

The Secretary's Annual Freedom of Information Act Report Fiscal Year 2008



**Regulatory Information Management Services
Office of Management**

**A Report to the
Attorney General of the United States
for the period
October 1, 2007 – September 30, 2008**

U.S. Department of Education
FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2008

TABLE OF CONTENTS

I. Basic Information Regarding this Report.....	3
II. Making a FOIA Request.....	3
III. Acronyms, Definitions, and Exemptions.....	5
IV. Exemption 3 Statutes.....	11
V. Initial FOIA/PA Access Requests.....	12
VI. Administrative Appeals of Initial Determinations of FOIA/PA Requests.....	15
VII. FOIA Requests: Response Time for Processed and Pending Requests.....	16
VIII. Requests for Expedited Processing and Requests for Fee Waiver.....	23
IX. FOIA Personnel and Costs.....	25
X. Fees Collected for Processing Requests.....	26
XI. FOIA Regulations.....	26
XII. Backlogs, Consultations, and Comparisons.....	27



U.S. Department of Education

I. BASIC INFORMATION REGARDING REPORT

1. The person to contact with questions about this report is:
Delores J. Barber, Chief, FOIA Service Center
Regulatory Information Management Services, Office of Management
United States Department of Education
400 Maryland Ave, SW, LBJ 2W202
Washington, DC 20202-4536
2. The Internet address for this report on the World Wide Web (www) is:
<http://www.ed.gov/about/reports/annual/foia/index.html>
3. To obtain a copy of this report is paper form contact the person identified in #1 above.

II. MAKING A FOIA REQUEST

1. Information on how to make a FOIA Request and on how to make a Privacy Act request is available from the ED FOIA website: <http://www.ed.gov/foia>
In general:
 - a. Submit handwritten, typed, or electronic requests. Only use personal resources to submit FOIA or Privacy Act requests and appeals, including inquiries regarding the status of a request or appeal.
 - b. Be as specific as possible with regard to names, dates, places, events, subjects, file designations, record descriptions, and, possibly, why you believe such records exist.
 - c. Include a personal or business (non-Federal) return mailing address, daytime telephone number, and email address (if available).
 - d. If you want your request to be made under the Privacy Act as well, include a statement signed under penalty of perjury stating that you are the person who you claim to be.
 - e. Send requests to the following mailing address:
U.S. Department of Education
Office of Management
Regulatory Information Management Services
400 Maryland Avenue, SW, LBJ 2W220
Washington, DC 20202-4536
Attn: FOIA Public Liaison
 - f. Requests may also be faxed to: (202) 401-0920
 - g. Requests may also be emailed to: EDFOIAManager@ed.gov.

2. Responsive records are released in their entirety unless release is precluded on the basis of nine statutory exemptions, as specified in the FOIA. In general, as a regulatory agency, some investigative records or portions of records are not released. In addition, if records are part of an ongoing investigation or involved with litigation they may not be released or they may be partially released. Personally identifiable information is also not released to anyone except to the individual it applies to. Certain information contained in grants and contracts is withheld such as non-federal funding amounts and sources, business proposals, and technical information that is unique to the submitter and falls within protected business information.

3. Names, Addresses, and Contact Numbers for ED FOIA Officers, FOIA Liaisons, and Regional FOIA Coordinators. FOIA requests should be submitted directly to the FOIA Requester Service Center or, if known, to the Regional FOIA Coordinators. Additional information regarding submitting requests or obtaining status of a request is available on the Internet in the ED FOIA section of www.ed.gov.

Chief FOIA Officer

Chris Marston, (202) 401-5848

FOIA Requester Service Center

U.S. Department of Education
400 Maryland Avenue, SW, Rm 2W220
Washington, D.C. 20202-4536
(202) 401-8365

FOIA Public Liaisons

Elise Cook
Maria-Teresa Cueva
Linda Darby
Tiffany Ford
Bennie Jessup
Camilla Perry
Christie Swafford

FOIA Appeals Coordinators: Camilla Perry
Tiffany Ford

Privacy Act Officer: Lee Eiden

Region I: OCR Boston Office

FOIA Coordinator; McCormack Post Office & Courthouse, Boston, MA 02109; (617) 289-0013

Region II: OCR New York Office

FOIA Coordinator; 75 Park Place, New York, NY 10007; (646) 428-3811

Region III: OCR Philadelphia Office

FOIA Coordinator; 100 Penn Square East, Philadelphia, PA 19107; (215) 656-8557

Region IV: OCR Atlanta Office

FOIA Coordinator; 61 Forsyth Street, SW, Atlanta, GA 30303; (404) 562-6357

Region V: OCR Chicago Office

FOIA Coordinator; 111 North Canal Street, Chicago, IL 60606; (312) 730-1610

Region VI: OCR Dallas Office

FOIA Coordinator; 1999 Bryan Street, Dallas, TX 75201; (214) 661-9623

Region VII: OCR Kansas City Office

FOIA Coordinator; 10220 N. Executive Hills Boulevard, Kansas City, MO 64153; (816) 268-0594

Region VIII: OCR Denver Office

FOIA Coordinator; 1244 Speer Boulevard, Denver, CO 80204; (303) 844-5942

Region IX: OCR San Francisco Office

FOIA Coordinator; 50 United Nations Plaza, San Francisco, CA 94102; (415) 486-5507

Region X: OCR Seattle Office

FOIA Coordinator; 915 Second Avenue, Seattle, WA 98174; (206) 220-7946

Metro Region: OCR District of Columbia Office

FOIA Coordinator; P.O. Box 14620; Washington, D.C. 20044-4620; (202) 786-0521

Region XII: OCR Cleveland Office

FOIA Coordinator; 600 Superior Avenue East, Suite 750, Cleveland, OH 4114-2611; (216) 522-4468

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS:

1. Agency-specific acronyms or terms used in this Report:

a. **The Department:** Congress established the U.S. Department of Education (ED) on May 4, 1980, in the Department of Education Organization Act (Public Law 96-88 of October 1979). Under this law, ED's mission is to: Strengthen the Federal commitment to assuring access to equal educational opportunity for every individual; Supplement and complement the efforts of states, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education; Encourage the increased involvement of the public, parents, and students in Federal education programs; Promote improvements in the quality and usefulness of education through Federally supported research, evaluation, and sharing of information; Improve the coordination of Federal education programs; Improve the management of Federal education activities; and, Increase the accountability of Federal education programs to the President, the Congress, and the public.

b. **Principal Offices (POs)** – In FY2008, the ED had the following program offices and/or processing designations:

- CAM Contracts and Acquisitions Management (a component of OCFO)
- FSA Federal Student Aid
- FSS¹ Financial Systems Services (a component of OCFO)
- IES Institute of Education Sciences
- Multiple Multiple Offices (may have responses to a single request)
- OCFO Office of the Chief Financial Officer
- OCIO Office of the Chief Information Officer
- OCO Office of Communications and Outreach
- OCR Office for Civil Rights (Headquarters)
 - Office for Civil Rights (Regional Enforcement Offices)
 - OCR Boston Office (Region I)
 - OCR New York Office (Region II)
 - OCR Philadelphia Office (Region III)
 - OCR Atlanta Office (Region IV)
 - OCR Chicago Office (Region V)
 - OCR Dallas Office (Region VI)
 - OCR Kansas City Office (Region VII)
 - OCR Denver Office (Region VIII)
 - OCR San Francisco Office (Region IX)
 - OCR Seattle Office (Region X)
 - OCR District of Columbia Office (Metro Region XI)
 - OCR Cleveland Officer (Region XII)
- ODS Office of the Deputy Secretary

¹ FSS is a new designation for a component of OCFO

- OELA Office of English Language Acquisition, Language Enhancement, and Academic Achievements for Limited English Proficient Students
 - OESE Office of Elementary and Secondary Education
 - OGC Office of the General Counsel
 - OIG Office of Inspector General
 - OII Office of Innovation and Improvement
 - OLCA Office of Legislation and Congressional Affairs
 - OM Office of Management
 - OPE Office of Postsecondary Education
 - OPEPD Office of Planning, Evaluation, and Policy Development
 - OS Office of the Secretary
 - OSDFS Office of Safe and Drug-Free Schools
 - OSERS Office of Special Education and Rehabilitative Services
 - OUS Office of the Under Secretary
 - OVAE Office of Vocational and Adult Education
 - RMS Risk Management Service (a component of OS)
 - RIMS Regulatory Information Management Services (a component of OM)
- c. **Calendar Day** – Every day shown on a calendar. A 24-hour period beginning at 12:01 a.m. and ending at 12:00 p.m. midnight.
- d. **Fees** – an agency will charge processing fees based on how the documents will be used and not on the category of the FOIA requester. All fees allowed will be charged to the first requester, when there are multiple requesters for the same documents, and, unless waived, all subsequent requesters will be charged duplication and special services fees only. If a fee is not allowed by statute or regulation to be charged to the first requester, the fee cannot be passed on to the next subsequent requester.
- e. **First-In-First-Out (FIFO) Processing Policy** – an agency will process requests in the order in which requests are received consistent with a multi-track processing system and reasonable allocation of processing resources available for each track and the FOIA program of the agency.
- f. **FOIA/PA Request** – a FOIA request is generally a request or access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
- g. **Glomar Response** – a glomar response neither confirms nor denies the existence or non-existence of responsive records to a request in order to protect law enforcement, privacy, or other appropriate interests.

- h. **Initial Denial Authority** – agency official who is delegated the authority to make release determinations of documents and information contained in documents requested under the FOIA on behalf of the agency.
- i. **Initial Request** – a request to a federal agency for access to records under the Freedom of Information Act.
- j. **Perjury Statement** – a signed (notarization is not required) statement executed under the penalty of law, usually associated with a request for the personal records of the requester, attesting that they are the individual who they say they are.
- k. **Proper Request** – a request that fits the definition of a FOIA request: reasonably describes the agency records being sought and cites a willingness to pay assessable fees or justifies the granting of a fee waiver. Proper requests do not use federal government resources in making the request – federal government requests for agency documents for official purposes are not FOIA requests.
- l. **Reasonably Described** – a request is reasonably described if it enables a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort. An appeal is reasonably described if it adequately describes the action taken by the agency regarding the request and the basis on why the action is not in compliance with the statute or agency regulation.
- m. **Referral** – transferring a FOIA request and/or document(s) that are under another agency’s purview to another entity for processing. This also includes redirecting a requester to the appropriate agency instead of referring the request.
- n. **Release** – an agency decision to disclose all records in full in response to a FOIA request. This sometimes is referred to as a “grant.”
- o. **Remanded** – a request that is returned to the initial denial authority for reconsideration of their release determination and further processing.
- q. **Request Disposition** – an agency determination to take one of four actions on requests for records:
 - i. Responsive records are released in full.
 - ii. Responsive records are released in part because some of the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions.
 - iii. Responsive records are denied in full because all of the information in the requested records is determined by the agency to be exempt under one or more of the FOIA exemptions.
 - iv. Determined by the agency not to process for other procedural reasons:

- (1) No Records – After a thorough search of agency records, no records were found to be responsive to the FOIA request or within the scope of the FOIA request.
 - (2) Duplicate Request – The request is a duplicate of a previously submitted request by the same requester or organization represented by the requester.
 - (3) Fee Related – Request is not processed because there were fee issues. For example, the requester was not willing to pay assessable FOIA processing fees or the requester had delinquent fees from previous FOIA requests.
 - (4) Request Withdrawn – Requester withdraws their request.
 - (5) Not Reasonably Described – sufficient information has not been provided for a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort.
 - (6) Not a Proper Request – the requester is asking questions posing as a FOIA request or a response would require the agency to create a record.
 - (7) Not an Agency Record – Documents requested in a FOIA request that are not maintained, or possibly originated, by the Department or its components.
 - (8) Referred to an Appropriate Agency – request for records that are not held by a Department agency and are more likely the documents of some other federal agency other than the Department.
- r. **Working Days** – days excepting Saturdays, Sundays, and Federally recognized public holidays.

2. Basic Terms Used in This Report and in FOIA Training:

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a component is an entity, also sometimes referred to as an office, division, bureau, center, or directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a third-party request) or concerning an organization or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., first-party requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act systems of records or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests that require the agency to use the FOIA in responding to the requester are included in this report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this report.)
- h. **Full Grant** – an agency determination to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency determination not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions or because of a procedural reason such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first-in/first-out basis. The tracks are:
 - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

- ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of records requested.
 - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of records requested.
- l. **Partial Grant / Partial Denial** – in response to a FOIA request, an agency determination to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** – a request for records that reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – action on the request or the appeal in all respects has been completed.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. The Nine FOIA Exemptions:
- a. **Exemption 1**: classified national defense and foreign relations information
 - b. **Exemption 2**: internal agency rules and practices
 - c. **Exemption 3**: information that is prohibited from disclosure by another federal law
 - d. **Exemption 4**: trade secrets and other confidential business information
 - e. **Exemption 5**: inter-agency or intra-agency communications that are protected by legal privileges
 - f. **Exemption 6**: information involving matters of personal privacy

- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

IV. EXEMPTION 3 STATUTES

Statute	Type of Information	Case Citation	Number of Times Relied Upon per Component	Total Number of Times Relied upon by Agency
41 U.S.C. 253b(m)	Prohibition on Release of Contractor Proposals	Hornbostel v. DOI, 305 F. Supp. 2d 21 (D.D.C. 2003)	OCR-Metro: 1 OCR-Denver: 3	4
5 U.S.C. 571	Communications relating to proceedings arising under the Alternative Dispute Resolution Act	n/a	OCR-Boston: 1	1

V. Initial FOIA/PA Access Requests:

A. Received, Processed, and Pending FOIA/PA Requests:

Component Offices		Number of Requests Pending as of Start of FY 2008	Number of Requests Received in FY 2008	Number of Requests Processed in FY 2008	Pending End of FY 2008
ED Totals		659	1,921	2,236	344
ED Headquarters Offices	FSA	90	251	284	57
	IES	7	40	46	1
	OCFO	4	6	9	1
	OCFO - CAM	38	81	93	26
	OCFO – FSS	0	7	1	6
	OCIO	3	5	8	0
	OCO	1	3	1	3
	OCR	8	54	61	1
	OELA	4	22	18	8
	OESE	60	51	98	13
	OGC	9	8	10	7
	OIG	6	43	47	2
	OII	40	40	74	6
	OLCA ¹	3	1	3	1
	OM	3	40	43	0
	OM-RIMS	241	73	268	46
	OPE	16	92	87	21
	OPEPD	2	10	4	8
	OS	4	8	3	9
	OSDFS	24	92	83	33
	OSERS	18	81	87	12
OUS	2	0	1	1	
OVAE	3	8	10	1	
OCR Field Office	Boston	5	118	119	4
	New York	33	139	142	30
	Philadelphia	9	74	61	22
	Atlanta	2	61	54	9
	Chicago	4	91	93	2
	Dallas	2	76	75	3
	Kansas City	8	12	15	5
	Denver	2	52	54	0
	San Francisco	2	59	61	0
	Seattle	4	92	96	0
	District of Columbia	2	75	71	6
	Cleveland	0	56	56	0

¹ Reporting error of 7 in end-of-year number of pending cases for FY 2007 FOIA Annual Report

(1) Disposition of FOIA/PA Requests – All Processed Requests:

Component Offices	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL	
				No Records	Referred to Another Component or Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain below			
ED TOTAL	644	1029	61	179	0	137	54	12	56	35	29	0	2236	
ED Headquarters Offices	FSA	140	43	0	38	0	19	0	0	41	0	3	0	284
	IES	5	32	0	3	0	3	1	0	0	0	2	0	46
	OCFO	2	1	0	3	0	3	0	0	0	0	0	0	9
	OCFO – CAM	38	31	0	10	0	11	1	0	1	0	1	0	93
	OCFO – FSS	1	0	0	0	0	0	0	0	0	0	0	0	1
	OCIO	6	0	0	1	0	1	0	0	0	0	0	0	8
	OCO	1	0	0	0	0	0	0	0	0	0	0	0	1
	OCR	15	40	0	2	0	2	0	0	1	1	0	0	61
	OELA	1	16	0	0	0	1	0	0	0	0	0	0	18
	OESE	9	69	0	5	0	11	2	0	0	2	0	0	98
	OGC	1	3	0	2	0	2	0	0	1	1	0	0	10
	OIG	7	17	10	9	0	0	2	0	2	0	0	0	47
	OII	12	40	1	6	0	8	2	0	2	0	3	0	74
	OLCA	2	1	0	0	0	0	0	0	0	0	0	0	3
	OM	11	13	0	7	0	4	3	0	0	3	2	0	43
	OM – RIMS	36	138	0	26	0	4	24	7	2	25	6	0	268
	OPE	28	36	0	15	0	4	2	0	1	0	1	0	87
	OPEPD	0	0	0	1	0	1	1	0	1	0	0	0	4
	OS	1	1	0	0	0	0	0	0	1	0	0	0	3
	OSDFS	5	58	0	1	0	17	1	0	1	0	0	0	83
OSERS	23	40	0	8	0	9	4	1	0	1	1	0	87	
OUS	0	0	0	1	0	0	0	0	0	0	0	0	1	
OVAE	2	5	0	2	0	0	1	0	0	0	0	0	10	
OCR Field Offices	Boston	16	92	2	0	0	7	0	0	0	0	2	0	119
	New York	79	39	6	5	0	3	7	0	0	0	3	0	142
	Philadelphia	21	31	3	4	0	2	0	0	0	0	0	0	61
	Atlanta	17	22	4	4	0	2	2	0	1	1	1	0	54
	Chicago	36	38	7	5	0	5	0	0	0	0	2	0	93
	Dallas	21	39	3	5	0	3	1	0	1	1	1	0	75
	Kansas City	5	9	1	0	0	0	0	0	0	0	0	0	15
	Denver	15	29	3	4	0	1	0	1	0	0	1	0	54
	San Francisco	16	31	8	4	0	2	0	0	0	0	0	0	61
	Seattle	34	40	4	7	0	11	0	0	0	0	0	0	96
	District of Columbia	15	52	0	0	0	1	0	3	0	0	0	0	71
	Cleveland	23	23	9	1	0	0	0	0	0	0	0	0	56

