The Secretary's Annual Freedom of Information Act Report
Fiscal Year 2007

Regulatory Information Management Services
Office of Management

A Report to the
Attorney General of the United States
for the period
October 1, 2006 – September 30, 2007

U.S. Department of Education
FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2007

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U.S. Department of Education

I. Basic Information Regarding Report

a. The person to contact regarding this report or to obtain a paper copy of the report is:
Delores J. Barber, FOIA Liaison
Regulatory Information Management Services, Office of Management
United States Department of Education
400 Maryland Ave, SW, LBJ 2W202
Washington, DC 20202-4536

b. The Internet address for this report on the World Wide Web (www) is:
http://www.ed.gov/about/reports/annual/foia/index.html

c. This report provides data for the entire U.S. Department of Education (ED). A breakout by individual processing components is provided in Appendix A.

II. How to Make a FOIA or Privacy Act Request

a. 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/foia

b. In general:
1. Submit handwritten, typed, or electronic requests. Only use personal resources to submit FOIA or Privacy Act requests and appeals, including inquiries regarding the status of a request or appeal. (Federal agencies do not submit FOIA requests for documents used for official agency business. Therefore, resources of the individual or the individual's organization that benefits from the request should be used.)
2. Be as specific as possible with regard to names, dates, places, events, subjects, etc. If known, include any file designations or descriptions for the records wanted and, possibly, why you believe such records exist. It is not necessary to give a requested record's exact name or title, but the more specific information provided about the desired records or types of records, the more likely the Department will be able to locate them.
3. Include a personal or business (non-Federal) return mailing address, daytime telephone number, and email address (if available).

4. If you want your request to be made under the Privacy Act as well, include a statement signed under penalty of perjury stating that you are the person who you claim to be.
5. Send requests to the following mailing address:
   U.S. Department of Education
   Office of Management
   Regulatory Information Management Services
   400 Maryland Avenue, SW, LBJ 2W200
   Washington, DC 20202-4536
   Attn: FOIA Public Liaison
6. Requests may also be faxed to: (202) 401-0920
7. Requests may also be emailed to: EDFOIAManager@ed.gov.
8. To avoid delay, be sure to display prominently on the envelope, fax cover sheet, or email subject line, "FOIA Request" or "Privacy Act Request."

c. Responsive records are released in their entirety unless release is precluded on the basis of nine statutory exemptions, as specified in the FOIA. The nine exemptions are:
   1. Properly classified as national defense and foreign relations information; (b)(1).
   2. Related solely to internal personnel rules and practices; (b)(2).
   3. Prohibited from disclosure by another federal law; (b)(3).
   4. Concerning trade secrets and other confidential business information; (b)(4).
   5. Protected by legal privilege inter-agency or intra-agency communications; (b)(5).
   6. Matters involving personal privacy; (b)(6).
   7. Compiled for law enforcement purposes, to the extent that the production of those records; (b)(7):
      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;
   8. Relate to the supervision of financial institutions; (b)(8), and
   9. Geological information on wells; (b)(9).

d. 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. Additional information regarding submitting requests or obtaining status of a request is available on the Internet in the ED FOIA section of www.ed.gov.

FOIA Requester Service Center
U.S. Department of Education
400 Maryland Avenue, SW, Rm 2W200
Washington, D.C. 20202-4536
(202) 401-8365

Chief FOIA Officer
Michell Clark
(202) 401-5848

FOIA Public Liaisons
Delores J. Barber
Maria-Teresa Cueva
Linda Darby

FOIA Appeals Coordinator: Jill Shaver

Privacy Act Officer: Lee Eiden

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

III. Definition of Terms:

a. Agency-specific acronyms or other terms:

1. **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.

2. **Principal Offices (POs)**
   In FY2007, the ED had the following program offices and/or processing designations:
   - CAM Contracts and Acquisitions Management (a component of OCFO)
   - FSA Federal Student Aid
   - 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)
   - OCR 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)
     - OCR Cleveland Officer (Region XII)
   - ODS Office of the Deputy Secretary
   - OELA Office of English Language Acquisition
   - 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
   - RIMS Regulatory Information Management Services (a component of OM)

b. Basic Terms Used in This Report and in FOIA Training:

1. **Appeal**
   A request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

2. **Appeal Disposition:**
   a. **Appeal Upheld**
      The basis cited by the requester for an appeal is upheld; meaning, the initial release determination of the agency is overturned.
   b. **Appeal Partially Upheld**
      The basis cited by the requester for an appeal is partially upheld; meaning, the initial release determination of the agency is partially overturned.
   c. **Appeal Reversed**
      The basis cited by the requester for an appeal is denied; meaning, the initial release determination of the agency is upheld.
   d. **Other Disposition**
      The appeal is administratively closed (such as not an appropriate appeal, referred back to the releasing office for further processing or review, the appeal was withdrawn, etc.) without making a determination on the basis of the appeal.

3. **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.

4. **Backlog (Processing)**
   Requests that are actively in process and the requester has not received all responsive documents. Cases are closed once a final release of documents has been made, whether or not fees remain to be collected.

5. **Backlog (Statutory)**
   Requests that have not received the required determination letter within the time limits, generally within 20-days unless other factors apply, set by the FOIA statute (and amendments).

6. **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.

7. **Complex Request**
   A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

8. **Exemption 3 Statute**
   A separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

9. **Expedited Processing**
   An agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records that warrants prioritization of his or her request over other requests that were made earlier.

10. **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.

11. **First-In-First-Out processing (FIFO) 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.

12. **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.)

13. **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.

14. **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.

15. **Initial Request**
    A request to a federal agency for access to records under the Freedom of Information Act.

16. **Median Number**
    The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

17. **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 tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing.

