



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

January 22, 2021

Mr. Austin R. Evers
Executive Director
American Oversight
1030 15th Street, Suite B255
Washington, DC 20002

RE: FOIA Request No. 20-00076-F

Dear Austin R. Evers:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated October 8, 2019 and received in this office on October 9, 2019. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request: Office for Civil Rights (OCR).

You requested the following:

- Any codebook, code listing, key, or reference materials associated with entries made in OCR's case processing or management system, internally referred to as the "DM."
American Oversight previously received Excel spreadsheets of DM entries from 2008 through 2018 in response to FOIA request numbers 18-00733-F and 18-00734-F.1

American Oversight specifically requests records reflecting coding information and/or descriptions corresponding to the data fields included in the previously-provided spreadsheets, sufficient to determine the meanings of the values listed in the column for each of the following data fields:

- Docket No.
- Office
- CT
- IT
- Stage
- Case Open
- Investigation Date
- Resolved
- Closed
- RT
- Specific Basis
- Class Wide
- Resolution Code
- Issue Code

Please produce all current versions of any materials responsive to this request, as well as previous versions in effect since January 1, 2018.

Attached to this e-mail are 9 pages of fully releasable documents that are responsive to your request. The documents provided are:

- CMS Issue Codes
- CMS Resolution Codes

Provisions of the FOIA allow us to recover the costs pertaining to your request. The Department has concluded that you fall within the category of “an all other use requester.” However, the Department has provided you with this information at no charge. The Department's release of this information at no cost does not constitute the grant of a fee waiver and does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department. Because we were able to locate and process these documents at minimal costs, they are provided to you at no cost.

You have the right to seek further assistance from the Department’s FOIA Public Liaison, Robert Wehausen. The Department’s FOIA Public Liaison can be reached by e-mail at robert.wehausen@ed.gov; by phone at 202-205-0733; by fax at 202-401-0920; or by mail at Office of the Executive Secretariat, U.S. Department of Education, 400 Maryland Ave., SW, 7C132, Washington, DC 20202-4500, Attn: FOIA Public Liaison.

If you have any questions, please contact the FSC at (202) 401-8365 or EDFOIAMANAGER@ed.gov.

Sincerely,

DeShawn Middleton

DeShawn Middleton
Government Information Specialist
Office of the Executive Secretariat

Attachment

OFFICE FOR CIVIL RIGHTS - CASE MANAGEMENT SYSTEM

ISSUE CODES

Title VI - Race/Color/National Origin

100.3-1	Recruitment
100.3-2	Admissions (not affirmative action)
100.3-3	English Language Learners Services
100.3-3.1	Special Education for English Language Learners
100.3-3.2	LEP Parental communication
100.3-3.3	LEP Exit Criteria
100.3-3.4	LEP Testing
100.3-3.5	ELL involving Plyler-related issues
100.3-4	Extracurricular Activities
100.3-5	Methods of Administration
100.3-6	Academic Evaluation/Grading
100.3-7	Graduation/Degree/Diploma Requirements
100.3-8	Financial Assistance/Scholarships
100.3-9	Counseling and Tutoring
100.3-10	Discipline
100.3-11.1	Racial Harassment (insults, slurs, derogatory expressions)
100.3-11.2	Racial Harassment (assault)
100.3-11.3	Racial Harassment (other)
100.3-12.1	Minorities in Special Education (overrepresentation of minorities)
100.3-12.2	Minorities in Special Education (underrepresentation of minorities)
100.3-13	Gifted and Talented Programs
100.3-14	Testing
100.3-15	Employment
100.3-16	Resource Equity & Comparability
100.3-16.1	Facilities
100.3-16.2	Teacher Equity
100.3-16.3	Curriculum
100.3-16.4	Other Services/Programs
100.3-17	Desegregation Plans
100.3-17.1	441-B negotiated with OCR
100.3-17.2	Court-ordered
100.3-18	Race-based affirmative action – race as a factor
100.3-18.1	Admissions to institution/program/activity
100.3-18.2	Retention in program
100.3-18.3	Scholarships, fellowships, assistantships, internships, financial aid
100.3-18.4	Employment
100.3-19	Assignment of Students
100.3-21	STEM (Science, Technology, Engineering, Math)
100.3-22	Career & Technical Education
100.3-23	Access to high level/rigorous curriculum/college ready courses
100.3-24	National origin discrimination involving religion
100.3-25	School Closing or Rezoning
100.3-99	Different Treatment/Exclusion/Denial of Benefits (other)
100.4	Assurances required
100.6	Compliance Information
100.7	Retaliation
100.999	Service Issue Not Related to Education

