The Secretary's Annual Freedom of Information Act Report
Fiscal Year 2009

Regulatory Information Management Services
Office of Management

A Report to the
Attorney General of the United States
for the period
October 1, 2008 – September 30, 2009

U.S. Department of Education
FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2009

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U.S. Department of Education

I. BASIC INFORMATION REGARDING REPORT

1. The person to contact with questions about this report is:
    Camilla Perry, Acting Director, FOIA Service Center
    Regulatory Information Management Services, Office of Management
    United States Department of Education
    400 Maryland Ave, SW, LBJ 2W220
    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 in paper form contact the person identified in #1 above.

II. MAKING A FOIA REQUEST

1. 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.

Chief FOIA Officer
JoAnn Ryan , (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
Robert Wehausen

FOIA Appeals Coordinators: Camilla Perry
Tiffany Ford

Privacy Act Officer: Angela Arrington

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

2. 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/policy/gen/leg/foia/foiatoc.html 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 to whom it applies. 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.

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 FY2009, the ED had the following program offices and/or processing designations:
      - CAM   Contracts and Acquisitions Management (a component of OCFO)

- FSA   Federal Student Aid
- FSS   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
- 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 entireties 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
5 U.S.C. 105 (Ethics in Government Act of 1978)	Financial disclosure information pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02) (9th Cir. 1992); Glascoe v. DOJ, No. 04-0486, 2005 WL 1139269 (D.D.C. May 15, 2005); Concepcion v. FBI, 606 F. Supp. 2d 14, 33 (D.D.C. 2009)	OPEPD: 2	2
5 U.S.C. app § 107(a) (Ethics in Government Act of 1978)	Financial disclosure information pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Glascoe v. DOJ, No. 04-0486, 2005 WL 1139269 (D.D.C. May 15, 2005); Concepcion v. FBI, 606 F. Supp. 2d 14, 33 (D.D.C. 2009)	OPEPD: 1	1
5 U.S.C. 571 (Alternative Dispute Resolution Act)	Communications relating to proceedings	n/a	OCR: 2 OCR-Boston: 2 OCR-Denver: 1	5
41 U.S.C. 253b(m)(1) (National Defense Authorization Act for Fiscal Year 1997)	Prohibition on Release of Contractor Proposals that have not been set forth or incorporated by reference into contracts.	Hornbostel v. DOI, 305 F. Supp. 2d 21, 30 (D.D.C. 2003) *summary affirmance granted*, No. 035257, 2004 WL 1900562 (D.C.C. Aug. 25, 2004)	FSA: 3 OCR-Denver: 1 OGC: 1 OSERS: 1	6

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 2009	Number of Requests Received in FY 2009	Number of Requests Processed in FY 2009	Pending End of FY 2009
ED Headquarters Offices	FSA	57	358	347	68
	IES	1	38	37	2
	IES – NAGB	0	5	0	5
	OCFO	1	10	7	4
	OCFO - CAM	26	50	70	6
	OCFO – FSS	6	1	6	1
	OCIO	0	6	4	2
	OCO	3	2	4	1
	OCR	1	81	78	4
	OELA	8	7	12	3
	OESE	13	96	85	24
	OGC	7	19	18	8
	OIG	2	30	26	6
	OII	6	48	35	19
	OLCA	1	10	6	5
	OM	0	36	33	3
	OM-RIMS	46	302	255	93
	OPE	21	82	85	18
	OPEPD	8	32	30	10
	OS	9	15	15	9
	OSDFS	33	58	78	13
	OSERS	12	54	58	8
	OUS	1	3	4	0
	OVAE	1	7	7	1
OCR Field Office	Boston	4	140	130	14
	New York	30	144	151	23
	Philadelphia	22	64	67	19
	Atlanta	9	86	83	12
	Chicago	2	89	86	5
	Dallas	3	105	104	4
	Kansas City	5	40	36	9
	Denver	0	57	53	4
	San Francisco	0	50	47	3
	Seattle	0	77	74	3
	District of Columbia	6	77	73	10
	Cleveland	0	28	28	0
ED Totals		344	2,307	2,232	419

B. 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 Agency	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper for Other Reason	Not Agency Record	Duplicate Request	Other *Explain below	
ED Headquarters Offices	FSA	162	51	4	27	2	22	12	16	35	6	10	0	347
	IES	4	27	1	1	1	0	2	0	0	1	0	0	37
	IES – NAGB	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO	4	0	0	2	0	0	0	0	0	1	0	0	7
	OCFO – CAM	23	36	0	8	0	2	1	0	0	0	0	0	70
	OCFO – FSS	4	1	0	1	0	0	0	0	0	0	0	0	6
	OCIO	1	2	0	1	0	0	0	0	0	0	0	0	4
	OCO	1	0	1	2	0	0	0	0	0	0	0	0	4
	OCR	14	41	1	5	0	6	2	0	4	2	3	0	78
	OELA	1	9	2	0	0	0	0	0	0	0	0	0	12
	OESE	15	60	0	3	0	4	1	0	0	2	0	0	85
	OGC	5	6	0	1	0	2	2	0	1	1	0	0	18
	OIG	1	12	6	4	0	2	1	0	0	0	0	0	26
	OII	6	20	0	1	2	6	0	0	0	0	0	0	35
	OLCA	3	1	0	2	0	0	0	0	0	0	0	0	6
	OM	15	9	1	2	2	0	1	0	1	2	0	0	33
	OM – RIMS	45	41	0	27	5	7	29	12	68	21	0	0	255
	OPE	24	40	2	10	0	5	2	0	2	0	0	0	85
	OPEPD	8	14	1	5	0	2	0	0	0	0	0	0	30
	OS	7	1	0	4	0	2	0	0	0	0	1	0	15
	OSDFS	7	37	1	4	3	22	4	0	0	0	0	0	78
	OSERS	21	28	0	5	0	4	0	0	0	0	0	0	58
	OUS	3	0	0	1	0	0	0	0	0	0	0	0	4
	OVAE	3	3	0	1	0	0	0	0	0	0	0	0	7
OCR Field Offices	Boston	32	89	3	3	0	3	0	0	0	0	0	0	130
	New York	82	36	7	4	0	8	3	0	3	2	6	0	151
	Philadelphia	14	39	5	1	0	5	0	0	0	0	3	0	67
	Atlanta	23	31	16	2	0	5	2	1	2	0	1	0	83
	Chicago	58	16	3	2	0	6	0	0	0	0	1	0	86
	Dallas	32	55	5	3	0	6	0	0	0	3	0	0	104
	Kansas City	20	5	5	1	0	4	0	0	1	0	0	0	36
	Denver	12	30	4	3	0	2	0	0	2	0	0	0	53
	San Francisco	11	30	1	4	0	1	0	0	0	0	0	0	47
	Seattle	19	47	0	4	2	1	0	1	0	0	0	0	74
	District of Columbia	28	36	1	4	0	4	0	0	0	0	0	0	73
	Cleveland	12	6	2	1	0	6	0	1	0	0	0	0	28
ED TOTAL		**720**	**859**	**72**	**149**	**17**	**137**	**62**	**31**	**119**	**41**	**25**	**0**	**2232**

