



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

September 29, 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. 21-02118-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 July 7, 2021, and received in this office on July 8, 2021. Your request was forwarded to the Federal Student Aid (FSA) office to search for documents that may be responsive to your request.

You requested the following:

- Student Defense hereby requests that ED produce the current detailed log of every letter of credit currently held by the Department that has been posted by, or on behalf of, any institution participating in one or more Title IV, HEA programs, including the following information:
  - OPEID
  - Institution Name
  - State
  - Institution Type
  - Institution Fiscal Year End Date
  - LOC Request Date
  - Reason LOC Requested
  - LOC Received Date
  - LOC Amount
  - LOC Percent Requested
  - Notes

Student Defense is aware that the Department has previously been able to provide such information publicly, as is currently available on the Department's website (for Award Year

2018) at <https://studentaid.gov/sites/default/files/ay18-letters-of-credit.xls>.

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 that have been recertified as eligible to participate in Title IV, HEA programs in 2021 to date.

Please include any records of the following information:

- OPEID
- Institution Name
- State

- Institution Type
- Recertification Date
- Recertification Type
- Duration of New Certification
- Previous Recertification Date
- Previous Recertification Status

Student Defense requests that the Department produce the following records within twenty

business days of the date of this request:

- Documents reflecting and sufficient to show all instances in which an institution of higher education (or any owner, executive, or other affiliate or representative) made 1 Federal Student Aid, Liabilities Associated with Closed School Discharges (Nov. 25, 2019),

[https://ifap.ed.gov/electronic-](https://ifap.ed.gov/electronic-announcements/112519liabilitiesassocclosedschooldischarges)

[announcements/112519liabilitiesassocclosedschooldischarges.](https://ifap.ed.gov/electronic-announcements/112519liabilitiesassocclosedschooldischarges)

any monetary payment during the 2021 calendar year to satisfy a liability owed to the Department.

For each payment, please include any related records that contain the following information of the institution:

- OPEID
- Institution Name
- State
- Institution Type
- Liability Reference Control Number
- Date FSA issued the liability
- The amount of the original assessed liability,
- Date(s) FSA collected or partially collected on the liability, and
- The amount(s) collected

For purposes of this request, a "liability owed to the Department" 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). In other words, a "liability owed to the Department" includes any instance in which the Department assessed a financial liability or other payment obligation that remains unpaid, regardless of whether an institution whether or not the school is still in the program.

Available for Public Access Link (PAL) download are 228 pages of documents responsive to your request. The documents provided pertain to:

- FSA 2021 LOCs and Recertification

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

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

However, certain information has been withheld according to FOIA exemptions (b)(5) and (b)(6), specified below:

- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits

the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.

- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

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 “Other” 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 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 Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 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	<a href="mailto:robert.wehausen@ed.gov">robert.wehausen@ed.gov</a>	<a href="mailto:OGIS@nara.gov">OGIS@nara.gov</a>
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

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](http://www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf).

E-mail: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)  
Fax: 202-401-0920  
Mail: Appeals Office  
Office of the Executive Secretariat  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W106A  
Washington, DC 20202-4536

Sincerely,

*Tiffany Tucker*  
Tiffany Tucker  
Government Information Specialist  
Office of the Executive Secretariat

Enclosure