ED-19-1269-A-000001

Title IX - Sex

106.3	Remedial and affirmative action and self-evaluation
106.4	Assurance required
106.5	Transfers of property
106.6	Effects of other requirements
106.7	Effect of employment opportunities
106.8a	Designation of responsible employee
106.8b	Grievance Procedures
106.9	Dissemination of Policy
106.12	Educational institutions controlled by religious organizations
106.13	Military and merchant marine educational institutions
106.14	Membership practices
106.15	Application of Title IX: Exceptions
106.17	Transition Plans
106.21	Admissions
106.21b1	Specific – Individuals
106.21b2	Specific – Disproportionate Adverse Effect
106.21c1	Marital or Parental Status
106.21c2	Pregnancy, Childbirth or termination of Pregnancy
106.21c3	Disabilities related to Pregnancy, Childbirth, or Termination of Pregnancy
106.21c4	Pre-Admission Inquiry into Marital Status
106.22	Preference in Admission
106.23	Recruitment
106.31-1	Discipline
106.31-2	Gifted & Talented
106.31-3	Grading
106.31-4.1	Sexual Harassment (insults, slurs, derogatory expressions, verbal intimidation)
106.31-4.2	Sexual Harassment (sexual violence)
106.31-4.3	Sexual Harassment (physical harassment or intimidation)
106.31-4.4	Sexual Harassment (gender stereotyping)
106.31-4.5	Sexual Harassment (other)
106.31-5	Gender harassment (not of a sexual nature)
106.31-6	Extracurricular Activities (not athletics)
106.31-7	STEM (Science, Technology, Engineering, Math)
106.31-8	Career & Technical Education
106.31-99	Different Treatment/Exclusion/Denial of Benefits (other)
106.32	Housing
106.33	Comparable Facilities
106.34	Access to Course Offerings
106.34-1	Single sex
106.34-2	Math/Science
106.35	Access to Schools
106.35-1	Single sex
106.35-2	Math/Science
106.36	Counseling and Tutoring
106.37	Financial Assistance/Scholarships
106.37a	Financial assistance (non-athletic)
106.37c	Athletic financial assistance
106.38	Employment Assistance to Students
106.39	Health and Insurance Benefits and Services
106.40a	Marital or Parental Status

106.40b	Pregnancy, Childbirth or termination of Pregnancy
106.41a	Athletics – General
106.41b	Separate teams
106.41c	Equal opportunity
106.41c1	Interests and abilities
106.41c1-1	- Interests and abilities (compliance with part 1 of 3-part test)
106.41c1-2	- Interests and abilities (compliance with part 2 of 3-part test)
106.41c1-3	- Interests and abilities (compliance with part 3 of 3-part test)
106.41c2	Equipment and supplies
106.41c3	Scheduling of games and practice times
106.41c4	Travel and per diem
106.41c5	Coaching and tutoring
106.41c6	Assignment and compensation of coaches and tutors
106.41c7	Provision of locker rooms and practice and competitive facilities
106.41c8	Medical and training facilities and services
106.41c9	Housing and dining
106.41c10	Publicity
106.41c11	Recruitment
106.41c12	Support services
106.42	Textbooks and curricular material
106.51	Employment (all Subpart E)
106.71	Procedures by Reference to Part 100
106.71-1	Compliance Information
106.71-2	Retaliation
106.999	Service Issue Not Related to Education

SECTION 504/TITLE II - Disability

104.3	Qualified Handicapped person
104.4-1	Graduation/Diploma/Degree Requirements
104.4-2	Discipline
104.4-3.1	Disability Harassment (insults, slurs, derogatory expressions)
104.4-3.2	Disability Harassment (assault)
104.4-3.3	Disability Harassment (other)
104.4-4	Resource Comparability
104.4-4.1	- Services
104.4-4.2	- Facilities
104.4-5	Testing
104.4-6	Service animal
104.4-7	STEM (Science, Technology, Engineering, Math)
104.4-8	Career & Technical Education
104.4-9	Gifted & Talented Programs
104.4-10	Access to College Ready/High Level Courses
104.4-99	Different Treatment/Exclusion/Denial of Benefits (other)
104.5	Assurances
104.6	Remedial action/self evaluation
104.7a	Designation of responsible employee
104.7b	Adoption of grievance procedures
104.8	Notice
104.9	Small recipients
104.10	Effect of State/local law
104.11	Employment Discrimination
104.12	Reasonable Accommodations (employment)
104.13	Employment Criteria (Testing and other Screening Selection Criteria)
104.14	Pre-employment inquiries
104.21	Accessibility
104.22	Existing facilities (program accessibility)
104.22-1	Accessibility of online courses, distance learning, web sites, or remote applications
104.22b	methods
104.22f	notice
104.23	Physical Accessibility (new construction or alterations)
104.32	Location and notification
104.33	FAPE
104.33b	Appropriate Education
104.33c	Free Education
104.33-1	Seclusion
104.33-2	Restraints
104.34	Educational setting
104.34a	Academic settings
104.34b	Non-academic settings
104.34c	Comparable facilities
104.35	Evaluation and placement
104.35a	Pre-placement evaluation
104.35b	Evaluation procedures
104.35c	Placement procedures
104.35d	Re-evaluation
104.36	Procedural safeguards
104.37	Non-academic services

