricanes would be educated. Because of these events, many school districts were placed in a position of having to accept students who could not attend schools in their former school districts because of the disasters. These school districts



had to cope with the aftermath of a natural disaster, which affected parents, students, teachers, administrators and others who are responsible for educating children. In some instances, parents sought assistance in determining their rights and those of their children in the new school districts where they resided. In addition, school district administrators also inquired about their roles and responsibilities in educating displaced students. To address some of these concerns, OCR committed to collaborate with state departments of education in addressing the education needs of these newly displaced students. OCR contacted the SEAs to obtain information concerning the enrollment and provision of education services to displaced students and the unique needs faced by the LEAs (for example, services for LEP students and students with disabilities, and assignment to schools). Based on this information, OCR has been working in collaboration with SEA officials and at the local school level with school district personnel and parents in providing technical assistance. OCR provided information to parents, school administrators, teachers and parent-teacher associations to ensure school programs were accessible to all students displaced by the hurricanes and operated consistent with civil rights laws and regulations.

**VII. TECHNOLOGY**

In FY 2006, OCR continued a concerted effort to create a paperless office environment, which would contribute to the effectiveness and efficiency with which OCR carries out its mission.

**A. Case and Activity Management System**

OCR’s Case and Activity Management System (CAMS) builds on OCR’s existing Case Management System (CMS). CMS includes case management capabilities for maintaining, managing and tracking OCR complaints, compliance reviews and proactive activities, such as technical assistance. In FY 2005, OCR began development of augmented capabilities that will allow for automated tracking of other OCR activities carried out by the Program Legal Group in OCR headquarters, including such activities as general legal and policy guidance, case-specific legal and policy guidance, and responses to information requests from the public. CAMS also includes an integrated Document Management (DM) system, which enables electronic storage of a wide range of OCR work products. Several civil rights offices in other federal agencies have contacted OCR for information on CAMS and are considering developing similar systems.

OCR also is developing, with partial implementation piloted in FY 2006, a comprehensive, automated OCR Policy Repository. This repository will provide OCR staff, for the first time, with a single, centralized, electronic source of current OCR policy documents—all readily accessible and easily searchable. OCR is also in the process of conducting the first comprehensive review of documents in OCR’s current policy collection in over 10 years, to ensure that internal customers can quickly access updated and reliable policy information.

OCR has developed performance measures to gauge the effectiveness of its CAMS, including a measure capturing the percentage of OCR resolution documents that are available electronically via CAMS’s Document Management system. As the chart below shows, the percentage of documents available continues to increase rapidly, ensuring that all OCR staff across the nation have quick and easy desktop access to important case resolution documents.

FY 2006	98%
FY 2005	73%
FY 2004	61%

**B. Civil Rights Data Collection**

OCR’s former biennial Elementary and Secondary Schools Survey has now been merged with the Department’s Educational Data Exchange Network (EDEN), a central repository of information on K–12 programs, including *No Child Left Behind Act* data. For the first time in 2004, civil rights data were collected through the Supplemental Survey Tool Civil Rights Data Collection, which will assist EDEN in developing a data system with the capability to collect district- and school-level data from



school districts that integrates civil rights and other data, including essential data related to the *No Child Left Behind Act*.

The Civil Rights Data Collection (CRDC) is primarily Web-based. For the 2004 CRDC, the initial year of the Web-based data collection, approximately two-thirds of the districts reporting (4,000 out of 6,000) were successful in using the new Web-based tool to report their data (the other districts opted to use more traditional media, such as CD-ROM or paper forms, to report their 2004 data). The overall response rate for the 2004 data collection—95 percent of all surveyed districts and 100 percent of large districts—is consistent with the similarly high response rate for previous OCR surveys. Not only is this information useful to ED, the Department of Justice and other federal agencies, it also helps school administrators and researchers evaluate schools, and helps parents make better-informed education choices for their children.