B. (3) Disposition of FOIA/PA Requests – Number of Times Exemptions Applied:

Component Offices		Exemption												
		1	2	3	4	5	6	7a	7b	7c	7d	7e	7f	8/9
ED TOTAL		0	103	4	468	150	633	133	13	393	2	7	0	0
ED Headquarters Offices	FSA	0	12	0	15	10	31	0	0	1	0	0	0	0
	IES	0	9	0	41	4	42	1	0	0	0	0	0	0
	OCFO	0	0	0	0	0	1	0	0	0	0	0	0	0
	OCFO – CAM	0	3	0	35	0	14	0	0	0	0	0	0	0
	OCFO – FSS	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	0	1	0	1	2	25	2	0	46	0	0	0	0
	OELA	0	0	0	19	17	7	0	0	0	0	0	0	0
	OESE	0	3	0	67	3	72	0	0	1	0	0	0	0
	OGC	0	1	0	2	2	4	1	1	3	0	0	0	0
	OIG	0	7	0	0	7	16	8	0	8	0	6	0	0
	OII	0	2	0	34	0	43	0	0	0	0	0	0	0
	OLCA	0	0	0	0	0	1	0	0	0	0	0	0	0
	OM	0	2	0	2	4	12	0	0	0	0	0	0	0
	OM-RIMS	0	28	0	93	9	111	1	1	10	0	0	0	0
	OPE	0	4	0	47	7	31	1	0	1	0	1	0	0
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0	0
	OS	0	0	0	0	1	1	0	0	0	0	0	0	0
	OSDFS	0	8	0	60	0	51	0	0	0	0	0	0	0
	OSERS	0	5	0	46	2	48	1	1	0	0	0	0	0
OUS	0	0	0	0	0	0	0	0	0	0	0	0	0	
OVAE	0	0	0	3	0	5	0	0	0	0	0	0	0	
OCR Field Offices	Boston	0	0	1	0	26	8	17	0	51	0	0	0	0
	New York	0	1	0	0	0	12	1	0	39	0	0	0	0
	Philadelphia	0	0	0	0	0	0	5	0	30	0	0	0	0
	Atlanta	0	0	0	0	5	15	3	0	17	0	0	0	0
	Chicago	0	1	0	1	11	5	33	0	12	0	0	0	0
	Dallas	0	0	0	0	5	11	3	0	28	0	0	0	0
	Kansas City	0	0	0	0	1	1	2	8	9	0	0	0	0
	Denver	0	8	3	0	13	29	9	2	7	1	0	0	0
	San Francisco	0	7	0	2	14	21	12	0	22	0	0	0	0
	Seattle	0	1	0	0	7	2	17	0	43	0	0	0	0
	District of Columbia	0	0	0	0	0	11	7	0	45	0	0	0	0
	Cleveland	0	0	0	0	0	3	9	0	20	1	0	0	0

VI. Administrative Appeals of Initial Determinations of FOIA/PA Requests:

A. Received, Processed, and Pending Administrative Appeals

Number of Appeals Pending as of Start of FY 2008	Number of Appeals Received in FY 2008	Number of Appeals Processed in FY 2008	Number of Appeals Pending as of End of FY 2008
24	67	54	37

B. Disposition of Administrative Appeals – All Processed Appeals

Number of (initial determinations) Affirmed on Appeal	Number of (initial determinations) Partially Affirmed & Partially Reversed/Remanded on Appeal	Number of (initial determinations) Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
6	16	13	19	54

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied.

EX 1	EX 2	EX 3	EX 4	EX 5	EX 6	EX 7(A)	EX 7(B)	EX 7(C)	EX 7(D)	EX 7(E)	EX 7(F)	EX 8	EX 9
0	3	0	1	9	11	1	0	18	0	0	0	0	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions:

No records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
11	0	4	0	1	2	0	1	0	0	0

B. (4) Response Time for Administrative Appeals

Number of Business Days			
Median	Average	Lowest	Highest
240	239	56	558

C. (5) Ten Oldest Pending Administrative Appeals

	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	2007 11/21	2007 11/20	2007 11/19	2007 11 /13	2007 11 /13	2007 11 /13	2007 11 /7	2007 11 /1	2007 11 /1	2007 10 /19
Number of (business) Days Pending	252	253	254	258	258	258	261	265	265	274

VII. FOIA/PA Requests: Response Time for Processed and Pending Requests

A. Processed Requests – Response Time for All Processed Perfected Requests

Component Offices	SIMPLE – Number of Business Days				COMPLEX – Number of Business Days				EXPEDITED – Number of Business Days				
	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	
ED Totals	40	111	1	897	21	39	1	930	12	17	1	60	
ED Headquarters Offices	FSA	33	127	1	781	30	57	1	537	0	0	0	0
	IES	128	163	6	499	38	56	2	201	0	0	0	0
	OCFO	315	224	1	412	34	34	9	59	0	0	0	0
	OCFO – CAM	181	229	12	770	94	104	13	331	0	0	0	0
	OCFO – FSS	182	182	182	182	0	0	0	0	0	0	0	0
	OCIO	28	39	20	81	24	22	2	39	0	0	0	0
	OCO	309	309	309	309	0	0	0	0	0	0	0	0
	OCR	92	105	6	445	35	52	3	234	0	0	0	0
	OELA	318	310	73	505	25	158	25	392	0	0	0	0
	OESE	240	289	13	836	64	108	6	572	0	0	0	0
	OGC	443	480	60	897	837	681	119	930	0	0	0	0
	OIG	17	142	1	534	21	30	11	55	10	10	10	10
	OII	219	253	6	683	53	85	1	529	0	0	0	0
	OLCA	227	227	80	373	248	248	248	248	0	0	0	0
	OM	36	76	4	433	28	40	6	121	0	0	0	0
	OM-RIMS	34	93	1	824	76	123	3	758	0	0	0	0
	OPE	75	135	3	801	55	109	3	826	0	0	0	0
	OPEPD	389	398	64	751	0	0	0	0	0	0	0	0
	OS	119	465	119	810	87	202	9	510	0	0	0	0
	OSDFS	266	309	6	766	122	131	15	384	0	0	0	0
OSERS	145	157	4	631	63	80	3	211	0	0	0	0	
OUS	618	618	618	618	0	0	0	0	0	0	0	0	
OVAE	90	125	2	432	95	95	95	95	0	0	0	0	
OCR Field Offices	Boston	11	20	1	109	41	42	3	89	14	14	14	14
	New York	27	64	1	311	29	62	1	275	3	3	1	4
	Philadelphia	51	78	2	279	17	17	8	25	23	16	3	23
	Atlanta	33	45	3	330	0	0	0	0	27	27	27	27
	Chicago	20	18	2	55	22	18	4	24	0	0	0	0
	Dallas	20	25	5	289	22	29	9	102	32	32	4	60
	Kansas City	27	47	13	163	0	0	0	0	0	0	0	0
	Denver	15	19	1	85	49	50	6	139	0	0	0	0
	San Francisco	6	8	1	30	6	10	2	25	0	0	0	0
	Seattle	3	6	1	20	10	11	1	25	0	0	0	0
	District of Columbia	18	29	1	157	20	17	5	24	0	0	0	0
	Cleveland	19	17	1	49	23	23	21	25	0	0	0	0