C. 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 Headquarters Offices	FSA	0	11	3	20	12	39	2	0	3	0	0	0	0
	IES	0	1	0	18	5	27	0	0	1	0	0	0	0
	IES – NAGB	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
	OCFO – CAM	0	3	0	31	1	25	0	0	0	0	0	0	0
	OCFO – FSS	0	0	0	1	0	0	0	0	0	0	0	0	0
	OCIO	0	0	0	1	0	1	0	0	0	0	0	0	0
	OCO	0	0	0	1	0	0	0	0	0	0	0	0	0
	OCR	0	2	2	0	6	12	1	2	36	1	0	0	0
	OELA	0	0	0	11	0	10	0	0	0	0	0	0	0
	OESE	0	2	0	41	4	58	0	0	0	0	0	0	0
	OGC	0	2	1	3	5	4	0	1	0	0	0	0	0
	OIG	0	6	0	1	2	11	4	0	9	0	6	0	0
	OII	0	6	0	13	0	20	0	0	0	0	0	0	0
	OLCA	0	0	0	0	0	1	0	0	0	0	0	0	0
	OM	0	0	0	0	0	9	0	0	0	1	0	0	0
	OM-RIMS	0	1	0	21	10	34	0	0	3	0	0	0	0
	OPE	0	1	0	34	9	19	0	0	1	0	0	0	0
	OPEPD	0	0	2	0	2	15	0	0	1	0	0	0	0
	OS	0	0	0	0	1	1	1	0	1	0	0	0	0
	OSDFS	0	2	0	19	3	32	0	0	0	0	0	0	0
	OSERS	0	0	1	19	5	25	1	0	0	0	0	0	0
	OUS	0	0	0	0	0	0	0	0	0	0	0	0	0
	OVAE	0	1	0	0	0	2	0	0	0	0	0	0	0
OCR Field Offices	Boston	0	0	2	0	16	14	8	0	68	0	0	0	0
	New York	0	0	0	0	1	10	2	0	30	0	0	0	0
	Philadelphia	0	0	0	0	2	2	7	0	33	0	0	0	0
	Atlanta	0	0	0	0	6	16	15	0	21	1	0	0	0
	Chicago	0	0	0	0	6	14	8	0	13	0	0	0	0
	Dallas	0	0	0	0	8	21	9	0	25	0	0	0	0
	Kansas City	0	0	0	0	0	1	9	0	8	0	0	0	0
	Denver	0	14	2	1	19	30	12	0	10	0	0	0	0
	San Francisco	0	5	0	1	9	9	2	0	9	0	0	0	0
	Seattle	0	0	0	0	8	1	21	0	46	0	0	0	0
	District of Columbia	0	0	0	0	2	2	6	0	27	1	0	0	0
	Cleveland	0	0	0	0	1	0	1	0	5	1	0	0	0
ED TOTAL		**0**	**57**	**13**	**236**	**143**	**465**	**109**	**3**	**350**	**5**	**6**	**0**	**0**

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA/PA REQUESTS:

A. Received, Processed, and Pending Administrative Appeals

Component	Number of Appeals Pending as of Start of FY 2009	Number of Appeals Received in FY 2009	Number of Appeals Processed in FY 2009	Number of Appeals Pending as of End of FY 2009
OM-RIMS	37	46	55	28

B. Disposition of Administrative Appeals – All Processed Appeals

Component	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
OM-RIMS	0	2	10	43	55

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	1	0	1	2	3	2	0	10	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
16	5	6	1	0	7	0	0	8	0	0

C. (3) "Other" Reasons for Denial on Appeal – N/A

C. (4) Response Time for (closed) Administrative Appeals

Number of Business Days			
Median	Average	Lowest	Highest
63	95	13	317

C. (5) Ten Oldest Pending Administrative Appeals

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	5/21/2009	5/21/2009	5/15/2009	5/7/2009	5/5/2009	4/22/2009	2/23/2009	2/5/2009	2/5/2009	12/5/2008
Number of (business) Days Pending	95	95	99	105	107	116	158	170	170	214

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 Headquarters Offices	FSA	25	81	<1	851	42	59	<1	401	n/a	n/a	n/a	n/a
	IES	17	29	<1	318	46	57	<1	153	n/a	n/a	n/a	n/a
	IES – NAGB	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO	1	1	<1	2	145	234	20	734	n/a	n/a	n/a	n/a
	OCFO – CAM	22	129	<1	789	96	103	18	248	n/a	n/a	n/a	n/a
	OCFO – FSS	331	331	328	333	117	117	105	125	n/a	n/a	n/a	n/a
	OCIO	11	100	8	282	11	11	11	11	n/a	n/a	n/a	n/a
	OCO	345	345	345	345	69	100	32	200	n/a	n/a	n/a	n/a
	OCR	15	24	<1	235	23	32	<1	222	n/a	n/a	n/a	n/a
	OELA	8	8	8	8	130	128	24	254	n/a	n/a	n/a	n/a
	OESE	16	62	<1	282	37	47	<1	245	n/a	n/a	n/a	n/a
	OGC	249	217	<1	634	64	92	<1	238	n/a	n/a	n/a	n/a
	OIG	20	22	<1	65	96	69	12	108	n/a	n/a	n/a	n/a
	OII	26	139	<1	489	48	56	12	149	n/a	n/a	n/a	n/a
	OLCA	322	322	317	327	17	35	3	101	n/a	n/a	n/a	n/a
	OM	20	31	<1	209	27	28	<1	97	n/a	n/a	n/a	n/a
	OM-RIMS	6	11	1	86	9	32	1	179	n/a	n/a	n/a	n/a
	OPE	17	33	<1	404	56	75	<1	434	n/a	n/a	n/a	n/a
	OPEPD	8	174	1	777	38	54	2	229	n/a	n/a	n/a	n/a
	OS	58	101	10	279	184	254	1	1002	n/a	n/a	n/a	n/a
	OSDFS	53	99	4	298	105	119	<1	429	n/a	n/a	n/a	n/a
	OSERS	19	53	<1	291	53	59	<1	209	n/a	n/a	n/a	n/a
	OUS	20	28	19	44	20	20	20	20	n/a	n/a	n/a	n/a
	OVAE	8	8	8	8	58	71	5	151	n/a	n/a	n/a	n/a
OCR Field Offices	Boston	9	15	<1	134	20	24	<1	163	n/a	n/a	n/a	n/a
	New York	7	20	<1	204	21	39	1	121	n/a	n/a	n/a	n/a
	Philadelphia	17	49	<1	612	115	156	1	578	n/a	n/a	n/a	n/a
	Atlanta	1	7	<1	109	54	74	<1	214	n/a	n/a	n/a	n/a
	Chicago	13	12	<1	20	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Dallas	10	14	<1	114	17	24	<1	249	56	56	56	56
	Kansas City	2	7	<1	44	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Denver	10	11	<1	46	10	16	7	30	n/a	n/a	n/a	n/a
	San Francisco	3	7	<1	20	6	6	<1	13	n/a	n/a	n/a	n/a
	Seattle	1	3	<1	8	6	7	<1	19	n/a	n/a	n/a	n/a
	District of Columbia	5	5	5	5	87	116	16	345	n/a	n/a	n/a	n/a
	Cleveland	17	11	3	36	9	11	4	19	n/a	n/a	n/a	n/a
ED Totals		**10**	**41**	**<1**	**851**	**32**	**59**	**<1**	**1002**	**56**	**56**	**56**	**56**

