



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

May 16, 2022

Isabel Tessier  
National Student Legal Defense Network  
1015 15th St. NW, Suite 600  
Washington, DC 20005

RE: FOIA Request No. 22-01269-F

Dear Isabel Tessier:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated December 15, 2021, and received in the FOIA Service Center (FSC) on December 15, 2021. Your request was forwarded to Federal Student Aid (FSA) to search for documents that may be responsive to your request.

You requested the following:

1. All communications between Federal Student Aid and any IHE discussing, enforcing, or relating to the [Program Participation Agreement (“PPA”)] provision requiring compliance with Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations, 34 C.F.R. §§ 106.1 – 106.82.
2. All documents constituting Final Program Review Determinations (FPRDs) that contain one or more Findings that an institution has violated Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations, as that phrase is used in the Department’s PPAs;
3. All documents constituting Final Audit Determinations (FADs) that contain one or more Findings that an institution has violated Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations, as that phrase is used in the Department’s PPAs;
4. All documents constituting or reflecting denials of recertification for an IHE to participate in Title IV due, in whole or in part, to an institution’s violation of the PPA provision requiring compliance with Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations, as that phrase is used in the Department’s PPAs;
5. All documents constituting or reflecting actions brought by the Department under 34 C.F.R. Part 668 Subpart G due, in whole or in part, to an institution’s violation of the PPA provision requiring compliance with Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations, as that phrase is used in the Department’s PPAs.

Staff from FSA informed the FSC that after a search of their files, they were unable to locate any documents that were responsive to your request.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.

They can be contacted by:

Mail	FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4500	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road, Room 2510 College Park, MD 20740-6001
E-mail	<a href="mailto:robert.wehausen@ed.gov">robert.wehausen@ed.gov</a>	<a href="mailto:OGIS@nara.gov">OGIS@nara.gov</a>
Phone	202-205-0733	202-741-5770; toll free at 1-877-684-6448
Fax	202-401-0920	202-741-5769

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal.

Appeals may be submitted using the on-line form available at [www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf](http://www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf). Appeals can also be submitted by:

E-mail: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)

Fax: 202-401-0920

Mail: Appeals Office  
Office of the Executive Secretariat  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W106A  
Washington, DC 20202-4500

If you have any questions, please contact the FSC at (202) 401-8365 or via email at [EDFOIAMANAGER@ed.gov](mailto:EDFOIAMANAGER@ed.gov).

Sincerely,  
*Robert Wehausen*  
Robert Wehausen  
FOIA Team Lead  
Office of the Executive Secretariat