104.37b	Counseling Services
104.37c	Physical education and athletics
104.38	Pre-school and adult education
104.39	Private Education
104.42	Admissions and Recruitment
104.43	Treatment of Postsecondary Students – general
104.43-1	Insurance
104.44	Academic adjustments
104.44a	Academic requirements
104.44c	Course exams
104.44d	Auxiliary Aids and services
104.45	Housing
104.46	Financial and employment assistance to students
104.47	Non-academic services
104.61	Procedures by Reference to Part 100
104.61-1	Compliance Information
104.61-2	Retaliation
104.999	Service Issue Not Related to Education

35.130b7	Modifications of Policy or Procedures
35.139	Direct Threat
35.160a	Effective Communication (general)
35.160b	Auxiliary Aids incl. Primary Consideration
35.161	TDDs
35.162	Telephone Emergency Services
35.163	Signage

AGE

110.10	Discrimination prohibited
110.10-1	Access to Courses
110.10-2	Admissions
110.10-3	Financial Aid
110.10-4	Unspecified Education-Related Service Issue
110.25a	Designation of responsible individual
110.25b	Notice
110.25c	Grievance procedures
110.34	Retaliation
110.998	Employment Issue - no jurisdiction
110.999	Service Issue Not Related to Education

BOY SCOUTS

108.6a	Equal Access – general
108.6b	Specific Requirements
108.6b1	Meetings
108.6b2	Benefits and services
108.6b3	Fees
108.6b4	Terms
108.8	Assurances
108.9	Retaliation
108.999	Issue Not Related to Education

NO JURISDICTION

998	No Jurisdiction
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UNKNOWN

999	Unknown
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Legacy Data

ACIMS	Multiple Jurisdiction (old ACIMS - legacy data)
xxxxx	DO NOT USE

**OFFICE FOR CIVIL RIGHTS
CASE MANAGEMENT SYSTEM
RESOLUTION TYPES & RESOLUTION CODES**

Code	Description	November 2018 CPM References
6. VIOLATION WITH ENFORCEMENT (F)		
44	Resolved after letter of impending enforcement action.	Resolved after Letter of Impending Enforcement Action. §.305
45	Settlement after administrative proceeding initiated. <i>(Case resolved prior to 2/2008)</i>	
46	Resolved through administrative proceedings of enforcement.	Resolved through Administrative Proceedings of enforcement. §.601
47	Referred to DOJ for enforcement.	Referred to DOJ for Enforcement. §.602
5. CLOSURE WITH CHANGE (C OR G)		
38	Case resolved with OCR involvement (RRP, etc.); no monitoring or agreement required.	OCR obtains information indicating that the allegations raised by the complaint were resolved with OCR's involvement, resulting in benefit or change to the alleged injured party and/or others. (No monitoring or agreement is required) §.108(j)
37	Resolution agreement before conclusion of investigation.	Resolution Agreement reached during an investigation. A complaint may be resolved at any time when, before OCR issues a final determination, if the recipient expresses an interest in resolving the complaint. §.302
39	Resolution agreement after investigation (non-compliance determination.)	Resolution Agreement reached after completion of investigation (non-compliance determination.) When OCR determines that a preponderance of the evidence supports a conclusion that the recipient failed to comply with applicable regulations. §.303(b)
3. FRBP/ECR (E)		
36	Facilitated Resolution Between the Parties (FRBP)/Early Complaint Resolution (ECR).	Successful Conclusion of FRBP or ECR §.204
4. NO VIOLATION OR INSUFFICIENT EVIDENCE (N)		
41	Insufficient evidence of non-compliance determination.	Insufficient Evidence Determination. When OCR determines that the evidence does not support a conclusion that the recipient failed to comply with applicable regulations. §.303(a)
42	No Violation LOF issued. <i>(Case resolved prior to 2/2008.)</i>	