18. **Partial Release**
    An agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions: or, in a multiple record response, a decision to disclose some records in their entireties but to withhold others in whole or in part. This sometimes referred to as a "partial denial" or "partial grant."

19. **Perfected Request**
    A FOIA request for records that is submitted using personal resources, adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

20. **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.

21. **Processed Request or Appeal**
    Action on the request or the appeal in all respects has been completed.

22. **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.

23. **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.

24. **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.

25. **Release**
    An agency decision to disclose all records in full in response to a FOIA request. This sometimes is referred to as a "grant."

26. **Remanded**
    A request that is returned to the initial denial authority for reconsideration of their release determination and further processing.

27. **Request Disposition**
    An agency decision to take one of four actions on requests for records:
    a. Responsive records are released in full.
    b. 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.
    c. 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.
    d. 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.

28. **Simple Request**
    A FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.

29. **Time Limits**
    Once an agency properly receives a perfected FOIA request, it has ordinarily 20 working days in which to make a processing determination on the request. Agencies are not necessarily required to release the records within the statutory time limit, but access to releasable records will be granted promptly thereafter following the first-in-first-out processing policy and reasonable allocation of available FOIA program resources.

30. **Working Day**
    Days excepting Saturdays, Sundays, and Federally recognized public holidays.

IV. ED Exemption b(3) Statutes Applied by ED Components Throughout FY 2007:

STATUTE	TYPE OF INFORMATION	CASE CITATION
41 U.S.C. 253b(m)	Prohibition on Release of Contractor Proposals	Hornbostel v. DOI, 305 F. Supp. 2d 21 (D.D.C. 2003)
5 U.S.C. app 107(a)	Confidential Financial Disclosure Reports under the Ethics in Government Act	Meyerhoff v. EPA, 728 F Supp. 613 (N.D.Cal. 1990), AFF'D, 958 F. 2d 1498 (9th Cir. 1992)
5 U.S.C. app. 105	Financial Disclosure Reports under the Ethics in Government Act	Church of Scientology of Texas v. IRS, 816 F. Supp. 1138 (W.D.Tex. 1993)

V. Initial FOIA/PA Access Requests:

a. Number of initial requests:

	CHARACTERISTIC	NUMBER
1	Number of requests pending at close of FY 2006*	**541**
2	Number of requests received during FY 2007	**1,792**
3	Number of requests processed during FY 2007	**1,670**
4	Number of requests pending at close of FY 2007	**663**

*Increase of 2 requests of "End of Year 2006 pending" due to updated data.

b. Disposition of initial requests:

CHARACTERISTIC				NUMBER
1	Number receiving a full release			**639**
2	Number receiving a partial release			**583**
3	Number receiving a full denial			**85**
4	Number of times each FOIA exemption was used			
	Exemption 1		0	
	Exemption 2		166	
	Exemption 3		9	
	Exemption 4		218	
	Exemption 5		113	
	Exemption 6		354	
	Exemption 7			
	Exemption (7)(A)		117	
	Exemption (7)(B)		0	
	Exemption (7)(C)		215	
	Exemption (7)(D)		2	
	Exemption (7)(E)		3	
	Exemption (7)(F)		0	
	Exemption 8		0	
	Exemption 9		0	
5	Other reasons for non-disclosure/processing			**363**
	a.	No records	135	
	b.	Duplicate request	28	
	c.	Fee related	12	
	d.	Request withdrawn	92	
	e.	Not reasonably described	24	
	f.	Not a proper request	60	
	g.	Not an agency record	6	
	h.	Referred to appropriate agency	5	
	i.	Other reasons for non-disclosure	1	

VI. Appeals of Release Determinations of FOIA/PA Requests:

a. Number of Appeals of Release Determinations and Outcomes:
   1. Number of appeals received during FY 2007: 43
   2. Number of appeals processed during FY 2007: 41

b. Disposition of Appeals:

CHARACTERISTIC				NUMBER
1	Appeal Upheld ***(agency release determination reversed)***			**2**
2	Appeal Partially Upheld ***(agency release determination partially reversed)***			**7**
3	Appeal Denied ***(agency release determination upheld)***			**24**
4	Number of times each FOIA exemption was used			
	Exemption 1		0	
	Exemption 2		0	
	Exemption 3		0	
	Exemption 4		0	
	Exemption 5		8	
	Exemption 6		9	
	Exemption 7			
	Exemption (7)(A)		8	
	Exemption (7)(B)		0	
	Exemption (7)(C)		8	
	Exemption (7)(D)		0	
	Exemption (7)(E)		0	
	Exemption (7)(F)		0	
	Exemption 8		0	
	Exemption 9		0	
5	Other reasons for disposition of appeals:			**8**
	a.	No records	0	
	b.	Duplicate appeal	0	
	c.	Fee related	0	
	d.	Appeal withdrawn	3	
	e.	Not reasonably described	0	
	f.	Not a proper appeal	3	
	g.	Not an agency record	0	
	h.	Referred/Remanded to appropriate agency	2	
	i.	Other reasons for non-disclosure	0	

VII. Departmental Compliance with Time Limits/Status of Pending FOIA/PA Requests:

a. Median Processing Time for Requests Processed During FY 2007:

1. Simple requests:

Number of requests processed	1517
Median number of days to process	*(see Appendix A, Chart 1d)*

2. Complex requests:

Number of requests processed	142
Median number of days to process	*(see Appendix A, Chart 1d)*

3. Expedited requests:

Number of requests processed	11
Median number of days to process	*(see Appendix A, Chart 1d)*

b. Status of Pending FOIA/PA Requests:

Number of requests pending end of FY 2007	663
Median number of days pending end of FY 2007	*(see Appendix A, Chart 1e)*

VIII. Comparisons with Previous Years

a. Annual workload, staffing levels, and estimated processing cost comparisons:

Item	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Percentage change (FY 2006 to FY 2007)
Requests Received + FY carryover	2,054	2,430	2,764	2,443	**2,333**	**5%** decrease
Requests Processed	1,840	2,082	2,219	1,904	**1,670**	**12%** decrease
Expedited Requests Processed	76	74	16	0	**11**	**N/A**
End of Year Pending Requests	198	348	585	736	**663**	**10%** decrease
Appeals Received	24	25	40	18	**43**	**139%** increase
Appeals Processed	12	59	39	29	**41**	**42%** increase
End of Year Pending Appeals	67	33	34	23	**24**	**4%** increase
Staffing Levels (full time)	1.0	4.0	4.0	21.8	**22.1**	**1%** increase[1]
Staffing Levels (part time)	5.9	6.7	6.1	5.2	**0.5**	**90%** decrease
Estimated Processing Costs (Total)	$489,339	$809,158	$1,063,860	$2,634,889[2]	**$2,334,654**	**11%** decrease

[1] Staffing levels reflect total of full-time federal and contract employees. Previous to FY 2006, only federal staff levels were reported.
[2] FY 2006 processing costs increased by $132,200, to $2,634,889, in litigation fees reported after submission of the annual report.

b. Other statistics significant to the Department (some totals are greater than 100% due to rounding):

1. Median response times for simple requests ranged from 7 to 574 days; complex requests ranged from 12 to 578 days; and expedited requests were processed in 5 to 13 days.

2. Average response times for simple requests ranged from 12 to 822 days; complex requests ranged from 15 to 457 days; and expedited requests were processed in 1 to 13 days.

3. Brief description of the Department's release actions:

   a. 95% -- Requests received a response ranging from a full release to no records. The most frequent reasons why requests were not processed were that no record(s) responsive to the request could be located or the requester withdrew their request.
      i. 38% -- Requests received a full release.
      ii. 35% -- Request received a partial release.
      iii. 22% -- Requests received a response other than a full or partial release.

   b. 5% -- Requests received a full denial

   c. Four FOIA Exemptions were invoked more often than other exemptions, usually in combination with other exemptions.
      i. 53% of 1,670 releases contained Exemption b(6) information.
      ii. 50% of 1,670 releases contained Exemption b(7) information.
      iii. 33% of 1,670 releases contained Exemption b(4) information.
      iv. 25% of 1,670 releases contained Exemption b(2) information.

   d. The Department's processing action was upheld in 59% of the processed appeals, partially upheld in 17% of appeals, overturned in 5% of appeals, and 20% were not processed for other reasons.

4. Other narrative statements describing Department **Fiscal Year 2007 efforts to improve timeliness** of FOIA responses:
   a. The Department initiated efforts in FY 2006 to expand the use of an electronic FOIA processing program for each of the Department's twelve (12) Office for Civil Rights Enforcement Offices. During FY 2006, two (2) offices were initially pilot tested and then fully incorporated. In FY 2007, the Department completed the installation of the electronic FOIA processing program and conducted training of FOIA staff in the remaining ten (10) offices. FY 2008 will be the first year all Department components will use the system the entire reporting period.
   b. The Department established a web-based avenue to submit FOIA appeals electronically. The Department also established a dedicated FOIA Appeals e-mail address to provide additional customer service and access.

c. The Regulatory Information Management Services Office streamlined the FOIA processing system by reassigning all requests requiring final Department review to the RIMS FOIA staff. This strengthened processing accountability and provided a truer picture of caseload.
d. IES increased efforts informing grantees about FOIA requirements and assisted grantees to become more familiar with proprietary information standards of the FOIA.
e. OESE initiated a FOIA training program for additional staff and realigned resources to balance the caseload of the FOIA Coordinator.
f. OSDFS incorporated FOIA actions as a part of regular senior management team meeting agendas. In addition, FOIA is now on the agenda for all meetings with grantees and new Project Directors so they are fully aware of the FOIA release of records. Additionally, information about the FOIA program and process is included in every grant application package that is made available to the public.
g. OSERS has made FOIA advocacy a part of ED-sponsored conferences, site visits, grantee teleconferences, and in the course of routine operations with grantees and potential grantees.
h. FSA implemented a notification system to alert the FOIA Coordinator, public affairs staff, and the FOIA Requester Service Center of potential FOIA requests as a result of program review and audit completions and news media coverage of FSA operations and decisions.
i. OCR Region I (Boston) developed a FOIA processing spreadsheet to identify milestone review actions and manage FOIA resources to ensure timely delivery of documents to the requester.
j. OCR Region VII (Kansas City) established a FOIA work group that met and prepared for the implementation of the FOIA electronic processing system. The work group also considered ways to improve response times.
k. Completed Requests *Average Processing Time:*

FOIA / PA Component Offices		**Simple Requests**		**Complex Requests**		**Expedited Requests**	
	(alphabetically)	Processed	Average Days	Processed	Average Days	Processed	Average Days
	ED TOTAL	**1517**	**184**	**142**	**269**	**11**	**8**
ED Headquarters Offices	CAM (OCFO)	42	354	2	106	0	0
	FSA	213	123	2	365	0	0
	IES	31	182	0	0	0	0
	Multiple Offices	30	202	3	457	0	0
	OCIO	2	40	0	0	0	0
	OCO	1	15	0	0	0	0
	OCR	108	99	0	0	0	0
	ODS	2	115	0	0	0	0
	OELA	6	271	0	0	0	0
	OESE	78	273	1	195	0	0
	OGC	8	418	1	449	0	0