In FY 2006, OCR worked with the Office of Planning, Evaluation and Policy Development (OPEPD) at ED to develop and adopt a transition plan to achieve the integrated collection and reporting of civil rights data directly through ED Facts. OCR and OPEPD also established the framework for implementation of the FY 2006–07 CRDC, a Web-based data collection of 6,000 school districts, to which OCR contributed about \$2 million in FY 2006 funding. OCR implemented targeted CRDC improvements including, for the first time in FY 2006–07, augmented information about student participation in Advanced Placement (AP) courses and in pre-Kindergarten education programs in public schools. In FY 2006, OCR also developed state and national projections and disseminated the civil rights data in various media, including the Web.

### **C. Web-Based Electronic Complaint Filing**

OCR has increased the efficiency and cost effectiveness of its complaint filing process by promoting the use of a Web-based electronic complaint filing system. The dramatic increase in complaints filed using this system is testament to its customer-friendly, efficient and effective design and implementation. In FY 2006, over 55 percent of the nearly 6,000 complaints received were filed electronically. This represents a significant increase from FY 2004, when 34.4 percent of complaints were filed electronically.

## **VIII. PROMOTING MANAGEMENT EXCELLENCE**

To maximize OCR's ability to carry out its law enforcement mission in a timely and effective manner in light of shrinking resources and expanding demands, OCR must redouble the premium it places on management excellence. The processes OCR has put into place synchronize its various business processes and ensure communication and coordination at all levels, whether it is the way OCR provides customer service or the way it manages its human resources and carries out its fiscal responsibilities. In 2006, OCR further reinforced these goals by ensuring accountability through improved performance plans of managers and staff and by putting in place a process where strategic goals and priorities are regularly communicated to staff at all levels in teleconferences and face-to-face meetings. To encourage coordination, collaboration and consistency, the assistant secretary for civil rights launched a leadership agenda that included visits to all 12 regional offices, two national directors' meetings, a national chief attorneys' meeting, a senior leadership retreat, and a national managers' conference. The national managers' conference brought together approximately 100 OCR managers from each of OCR's regional offices and headquarters for the first time in OCR

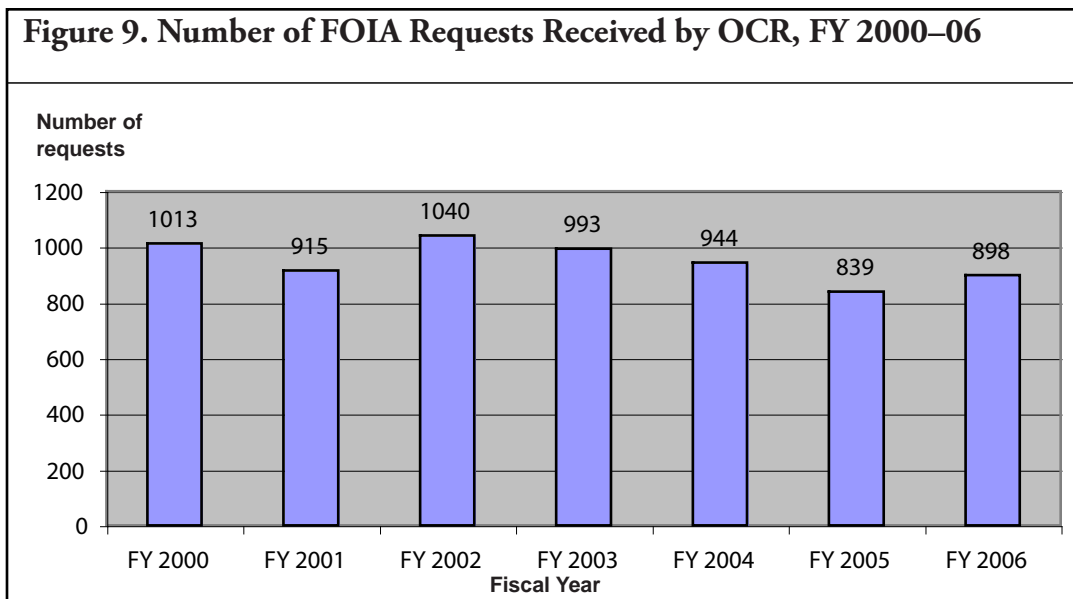
history. The agenda included up-to-date training on the latest management and leadership strategies as well as various discussions about how to improve OCR's current case investigation, resolution and coordination processes. The following illustrates OCR's efforts in FY 2006 to promote management excellence throughout the various mission-critical business processes in OCR.

