



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

January 22, 2021

Martha Fulford
National Student Legal Defense Network
1015 15th Street NW, Suite 600
Washington, DC 20005

RE: FOIA Request No. 18-01466-F

Dear Martha Fulford:

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 April 4, 2018 and received in this office on April 7, 2018. Your request was forwarded to the following offices to search for documents that may be responsive to your request: Office of Legislative and Congressional Affairs (OLCA), Office of the Undersecretary (OUS), Office of the Secretary (OS), Office of Planning, Evaluation and Policy Development (OPEPD), Office of Postsecondary Education (OPE), Office of Management, Office of the Chief Privacy Officer (OM-OCPO), Office of General Council (OGC) and Federal Student Aid (FSA).

You requested the following:

- All documents constituting or reflecting communications, regardless of the subject matter, between the Department and its employees or representatives, on the one hand, and *either* or *both* of ACICS (including its representatives, counsel, and employees) and/or Career Education Colleges and Universities (“CECU”), formerly known as the Association of Private Sector Colleges and Universities (“APSCU”), including its representatives, counsel, and employees. For purposes of this request, we ask that the Department include at least following individuals in custodians required to conduct a search:
 - Betsy DeVos,
 - Josh Venable,
 - Bob Eitel,
 - James Manning,
 - Kathleen Smith,
 - Diane Auer Jones,
 - Steven Menashi,
 - Donna Mangold,
 - Jed Brinton,
 - Jeffrey (Justin) Riemer,
 - Sally Morgan,
 - Steven Finley,
 - Herman Bounds (and all staff in the OPE Accreditation Group),
 - Beth Daggett,
 - Lynn Mahaffie,
 - Jennifer Hong,
 - Gail McLarnon,

- Frank Brogan, and
- Phil Rosenfelt.
- In addition, we specifically ask that the Department include without limitation the following terms as search terms to enable the Department to identify relevant documents:
 - ACICS,
 - Venable,
 - Michelle,
 - Edwards,
 - Allyson,
 - Baker,
 - Kenneth,
 - Ingram,
 - NACIQI,
 - Walton, and
 - SDO.
- Finally, through this request, NSLDN is only seeking documents constituting or reflecting communications that took place between March 23, 2018 and April 3, 2018.

An interim response was provided to you on August 24, 2019 containing four pages of responsive documents located by OS.

Staff from OUS informed this office (FSC) that after a search of their files, they were unable to locate any documents that were responsive to your request. This response concerns OLCA and OPE. Enclosed is a CD containing 1,062 pages of documents responsive to your request. The documents provided are:

➤ E-mail Correspondence

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

- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.
- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Provisions of the FOIA allow us to recover the costs pertaining to your request. The Department has concluded that you fall within the category of “an all other use requester.” However, the Department has provided you with this information at no charge. The Department's release of this information at no cost does not constitute the grant of a fee waiver and does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department. Because we were able to locate and process these documents at minimal costs, they are provided to you at no cost.

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

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| 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 | robert.wehausen@ed.gov | OGIS@nara.gov |
| Phone | 202-205-0733 | 301-837-1996; toll free at 1-877-684-6448 |
| Fax | 202-401-0920 | 301-837-0348 |

You have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

Appeals may be submitted using the on-line form available at www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

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

Sincerely,

Sandra Lewandowski

Sandra Lewandowski
Government Information Specialist
Office of the Executive Secretariat

Enclosures