



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

September 15, 2023

Emily Santora

1701 Rhode Island Ave. NW

Washington, DC 20036

RE: FOIA Request No. 23-01557-F

Dear Emily Santora:

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 April 18, 2023, and received in the FOIA Service Center on April 19, 2023. Your request was forwarded to the Office of Financial Operations and Federal Student Aid office 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 March 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 is a fully releasable spreadsheet responsive to your request. The documents provided are:

- Program Portfolio Monthly Overview Report

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

<https://foiaexpress.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 granted your request for a fee waiver; therefore, the Department has provided you with this information at no charge. 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 appeals or 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 decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include 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 serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

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

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 20202-4536

Sincerely,

Sandra Lewandowski

Sandra Lewandowski
Government Information Specialist
Office of the Secretary