## A. Customer Service

Effective civil rights enforcement in education requires that the public as well as education institutions understand the legal regulatory requirements and that students, parents, educators and other members of the public understand their rights. To meet these goals, OCR makes its guidance available in many different media, including through the Internet, and updates and augments that guidance regularly to ensure it reflects current developments. OCR also serves the public through its national toll-free customer service line. In FY 2006, OCR responded to over 5,407 hotline phone inquiries, an 8 percent increase over FY 2005. OCR responds to written requests from Congress, other federal agencies, state agencies, education institutions at all levels and others. In FY 2006, OCR provided written and oral guidance in response to tens of thousands of inquiries, and exceeded ED's goal of a 10-day average for responding to controlled secretarial correspondence.

OCR also carried out its customer service responsibilities through its work involving the *Freedom of Information Act (FOIA)*, 5 U.S.C. § 552, and the *Privacy Act of 1974*, 5 U.S.C. §552. The *FOIA* was enacted in 1966 and generally provides that any person has the right to request access to federal agency records. The *Privacy Act*, a companion to the *FOIA*, also regulates federal government agency recordkeeping and disclosure practices. Under these two acts, persons (e.g., complainants, students, parents, school districts, colleges, universities and the media) have the right to request access to, or copies of, records maintained by OCR. OCR reviews and responds to the requests, consistent with the Department's *FOIA* and *Privacy Act* regulations.

Each year, OCR receives a significant number of such requests, which are processed in OCR's headquarters and regional offices. OCR devotes considerable resources to meeting the requirements of these laws and to providing timely and effective access to information to the public. In FY 2006, OCR received a combined total of 898 *FOIA* and *Privacy Act* requests. As the chart below shows, this high number of requests has been fairly constant over the years.



To further customer service with respect to *FOIA* and *Privacy Act* requests, OCR has been a significant participant in the Department's initiative to automate case management under these laws. Executive Order 13392, "Improving Agency Disclosure of Information," issued on Dec. 14, 2005, emphasizes the need for more efficient and effective processing of *FOIA* and *Privacy Act* requests. OCR is committed to producing tangible and measurable improvements in processing them and, in FY 2006, OCR successfully piloted *FOIAXpress*, the Department's Web-based solution for *FOIA* and *Privacy Act* case management, in two of its enforcement offices and in headquarters. By the end of summer 2007, *FOIAXpress* will be fully implemented in all OCR field offices and headquarters.

In addition, in FY 2006, consistent with Executive Order 13392, OCR established new *FOIA* procedures, including delegation to the 12 OCR office directors of the authority of *FOIA* denial officers. This allows *FOIA* requests to be processed in a more efficient and timely manner, and establishes clear accountability for *FOIA* processing.

## **B. Staff Training and Development**

In FY 2006, OCR began developing a national training program that facilitates consistent high-quality work across all OCR's offices. OCR assessed core competencies, staff training needs to meet those competencies, substantive training resources, and vehicles for delivery of training. The national training program will address a full range of training needs for both new and experienced staff. In FY 2006, both headquarters and field office briefings were conducted on substantive and procedural issues. For example, through a nationwide videoconference on April 20, 2006, OCR staff was trained on the *Boy Scouts Act* and the need for all SEAs and LEAs to sign new assurances of compliance with the civil rights laws. OCR's field offices also conducted comprehensive multi-day training of all new attorneys in fundamental and emerging legal issues and the conduct of investigations. OCR field staff also received training on OCR's revised *Case Resolution and Investigation Manual*, which contains the procedural standards for conducting investigations as well as training on substantive programmatic issues. OCR continues to conduct periodic investigation and policy training for all new staff.