	FOIA/PA	Simple Requests		Complex Requests		Expedited Requests	
	Component Offices	Processed	Average Days	Processed	Average Days	Processed	Average Days
	OIG	60	61	0	0	0	0
	OII	53	274	0	0	0	0
	OLCA	2	288	0	0	0	0
	OM	25	96	0	0	0	0
	OPE	91	197	1	35	0	0
	OPEPD	1	26	0	0	0	0
	OS	6	168	0	0	0	0
	OSDFS	47	317	0	0	0	0
	OSERS	49	131	0	0	0	0
	OUS	1	29	0	0	0	0
	OVAE	6	39	0	0	0	0
	RIMS	159	196	3	357	0	0
Headquarters (TOTAL)		**1021**		**13**		**0**	
OCR Field Offices	OCR Boston	58	12	18	42	3	0
	OCR New York	91	20	4	60	0	0
	OCR Philadelphia	64	117	0	0	0	0
	OCR Atlanta	53	15	7	20	2	10
	OCR Chicago	61	12	0	0	0	0
	OCR Dallas	36	39	6	42	2	13
	OCR Kansas City	20	13	17	55	0	0
	OCR Denver	25	25	4	15	4	6
	OCR San Francisco	38	17	2	56	0	0
	OCR Seattle	0	0	63	16	0	0
	OCR District of Columbia	15	19	5	28	0	0
	OCR Cleveland	35	17	3	28	0	0
OCR Field Offices (TOTAL)		**496**		**129**		**11**	

l. Pending Requests *Average number of days pending.*

FOIA/PA Component Offices	Pending at the End of FY 2007	Average Number of Days Pending
ED TOTAL	**663**	**218**
CAM (OCFO)	42	213
FSA	90	108
IES	7	70
Multiple Offices	45	189
OCIO	3	507
OCO	1	322
OCR	8	50
ODS	0	0
OELA	4	286
OESE	60	247
OGC	9	550
OIG	6	387

FOIA/PA Component Offices	Pending at the End of FY 2007	Average Number of Days Pending
OII	40	326
OLCA	7	155
OM	3	32
OPE	16	111
OPEPD	2	198
OS	4	616
OSDFS	24	364
OSERS	18	86
OUS	2	700
OVAE	3	95
RIMS (OM)	196	276
Headquarters (TOTALS)	**590**	
OCR Field Office Totals		
OCR Boston	5	125
OCR New York	33	81
OCR Philadelphia	9	68
OCR Atlanta	2	17
OCR Chicago	4	15
OCR Dallas	2	138
OCR Kansas City	8	254
OCR Denver	2	5
OCR San Francisco	2	7
OCR Seattle	4	13
OCR District of Columbia	2	50
OCR Cleveland	0	0
OCR Field Office (TOTALS)	**73**	

IX. Costs/FOIA Staffing:

a. FOIA/PA Staffing Level (in work years):

Number of full-time FOIA staff (federal and contractor)	22.1
Number of staff with part-time or occasional FOIA duties	0.5
Total number of staff	22.6

b. ED FOIA/PA Processing Costs:

Processing costs including appeals	$2,130,980
Litigation-related activities	$203,674
Total reported costs	$2,334,654

X. Fees:

Total amount of fees collected	$28,680
Percentage of FOIA/PA Processing Costs	1.23%

XI. ED FOIA/PA Implementing 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.

XII. Report *(inclusive)* on Executive Order 13392 Implementation *(June 2006 – January 2008)*:

On December 14, 2005, the President issued Executive Order 13392, entitled "Improving Agency Disclosure of Information," which established a citizen-centered and results-oriented approach to administration of the FOIA. The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of the annual FOIA Report contains the Department of Education's description of its progress and highlights in implementing the milestones and goals of the Department's FOIA Improvement Plan. The reporting period for Section XII (only) includes progress made through January 2008; the reporting period for all other sections and appendices of the report is for Fiscal Year 2007.

The Department's FOIA program is, primarily, a centralized program with the FOIA Requester Service Center (located within the Regulatory Information Management Services of the Office of Management) providing oversight and having overall responsibility. This office has full-time staff dedicated to this work. All other Principal Offices and relevant components have staff with part-time or occasional FOIA responsibilities. Therefore, the Department has a single coordinated "FOIA Improvement Plan." The Department initiated goals for eight (8) areas of improvement as outlined in the Department's "FOIA Improvement Plan," which is available in Appendix B of this report and also on the Department's FOIA section of the Department's website.

Department of Education Improvement Plan Progress and Highlights:

A. Description of supplementation/modification of agency improvement plan:
   1. The Department published its FOIA Improvement Plan on June 14, 2006. The plan was revised to include additional goals and milestones for backlog reduction and elimination. The revised plan was published on August 1, 2006.
   2. The Department revised and published on July 12, 2007, the FOIA Improvement Plan. The revisions were:
      a. removing the goal of obtaining secure CDs for releasing documents. That goal was unnecessary with the department-wide implementation of the electronic FOIA processing system and using its secure delivery features.

b. identifying the "10 oldest" cases on August 1, 2007, instead of October 1, 2007, to allow for an additional three months to conduct final processing actions.

B. Implementation of the plan, including performance in meeting milestones, with respect to each improvement area:

I. Affirmative Disclosure Improvements

The Department met the milestones for Fiscal Year 2007. The Department completed:

- A Standard Operating Procedure for FOIA processors.
- Training of FOIA processing staff on procedures to identify the status of a request, search for previously released relevant documents, and conduct an electronic review of documents.