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 Headquarters Offices	FSA	28	94	<1	851	40	59	<1	401	n/a	n/a	n/a	n/a
	IES	18	31	<1	318	46	57	<1	153	n/a	n/a	n/a	n/a
	IES – NAGB	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO	2	2	2	2	145	111	20	169	n/a	n/a	n/a	n/a
	OCFO – CAM	22	134	<1	789	102	108	22	229	n/a	n/a	n/a	n/a
	OCFO – FSS	331	331	328	333	117	117	105	208	n/a	n/a	n/a	n/a
	OCIO	145	145	8	282	11	11	11	11	n/a	n/a	n/a	n/a
	OCO	n/a	n/a	n/a	n/a	69	69	69	69	n/a	n/a	n/a	n/a
	OCR	21	32	1	235	30	40	1	222	n/a	n/a	n/a	n/a
	OELA	8	8	8	8	116	113	24	193	n/a	n/a	n/a	n/a
	OESE	16	60	2	282	37	44	<1	245	n/a	n/a	n/a	n/a
	OGC	249	257	39	634	107	122	21	238	n/a	n/a	n/a	n/a
	OIG	21	28	<1	58	23	48	12	108	n/a	n/a	n/a	n/a
	OII	32	132	<1	489	48	56	12	149	n/a	n/a	n/a	n/a
	OLCA	322	322	317	327	6	6	3	8	n/a	n/a	n/a	n/a
	OM	28	42	5	209	29	34	7	97	n/a	n/a	n/a	n/a
	OM-RIMS	7	41	1	560	9	43	<1	233	n/a	n/a	n/a	n/a
	OPE	17	38	<1	404	59	75	<1	228	n/a	n/a	n/a	n/a
	OPEPD	7	173	1	777	38	58	6	229	n/a	n/a	n/a	n/a
	OS	178	178	76	279	177	207	93	477	n/a	n/a	n/a	n/a
	OSDFS	127	119	4	264	123	148	30	429	n/a	n/a	n/a	n/a
	OSERS	17	58	<1	291	53	63	<1	209	n/a	n/a	n/a	n/a
	OUS	20	28	19	44	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OVAE	8	8	8	8	64	83	24	151	n/a	n/a	n/a	n/a
OCR Field Offices	Boston	9	15	<1	134	22	25	<1	163	n/a	n/a	n/a	n/a
	New York	11	23	<1	204	21	39	1	121	n/a	n/a	n/a	n/a
	Philadelphia	21	28	<1	155	115	103	13	147	n/a	n/a	n/a	n/a
	Atlanta	1	8	<1	109	45	73	<1	214	n/a	n/a	n/a	n/a
	Chicago	14	12	<1	20	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Dallas	10	12	<1	62	18	24	<1	249	56	56	56	56
	Kansas City	3	8	<1	44	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Denver	11	13	<1	46	16	17	7	30	n/a	n/a	n/a	n/a
	San Francisco	4	8	<1	20	6	6	<1	13	n/a	n/a	n/a	n/a
	Seattle	1	3	<1	8	6	7	<1	19	n/a	n/a	n/a	n/a
	District of Columbia	1	8	<1	92	24	91	16	345	n/a	n/a	n/a	n/a
	Cleveland	17	11	<1	20	19	19	19	19	n/a	n/a	n/a	n/a
ED Totals		**14**	**45**	**<1**	**851**	**32**	**57**	**<1**	**477**	**56**	**56**	**56**	**56**

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 Headquarters Offices	FSA	68	52	8	3	2	2	3	n/a	1	2	15	8	6	170
	IES	18	9	3	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	n/a	31
	IES – NAGB	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO	2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2
	OCFO – CAM	17	9	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	2	5	36
	OCFO – FSS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	2	n/a	3
	OCIO	2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	3
	OCO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	n/a	1
	OCR	27	11	4	n/a	n/a	1	n/a	n/a	n/a	n/a	1	n/a	n/a	44
	OELA	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
	OESE	20	2	3	3	n/a	1	n/a	n/a	n/a	n/a	6	n/a	n/a	35
	OGC	3	1	n/a	n/a	n/a	1	1	n/a	n/a	n/a	4	3	1	14
	OIG	11	7	2	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	21
	OII	8	3	1	n/a	1	n/a	n/a	n/a	n/a	n/a	1	3	5	22
	OLCA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	n/a	2
	OM	9	6	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	17
	OM-RIMS	154	11	7	3	1	n/a	n/a	n/a	n/a	n/a	2	4	4	186
	OPE	19	6	2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	6	1	36
	OPEPD	10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3	13
	OS	1	1	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	4
	OSDFS	4	5	6	2	n/a	n/a	2	2	n/a	n/a	6	n/a	n/a	27
	OSERS	11	4	n/a	1	2	1	n/a	n/a	n/a	n/a	2	n/a	n/a	21
	OUS	2	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3
	OVAE	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
OCR Field Offices	Boston	56	7	4	1	n/a	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	69
	New York	88	22	15	1	2	4	2	n/a	3	1	1	1	n/a	140
	Philadelphia	17	15	11	5	4	n/a	1	n/a	1	1	2	n/a	3	60
	Atlanta	44	14	5	3	5	1	1	n/a	1	n/a	1	n/a	n/a	75
	Chicago	86	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	86
	Dallas	38	4	n/a	1	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	44
	Kansas City	19	5	3	1	2	3	n/a	2	n/a	n/a	1	n/a	n/a	36
	Denver	44	3	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	48
	San Francisco	41	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	41
	Seattle	15	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	15
	District of Columbia	53	5	2	1	1	1	n/a	1	n/a	n/a	n/a	n/a	n/a	64
	Cleveland	25	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	25
ED Totals		**914**	**202**	**79**	**28**	**20**	**16**	**11**	**5**	**6**	**4**	**50**	**33**	**28**	**1396**