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Component Offices	SIMPLE – Number of Business Days				COMPLEX – Number of Business Days				EXPEDITED – Number of Business Days				
	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	
ED Totals	39	108	1	897	44	80	1	902	12	18	3	60	
ED Headquarters Offices	FSA	82	117	1	786	36	66	2	537	0	0	0	0
	IES	142	176	6	499	38	57	2	201	0	0	0	0
	OCFO	2	2	1	3	59	59	59	59	0	0	0	0
	OCFO – CAM	198	226	14	519	88	115	13	331	0	0	0	0
	OCFO – FSS	182	182	182	182	0	0	0	0	0	0	0	0
	OCIO	28	39	20	81	26	26	12	39	0	0	0	0
	OCO	309	309	309	309	0	0	0	0	0	0	0	0
	OCR	98	117	17	445	39	54	3	234	0	0	0	0
	ODS	0	0	0	0	0	0	0	0	0	0	0	0
	OELA	318	310	73	505	141	184	89	392	0	0	0	0
	OESE	235	256	13	836	64	112	6	572	0	0	0	0
	OGC	474	476	60	897	837	837	771	902	0	0	0	0
	OIG	15	30	1	264	38	38	21	55	10	10	10	10
	OII	178	230	26	683	56	100	19	529	0	0	0	0
	OLCA	227	227	80	373	248	248	248	248	0	0	0	0
	OM	23	47	4	165	28	45	6	121	0	0	0	0
	OM-RIMS	105	164	1	824	106	160	14	858	0	0	0	0
	OPE	109	130	11	577	62	129	3	826	0	0	0	0
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0
	OS	465	465	119	810	299	299	87	510	0	0	0	0
OSDFS	352	363	48	776	127	175	91	384	0	0	0	0	
OSERS	169	179	4	631	87	95	3	211	0	0	0	0	
OUS	0	0	0	0	0	0	0	0	0	0	0	0	
OVAE	80	120	2	432	95	95	95	95	0	0	0	0	
OCR Field Offices	Boston	11	18	1	109	43	45	3	89	14	14	14	14
	New York	36	69	2	311	24	35	1	111	4	4	4	4
	Philadelphia	57	78	2	264	25	25	25	25	13	13	3	23
	Atlanta	26	46	3	330	0	0	0	0	27	27	27	27
	Chicago	20	18	2	55	22	18	4	24	0	0	0	0
	Dallas	19	27	5	289	23	31	11	102	32	32	4	60
	Kansas City	26	19	13	163	0	0	0	0	0	0	0	0
	Denver	15	19	1	85	51	59	6	139	0	0	0	0
	San Francisco	7	8	1	30	6	10	2	25	0	0	0	0
	Seattle	3	4	1	17	10	12	2	24	0	0	0	0
	District of Columbia	16	26	1	157	19	15	5	21	0	0	0	0
	Cleveland	18	18	1	44	25	25	25	25	0	0	0	0

C. Processed Requests – Response Time in (Business) Day Increments
Simple Requests

Component Offices	1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401 +	TOTAL	
ED Totals	594	296	105	79	80	58	45	58	45	44	108	72	95	1679	
ED Headquarters Offices	FSA	35	28	15	13	10	8	8	17	13	9	28	7	7	198
	IES	3	0	3	1	0	4	3	1	1	1	4	2	2	25
	OCFO	2	1	0	0	0	0	0	0	0	0	0	2	2	7
	OCFO – CAM	3	5	6	3	7	6	2	3	0	4	9	8	11	67
	OCFO – FSS	0	0	0	0	0	0	0	0	0	1	0	0	0	1
	OCIO	1	2	0	1	0	0	0	0	0	0	0	0	0	4
	OCO	0	0	0	0	0	0	0	0	0	0	0	1	0	1
	OCR	4	2	3	2	7	0	4	1	4	1	1	0	1	30
	OELA	0	0	0	1	1	0	0	0	1	0	1	5	3	12
	OESE	2	1	3	1	3	4	3	2	4	4	11	14	12	64
	OGC	0	0	1	0	0	0	0	0	0	1	0	1	4	7
	OIG	25	11	1	0	0	1	0	0	0	0	2	0	1	41
	OII	3	2	4	1	4	1	3	2	2	2	6	9	7	46
	OLCA	0	0	0	1	0	0	0	0	0	0	0	1	0	2
	OM	9	6	3	4	0	3	1	0	1	0	0	1	1	29
	OM-RIMS	83	44	11	9	13	7	5	6	5	5	10	10	9	217
	OPE	6	11	3	7	1	6	2	5	1	2	1	2	4	51
	OPEPD	0	0	0	0	1	0	0	0	0	0	0	1	2	4
	OS	0	0	0	0	0	0	0	0	0	0	0	0	1	1
	OSDFS	2	5	2	1	2	3	3	4	3	5	9	6	23	68
OSERS	3	2	5	7	5	4	5	9	5	6	9	0	3	63	
OUS	0	0	0	0	0	0	0	0	0	0	0	0	1	1	
OVAE	1	2	0	1	3	0	0	0	0	0	1	0	1	9	
OCR Field Offices	Boston	56	18	8	1	2	1	0	0	0	0	0	0	86	
	New York	54	26	13	7	9	5	1	4	2	1	11	1	134	
	Philadelphia	17	11	4	4	3	3	4	2	2	2	4	0	56	
	Atlanta	22	8	9	8	3	1	0	1	0	0	0	1	53	
	Chicago	48	38	2	0	0	0	0	0	0	0	0	0	88	
	Dallas	28	20	0	0	0	0	0	0	0	0	1	0	49	
	Kansas City	4	7	0	1	1	0	1	0	1	0	0	0	15	
	Denver	29	11	3	0	1	0	0	0	0	0	0	0	44	
	San Francisco	52	3	0	0	0	0	0	0	0	0	0	0	55	
	Seattle	30	0	0	0	0	0	0	0	0	0	0	0	30	
	District of Columbia	38	15	3	5	4	1	0	1	0	0	0	0	67	
	Cleveland	34	17	3	0	0	0	0	0	0	0	0	0	54	