II. Proactive Disclosure Improvements

The Department met the milestones for Fiscal Year 2007. The Department:

- Identified and posted to the FOIA Reading Room released documents responsive to multiple requests.
- Increased intra-agency communication to determine potential records likely to reduce the number of FOIA requests and post them to the E-FOIA Reading Room.
- Re-emphasized the Rule-of-Three to identify requests subject to posting to the FOIA Reading Room and to identify types of documents likely to receive multiple requests or news interests.
- Established a Rule-of-News guideline for preparing pre-FOIA-request releasable documents for posting to the website and/or making quickly available once a request(s) is received.
- Refined the terminology to include in describing and/or naming document folders to aid in identifying trends in types of documents responsive to multiple or routine FOIA requests.
- Increased in FY 2007 the number of documents in the E-FOIA Reading Room by 20 percent over the previous year.

III. FOIA Website Improvements

The Department met the milestone for Fiscal Year 2007:

- Updated the FOIA website to identify and provide contact information for the Chief FOIA Officer, the public FOIA Liaisons, and the newly established *FOIA Requester Service Center*.
- Updated the FOIA website to provide contact information for FOIA Liaisons with delegated authority to make release determinations for their regional area or program office.
- Updated the FOIA website with a customer feedback form, updated FOIA request form, and added a FOIA Appeals form.

- Established a dedicated e-mail address for appeal submissions and status queries.
- Proposal to add a web-based module to allow requesters full-time access to the status of their requests was accepted and funding request submitted for FY2009.

IV. Electronic FOIA Improvements

During Fiscal Year 2007, the Department met and completed all milestones for this improvement area. The Department:

- Developed training on use of the electronic FOIA processing program to increase effectiveness of processing and accountability for processing actions.
- Expanded the number of releases electronically transmitted through training of processors and communicating with requesters the format release options available to them.
- Improved workload accountability standards by tracking a request throughout its lifecycle and counting the request only once regardless of how many action offices it may have been assigned for processing.
- Improved consistency of redactions by electronically linking responsive documents to a case from other completed cases.
- The hours-of-use of the electronic processing/tracking program increased by 93 percent over the previous year.
- Program coordination and processing consistency improved by 29 percent over the previous year.
- Implemented a department-wide single electronic FOIA processing (tracking, redacting, storing, correspondence, and delivery) program.

V. Multi-Track Processing Improvements

During Fiscal Year 2007, the Department met and completed all milestones for this improvement area. The Department:

- Developed the Simple/Routine and Complex processing tracks consistent with the policy of First-In-First-Out for each track.
- Developed the Expedited processing track consistent, whenever possible, with the policy of First-In-First-Out.
- Achieved goal of simple request response time less than complex request response time. In addition, significantly decreased the average processing time for expedited requests.

Fiscal Year	Simple Request Average Response Time	Complex Request Average Response Time	Expedited Request Average Response Time
2006*	162	129	95
2007	184	269	8
Percent Change	Increased 14%	Increased 108%	Decreased 92%

**Data considered valid but not reliable based on a combination of manual and electronic data capture for FY2006. Electronic usage increased by 93% in FY2007 and the FY2007 data is considered more reliable.*

VI. Backlog Reduction/Elimination Improvements

The Department met the Fiscal Year 2007 milestones associated with this improvement area and closed nine of the 10-oldest FOIA requests. As the FOIA Improvement Plan outlined:

- the Department implemented a schedule of monthly, quarterly, and semi-annual meetings to review case workload and resource allocation, identify processing roadblocks and solutions, and adjustment policies or guidance. All meetings have been conducted on time.
- the Department also met the Fiscal Year 2007 milestone to develop and implement a process to eliminate the 10-oldest FOIA requests of the Department.
- the Department resolved the FY 2006 deficiency to close the final 10-Oldest FOIA request by closing the request during FY 2007.
- the FY 2007 backlog benchmark (480 established in June 2006) reduction goal of 15 percent was exceeded: The benchmark was reduced by 82 percent.
- the FOIA Requester Service Center established and distributed a monthly "open case" report to all FOIA offices to update status of requests, focus proactive processing on pending and complex requests, and resolve issues associated with processing and document searches.

VII. Implementation of Improvement Ideas from Field Office Staff

The Department met all Fiscal Year milestones associated with this improvement area. Specifically, the Department:

- completed a pilot program and implemented an electronic FOIA processing program at the OCR San Francisco Regional Enforcement Office and the Philadelphia Regional Enforcement Office.
- completed training and implementation of an electronic FOIA processing program in the ten additional regional offices.
- upgraded the COTS processing program to the current version.

VIII. Training and Guidance Improvements

The Department met all Fiscal Year 2007 milestones for this improvement area. Specifically, the Department:

- wrote and issued a "FOIA Standard Operation Procedure" manual for training and outreach, and conducted quarterly ED FOIA Coordinator Meetings.
- conducted a review of all FOIA and Privacy Act directives and guidance and initiated the process for revisions. In addition, a significant revision of the Department's FOIA regulations has been drafted and is undergoing internal review.
- Developed guidelines for selecting less than full-time FOIA coordinators.