C.   Processed Requests – Response Time in (Business) Day Increments: **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 Headquarters Offices	FSA	46	35	24	21	15	12	12	5	2	n/a	3	n/a	2	177
	IES	1	2	n/a	2	n/a	n/a	n/a	1	n/a	n/a	n/a	n/a	n/a	6
	IES – NAGB	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO	1	n/a	n/a	n/a	1	n/a	n/a	1	1	n/a	n/a	n/a	1	5
	OCFO – CAM	1	5	4	5	3	4	4	2	3	n/a	4	n/a	n/a	35
	OCFO – FSS	n/a	n/a	n/a	n/a	1	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	2
	OCIO	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
	OCO	n/a	1	n/a	1	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	n/a	3
	OCR	15	12	2	2	2	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	34
	OELA	n/a	2	n/a	1	n/a	2	2	1	n/a	2	1	n/a	n/a	11
	OESE	13	15	12	4	1	n/a	2	1	1	n/a	1	n/a	n/a	50
	OGC	1	1	n/a	n/a	n/a	1	n/a	n/a	n/a	n/a	1	n/a	n/a	4
	OIG	1	1	n/a	n/a	1	2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	5
	OII	4	2	2	1	2	1	n/a	1	n/a	n/a	n/a	n/a	n/a	13
	OLCA	1	1	n/a	n/a	1	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	4
	OM	7	5	3	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	16
	OM-RIMS	29	9	3	6	4	1	4	n/a	2	n/a	3	n/a	n/a	61
	OPE	7	16	8	5	5	5	5	2	2	n/a	1	n/a	1	57
	OPEPD	6	3	3	2	1	1	n/a	n/a	n/a	n/a	1	n/a	n/a	17
	OS	1	n/a	n/a	n/a	2	n/a	1	n/a	1	2	2	n/a	2	11
	OSDFS	n/a	8	6	6	4	6	3	3	4	3	7	n/a	1	51
	OSERS	8	5	10	4	5	1	2	1	n/a	n/a	1	n/a	n/a	37
	OUS	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
	OVAE	1	1	1	1	n/a	n/a	1	1	n/a	n/a	n/a	n/a	n/a	6
OCR Field Offices	Boston	31	22	6	1	n/a	n/a	n/a	n/a	1	n/a	n/a	n/a	n/a	61
	New York	2	3	n/a	2	n/a	n/a	2	n/a	n/a	1	1	n/a	n/a	11
	Philadelphia	1	1	n/a	n/a	n/a	1	1	1	1	n/a	n/a	n/a	1	7
	Atlanta	n/a	1	3	1	1	n/a	n/a	1	n/a	n/a	1	n/a	n/a	8
	Chicago	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Dallas	34	16	5	1	2	n/a	n/a	n/a	n/a	n/a	1	n/a	n/a	59
	Kansas City	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Denver	3	2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	5
	San Francisco	6	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	6
	Seattle	59	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	59
	District of Columbia	1	5	n/a	n/a	n/a	n/a	n/a	2	n/a	n/a	n/a	1	n/a	9
	Cleveland	3	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3
ED Totals		**283**	**176**	**92**	**66**	**52**	**38**	**40**	**23**	**18**	**9**	**29**	**1**	**8**	**835**

C. Processed Requests – Response Time in (Business) Day Increments: **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 Headquarters Offices	FSA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	IES	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	IES – NAGB	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO – CAM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO – FSS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCIO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OELA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OESE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OGC	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OIG	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OII	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OLCA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OM-RIMS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OPE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OPEPD	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OSDFS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OSERS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OUS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OVAE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
OCR Field Offices	Boston	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	New York	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	TOTAL
	Philadelphia	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Atlanta	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Chicago	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Dallas	n/a	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
	Kansas City	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Denver	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	San Francisco	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Seattle	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	District of Columbia	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Cleveland	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ED Totals		**n/a**	**n/a**	**1**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**1**

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 Headquarters Offices	FSA	64	30	53	4	102	96	n/a	n/a	n/a
	IES	2	19	19	n/a	n/a	n/a	n/a	n/a	n/a
	IES – NAGB	5	108	112	n/a	n/a	n/a	n/a	n/a	n/a
	OCFO	3	72	83	1	190	190	n/a	n/a	n/a
	OCFO – CAM	5	8	39	1	22	22	n/a	n/a	n/a
	OCFO – FSS	n/a	n/a	n/a	1	180	180	n/a	n/a	n/a
	OCIO	2	77	76	n/a	n/a	n/a	n/a	n/a	n/a
	OCO	1	57	57	n/a	n/a	n/a	n/a	n/a	n/a
	OCR	3	11	15	n/a	n/a	n/a	1	57	57
	OELA	2	84	83	1	146	146	n/a	n/a	n/a
	OESE	17	22	23	7	34	68	n/a	n/a	n/a
	OGC	5	76	79	3	147	136	n/a	n/a	n/a
	OIG	6	5	13	n/a	n/a	n/a	n/a	n/a	n/a
	OII	14	56	69	5	108	113	n/a	n/a	n/a
	OLCA	5	82	73	n/a	n/a	n/a	n/a	n/a	n/a
	OM	3	3	18	n/a	n/a	n/a	n/a	n/a	n/a
	OM-RIMS	79	56	61	14	61	88	n/a	n/a	n/a
	OPE	18	53	58	n/a	n/a	n/a	n/a	n/a	n/a
	OPEPD	8	57	55	2	121	120	n/a	n/a	n/a
	OS	7	43	36	2	124	124	n/a	n/a	n/a
	OSDFS	13	35	46	n/a	n/a	n/a	n/a	n/a	n/a
	OSERS	8	29	30	n/a	n/a	n/a	n/a	n/a	n/a
	OUS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OVAE	1	71	71	n/a	n/a	n/a	n/a	n/a	n/a
OCR Regional Offices	Boston	8	3	2	6	47	69	n/a	n/a	n/a
	New York	22	23	36	1	34	34	n/a	n/a	n/a
	Philadelphia	19	31	33	n/a	n/a	n/a	n/a	n/a	n/a
	Atlanta	12	7	13	n/a	n/a	n/a	n/a	n/a	n/a
	Chicago	4	7	6	1	19	19	n/a	n/a	n/a
	Dallas	n/a	n/a	n/a	4	21	24	n/a	n/a	n/a
	Kansas City	9	6	19	n/a	n/a	n/a	n/a	n/a	n/a
	Denver	4	1	2	n/a	n/a	n/a	n/a	n/a	n/a
	San Francisco	1	4	4	2	5	5	n/a	n/a	n/a
	Seattle	2	1	1	1	5	5	n/a	n/a	n/a
	District of Columbia	7	67	52	3	50	49	n/a	n/a	n/a
	Cleveland	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ED Totals		**359**	**18**	**51**	**59**	**38**	**66**	**1**	**57**	**57**