Code	Description	November 2018 CPM References
1. DISMISSAL (D)		
19	OCR has no jurisdiction over entity.	OCR has no jurisdiction over the entity alleged to have discriminated. §.102; §.108(f)
20	OCR lacks subject matter jurisdiction.	OCR has no jurisdiction over the subject matter of the complaint. §.102; §.108
16	Consent not received (or, prior to February 2008, insufficient factual basis).	Consent not received (or, prior to February 2008, insufficient factual basis). §.105; §.108(e)
17	Complaint is not timely.	Complaint is not timely. §.106; §.107; §.108(d)
221	Allegation fails to state a violation.	The allegation fails to state a violation of one of the laws OCR enforces. §.108(a)
222	Allegation lacks sufficient detail to infer discrimination.	The allegation lacks sufficient detail for OCR (i.e., who, what, where, when, how) to infer discrimination or retaliation may have occurred or is occurring §.108(b)
223	Allegation is speculative, conclusory, or incoherent.	The allegation is so speculative, conclusory, or incoherent that it is not sufficiently grounded in fact for OCR to infer that discrimination or retaliation may have occurred or is occurring (or, prior to January 2010, the complaint is incoherent). §.108(b)
224	Evidence provided at evaluation indicates insufficient evidence of a violation.	Based on a review of the documents and/or information received from the complainant, OCR is unable to conclude that the allegation establishes a violation of one of the laws and regulations OCR enforces. §.108(c)
10	Closed with referral to EEOC.	Closed with referral to EEOC. §.108(f, g); §.701(a1, c, e)
13	Closed with successful FMCS referral.	Closed after successful FMCS referral. §.108(f, g); §.701(a2)
11	Closed with referral to HHS.	Closed with referral to HHS. §.108(f, g); §.701(b)
12	Closed with referral to VA.	Closed with referral to VA. §.108(f, g); §.701(b)
14	Closed with referral to DOJ.	Closed with referral to DOJ. §.108(f, g); §.701(d)
15	Closed with referral to another agency not listed above (#10 to #15).	Closed with referral to another agency not listed above. §.108(f, g); §.701
28	Allegation currently being investigated elsewhere (fed, state, internal procedures).	The same or similar allegations filed with OCR involve the same operative facts currently pending before another federal, state, or local agency, or through a recipient's internal grievance procedures, including due process proceedings. The complainant may re-file within 60 days of the completion of the other entity's action. §.108(h1)
35	Prior findings by other agency meet OCR standards.	The same or similar allegations filed with OCR involve the same operative facts that has been investigated by another federal, state, or local civil rights enforcement agency or through a recipient's internal grievance procedures and all allegations were investigated and there was a comparable resolution process pursuant to legal standards that are acceptable to OCR. §.108(h2)

Code	Description	November 2018 CPM References	
27	Currently in litigation -- 60 day rule.	The same allegations have been filed by the complainant against the same recipient with state or federal court. An OCR complaint may be re-filed within 60 days following termination of the court proceeding if there has been no decision on the merits or settlement of the complaint allegations.	§.108(i); §.108(k); §.601
31	Allegation resolved with no class implications or complainant deceased.	OCR obtains credible information indicating that the allegations raised by the complaint are currently resolved or are no longer appropriate for investigation, or the death of the complainant makes it impossible to investigate the allegations fully or forecloses the possibility of individual relief.	§.108(j); 108(o)
23	Same prior issue/ allegation was closed or dismissed by OCR.	The same or similar allegations were previously filed against the same recipient; prior case was closed or dismissed by OCR.	§.108(l)
24	Addressed recently or is addressing the same issue/allegation in compliance review, directed inquiry or complaint.	OCR has recently addressed or is currently addressing the same issue/allegation involving the same recipient in compliance review, directed inquiry or complaint.	§.108(m)
26	Complainant withdraws allegation.	The complainant withdraws the complaint.	§.108(n)
32	Complainant refuses to provide information or can't be reached.	OCR determines that its ability to complete the investigation is substantially impaired by the complainant's or injured party's refusal to provide information that is reasonably accessible to the complainant and is necessary for investigation of the complaint, or OCR determines that its ability to complete an investigation is substantially impaired by its inability to contact the complainant in order to obtain information that is necessary for investigation of the complaint.	§.108(p), 108(q)
30	Allegation is moot or unripe.	The allegations are moot or unripe.	§.108(r)
22	Pattern of multiple complaints against multiple recipients and is an unreasonable burden. <i>(Case resolved prior to 11/2018)</i>		
25	Previous decisions (by court, Secretary, Reviewing Authority or OCR policy) preclude processing. <i>(Case resolved prior to 3/5/2018)</i>		
29	Treating a complaint as a Compliance Review. <i>(Case resolved prior to 2/2015)</i>		
34	OCR obtains information indicating that the allegations raised by the complaint were resolved as a result of OCR's involvement. <i>(Case resolved prior to 2/2008)</i>		
33	OCR obtains information indicating that the allegations raised by the complaint were resolved without OCR's involvement. <i>(Case resolved. (prior to 2/2008)</i>		
18	Complaint is not timely -- waiver was requested but not granted. <i>(Case resolved prior to 4/2000)</i>		
40	OCR determines that there is insufficient factual basis in support of the complainant's allegations. <i>(Case resolved prior to 4/2000)</i>		