



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

September 15, 2023

Margaret Moran
Student Defense
1701 Rhode Island Ave. NW
Washington, DC 20036

RE: FOIA Request No. 23-01019-F

Dear Margaret Moran:

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 February 13, 2023, and received in this office on February 14, 2023. Your request was forwarded to the Office of Financial Operations and Federal Student Aid to search for documents that may be responsive to your request.

You requested the following:

- “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 January 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:**
 - 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).
 - 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.”

Available for Public Access Link (PAL) download a fully releasable spreadsheet responsive to your request. The document is as follows:

- OFO -FSA Institutional Data Report thru 1-31-23

You can access your PAL account or register for a PAL account at this link:

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

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 Other. However, the Department has provided you with this information at no charge since you have been granted a fee waiver. The Department's release of this information at no cost does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department.

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 of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.

They can be contacted by:

Mail	FOIA Public Liaison Office of the Secretary U.S. Department of Education 400 Maryland Ave., SW, LBJ 7W104 Washington, DC 20202-4500	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road, Room 2510 College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	202-741-5770; toll free at 1-877-684-6448
Fax	202-401-0920	NA

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An 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 a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal.

Appeals may be submitted using the on-line form available at www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

Appeals can also be submitted by:

E-mail: EDFOIAappeals@ed.gov

Fax: 202-401-0920

Mail: Appeals Office
Office of the Secretary
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W104
Washington, DC 20202-4500

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

Sincerely,

DeShawn Middleton
DeShawn Middleton
Government Information Specialist
Office of the Secretary