



United States Department of Education

Office of the Secretary

FOIA Service Center

October 17, 2023

Sarai Chaidez
Policy Associate
Student Defense
1701 Rhode Island Avenue NW
Washington, DC 20036

RE: FOIA Request No. 23-02088-F

Dear Sarai Chaidez:

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 June 23, 2023, and received in the U.S. Department of Education's (Department) FOIA Service Center (FSC) on June 26, 2023.

You requested the following:

“ Student Defense requests that the Department produce the following records within twenty business days of the date of this request:

- A complete listing of all institutions with unpaid liabilities stemming from closures or compliance and enforcement actions,
- The amount of those liabilities, and
- The date on which the liabilities were assessed.

Effectively, this request is for the same report sought in our previous FOIA requests, but with updated data for this past month. From the Department's prior responses, we understand that the Department generally produces these reports as of the month-end. Thus, the Department can construe this request for reports produced as of May 31, 2023. We also request that the Department produce this chart in a native or spreadsheet format (e.g., Microsoft Excel) in addition to (or in lieu of) producing as a PDF. Further, the answers we provided in our February 16, 2021 response to the Department's February 10, 2021 request for clarification remain the same. Our answers were as follows:

- Date Range of Record: While we have requested a listing of all institutions with currently outstanding liabilities, please prioritize liabilities assessed over the last ten years.
- Scope:
 - o Our request includes all unpaid amounts owed to the Department. This includes fines and any other liabilities owed, including civil penalties, liabilities stemming from closures, and liabilities associated with any other compliance and enforcement actions (including program reviews and audit determinations).
 - o Our request is to include closeout audit, FAD, and FRPD liabilities outstanding from schools no longer in the program, such as closed school discharge liabilities. Our request also includes unpaid

FAD and FPRD liabilities from institutions that are still participating in Title IV programs. Alternatively put, this request includes any instance in which the Department assessed a financial liability or other payment obligation that remains unpaid, whether or not the school is still in the program.”

Your request was forwarded to the Office of Financial Operations (OFO) and Federal Student Aid (FSA). The Department has identified 40 page(s) that are being released in full.

The pages are available for download via the Public Access Link (PAL). You can access your PAL account, or register for a PAL account, at this link:

<https://foiaexpress.pal.ed.gov/app/PalLogin.aspx>

Fees

There are no fees associated with processing this request. Therefore, any fee waiver request submitted for this FOIA request is not applicable.

Additional Assistance

You have the right to seek assistance and/or dispute resolution services from the Department’s FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department, offers ombuds services, including dispute resolution, to assist FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note, OGIS’s assistance does not replace the administrative appeal process described below. You may contact the FOIA Public Liaison or OGIS at:

FOIA Public Liaison
Office of the Secretary
U.S. Department of Education
400 Maryland Ave., SW, LBJ 7C132
Washington, DC 20202-4500
Email: robert.wehausen@ed.gov
Phone: 202-205-0733
Fax: 202-401-0920

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road, OGIS
College Park, MD 20740-6001
Email: OGIS@nara.gov
Phone: 202-741-5770 or 1-877-684-6448

You have the right to appeal this decision, as well as decisions in any previous interim releases, with the Department by submitting an appeal to the address below, no later than 90

calendar days from the date of this letter. Using the FOIA Public Liaison or OGIS services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal. It should be accompanied by this letter, a copy of your initial letter of request, and any documentation that supports the argument you wish the Department to consider in making an administrative determination on your appeal. You may submit your appeal by:

Mail: Appeals Office
Office of the Secretary
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W104
Washington, DC 20202-4536

Online Form: www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf

E-mail: EDFOIAappeals@ed.gov

Fax: 202-401-0920

Sincerely,

Elise Cook
Elise Cook
Government Information Specialist
Office of the Secretary