In addition, in FY 2006, OCR funded and launched a Web-based training initiative. OCR's first Web-based training, in the final stages of production, will provide staff investigative training on civil rights issues including disability discrimination, retaliation and disparate treatment.

## **C. Fiscal Management**

In the area of financial management in FY 2006, OCR was in compliance with the federal *Managers' Financial Integrity Act* and had no reportable conditions or material weaknesses in its financial accounting systems. OCR implemented internal Purchase Card (P-Card) procedures resulting in the reduction of the number of P-Card charges over 60 days old from 34 (\$17, 245) in July 2005 to 0 in July 2006.

## **D. Human Capital Planning**

During the past decade, FY 1996 through FY 2006, OCR's complaint receipts rose by 20 percent, from 4,828 in 1996 to 5,805 in 2006. However, OCR's FTE has steadily declined over the years, from 744 in FY 1996 to 630 in 2006—a decrease of 15 percent. This represents the smallest number of staff and nearly the largest number of complaints received in OCR's history.

One way OCR has addressed the gap between the higher workload and the smaller number of staff has been to develop a systematic and strategic approach for managing its human capital that includes a rigorous recruitment and hiring process, development of a national training program, and performance appraisal standards that clearly recognize and distinguish among levels of employee performance.

With respect to hiring, OCR widely recruits from a range of sources that offer a large pool of qualified candidates. A panel, comprising knowledgeable OCR staff, reviews all resumes and conducts first-round interviews only of well-qualified applicants. The panel recommends the most highly qualified applicants for a second-round interview. Only applicants with the most excellent credentials are offered positions. As a result of this highly selective process in FY 2006, OCR's new employees have made strong and effective additions to the offices.

In the area of employee performance appraisals in FY 2006, OCR ranked among the most exacting of offices in the Department in terms of scrutinizing employee performance under the Department's Performance Appraisal System (EDPAS.) Notably, OCR received recognition within the Department for the clear distinctions it has made in the assessment of levels of employee performance, from the "Unsuccessful" level of performance to the "Outstanding" level of performance. For employees whose performance is less than "Successful," steps are taken to improve or enhance performance to bring it to the "Successful" level.



## LOOKING AHEAD

Enforcing federal civil rights laws is critical to carrying out the mission of ED. They protect millions of students seeking to attend or attending education institutions. OCR helps ensure that all students, regardless of ethnicity, race, gender, disability or age, receive a quality education.

As a law enforcement agency, OCR's primary responsibility is to make sure institutions receiving federal financial assistance are in compliance with federal civil rights laws. Accordingly, its primary objective will continue to be prompt and efficient investigation of complainants' allegations of discrimination, accurate determination of whether the civil rights laws and regulations have been violated, and securing an appropriate remedy for any violation. Additionally, OCR will continue proactive enforcement efforts through compliance reviews and targeted technical assistance. OCR staff will continue to provide assistance to schools, train school administrators, and help parents and students understand their rights under the laws it enforces. To provide quality assistance to both the public and recipients of federal funds, OCR is also committed to continued policy and regulatory development.

Over the past decade, OCR's complaint receipts have risen 20 percent, from 4,828 to 5,805. The only way to ensure that enforcement activities continue at the highest quality is to further develop and increase the knowledge and capability of OCR staff. In response to this increased workload, Assistant Secretary Stephanie Monroe will look to provide additional substantive training for OCR employees. Professional development, increased communication and nationwide coordination are just a few of the ways OCR will work to maintain operational excellence.