D. Pending Requests – Ten Oldest Pending Perfected Requests

Component Offices		10th Oldest Request and number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
IES - NAGBED Headquarters Offices	FSA	4/9/09 125	4/3/09 129	4/3/09 129	3/31/09 132	3/12/09 145	3/2/09 153	2/19/09 160	2/17/09 162	1/30/09 174	1/23/09 179
	IES	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/10/09 15	8/28/09 24
	IES – NAGB	n/a	n/a	n/a	n/a	n/a	6/5/09 84	5/12/09 109	4/28/09 112	3/26/09 135	3/18/09 141
	OCFO	n/a	n/a	n/a	n/a	n/a	n/a	8/18/09 32	6/18/09 75	2/27/09 154	12/29/08 198
	OCFO – CAM	n/a	n/a	n/a	n/a	9/17/09 10	9/2/09 21	8/14/09 34	8/14/09 34	6/9/09 82	5/22/09 94
	OCFO – FSS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1/22/09 180
	OCIO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7/14/09 57	5/20/09 96
	OCO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7/14/09 57
	OCR	n/a	n/a	n/a	n/a	n/a	n/a	9/25/09 4	9/16/09 11	8/20/09 30	7/14/09 57
	OELA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/30/09 1	3/11/09 146	2/10/09 167
	OESE	8/27/09 25	8/19/09 29	8/14/09 34	8/14/09 34	8/14/09 34	8/14/09 34	7/9/09 60	7/9/09 60	6/5/09 84	4/24/09 114
	OGC	n/a	n/a	8/3/09 43	6/30/09 67	6/17/09 76	6/12/09 79	5/12/09 102	5/12/09 102	3/10/09 147	12/31/08 196
	OIG	n/a	n/a	n/a	n/a	9/30/09 1	9/29/09 2	9/29/09 2	9/21/09 8	8/24/09 28	8/4/09 42
	OII	7/15/09 56	7/8/09 61	6/18/09 75	5/28/09 90	5/22/09 94	4/15/09 121	4/4/09 130	2/10/09 167	2/2/09 173	12/18/08 205
	OLCA	n/a	n/a	n/a	n/a	n/a	7/30/09 45	7/6/09 62	6/9/09 82	6/3/09 86	5/27/09 91
	OM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/30/09 1	9/28/09 3	8/3/09 43
	OM-RIMS	4/20/09 118	3/4/09 135	3/4/09 151	2/11/09 166	2/4/09 171	2/4/09 171	2/3/09 172	2/3/09 172	12/8/2008 213	11/26/08 221
	OPE	7/27/09 48	7/20/09 53	6/29/09 68	6/24/09 71	6/17/09 76	6/17/09 76	6/3/09 86	5/14/09 102	4/10/09 126	4/2/09 128
	OPEPD	9/25/09 4	8/11/09 37	7/27/09 48	7/17/09 54	7/9/09 60	7/9/09 60	6/3/09 86	5/22/09 94	5/18/09 98	3/10/09 147
	OS	n/a	9/30/09 1	9/29/09 2	8/28/09 26	8/3/09 43	7/30/09 45	7/30/09 45	5/21/09 95	4/15/09 121	4/3/09 127
	OSDFS	9/3/09 20	9/3/09 20	8/10/09 34	8/11/09 35	7/22/09 51	7/20/09 53	7/17/09 54	6/9/09 82	5/23/09 93	4/3/09 127
	OSERS	n/a	n/a	9/23/09 6	9/23/09 6	9/14/09 13	8/24/09 28	8/20/09 30	7/31/09 44	7/22/09 51	6/30/09 67
	OUS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OVAE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	6/24/09 71

OCR Regional Offices	Boston	9/30/09 1	9/30/09 1	9/23/09 6	9/23/09 6	8/28/09 24	8/13/09 35	8/13/09 35	7/13/09 58	4/9/09 129	3/25/09 134
	New York	8/14/09 34	8/4/09 42	8/4/09 42	7/23/09 50	7/21/09 52	7/20/09 53	7/2/09 65	5/15/09 99	4/23/09 115	4/7/09 127
	Philadelphia	8/18/09 32	8/17/09 33	7/31/09 44	7/30/09 45	7/20/09 53	7/17/09 54	7/15/09 56	7/14/09 57	7/9/09 60	6/12/09 79
	Atlanta	9/29/09 2	9/18/09 9	8/24/09 28	8/10/09 38	4/23/09 115	3/30/09 137	3/5/09 150	2/11/09 166	12/24/08 201	12/4/08 215
	Chicago	n/a	n/a	n/a	n/a	n/a	9/30/09 1	9/25/09 4	9/18/09 9	9/14/09 13	9/4/09 19
	Dallas	n/a	n/a	n/a	n/a	n/a	n/a	9/30/09 1	9/25/09 4	8/10/09 38	7/15/09 56
	Kansas City	n/a	9/24/09 5	9/18/09 9	9/10/09 15	9/11/09 16	8/24/09 28	7/28/09 47	7/1/09 66	5/19/09 97	1/16/09 184
	Denver	n/a	n/a	n/a	n/a	n/a	n/a	9/30/09 1	9/30/09 1	9/29/09 2	9/23/09 8
	San Francisco	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/28/09 3	9/25/09 4	9/22/09 7
	Seattle	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/30/09 1	9/30/09 1	9/24/09 5
	District of Columbia	9/30/09 1	9/30/09 1	9/29/09 2	8/10/09 38	7/30/09 45	6/11/09 80	6/11/09 80	6/2/09 87	5/11/09 103	4/24/09 122
	Cleveland	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ED Totals		**1/30/09 174**	**1/23/09 179**	**1/22/09 180**	**1/16/09 184**	**12/31/08 196**	**12/29/08 198**	**12/18/08 205**	**12/8/08 213**	**12/4/08 215**	**11/26/08 221**

