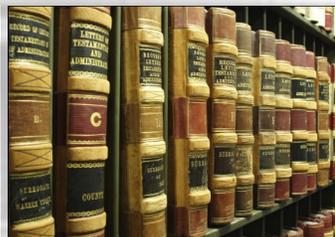




2020

Chief FOIA Officer Report

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.



DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION ACT (FOIA)
SERVICE CENTER

Table of Contents

Message from the Chief FOIA Officer.....	2
Section I: Steps Taken to Apply the Presumption of Openness	4
A. FOIA Leadership.....	4
B. FOIA Training.....	4
C. Outreach.....	6
D. Other Initiatives.....	6
Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests	6
Section III: Steps Taken to Increase Proactive Disclosures	8
Section IV: Steps Taken to Greater Utilize Technology.....	10
Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs	11
A. Simple Track.....	11
B. Backlogs	12
BACKLOGGED REQUESTS.....	12
BACKLOGGED APPEALS	13
C. Backlog Reduction Plans	14
D. Status of Oldest Requests, Appeals, and Consultations.....	14
OLDEST REQUESTS.....	14
TEN OLDEST APPEALS	15
TEN OLDEST CONSULTATIONS.....	15
E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans	16
F. Success Stories	16

Message from the Chief FOIA Officer

The U.S. Department of Education (ED) is a Cabinet-level department of the United States government that began operating in 1980. ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. The Department's Freedom of Information Act (FOIA) program is amongst many functions that contribute to ED meeting and achieving its mission.

ED's FOIA program makes every effort to respond to requests within the statutory time-limits for responding under FOIA. As the Chief FOIA Officer, I am pleased to report that the FOIA program is continuing to improve its administration of FOIA. Some FOIA program successes worth noting during the March 2019 to March 2020 reporting period are mentioned below.

At its request, ED's FOIA program underwent an audit by the National Archives and Records Administration's Office of Government Information Services, the results of which were briefed to ED during this timeframe. ED is working to implement the recommendations, which include updating the Department's FOIA regulations which were completed. ED's FOIA regulations were updated to best serve our customers and comply with the FOIA as efficiently, equitably, and completely as possible. The changes to the regulations were published in the *Federal Register* and codified at 34 CFR Part 5.

Where training personnel is concerned, the high-level of participation identified in last year's Chief FOIA Officer's Report (i.e., 2019) was repeated in that 90% of the Department's FOIA professionals and staff with FOIA responsibilities attended substantive training during this reporting period.

In the area of processing, ED's average processing time for simple requests for Fiscal Year 2019 was 11.64 days. The FOIA program's targeted approach to close the 10 oldest initial FOIA requests was successful, with seven of the 10 oldest FOIA appeals being closed as well.

ED completed an upgrade to its entire IT infrastructure during this timeframe which improves overall performance of its IT system and offers opportunities for exploring additional administrative search tools, such as Microsoft 365.

ED was the first agency to integrate FOIAXpress (ED's FOIA processing system) with the National FOIA Portal. ED also expanded the use of technology by: upgrading and completing a migration and roll-out of FOIAXpress to the cloud, which included integrating the FOIAXpress Public Access Link (PAL, a secure public-facing web portal that connects agencies with requesters); and adding an Electronic Document Review (EDR) module to enable users to quickly filter, deduplicate, rank and sort documents; and providing Department-wide training on FOIAXpress; and increasing the number of licenses for access to FOIAXpress.

Additionally, ED developed and rolled out a new FOIA Dashboard. The Deputy Secretary utilizes this tool to increase visibility for FOIA and foster more accountability for principal offices responding to document requests.

Even with the successes mentioned, ED's backlog of requests increased during Fiscal Year 2019 resulting from multiple factors over a span of two years including receiving an unprecedented high volume of requests tied to litigation and staffing challenges experienced by the program offices. ED is increasing and realigning staff, both contractors and full-time employees, to address its FOIA and FOIA litigation demands. ED piloted a "tiger team" approach this year that will continue to assist targeted principal offices' focus efforts on backlog reduction.

ED's FOIA program will remain committed to its efforts to reduce the backlog, improve response times, and make records available to the public.

Tracey St. Pierre
Director, Office of the Executive Secretariat
and Chief FOIA Officer

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's **FOIA Guidelines** is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Tracey St. Pierre, Director, Office of the Executive Secretariat, and Chief FOIA Officer

B. FOIA Training

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes.