OCR is dedicated also to assisting the Department in building on the success of *No Child Left Behind*. The success of this landmark legislation is clear. As Department data indicate, achievement gaps in reading and math between African-American and Hispanic 9-year olds and their peers have fallen to all-time lows. As the Department works to reauthorize *No Child Left Behind*, OCR will continue to vigorously enforce civil rights laws and promote the principle that all students deserve equal access to educational excellence at all levels, elementary and secondary as well as postsecondary. Although OCR has achieved a great deal over the last year, it is clear that much still needs to be accomplished, by both OCR and by the education community as a whole.



## APPENDIX A: OFFICES AND ADDRESSES

### U.S. Department of Education

#### Office for Civil Rights

400 Maryland Ave. S.W.

Washington, DC 20202-1100

Customer Service: 800-421-3481 • TDD: 877-521-2172 • Fax: 202-245-6840

<http://www.ed.gov/ocr>

### CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT

Office for Civil Rights, *Boston Office*

U.S. Department of Education

33 Arch St., Suite 900

Boston, MA 02110-1491

Telephone: 617-289-0111; Fax: 617-289-0150

E-mail: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

### ILLINOIS, INDIANA, IOWA, MINNESOTA, NORTH DAKOTA, WISCONSIN

Office for Civil Rights, *Chicago Office*

U.S. Department of Education

Citigroup Center

500 W. Madison St., Suite 1475

Chicago, IL 60661

Telephone: 312-730-1560; Fax: 312-730-1576

E-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

### NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS

Office for Civil Rights, *New York Office*

U.S. Department of Education

32 Old Slip, 26th Floor

New York, NY 10005-2500

Telephone: 646-428-3900; Fax: 646-428-3843

E-mail: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

### MICHIGAN, OHIO

Office for Civil Rights, *Cleveland Office*

U.S. Department of Education

600 Superior Ave. East, Suite 750

Cleveland, OH 44114-2611

Telephone: 216-522-4970; Fax: 216-522-2573

E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

### DELAWARE, MARYLAND, KENTUCKY, PENNSYLVANIA, WEST VIRGINIA

Office for Civil Rights, *Philadelphia Office*

U.S. Department of Education

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: 215-656-8541; Fax: 215-656-8605