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 Headquarters Offices	FSA	n/a	n/a	n/a	n/a	n/a
	IES	n/a	n/a	n/a	n/a	n/a
	IES – NAGB	n/a	n/a	n/a	n/a	n/a
	OCFO	n/a	n/a	n/a	n/a	n/a
	OCFO – CAM	n/a	n/a	n/a	n/a	n/a
	OCFO - FSS	n/a	n/a	n/a	n/a	n/a
	OCIO	n/a	n/a	n/a	n/a	n/a
	OCO	n/a	n/a	n/a	n/a	n/a
	OCR	n/a	n/a	n/a	n/a	n/a
	OELA	n/a	n/a	n/a	n/a	n/a
	OESE	n/a	n/a	n/a	n/a	n/a
	OGC	n/a	n/a	n/a	n/a	n/a
	OIG	n/a	n/a	n/a	n/a	n/a
	OII	n/a	n/a	n/a	n/a	n/a
	OLCA	n/a	n/a	n/a	n/a	n/a
	OM	n/a	n/a	n/a	n/a	n/a
	OM – RIMS	n/a	21	10	13	18
	OPE	n/a	n/a	n/a	n/a	n/a
	OPEPD	n/a	n/a	n/a	n/a	n/a
	OS	n/a	n/a	n/a	n/a	n/a
	OSDFS	n/a	n/a	n/a	n/a	n/a
	OSERS	n/a	n/a	n/a	n/a	n/a
	OUS	n/a	n/a	n/a	n/a	n/a
	OVAE	n/a	n/a	n/a	n/a	n/a
OCR Field Office	Boston	n/a	n/a	n/a	n/a	n/a
	New York	n/a	1	2	2	1
	Philadelphia	n/a	1	1	1	1
	Atlanta	n/a	1	41	41	n/a
	Chicago	n/a	n/a	n/a	n/a	n/a
	Dallas	1	2	1	1	3
	Kansas City	n/a	n/a	n/a	n/a	n/a
	Denver	n/a	n/a	n/a	n/a	n/a
	San Francisco	n/a	n/a	n/a	n/a	n/a
	Seattle	n/a	n/a	n/a	n/a	n/a
	District of Columbia	n/a	1	1	1	1
	Cleveland	n/a	n/a	n/a	n/a	n/a
ED Totals		**1**	**27**	**13**	**30**	**24**

*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
ED Headquarters Offices	FSA	n/a	n/a	n/a	n/a
	IES	n/a	n/a	n/a	n/a
	IES – NAGB	n/a	n/a	n/a	n/a
	OCFO	n/a	n/a	n/a	n/a
	OCFO – CAM	n/a	n/a	n/a	n/a
	OCFO - FSS	n/a	n/a	n/a	n/a
	OCIO	n/a	n/a	n/a	n/a
	OCO	n/a	n/a	n/a	n/a
	OCR	n/a	n/a	n/a	n/a
	OELA	n/a	n/a	n/a	n/a
	OESE	n/a	n/a	n/a	n/a
	OGC	n/a	n/a	n/a	n/a
	OIG	n/a	n/a	n/a	n/a
	OII	n/a	n/a	n/a	n/a
	OLCA	n/a	n/a	n/a	n/a
	OM	n/a	n/a	n/a	n/a
	OM – RIMS	29	143	5	9
	OPE	n/a	n/a	n/a	n/a
	OPEPD	n/a	n/a	n/a	n/a
	OS	n/a	n/a	n/a	n/a
	OSDFS	n/a	n/a	n/a	n/a
	OSERS	n/a	n/a	n/a	n/a
	OUS	n/a	n/a	n/a	n/a
	OVAE	n/a	n/a	n/a	n/a
OCR Field Office	Boston	n/a	3	31	25
	New York	n/a	1	5	5
	Philadelphia	n/a	n/a	n/a	n/a
	Atlanta	n/a	2	47	47
	Chicago	n/a	n/a	n/a	n/a
	Dallas	n/a	3	42	57
	Kansas City	n/a	1	4	4
	Denver	n/a	3	7	7
	San Francisco	n/a	2	5	5
	Seattle	n/a	n/a	n/a	n/a
	District of Columbia	n/a	1	3	3
	Cleveland	n/a	1	10	10
ED Totals		29	160	5	10

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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)
FOIA Processing License		n/a	n/a	n/a	90,210	n/a	90,210
ED Headquarters Programs	FSA	2	1.06	3.06	156,417	92,082	273,526
	IES	0.2	0.1	0.3	38,983	0	45,220
	IES – NAGB	0	0.01	0.01	1,533	0	1,778
	OCFO	0	0.15	0.15	10,150	0	11,774
	OCFO – CAM	0.7	0.03	0.73	51,823	0	60,115
	OCFO – FSS	0	0.19	0.19	4,631	0	5,372
	OCIO	0	0.16	0.16	3,789	0	4,395
	OCO	0	0.02	0.02	1,562	0	1,812
	OCR	0	2.1	2.1	144,811	14,837	182,818
	OELA	0.01	0	0.01	614	0	712
	OESE	0	0.15	0.15	13,417	0	15,564
	OGC	0	0.7	0.7	17,993	54,978	75,850
	OIG	1	0.3	1.3	87,489	0	101,487
	OII	0	0.3	0.3	18,119	0	21,018
	OLCA	0	0.01	0.01	647	0	751
	OM	0	0.03	0.03	1,854	0	2,151
	OM – RIMS	11.75	0	11.75	1,346,784	120,116	1,682,385
	OPE	0	0.1	0.1	7,228	415	8,799
	OPEPD	0	0.1	0.1	3,090	0	3,584
	OS	0	0.7	0.7	43,546	0	50,513
	OSDFS	0	1.2	1.2	99,908	0	115,893
	OSERS	0	0.96	0.96	66,451	0	77,083
	OUS	0	0.01	0.01	594	0	689
	OVAE	0	0.01	0.01	1,250	0	1,450
OCR Regional Offices	Boston	0	1.38	1.38	74,215	0	86,089
	New York	0	0.1	0.1	8,003	0	9,283
	Philadelphia	0	0.15	0.15	11,275	0	13,079
	Atlanta	0	0.53	0.53	45,403	0	52,667
	Chicago	0	1.3	1.3	24,675	0	28,623
	Dallas	0	0.27	0.27	28,827	0	33,439
	Kansas City	0	0.35	0.35	30,371	0	35,230
	Denver	0	1.5	1.5	132,920	0	154,187
	San Francisco	0	0.2	0.2	4,937	0	5,727
	Seattle	0	0.21	0.21	19,651	0	22,795
	District of Columbia	0	0.72	0.72	44,181	0	51,250
	Cleveland	0	0.11	0.11	6,289	0	7,295
ED Totals		**15.66**	**15.21**	**30.87**	**$2,553,430**	**$372,638**	**$3,244,403**