C. Identification and discussion of deficiencies in meeting plan milestones

1. FOIA Improvement Plan Section. *Section VI: Backlog Reduction/Elimination.* Implement a "10-Oldest" Backlog Reduction Effort.
   a. Deficient Milestone. "By January 2008, close the 10-oldest cases identified August 1, 2007."
   b. Intermediate Corrective Steps to Address Deficiency.
      i. Deficiency due to not completing and closing one of 10-oldest cases because of the scope of request, searching records to identify responsive records, and allocating resources to review records without undue negative impact on operational priorities of the responsible office.
      ii. By January 31, 2008, completed 90 percent of the 10-oldest FOIA requests.
   c. Future Corrective Steps to Address Deficiency.
      i. By March 2008, coordinate with the program office to complete a search for responsive records.
      ii. By April 2008, complete processing of additional responsive records and issue an interim release.
      iii. By June 2008, coordinate with program office to issue a final release or issue another interim release.
      iv. By August 2008, coordinate with program office to close the remaining 10-Oldest case.
2. FOIA Improvement Plan Section. *Section VII: Improvement Ideas from Field Office Personnel.*
   a. Deficient Milestone. "All reporting for the FOIA Annual Report (FY 2007) is automated for the San Francisco and Philadelphia OCR Regional Enforcement Offices."
   b. Intermediate Corrective Steps to Address Deficiency.
      i. Deficiency due to the Philadelphia OCR Regional Enforcement Office partially implementing the electronic processing program for all of their FY 2007 requests.
      ii. By December 2007, all Philadelphia OCR Regional Enforcement Office data for the FY 2007 FOIA Annual Report was collected manually and electronically.
   c. Future Corrective Steps to Address Deficiency.
      i. Beginning February 2008, the ED FOIA Service Center will monitor the Philadelphia office on a monthly basis on their usage of the electronic processing program to identify trends, offer assistance, and provide additional processing training, as necessary.
      ii. By May 2008, develop a plan with the Philadelphia office to input all FOIA requests received in FY 2008 into the processing program.
      iii. By October 2008, the Philadelphia office annual data contained within the electronic processing program will be retrieved and the Philadelphia office will provide staffing and cost data manually to augment the electronic report.

D. In support of executive order-related activities and to improve customer service to requesters, the Department programs listed below have identified additional goals and activities they will undertake during FY 2008:
    1. FSA Goal for FY 2008: Implement FOIA training for all FSA staff. In addition, obtain additional equipment and FOIA resources to augment the FOIA processing staff.
    2. IES Goal for FY 2008: Schedule FOIA training for new staff with a focus on grants applications and how Exemption 4 applies. The expected outcome is reduced discussion time with grantees about Exemption 4.
    3. OCR Region I (Boston) Goal for FY 2008: Implement FOIA training and revisions to internal procedures to increase FOIA knowledge base of staff and implement training to expand ability of staff to assist in the processing of FOIA requests.
    4. OCR Region V (Chicago) Goal for FY 2008: Implement additional training using the electronic processing system to decrease request response time and increase processing efficiency.
    5. OCR Region VIII (Denver) Goal for FY 2008: Achieve 100% compliance of providing request determination letters within the statutory time limits.
    6. OCR Region IX (San Francisco) Goal for FY 2008: Share experience and lessons-learned knowledge with other regional offices to assist them to fully implement the electronic processing system.
    7. OCR Region XII (Cleveland) Goal for FY 2008: Achieve FOIA Improvement Plan goal of full implementation of the electronic processing program in the Region.
    8. ODS, OUS, OPEPD, and OVAE Goal for FY 2008: Achieve 100% compliance of providing request determination letters within the statutory time limits.
    9. OESE Goal for FY 2008: Increase the participation in OESE staff in processing of FOIA requests to significantly reduce the backlog of requests.
    10. OIG Goal for FY 2008: Implement, within security requirements, the electronic processing program as much as possible.
    11. OPE Goal for FY 2008: Identify 15 staff to receive basic FOIA training and 5 staff to receive basic electronic FOIA processing training. Training to be completed by March 1, 2008. Additional processing staff to commence processing OPE requests by March 1, 2008.
    12. OSDFS Goal for FY 2008: Reduce the OSDFS backlog by April 2008 to only current (less than 30 days) requests.
    13. OSERS Goal for FY 2008: Increase number of documents posted to the FOIA Reading Room.

E. Concise descriptions of FOIA exemptions: Refer to section II(c) of this report.

F. Additional Statistics:

1. Ten Oldest Pending FOIA Requests (as of January 1, 2008):

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Date Request Received	0	0	0	0	10/26 11/12	01/26 01/26 02/16 02/23 03/28 04/26 05/02 05/18	0	0

2. Number of Consultations Received, Processed, and Pending:

Consultations Received from Other Agencies During FY 2007	Consultations Received from Other Agencies that were Processed During FY 2007 (including those received before FY 2007)	Consultations Received from Other Agencies that were Pending as of October 1, 2007 (including those received before FY 2007)
0	0	0

3. Ten Oldest Pending Consultations Received from Other Agencies

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Date Request Received	0	0	0	0	0	0	0	0	0

G. The Agency FOIA Improvement Plan (revised July 12, 2007) is provided in Attachment B to this report.

APPENDIX A . ED Component Charts

1. ED Component FOIA/PA Statistical Charts:

a. Number of Initial Requests:

	FOIA/PA Component Offices	Pending End of FY 2006	Received FY 2007	Processed FY 2007	Pending End of FY 2007
	Department Totals	**541**	**1,792**	**1,670**	**663**
ED Headquarters Offices	CAM/OCFO*	34	52	44	**42**
	FSA	61	244	215	**90**
	IES	11	27	31	**7**
	Multiple Offices	47	31	33	**45**
	OCIO	1	4	2	**3**
	OCO	0	2	1	**1**
	OCR	22	94	108	**8**
	ODS	1	1	2	**0**
	OELA	7	3	6	**4**
	OESE	58	81	79	**60**
	OGC	10	8	9	**9**
	OIG	4	62	60	**6**
	OII	37	56	53	**40**
	OLCA	1	8	2	**7**
	OM	10	18	25	**3**
	OPE	21	87	92	**16**
	OPEPD	0	3	1	**2**
	OS	3	7	6	**4**
	OSDFS	56	15	47	**24**
	OSERS	5	62	49	**18**
	OUS	3	0	1	**2**
	OVAE	0	9	6	**3**
	RIMS (OM)	87	271	162	**196**
TOTAL FOIA HQ Offices		**479**	**1,145**	**1,034**	**590**
OCR Field Offices	OCR Boston	4	80	79	**5**
	OCR New York	5	123	95	**33**
	OCR Philadelphia*	21	52	64	**9**
	OCR Atlanta	0	64	62	**2**
	OCR Chicago	3	62	61	**4**
	OCR Dallas	5	41	44	**2**
	OCR Kansas City	12	33	37	**8**
	OCR Denver	1	34	33	**2**
	OCR San Francisco	9	33	40	**2**
	OCR Seattle	0	67	63	**4**
	OCR District of Columbia	0	22	20	**2**
	OCR Cleveland‡	2	36	38	**0**
	TOTAL OCR Field Offices	**62**	**647**	**636**	**73**

