



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

January 10, 2021

Ms. Abigail Alannah Moats
Intake & Digital Advocacy Manager
National Student Legal Defense Network
1460 Fuller St. NW
Washington, DC 20009

RE: FOIA Request No. 21-00387-F

Dear Abigail Alannah Moats:

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 November 24, 2020 and received in this office on November 24, 2020. Your request was forwarded to the Federal Student Aid to search for documents that may be responsive to your request.

You requested the following:

- The Administrative Actions and Appeals Service Group (“AAASG”) is a subcomponent of the Enforcement Unit within Federal Student Aid at the Department. AAASG is responsible for developing, initiating, and imposing Emergency Action, Termination, Limitation, Suspension, and Fine actions (collectively, “Enforcement Actions”) against institutions of higher education.³ It also is responsible for participating and consulting “in the development/drafting of school revocations and school recertification denials.”⁴ In connection with these responsibilities, AAASG generates a monthly report. Based on documents previously released to the public, the Department sends these reports internally to relevant employees, as well as externally to non-employees.

Student Defense hereby requests that the Department produce the following documents within twenty business days:

All AAASG monthly reports from February 2020 to present.

FOIA presumes disclosure and the Department “bear[s] the burden of justifying withholding of any records.” *AP v. FBI*, 256 F. Supp. 3d 82, 2017 U.S. Dist. LEXIS 161516, at *10 (D.D.C. Sept. 30, 2017) (quoting *Dep’t of State v. Ray*, 502 U.S. 164, 173 (1991)). Under the FOIA Improvement Act of 2016, an agency is permitted to withhold materials only in one of two limited circumstances, i.e., if disclosure would “harm an interest protected by an exemption” or is otherwise “prohibited by law.” 5 U.S.C. § 552(a)(8)(A)(i).

If ED takes the position that any portion of any requested record is exempt from disclosure, ED must “demonstrate the validity of [each] exemption that [the Department] asserts.” *People for the American Way v. U.S. Dep’t of Educ.*, 516 F. Supp. 2d 28, 34 (D.D.C. 2007). To satisfy this burden, ED may provide Student Defense with a Vaughn

Index, “which must adequately describe each withheld document, state which exemption the agency claims for each withheld document, and explain the exemption’s relevance.” Id. (citing *Johnson v. Exec. Office for U.S. Att’ys*, 310 F.3d 771, 774 (D.C. Cir. 2002)); see also *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). That index must provide, for each document withheld and each justification asserted, a relatively detailed justification that specifically identifies the reasons why the exemption is relevant. See generally *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987).

Attached to this e-mail are 388 pages of fully releasable documents that are responsive to your request. The documents provided pertain to:

- AAASG Monthly Reports Feb - Oct 2020

FSA also provided the following information regarding your request:

- Administrative Actions and Appeals Service Group (AAASG) provided reports for February 2020-October 2020 with no suggested redactions. November 2020 report has not been finalized.

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,

Tiffany Tucker

Tiffany Tucker
Government Information Specialist
Office of the Executive Secretariat

Enclosure