X.   FEES COLLECTED FOR PROCESSING REQUESTS*

	Component Offices	Total Amount of Fees Collected	Percentage of Department Total Costs
ED Headquarters Offices	FSA	2,928	0.05%
	IES	1,310	0.02%
	IES – NAGB	0	0.00%
	OCFO	0	0.00%
	OCFO – CAM	702	0.01%
	OCFO – FSS	0	0.00%
	OCIO	0	0.00%
	OCO	0	0.00%
	OCR	132	0.00%
	OELA	83	0.00%
	OESE	1,536	0.02%
	OGC	0	0.00%
	OIG	0	0.00%
	OII	110	0.00%
	OLCA	0	0.00%
	OM	152	0.00%
	OM – RIMS	1,128	0.02%
	OPE	1,396	0.02%
	OPEPD	0	0.00%
	OS	0	0.00%
	OSDFS	103	0.00%
	OSERS	1,233	0.02%
	OUS	0	0.00%
	OVAE	216	0.00%
OCR Field Office	Boston	24	0.00%
	New York	16	0.00%
	Philadelphia	163	0.00%
	Atlanta	91	0.00%
	Chicago	60	0.00%
	Dallas	108	0.00%
	Kansas City	116	0.00%
	Denver	104	0.00%
	San Francisco	61	0.00%
	Seattle	0	0.00%
	District of Columbia	206	0.00%
	Cleveland	32	0.00%
ED Totals		**$12,010**	**0.19%**

**The Department of Education has a centralized fee collection process. The fees collected are reflected for each program and OCR Field Office that generated the fee.

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 2009*	Number of Backlogged **Appeals** as of End of FY 2009
ED Headquarters Offices	FSA	49	0
	IES	1	0
	IES – NAGB	5	0
	OCFO	4	0
	OCFO – CAM	5	0
	OCFO – FSS	1	0
	OCIO	2	0
	OCO	1	0
	OCR	1	0
	OELA	3	0
	OESE	18	0
	OGC	8	0
	OIG	2	0
	OII	16	0
	OLCA	5	0
	OM	2	0
	OM – RIMS	63	28
	OPE	16	0
	OPEPD	9	0
	OS	7	0
	OSDFS	13	0
	OSERS	5	0
	OUS	0	0
	OVAE	1	0
OCR Field Office	Boston	8	0
	New York	15	0
	Philadelphia	10	0
	Atlanta	9	0
	Chicago	1	0
	Dallas	2	0
	Kansas City	5	0
	Denver	0	0
	San Francisco	0	0
	Seattle	0	0
	District of Columbia	8	0
	Cleveland	0	0
ED Totals		**295**	**28**

*Backlogged requests are requests pending greater than 20 days.

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 2009	Number of Consultations Received from Other Agencies **During** FY 2009	Number of Consultations Received from Other Agencies that Were **Processed** by Your Agency During FY 2009	Number of Consultations Received from Other Agencies that Were **Pending** at Your Agency as of End of FY 2009
Agency Overall	n/a	n/a	n/a	n/a

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

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

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

Component Offices		NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
		During FY 2008 from Last Year's Annual Report	During FY 2009 from Current Annual Report	During FY 2008 from Last Year's Annual Report	During FY 2009 from Current Annual Report
ED Headquarters Programs	FSA	251	358	284	347
	IES	40	38	46	37
	IES – NAGB	0	5	0	0
	OCFO	6	10	9	7
	OCFO – CAM	81	50	93	70
	OCFO - FSS	7	1	1	6
	OCIO	5	6	8	4
	OCO	3	2	1	4
	OCR	54	81	61	78
	OELA	22	7	18	12
	OESE	51	96	98	85
	OGC	8	19	10	18
	OIG	43	30	47	26
	OII	40	48	74	35
	OLCA	1	10	3	6
	OM	40	36	43	33
	OM – RIMS	73	302	268	255
	OPE	92	82	87	85
	OPEPD	10	32	4	30
	OS	8	15	3	15
	OSDFS	92	58	83	78
	OSERS	81	54	87	58
	OUS	0	3	1	4
	OVAE	8	7	10	7
OCR Regional Offices	Boston	118	140	119	130
	New York	139	144	142	151
	Philadelphia	74	64	61	67
	Atlanta	61	86	54	83
	Chicago	91	89	93	86
	Dallas	76	105	75	104
	Kansas City	12	40	15	36
	Denver	52	57	54	53
	San Francisco	59	50	61	47
	Seattle	92	77	96	74
	District of Columbia	75	77	71	73
	Cleveland	56	28	56	28
ED Totals		**1,921**	**2,307**	**2,236**	**2,232**