*Increase of 2 requests of "End of Year 2006 pending" due to updated data.
‡First reporting for this Regional Office.

b. Disposition of Initial Processed Requests:

FOIA/PA Component Offices		Full Release	Partial Release	Denied	No Records	Duplicate Request	Fee Related	Request Withdrawn	Not Reasonably Described	Not a Proper Request	Not an Agency Record	Referred to Appropriate Agency	Other non-processing Reason
ED TOTAL		**639**	**583**	**85**	**135**	**28**	**12**	**92**	**24**	**60**	**6**	**5**	**1**
ED Headquarters Offices	CAM/OCFO	20	15	0	6	2	0	1	0	0	0	0	0
	FSA	133	25	2	11	10	0	9	2	23	0	0	0
	IES	5	17	2	2	0	1	2	2	0	0	0	0
	Multiple Offices	10	16	0	2	1	0	4	0	0	0	0	0
	OCIO	0	0	0	1	0	0	0	0	1	0	0	0
	OCO	1	0	0	0	0	0	0	0	0	0	0	0
	OCR	41	38	5	7	2	0	8	2	2	3	0	0
	ODS	0	1	0	1	0	0	0	0	0	0	0	0
	OELA	0	4	0	1	1	0	0	0	0	0	0	0
	OESE	10	49	0	7	2	0	6	2	1	2	0	0
	OGC	1	6	1	0	0	0	1	0	0	0	0	0
	OIG	4	18	16	15	0	0	1	0	2	0	4	0
	OII	7	29	3	8	0	0	5	1	0	0	0	0
	OLCA	1	1	0	0	0	0	0	0	0	0	0	0
	OM	9	2	1	5	0	0	3	1	4	0	0	0
	OPE	18	58	1	12	0	0	2	1	0	0	0	0
	OPEPD	0	0	0	1	0	0	0	0	0	0	0	0
	OS	5	1	0	0	0	0	0	0	0	0	0	0
	OSDFS	12	22	0	3	1	2	6	0	1	0	0	0
	OSERS	17	16	1	4	3	3	2	1	1	1	0	0
	OUS	1	0	0	0	0	0	0	0	0	0	0	0
	OVAE	1	3	0	1	0	1	0	0	0	0	0	0
	RIMS	29	56	2	18	5	2	23	5	22	0	0	0
Total Disposition:		325	377	34	105	27	9	73	17	57	6	4	0
OCR Field Offices	OCR Boston	42	36	0	1	0	0	0	0	0	0	0	0
	OCR New York	50	32	4	3	0	1	2	3	0	0	0	0
	OCR Philadelphia	37	15	2	7	1	0	1	1	0	0	0	0
	OCR Atlanta	48	5	4	5	0	0	0	0	0	0	0	0
	OCR Chicago	38	14	5	2	0	2	0	0	0	0	0	0
	OCR Dallas	13	20	0	6	0	0	2	1	2	0	0	0
	OCR Kansas City	15	6	9	1	0	0	5	1	0	0	0	0
	OCR Denver	4	19	5	1	0	0	3	1	0	0	0	0
	OCR San Francisco	7	23	8	1	0	0	1	0	0	0	0	0
	OCR Seattle	24	28	1	3	0	0	5	0	0	0	1	1
	OCR District of Columbia	17	1	2	0	0	0	0	0	0	0	0	0
	OCR Cleveland	19	7	11	0	0	0	0	0	1	0	0	0
Total Disposition:		314	206	51	30	1	3	19	7	3	0	1	1

c. Number and rate of FOIA exemption use:

Component		Exemption											
Offices		1	2	3	4	5	6	7a	7b	7c	7d	7e	7f
ED TOTAL		**0**	**166**	**9**	**218**	**113**	**354**	**117**	**0**	**215**	**2**	**3**	**0**
ED Headquarters Offices	CAM/OCFO	0	5	0	9	1	7	0	0	0	0	0	0
	FSA	0	12	0	6	4	21	1	0	0	0	0	0
	IES	0	9	0	15	2	17	0	0	0	0	0	0
	Multiple Offices	0	4	0	6	6	11	0	0	0	0	0	0
	OCIO	0	0	0	0	0	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	0	2	0	0	5	17	5	0	34	1	0	0
	ODS	0	1	0	0	0	1	0	0	0	0	0	0
	OELA	0	1	0	1	0	4	0	0	0	0	0	0
	OESE	0	15	0	29	4	48	0	0	0	0	0	0
	OGC	0	3	0	2	2	7	0	0	1	1	0	0
	OIG	0	6	0	1	10	29	10	0	10	0	3	0
	OII	0	10	0	26	13	35	2	0	2	0	0	0
	OLCA	0	0	0	0	0	1	0	0	0	0	0	0
	OM	0	0	0	0	1	2	0	0	0	0	0	0
	OPE	0	41	0	48	1	13	0	0	0	0	0	0
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0
	OS	0	0	0	0	1	1	0	0	0	0	0	0
	OSDFS	0	11	0	18	0	11	0	0	0	0	0	0
	OSERS	0	10	0	22	2	24	0	0	0	0	0	0
	OUS	0	0	0	0	0	0	0	0	0	0	0	0
	OVAE	0	0	0	1	0	3	0	0	0	0	0	0
	RIMS	0	25	0	29	11	37	2	0	10	0	0	0
Headquarters (TOTAL)		**0**	**155**	**0**	**213**	**63**	**289**	**20**	**0**	**57**	**2**	**3**	**0**
OCR Field Offices	OCR Boston	0	0	0	0	10	3	10	0	21	0	0	0
	OCR New York	0	0	0	1	1	10	21	0	25	0	0	0
	OCR Philadelphia	0	0	0	0	0	4	7	0	7	0	0	0
	OCR Atlanta	0	1	2	2	2	2	0	0	0	0	0	0
	OCR Chicago	0	0	0	0	6	2	14	0	7	0	0	0
	OCR Dallas	0	0	0	0	3	3	0	0	21	0	0	0
	OCR Kansas City	0	0	0	0	1	0	9	0	6	0	0	0
	OCR Denver	0	0	0	0	3	21	9	0	24	0	0	0
	OCR San Francisco	0	7	5	2	9	15	7	0	15	0	0	0
	OCR Seattle	0	3	2	0	12	0	3	0	27	0	0	0
	OCR District of Columbia	0	0	0	0	2	3	3	0	3	0	0	0
	OCR Cleveland	0	0	0	0	1	2	14	0	2	0	0	0
OCR Field Offices (TOTAL)		**0**	**11**	**9**	**5**	**50**	**65**	**97**	**0**	**158**	**0**	**0**	**0**