U.S. Department of Education – FY 2008 Annual FOIA Report

Complex Requests

Component Offices		1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401 +	TOTAL
ED Totals		180	113	75	46	34	20	19	13	5	7	17	7	11	547
ED Headquarters Offices	FSA	29	21	14	2	7	3	2	2	1	0	4	0	1	86
	IES	7	5	1	3	1	1	1	0	0	1	1	0	0	21
	OCFO	1	0	1	0	0	0	0	0	0	0	0	0	0	2
	OCFO – CAM	2	4	3	2	4	3	2	1	1	0	3	1	0	26
	OCFO – FSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCIO	2	0	2	0	0	0	0	0	0	0	0	0	0	4
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	10	8	3	5	2	0	1	0	1	0	1	0	0	31
	OELA	0	1	0	0	1	1	0	1	0	1	0	1	0	6
	OESE	3	4	7	6	2	2	3	1	0	1	3	0	2	34
	OGC	0	0	0	0	0	1	0	0	0	0	0	0	2	3
	OIG	2	1	2	0	0	0	0	0	0	0	0	0	0	5
	OII	4	6	9	3	2	0	0	0	0	1	0	2	1	28
	OLCA	0	0	0	0	0	0	0	0	0	0	1	0	0	1
	OM	4	5	2	1	1	0	1	0	0	0	0	0	0	14
	OM-RIMS	13	7	6	8	4	2	1	3	1	2	2	0	2	51
	OPE	9	4	8	6	2	2	1	0	1	0	0	1	2	36
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OS	1	0	0	0	0	0	0	0	0	0	0	0	1	2
	OSDFS	2	0	3	0	1	1	4	2	0	0	0	2	0	15
OSERS	3	5	3	1	2	2	2	3	0	1	2	0	0	24	
OUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
OVAE	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
OCR Field Offices	Boston	11	5	6	7	3	0	0	0	0	0	0	0	0	32
	New York	3	2	0	0	0	1	0	0	0	0	0	0	0	6
	Philadelphia	1	1	0	0	0	0	0	0	0	0	0	0	0	2
	Atlanta	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Chicago	2	3	0	0	0	0	0	0	0	0	0	0	0	5
	Dallas	8	13	0	1	1	1	0	0	0	0	0	0	0	24
	Kansas City	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Denver	2	1	5	1	0	0	1	0	0	0	0	0	0	10
	San Francisco	5	1	0	0	0	0	0	0	0	0	0	0	0	6
	Seattle	54	12	0	0	0	0	0	0	0	0	0	0	0	66
	District of Columbia	2	2	0	0	0	0	0	0	0	0	0	0	0	4
	Cleveland	0	2	0	0	0	0	0	0	0	0	0	0	0	2

U.S. Department of Education – FY 2008 Annual FOIA Report

Requests Granted Expedited Processing

Component Offices		1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL
ED Totals		6	3	1	0	0	0	0	0	0	0	0	0	0	10
ED Headquarters Offices	FSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	IES	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO – CAM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO – FSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OELA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OESE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OIG	1	0	0	0	0	0	0	0	0	0	0	0	0	1
	OII	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OLCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM-RIMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OSDFS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
OUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
OVAE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
OCR Field Offices	Boston	1	0	0	0	0	0	0	0	0	0	0	0	0	1
	New York	2	0	0	0	0	0	0	0	0	0	0	0	0	2
	Philadelphia	1	2	0	0	0	0	0	0	0	0	0	0	0	3
	Atlanta	0	1	0	0	0	0	0	0	0	0	0	0	0	1
	Chicago	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Dallas	1	0	1	0	0	0	0	0	0	0	0	0	0	2
	Kansas City	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Denver	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	San Francisco	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Seattle	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	District of Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Cleveland	0	0	0	0	0	0	0	0	0	0	0	0	0	0

D. Pending Requests – All Pending Perfected Requests

Component Offices		SIMPLE			COMPLEX			EXPEDITED		
		Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
ED Totals		116	230	265	232	74	100	0	0	0
ED Headquarters Offices	FSA	18	274	289	39	49	49	0	0	0
	IES	1	284	284	0	0	0	0	0	0
	OCFO	1	94	94	0	0	0	0	0	0
	OCFO – CAM	8	451	513	22	107	109	0	0	0
	OCFO – FSS	3	223	222	3	74	68	0	0	0
	OCIO	0	0	0	0	0	0	0	0	0
	OCO	1	339	339	2	75	75	0	0	0
	OCR	0	0	0	1	32	32	0	0	0
	OELA	0	0	0	8	57	79	0	0	0
	OESE	1	207	207	12	20	36	0	0	0
	OGC	5	207	239	2	114	114	0	0	0
	OIG	0	0	0	2	22	22	0	0	0
	OII	3	346	334	3	28	33	0	0	0
	OLCA	1	308	308	0	0	0	0	0	0
	OM	0	0	0	0	0	0	0	0	0
	OM-RIMS	14	341	328	32	68	95	0	0	0
	OPE	1	357	357	20	56	66	0	0	0
	OPEPD	4	712	635	4	22	41	0	0	0
	OS	3	527	515	6	121	282	0	0	0
	OSDFS	6	190	188	27	61	84	0	0	0
OSERS	3	251	245	9	35	49	0	0	0	
OUS	1	347	347	0	0	0	0	0	0	
OVAE	0	0	0	1	6	6	0	0	0	
Boston	2	45	45	2	40	40	0	0	0	
OCR Regional Offices	New York	8	54	61	22	89	132	0	0	0
	Philadelphia	19	136	182	3	55	45	0	0	0
	Atlanta	4	76	78	5	58	52	0	0	0
	Chicago	2	4	4	0	0	0	0	0	0
	Dallas	0	0	0	3	45	76	0	0	0
	Kansas City	5	114	99	0	0	0	0	0	0
	Denver	0	0	0	0	0	0	0	0	0
	San Francisco	0	0	0	0	0	0	0	0	0
	Seattle	0	0	0	0	0	0	0	0	0
	District of Columbia	2	38	38	4	93	132	0	0	0
	Cleveland	0	0	0	0	0	0	0	0	0

Pending Requests – Ten Oldest Pending Perfected Requests

Component Offices	10 th Oldest Request and number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending	
ED Totals	329	361	361	369	404	404	512	671	764	943	
ED Headquarters Offices	FSA	285	312	317	334	339	361	376	384	585	667
	IES	0	0	0	0	0	0	0	0	0	289
	OCFO	0	0	0	0	0	0	0	0	0	108
	OCFO – CAM	164	174	272	351	359	389	512	671	764	764
	OCFO – FSS	0	0	0	0	63	89	97	199	232	263
	OCIO	0	0	0	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	59	121	343
	OCR	0	0	0	0	0	0	0	0	0	48
	OELA	0	0	40	41	55	63	82	118	173	179
	OESE	32	32	37	37	38	43	43	133	156	216
	OGC	0	0	0	81	175	202	204	216	258	357
	OIG	0	0	0	0	0	0	0	0	30	47
	OII	0	0	0	0	21	44	83	228	350	441
	OLCA	0	0	0	0	0	0	0	0	0	313
	OM	0	0	0	0	0	0	0	0	0	0
	OM-RIMS	329	361	361	369	404	404	427	469	456	607
	OPE	85	102	109	111	116	118	132	145	171	360
	OPEPD	0	0	20	29	48	151	349	668	736	759
	OS	0	38	106	127	143	313	319	523	701	943
	OSDFS	179	180	180	183	190	197	199	204	205	207
OSERS	36	44	51	54	105	109	130	237	258	261	
OUS	0	0	0	0	0	0	0	0	0	351	
OVAE	0	0	0	0	0	0	0	0	0	23	
OCR Regional Offices	Boston	0	0	0	0	0	0	23	45	66	98
	New York	184	193	209	234	254	272	276	284	299	323
	Philadelphia	150	150	169	183	200	258	394	501	520	546
	Atlanta	0	24	27	35	67	74	100	115	115	155
	Chicago	0	0	0	0	0	0	0	0	20	21
	Dallas	0	0	0	0	0	0	0	34	61	179
	Kansas City	0	0	0	0	0	64	94	128	134	147
	Denver	0	0	0	0	0	0	0	0	0	0
	San Francisco	0	0	0	0	0	0	0	0	0	0
	Seattle	0	0	0	0	0	0	0	0	0	0
	District of Columbia	0	0	0	0	47	61	78	104	110	286
	Cleveland	0	0	0	0	0	0	0	0	0	0