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

- FOIA professionals from multiple ED program offices took advantage of the many training opportunities that were made available, including FOIA training provided by the Department of Justice's Office of Information Policy (OIP), and the American Society of Access Professionals (ASAP):
 - ASAP 12th Annual National Training Conference
 - Advanced Freedom of Information Act Seminar
 - Introduction to the Freedom of Information Act
 - Continuing FOIA Education
 - FOIA Reports Refresher Trainings
- Other types of training or conference opportunities made available that were attended by ED FOIA professionals:

- ED's FOIA Professionals attended the AINS 14th Annual FOIAXpress User Conference and Technology Summit.
- The Office of Government Information Services (OGIS) Chief FOIA Officers Council Meeting on August 5, 2019.
- The OGIS FOIA Advisory Committee Meeting on December 6, 2019.
- ED also offered the following internal training during the reporting period:
 - ED's central FOIA Office (i.e., FOIA Service Center (FSC)) provided the FOIA coordinators within individual ED program offices refresher courses on the Department's internal FOIA process. FSC staff also visited eight (8) Office for Civil Rights (OCR) regions to provide onsite training for the Department's tracking system.
 - In addition to the FOIA coordinators meetings, the FSC, in collaboration with the Office of the General Counsel (OGC) provided ad hoc tailored FOIA training to specific program offices within ED. The training offerings included: FOIA 101 to provide staff a basic overview of the FOIA, an assessment of their overall FOIA program, best practices in responding to requests, addressing their FOIA case backlog, desk side training on the tracking system used by ED to process FOIA/Privacy Act (PA) requests, and the correct usage of the nine (9) FOIA Exemptions.
 - ED conducted its annual FOIA training and had three DOJ attorneys present on the following topics: (1) "FOIA: A Cornerstone of Our Democracy"; (2) Transparency through Proactive Disclosures, and (3) FOIA Exemption 5.

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

- At least 90% of ED's FOIA professionals and staff with FOIA responsibilities attended substantive training during this reporting period. We feel the high rate of FOIA professionals that attended training is due to the continual outreach effort made by the FSC where we notify FOIA professionals of the various training opportunities that are available. These notifications are provided in ED's FOIA newsletter and through blast e-mails to staff.

6. OIP has **directed agencies** to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your

agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A

C. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

As in previous years, ED FOIA professionals, including staff within the FSC, attended multiple interactive Sunshine Week events in 2019. Additionally, there were multiple sessions at the ASAP 12th National Conference conducted by members of the requester community. This engagement assisted ED's FSC in better understanding the requester public.

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

All new ED personnel are informed of their FOIA obligations as part of our "On Boarding" process, and our internal trainings are extended to non-FOIA professionals as well. During this reporting period, multiple program offices requested staff from the FSC attend their all staff meetings to discuss FOIA.

9. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

N/A

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ's [FOIA Guidelines](#) emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

1. For Fiscal Year 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2019 Annual FOIA Report.

The average number of days was 13.24.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

This year we are reporting an average slightly over 10 calendar days due to an administrative oversight on two of our expedited requests. To address this matter, we have included expedited processing in the FSC daily FOIA report to identify all new incoming requests.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

- Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

Although a self-assessment was not conducted this year, we requested that OGIS conduct an assessment of our program and received the report and recommendations from their assessment of the ED FOIA program during this reporting period. Their assessment consisted of a review of ED's FOIA request files, FOIA regulations, and internal guidance for processing requests, annual reports and interviews with FOIA staff. We are preparing an action plan to address the recommendations.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2019 (please provide a total number or an estimate of the number).

ED's FOIA Public Liaison has been contacted for assistance approximately 100 times during the fiscal year. On average, a member of the requester community contacts ED's FOIA Public Liaison between 2 to 3 times per week.

5. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
- Any challenges your agency faces in this area

ED continues to make a concerted effort to ensure its FOIA system operates efficiently and effectively, including:

- Facilitating cyclical meetings scheduled between FOIA professionals (particularly ED FOIA coordinators within program offices and the FSC) to foster collaborative work relationships; to improve search processes; to effectively troubleshoot problems, and to facilitate more timely and substantive responses to FOIA requests.
- Enriching a continuous partnership between the OGC and the FSC as an effort to enhance FOIA Training; to improve FOIA handling practices, and to better understand all procedural and regulatory requirements.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

Office of the Secretary (OS)

- [Secretary's Calendar](#)
- [Final Report of the Federal Commission on School Safety](#)

Office for Civil Rights (OCR)

- [Case Processing Manual](#)
- [Civil Rights Data Collection \(CRDC\)](#)
- [Electronic Reading Room](#)
 - [OCR FY 2019 Budget Request](#)
 - [Updates to Department of Education and Department of Justice Guidance on Title VI \(December 2018\) DCL](#)

- List of Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools (updated monthly)
- Press releases

Office of Special Education and Rehabilitative Services (OSERS)

- IDEA Funding
- IDEA Data

Office of Inspector General (OIG)

- Just Issued

Office of Planning, Evaluation and Policy Development (OPEPD)

- School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes.

3. If yes, please provide examples of such improvements.

- Modernize and improve the federal student aid process - <https://studentaid.ed.gov/sa/fafsa>
- Interactive Data Story on Career and Technical Education in High School - <https://www2.ed.gov/datastory/cte/index.html>
- The National Center on Safe Supportive Learning Environments - <https://safesupportivelearning.ed.gov/>

4. Optional -- Please describe:

- Best practices used to improve proactive disclosures

ED's FSC in partnering with the OGC FOIA Attorneys continues to communicate to program offices to identify categories of records that have been frequently requested or for which there is an anticipated high public interest.

