



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

ASSISTANT SECRETARY

JUL 31 2007

Mr. Clay Johnson, III, Chair  
President's Management Council

Dear Mr. Johnson:

The U.S. Department of Education (ED) is pleased to present this status report to the President's Management Council on "Improving Agency Disclosure of Information." This is in response to the Executive Order 13,392 mandate for actions to address the issue of ensuring a well-informed citizenry through an effective and citizen-centered Freedom of Information Act (FOIA) program.

Our team of FOIA Public Liaisons, FOIA Service Center support staff, and FOIA coordinators demonstrate top-level commitment to excellent performance. Since first reporting on the status of the Department of Education's FOIA program and *FOIA Improvement Plan* in February of this year, additional goals and milestones have been exceeded or met.

As reported in the Department's *Fiscal Year 2006 FOIA Annual Report* and presented in the Attorney General's Report to the President of June of this year, the Department of Education met all interim goals related to reducing the FOIA backlog, except one related to the 10-oldest requests. The following is our "Updated Status Report" regarding this single interim goal:

1. FOIA Improvement Plan Section. Section VI: Backlog Reduction/Elimination. Implement a "10-oldest" Backlog Reduction Effort.
2. Deficient Milestone. "By January 2007, close the 10-oldest cases identified in October 2006." By January 31, 2007, 3 of the 10-oldest FOIA requests (30%) had been closed.
3. Intermediate Corrective Steps to Address Deficiency. To date, nine (9) of the "10-oldest" are complete. In addition to the three referenced above (number 2), the following six (6) requests were closed on:
  - February 26, 2007
  - February 26, 2007
  - April 11, 2007
  - April 19, 2007
  - May 5, 2007
  - July 3, 2007

The remaining open case (04-00896-F) remains in litigation. The Department's Office of the General Counsel has stated that this request is involved with a series of ongoing court motions.

4. Future Corrective Steps to Address Deficiency. Pending court rulings, this request must remain open.

If you have additional questions or comments, please contact Lee Eiden, Director of Regulatory Information Management Services (202-245-6454 / [lee.eiden@ed.gov](mailto:lee.eiden@ed.gov)), or Angela Arrington, FOIA Public Liaison (202-245-6409 / [angela.arrington@ed.gov](mailto:angela.arrington@ed.gov)), or myself.

Sincerely,

  
Michel Clark  
Assistant Secretary  
Office of Management