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing*

Component Offices		Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
ED Totals		10	57	4	70	39
ED Headquarters Offices	FSA	0	0	0	0	0
	IES	0	0	0	0	0
	OCFO	0	0	0	0	0
	OCFO – CAM	0	0	0	0	0
	OCFO - FSS	0	0	0	0	0
	OCIO	0	0	0	0	0
	OCO	0	0	0	0	0
	OCR	0	0	0	0	0
	OELA	0	0	0	0	0
	OESE	0	0	0	0	0
	OGC	0	0	0	0	0
	OIG	0	0	0	0	0
	OII	0	0	0	0	0
	OLCA	0	0	0	0	0
	OM	0	0	0	0	0
	OM – RIMS	1	41	3	83	27
	OPE	0	0	0	0	0
	OPEPD	0	0	0	0	0
	OS	0	0	0	0	0
	OSDFS	0	0	0	0	0
	OSERS	0	0	0	0	0
OUS	0	0	0	0	0	
OVAE	0	0	0	0	0	
OCR Field Office	Boston	1	2	18	28	2
	New York	2	2	3	3	2
	Philadelphia	3	3	29	135	2
	Atlanta	1	2	34	48	0
	Chicago	0	2	18	18	0
	Dallas	2	1	6	30	2
	Kansas City	0	0	0	0	0
	Denver	0	1	1	1	1
	San Francisco	0	1	5	5	1
	Seattle	0	1	1	1	1
	District of Columbia	0	1	1	1	1
	Cleveland	0	0	0	0	0

*The Department of Education has a centralized processing program for all Headquarters programs. The OM-RIMS Office adjudicates requests for expedited processing and issues determination letters.

B. Requests for Fee Waiver*

Component Offices		Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
ED Totals		4	322	4	66	228
ED Headquarters Offices	FSA	0	0	0	0	0
	IES	0	0	0	0	0
	OCFO	0	0	0	0	0
	OCFO – CAM	0	0	0	0	0
	OCFO - FSS	0	0	0	0	0
	OCIO	0	0	0	0	0
	OCO	0	0	0	0	0
	OCR	0	0	0	0	0
	OELA	0	0	0	0	0
	OESE	0	0	0	0	0
	OGC	0	0	0	0	0
	OIG	0	0	0	0	0
	OII	0	0	0	0	0
	OLCA	0	0	0	0	0
	OM	0	0	0	0	0
	OM – RIMS	0	300	4	71	210
	OPE	0	0	0	0	0
	OPEPD	0	0	0	0	0
	OS	0	0	0	0	0
	OSDFS	0	0	0	0	0
	OSERS	1	0	0	0	0
OUS	0	0	0	0	0	
OVAE	0	0	0	0	0	
OCR Field Office	Boston	0	1	58	58	0
	New York	0	0	0	0	0
	Philadelphia	0	0	0	0	0
	Atlanta	0	0	0	0	0
	Chicago	1	4	3	11	3
	Dallas	1	6	5	11	5
	Kansas City	0	0	0	0	0
	Denver	0	4	2	5	3
	San Francisco	0	3	9	12	2
	Seattle	1	1	2	2	2
	District of Columbia	0	2	2	2	2
	Cleveland	0	1	0	0	1

*The Department of Education has a centralized processing program for all Headquarters programs. The OM-RIMS Office adjudicates requests for fee waivers and issues determination letters.

IX. FOIA PERSONNEL AND COSTS

Component Offices		A. PERSONNEL			B. COSTS		
		Number of Full-Time FOIA Employees	Number of Equivalent Full-Time FOIA Employees	Total Number of Full-Time FOIA Staff	Processing Costs	Litigation -Related Costs	Total Costs (plus 16% of salary rate)
ED Totals		17.58	15.33	32.91	\$1,879,162	\$117,328	\$2,297,101
FOIA Processing License		0	0	0	260,000	0	260,000
ED Headquarters Programs	FSA	1	0	1	49,084	0	56,937
	IES	0	0.5	0.5	74,435	0	86,345
	OCFO	0	0.1	0.1	6,448	0	7,480
	OCFO – CAM	0	0.25	0.25	14,752	0	17,112
	OCFO – FSS	0	0	0	0	0	0
	OCIO	0	0.4	0.4	41,972	500	49,188
	OCO	0	0.01	0.01	596	0	691
	OCR	1.9	1.9	3.8	119,540	0	138,666
	OELA	0	0.1	0.1	600	0	696
	OESE	0	0.3	0.3	27,217	1,038	32,610
	OGC	0	0.3	0.3	30,390	40,520	75,772
	OIG	1	.3	1.3	51,795	0	60,082
	OII	0	0.3	0.3	24,664	500	29,110
	OLCA	0	0.1	0.1	7,442	0	8,633
	OM	0	0.07	0.07	4,804	0	5,573
	OM – RIMS	12.5	0	12.5	589,994	70,000	754,393
	OPE	0	1	1	71,439	0	82,869
	OPEPD	0	0.12	0.12	40,000	0	46,400
	OS	0	1	1	79,115	4,770	96,543
	OSDFS	0	1	1	86,486	0	100,324
OSERS	0	1.2	1.2	68,579	0	79,552	
OUS	0	0.004	0.004	480	0	557	
OVAE	0	0.003	0.003	422	0	490	
OCR Regional Offices	Boston	0.75	0.6	1.35	74,959	0	86,952
	New York	0	0.05	0.05	4,003	0	4,643
	Philadelphia	0	0.12	0.12	8,786	0	10,192
	Atlanta	0.25	0.15	0.4	38,559	0	44,728
	Chicago	0	1.3	1.3	101,460	0	117,694
	Dallas	0	1.2	1.2	11,175	0	12,963
	Kansas City	0	.14	0.14	13,108	0	15,167
	Denver	0	1.5	1.5	104,154	0	120,819
	San Francisco	0	0.3	0.3	50,253	0	58,293
	Seattle	.18	0.11	0.29	24,645	0	28,572
	District of Columbia	0	0.7	0.7	42,036	0	48,762
	Cleveland	0	0.2	0.2	15,770	0	18,293