- Any challenges your agency faces in this area

ED continues to face challenges posting documents that do not meet the requirements for posting documents under Section 508 of the Rehabilitation Act of 1973.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

Yes. ED completed an upgrade to its entire IT infrastructure during this timeframe which improves overall performance of its IT system and offers opportunities for exploring additional administrative search tools, such as Microsoft 365.

2. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes. ED routinely reviews our FOIA website.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

No. Only the first three quarterly reports were posted.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2020.

A change in the FOIA web master contract led to a breakdown in communication resulting in the omission of the 4th quarter report. Additional oversight in the process will prevent this from reoccurring.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

ED's raw statistical data can be found [here](#).

6. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2019 Annual FOIA Report and, when applicable, your agency's 2018 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes. ED utilizes a separate track for simple requests.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?

Yes. Our processing time for simple requests for Fiscal Year 2019 was 11.64 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

Fifty-Five percent (55%) of the 2,368 requests processed in Fiscal Year 2019 were placed in the simple track.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

No. The backlog at the close of Fiscal Year 2019 did not decrease compared with the backlog at the close of Fiscal Year 2018. Our backlog increased from 857 requests in Fiscal Year 2018 to 914 requests in Fiscal Year 2019.

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

No. In Fiscal Year 2019, we processed 2,368 requests compared to 2,858 requests in Fiscal Year 2018.

7. If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Three major contributing factors which prevented ED from reducing our backlog were the continued high volume of requests tied to litigation, the reduction in staff experienced by the program offices, and the growing number of FOIA requests that require administrative searches. The Department has challenges related to use of its e-Discovery

tool used for administrative searches, including significant down time due to data migration and other server issues, lack of training, and access and space limitations.

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2019. If your agency has no request backlog, please answer with “N/A.”

The percentage of requests that make up the backlog out of the total number of requests received by ED in Fiscal Year 2019 is 37%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

No. The backlog did not decrease compared with the backlog at the close of Fiscal Year 2018. Our backlog increased from 68 appeals in Fiscal Year 2018 to 86 appeals in Fiscal Year 2019.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

Yes. ED processed 62 appeals in Fiscal Year 2019 as compared to 53 appeals in Fiscal Year 2018.

11. If your agency’s appeal backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

ED experienced a slight increase in the number of incoming appeals, but the major contributing factor to the increase in our FOIA appeal backlog stemmed from receiving 14 new appeals from one requester late in the fiscal year.

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

The percentage of appeals that make up the backlog out of the total number of appeals received by ED in Fiscal Year 2019 is 107.5%.

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2019?

No. ED did not provide a plan for achieving backlog reduction in 2019.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

ED is working to address roadblocks, such as licensing, training, and space issues, in use of its e-Discovery tool and is hiring staff with e-Discovery expertise to work in the FSC which will centralize the Department's Administrative search function for FOIA requests. This should greatly assist in reducing the volume of FOIA requests awaiting administrative searches. ED is also realigning staff, hiring more contractors, and will utilize tiger teams with FOIA expertise to assist the principal offices with backlog reduction efforts.

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Yes. ED was able to close the ten (10) oldest requests.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

N/A

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

ED's targeted approach reduced the pending FOIA requests received in FY 2018 and previous fiscal years from 1,026 to 454 for a 55.7% rate reduction.

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

No. ED was unable to close the ten (10) oldest appeals.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Seven (7) of ED's 10 oldest appeals were closed by the end of the fiscal year.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

ED's targeted approach reduced the pending FOIA appeals received in FY 2018 and previous fiscal years from 74 to 42 for a 43.2% rate reduction.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Yes.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

ED's only consultation for this reporting period was closed by the end of the fiscal year.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

The biggest obstacles ED faced in getting the ten oldest appeals closed were limited resources and the complex nature of the appeals.

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2020.

In addition to adding contract support to assist with processing the ten oldest requests and appeals, the FSC will meet regularly throughout Fiscal Year 2020 with the assigned program offices and request that they develop and follow a backlog reduction plan.

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

SUCCESS STORY HIGHLIGHTS

The Department of Education made achievements in the following areas during this reporting period by focusing efforts on reducing backlogs and utilizing technology:

Processing

- Closed the 10 oldest FOIA requests. This was the first time ED closed all 10 oldest FOIA requests since FY 2011.
- FY 2018 and older requests reduced by backlog reduction:
 - ED obtained a 56.09% reduction rate by reducing the number of pending requests at the end of fiscal year 2018 from 1,034 to 454.

Technology

- Acquired funding and purchased additional licenses for ED's tracking system.
 - This addressed the need from the program offices who were allocating non-FOIA professionals to tackle their backlog.
- Implemented the Public Access Link (PAL).
 - PAL is a public facing website with the following capabilities:
 - allows users to submit their FOIA request electronically and the information is automatically populated into the agency's tracking system;
 - gives requesters the ability to check the status of requests, and
 - documents are delivered directly from the tracking system.
- ED was the first agency to go live with the National FOIA Portal.
 - The *FOIA Improvement Act of 2016* required that a new consolidated online request portal be built which allows the public to submit a request to *any* agency from a single website.