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Backlogged
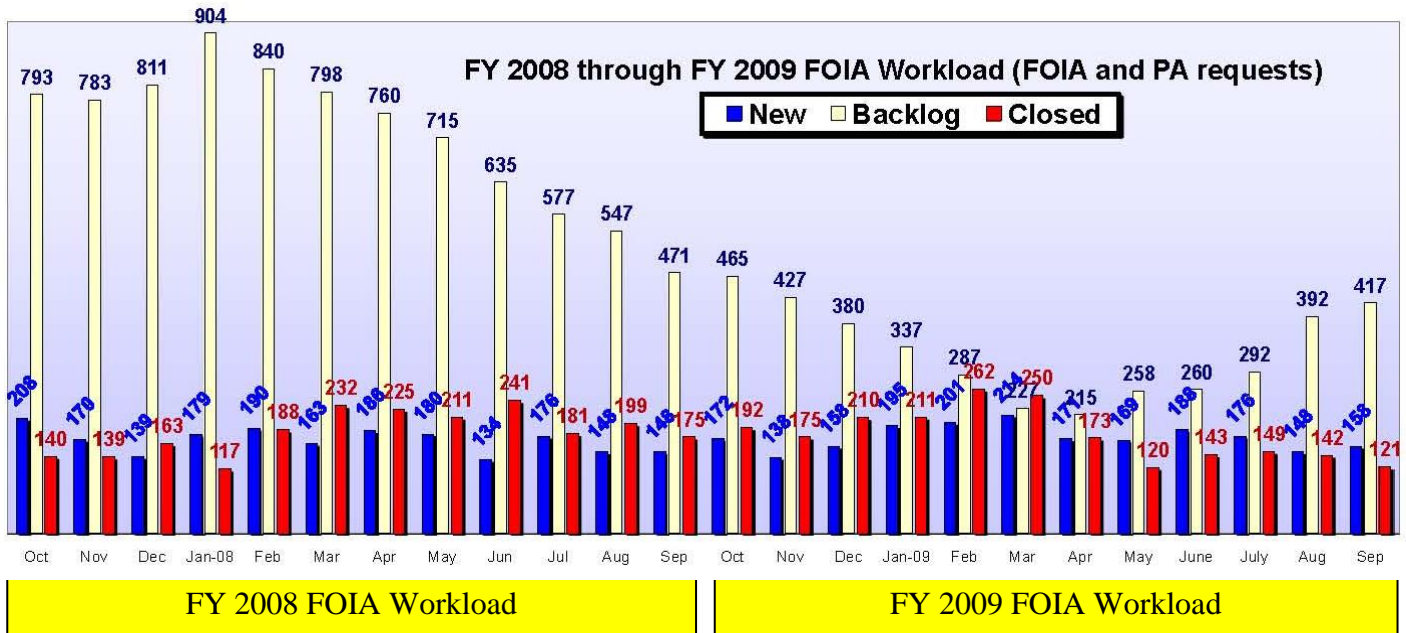
	Component Offices	Number of Backlogged Requests as of End of FY 2008 from Previous Annual Report	Number of Backlogged Requests as of End of FY 2009 from Current Annual Report
ED Headquarters Programs	FSA	57	49
	IES	1	1
	IES – NAGB	0	5
	OCFO	1	4
	OCFO – CAM	26	5
	OCFO – FSS	6	1
	OCIO	0	2
	OCO	3	1
	OCR	1	3
	OELA	8	3
	OESE	13	18
	OGC	7	8
	OIG	2	2
	OII	6	16
	OLCA	1	5
	OM	0	3
	OM – RIMS	46	63
	OPE	21	16
	OPEPD	8	9
	OS	9	7
	OSDFS	33	13
	OSERS	12	5
	OUS	1	0
	OVAE	1	1
OCR Regional Offices	Boston	4	8
	New York	30	15
	Philadelphia	22	10
	Atlanta	9	9
	Chicago	2	1
	Dallas	3	2
	Kansas City	5	5
	Denver	0	0
	San Francisco	0	0
	Seattle	0	0
	District of Columbia	6	8
	Cleveland	0	0
ED Totals		**344**	**298**

E. 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 2008 from Last Year's Annual Report	Number Received During FY 2009 from Current Annual Report	Number Processed During FY 2008 from Last Year's Annual Report	Number Processed During FY 2009 from Current Annual Report
OM – RIMS	67	46	54	55

	Number of Backlogged Appeals as of End of FY 2008 from Previous Annual Report	Number of Backlogged Appeals as of End of FY 2009 from Current Annual Report
OM – RIMS	37	28

F. Discussion of Other FOIA Activities

FY 2008 FOIA Workload   FY 2009 FOIA Workload

In January 2008, the FOIA Service Center implemented a backlog reduction effort. The initial focus was to eliminate all cases carried over from year-to-year; the oldest case was a FY 2005 request that was 1,182 calendar days old. A steady decrease in the number of open cases was accomplished through restructured workload of the FOIA Service Center staff, hiring additional staff, delegating release authority to more FOIA Liaison staff, and contacting requesters to discuss their request.

Initially the most effective action was contacting requesters. Requesters were cooperative and appreciated the personal contact regarding their requests. Many narrowed the scope of their requests,

many withdrew their requests, while others confirmed their interest in receiving the documents they requested. This process resulted in the total backlog elimination of all FY 2005, FY 2006, FY 2007, and FY 2008 cases.

In December 2008, all FY 2006 requests were closed. In January 2009, all FY 2005 cases were closed. In February 2009, all FY 2007 cases were closed. And in April 2009, all FY 2008 cases were closed. The average age of all cases in January 2008, when this process began, was 198 calendar days. And by April 2009 the average age was 48 calendar days, a decrease of 82% in average age from January 2008.

A backlog is the combination of two factors – the number of requests received and the number of cases closed.

The agency has minimal control over how many requests are received due to a myriad of factors such as operational decisions that generate public interest; budgetary decisions that affect various programs, students, and vendors; and oversight requests based on personal or organizational interests. The main influence that the Department can make on reducing the number of FOIA requests received is to be as transparent as possible – and that includes making documents available that are likely to generate FOIA requests. The Department's efforts in making proactive releases and posting them in the FOIA electronic reading room on the web does make a difference. In addition to continuing to contact requesters; the Department is seeking to increase the number of voluntary postings before requests are received and to post documents that are released in response to FOIA requests.

The other factor to reduce the backlog, the number of cases closed, is under the control of the agency. The Department's effort at processing requests, as previously stated, has proven to be extremely effective. During the 24-month fiscal year period of 2008 – 2009, the FOIA staff closed more cases than were received for two-thirds of this period. This is a significant achievement given the fact that 62% of the Department's FOIA staffing is a collateral responsibility, the overall staffing level between the two fiscal years decreased 6%, and the number of requests received increased a whopping 20%. Yet the overall processing rate essentially stayed the same (87% of requests were closed in FY 2008 and 84% of requests were closed in FY 2009).

It should be noted that the production rate was maintained for the two year period regardless of whether the requests received were more complex than the previous year. Anecdotally, there appeared to be a rise in the number of requests that were considered extensive and, thus, more time consuming. While it appeared that more requesters were slightly more aggressive and unyielding in helping to clarify their requests, resulting in fewer requests being narrowed in scope by the requester, production levels were maintained.

The highest number of pending requests was 904 for FY 2008. The highest number of pending requests in FY 2009 was 465. This is a reduction of 49% between the high points of each year.