X. FEES COLLECTED FOR PROCESSING REQUESTS

Component Offices		Total Amount of Fees Collected	Percentage of Department Total Costs
ED Totals		\$15,114	0.35%
ED Headquarters Offices	FSA	5,163	0.12%
	IES	243	0.01%
	OCFO	0	0.00%
	OCFO – CAM	1,241	0.03%
	OCFO – FSS	0	0.00%
	OCIO	0	0.00%
	OCO	0	0.00%
	OCR	1,523	0.04%
	OELA	131	0.00%
	OESE	897	0.02%
	OGC	16	0.00%
	OIG	0	0.00%
	OII	1,663	0.04%
	OLCA	0	0.00%
	OM	211	0.00%
	OM – RIMS	817	0.02%
	OPE	1,501	0.03%
	OPEPD	0	0.00%
	OS	0	0.00%
	OSDFS	582	0.01%
OSERS	287	0.01%	
OUS	0	0.00%	
OVAE	263	0.01%	
OCR Field Office	Boston	138	0.00%
	New York	13	0.00%
	Philadelphia	133	0.00%
	Atlanta	105	0.00%
	Chicago	9	0.00%
	Dallas	57	0.00%
	Kansas City	70	0.00%
	Denver	0	0.00%
	San Francisco	0	0.00%
	Seattle	51	0.00%
	District of Columbia	0	0.00%
	Cleveland	0	0.00%

XI. FOIA REGULATIONS

The Department of Education FOIA Implementing Regulation is codified at 34 CFR Part 5 and can be found at: <http://www.ed.gov/policy/gen/leg/foia/foiatoc.html>.

The Department’s fee schedule is outlined in Subpart E-Fees and Charges §5.6 and can be found at: http://edocket.access.gpo.gov/cfr_2005/julqtr/pdf/34cfr5.60.pdf

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA/PA Requests and Administrative Appeals

Component Offices		Number of Backlogged Requests as of End of FY 2008	Number of Backlogged Appeals as of End of FY 2008
ED Totals		348	20
ED Headquarters Offices	FSA	57	0
	IES	1	0
	OCFO	1	0
	OCFO – CAM	30	0
	OCFO – FSS	6	0
	OCIO	0	0
	OCO	3	0
	OCR	1	0
	OELA	8	0
	OESE	13	0
	OGC	7	17
	OIG	2	1
	OII	6	0
	OLCA	1	0
	OM	0	0
	OM – RIMS	46	2
	OPE	21	0
	OPEPD	8	0
	OS	9	0
	OSDFS	33	0
OSERS	12	0	
OUS	1	0	
OVAE	1	0	
OCR Field Office	Boston	4	0
	New York	30	0
	Philadelphia	22	0
	Atlanta	9	0
	Chicago	2	0
	Dallas	3	0
	Kansas City	5	0
	Denver	0	0
	San Francisco	0	0
	Seattle	0	0
	District of Columbia	6	0
	Cleveland	0	0

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of FY 2008	Number of Consultations Received from Other Agencies During FY 2008	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During FY 2008	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of FY 2008
Agency Overall	0	0	0	0

C. Consultation on FOIA/PA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

	10 th Oldest Consultation and number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Consultation and Number of Days Pending
Agency Overall	0	0	0	0	0	0	0	0	0	0

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

Component Offices		NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
		During FY 2007 from Last Year's Annual Report	During FY 2008 from Current Annual Report	During FY 2007 from Last Year's Annual Report	During FY 2008 from Current Annual Report
ED Totals		1,790	1,921	1,668	2,236
ED Headquarters Programs	FSA	244	251	215	284
	IES	27	40	31	46
	OCFO	0	6	0	9
	OCFO – CAM	52	81	44	93
	OCFO - FSS	0	7	0	1
	OCIO	3	5	2	8
	OCO	2	3	1	1
	OCR	94	54	108	61
	OELA	3	22	6	18
	OESE	81	51	79	98
	OGC	8	8	9	10
	OIG	62	43	60	47
	OII	56	40	53	74
	OLCA	8	1	2	3
	OM	18	40	25	43
	OM – RIMS	302	73	195	268
	OPE	87	92	92	87
	OPEPD	3	10	1	4
	OS	7	8	6	3
	OSDFS	15	92	47	83
OSERS	62	81	49	87	
OUS	0	0	1	1	
OVAE	9	8	6	10	
OCR Regional Offices	Boston	80	118	79	119
	New York	123	139	95	142
	Philadelphia	52	74	64	61
	Atlanta	64	61	62	54
	Chicago	62	91	61	93
	Dallas	41	76	44	75
	Kansas City	33	12	37	15
	Denver	34	52	33	54
	San Francisco	33	59	40	61
	Seattle	67	92	63	96
	District of Columbia	22	75	20	71
	Cleveland	36	56	38	56

U.S. Department of Education – FY 2008 Annual FOIA Report

Component Offices		Number of Backlogged Requests as of End of FY 2007 from Previous Annual Report	Number of Backlogged Requests as of End of FY 2008 from Current Annual Report
ED Totals		659	348
ED Headquarters Programs	FSA	90	57
	IES	7	1
	OCFO	4	1
	OCFO – CAM	38	30
	OCFO – FSS	0	6
	OCIO	3	0
	OCO	1	3
	OCR	8	1
	OELA	4	8
	OESE	60	13
	OGC	9	7
	OIG	6	2
	OII	40	6
	OLCA ²	3	1
	OM	3	0
	OM – RIMS	241	46
	OPE	16	21
	OPEPD	2	8
	OS	4	9
	OSDFS	24	33
OSERS	18	12	
OUS	2	1	
OVAE	3	1	
OCR Regional Offices	Boston	5	4
	New York	33	30
	Philadelphia	9	22
	Atlanta	2	9
	Chicago	4	2
	Dallas	2	3
	Kansas City	8	5
	Denver	2	0
	San Francisco	2	0
	Seattle	4	0
	District of Columbia	2	6
	Cleveland	0	0

². Reporting error of 7 in end-of-year number of pending cases for FY 2007 FOIA Annual Report

Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During FY 2007 from Last Year's Annual Report	Number Received During FY 2008 from Current Annual Report	Number Processed During FY 2007 from Last Year's Annual Report	Number Processed During FY 2008 from Current Annual Report
OM – RIMS	43	67	42	54

	Number of Backlogged Appeals as of End of FY 2007 from Previous Annual Report	Number of Backlogged Appeals as of End of FY 2008 from Current Annual Report
OM – RIMS	24	37