E-mail: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

### KANSAS, MISSOURI, NEBRASKA, OKLAHOMA, SOUTH DAKOTA

Office for Civil Rights, *Kansas City Office*

U.S. Department of Education

8930 Ward Parkway, Suite 2037

Kansas City, MO 64114-3302

Telephone: 816-268-0550; Fax: 816-823-1404

E-mail: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

### ALABAMA, FLORIDA, GEORGIA, TENNESSEE

Office for Civil Rights, *Atlanta Office*

U.S. Department of Education

61 Forsyth St. S.W., Suite 19T70

Atlanta, GA 30303-3104

Telephone: 404-562-6350; Fax: 404-562-6455

E-mail: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

### ARIZONA, COLORADO, NEW MEXICO, UTAH, WYOMING

Office for Civil Rights, *Denver Office*

U.S. Department of Education

Cesar E. Chavez Memorial Building, Suite 310

1244 Speer Boulevard

Denver, CO 80204-3582

Telephone: 303-844-5695; Fax: 303-844-4303

E-mail: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

### ARKANSAS, LOUISIANA, MISSISSIPPI, TEXAS

Office for Civil Rights, *Dallas Office*

U.S. Department of Education

1999 Bryan St., Suite 1620

Dallas, TX 75201-6810

Telephone: 214-661-9600; Fax: 214-661-9587

E-mail: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

### CALIFORNIA

Office for Civil Rights, *San Francisco Office*

U.S. Department of Education

50 Beale Street, Suite 7200

San Francisco, CA 94105

Telephone: 415-486-5555; Fax: 415-486-5570

E-mail: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

### NORTH CAROLINA, SOUTH CAROLINA, VIRGINIA, WASHINGTON, D.C.

Office for Civil Rights, *District of Columbia Office*

U.S. Department of Education

1100 Pennsylvania Ave., N.W., Room 316

P.O. Box 14620

Washington, DC 20044-4620

Telephone: 202-786-0500; Fax: 202-208-7797

E-mail: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

### ALASKA, AMERICAN SAMOA, GUAM, HAWAII, IDAHO, MONTANA, NEVADA, OREGON, WASHINGTON AND NORTHERN MARIANA ISLANDS

Office for Civil Rights, *Seattle Office*

U.S. Department of Education

915 Second Ave., Room 3310

Seattle, WA 98174-1099

Telephone: 206-220-7900; Fax: 206-220-7887

E-mail: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

APPENDIX B: FY 2006 COMPLAINT RECEIPTS, BY JURISDICTION  
AND OCR ENFORCEMENT OFFICE

FY 2006 Complaint Receipts by OCR Enforcement Offices							
OCR OFFICE	Race/National Origin	Sex	Disability	Age	Multiple	Other	Total
Boston	43	13	216	2	27	27	328
New York	88	73	298	10	73	52	594
Philadelphia	63	22	245	10	50	43	433
District of Columbia	67	20	235	6	49	37	414
Atlanta	163	37	326	11	82	111	730
Dallas	121	43	280	7	69	57	577
Chicago	107	28	304	9	96	63	607
Cleveland	64	20	190	3	36	24	337
Kansas City	66	14	197	4	54	32	367
Denver	55	9	168	5	46	56	339
San Francisco	114	27	366	10	123	91	731
Seattle	47	28	200	9	45	19	348
<b>National</b>	<b>998</b>	<b>334</b>	<b>3,025</b>	<b>86</b>	<b>750</b>	<b>612</b>	<b>5,805</b>



## APPENDIX C: SAMPLE OF OCR TECHNICAL ASSISTANCE PUBLICATIONS AVAILABLE AT WWW.ED.GOV/OCR

Listed below is a sample of publications available on OCR's Web site, including those most frequently requested by mail or downloaded from OCR's Web site. *How to File a Complaint With OCR* and *Ensuring Access to High-Quality Education* are available in 19 languages in addition to English.

- *Students With Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities* (English version), March 2007
- *Auxiliary Aids and Services for Postsecondary Students With Disabilities: Higher Education's Obligations Under Section 504 and Title II of the ADA*, September 2004
- *Ensuring Equal Access to High-Quality Education* (English version), September 2004 (also available in Spanish, Chinese, Vietnamese, Hmong, Haitian Creole, Farsi, Hindi, Laotian, Serbo-Croatian, Swahili, Arabic, French, Amharic, Punjabi, Somali, Tagalog, Korean, Russian, and Urdu)
- *Asegurar la igualdad de acceso a educación de alta calidad (Ensuring Equal Access to High-Quality Education)* (Spanish version), September 2004
- *Preparación para la educación postsecundaria para los estudiantes con discapacidades: Conozca sus derechos y responsabilidades (Students With Disabilities Preparing for Postsecondary Education ...)* (Spanish version), May 2007
- *How to File a Discrimination Complaint With the Office for Civil Rights*, September 2005 (also available in Spanish, Chinese, Vietnamese, Hmong, Haitian Creole, Farsi, Hindi, Laotian, Serbo-Croatian, Swahili, Arabic, French, Amharic, Punjabi, Somali, Tagalog, Korean, Russian, and Urdu)
- *Transition of Students With Disabilities to Postsecondary Education: A Guide for High School Educators*, March 2007
- Federal Register: Wednesday, Oct. 25, 2006: Part III: Department of Education: 34 CFR Part 106: *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, Final Rule
- *U.S. Department of Education, Office for Civil Rights: 2005 Annual Report to Congress*, October 2006
- *Student Placement in Elementary and Secondary Schools and Section 504 and Title II of the Americans with Disabilities Act*, August 1998



*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

[www.ed.gov](http://www.ed.gov)