d. Median Response Times for Simple, Complex, and Expedited Processed Requests:

FOIA / PA Component Offices		Simple Requests		Complex Requests		Expedited Requests	
		Processed	Median Days	Processed	Median Days	Processed	Median Days
ED TOTAL		**1517**		**142**		**11**	
ED Headquarters Offices	CAM (OCFO)	42	158	2	73	0	0
	FSA	213	56	2	254	0	0
	IES	31	111	0	0	0	0
	Multiple Offices	30	63	3	156	0	0
	OCIO	2	28	0	0	0	0
	OCO	1	11	0	0	0	0
	OCR	108	34	0	0	0	0
	ODS	2	80	0	0	0	0
	OELA	6	143	0	0	0	0
	OESE	78	130	1	135	0	0
	OGC	8	352	1	578	0	0
	OIG	60	12	0	0	0	0
	OII	53	155	0	0	0	0
	OLCA	2	199	0	0	0	0
	OM	25	41	0	0	0	0
	OPE	91	92	1	24	0	0
	OPEPD	1	19	0	0	0	0
	OS	6	54	0	0	0	0
	OSDFS	47	181	0	0	0	0
	OSERS	49	67	0	0	0	0
	OUS	1	574	0	0	0	0
	OVAE	6	21	0	0	0	0
	RIMS	159	76	3	49	0	0
Headquarters (TOTAL)		1021		13		0	
OCR Field Offices	OCR Boston	58	11	18	40	3	0
	OCR New York	91	20	4	60	0	0
	OCR Philadelphia	64	93	0	0	0	0
	OCR Atlanta	53	15	7	20	2	10
	OCR Chicago	61	13	0	0	0	0
	OCR Dallas	36	28	6	52	2	13
	OCR Kansas City	20	20	17	19	0	0
	OCR Denver	25	26	4	15	4	5
	OCR San Francisco	38	7	2	47	0	0
	OCR Seattle	0	0	63	12	0	0
	OCR District of Columbia	15	22	5	20	0	0
	OCR Cleveland	35	18	3	30	0	0
OCR Field Office (TOTAL)		496		129		11	

e. Status of Pending FOIA/PA Requests:

FOIA/PA Component Offices	Pending at the End of FY 2007	Median Number of Days Pending
ED TOTAL	**663**	
Headquarters Organizations Totals		
CAM (OCFO)	42	61
FSA	90	45
IES	7	78
Multiple Offices	45	59
OCIO	3	507
OCO	1	5
OCR	8	129
ODS	0	0
OELA	4	127
OESE	60	46
OGC	9	396
OIG	6	24
OII	40	106
OLCA	7	120
OM	3	80
OPE	16	86
OPEPD	2	199
OS	4	312
OSDFS	24	52
OSERS	18	46
OUS	2	140
OVAE	3	5
RIMS (OM)	196	158
Headquarters (TOTALS)	**590**	
OCR Field Office Totals		
OCR Boston	5	106
OCR New York	33	25
OCR Philadelphia	9	68
OCR Atlanta	2	17
OCR Chicago	4	11
OCR Dallas	2	98
OCR Kansas City	8	339
OCR Denver	2	5
OCR San Francisco	2	7
OCR Seattle	4	12
OCR District of Columbia	2	9
OCR Cleveland	0	0
OCR Field Office (TOTALS)	**73**	

f. FOIA/PA Staffing Level:

FOIA/PA Component Offices		FY 05 FOIA/PA Staffing Levels		
		Full-Time Employee (federal & contractor)	**Part-time FOIA/PA/Admin Support**	**Total Work Years**
ED TOTAL		**22.1**	**0.5**	**22.6**
CAM (OCFO)		0.1	0	0.1
FSA		1.0	0	1
IES		0.4	0	0.4
Multiple Offices*		n/a	n/a	n/a
OCIO		0.1	0	0.1
OCO		0.01	0	0.01
OCR		0.21	0	0.21
ODS		0.33	0	0.33
OELA		0.1	0	0.1
OESE		0.16	0	0.16
OGC		0.2	0	0.2
OIG		0.1	0.2	0.3
OII		0.03	0	0.03
OLCA		0.1	0	0.1
OM		0.05	0	0.05
OPE		0.18	0	0.18
OPEPD		0.03	0	0.03
OS		0.1	0	0.1
OSDFS		0.98	0	0.98
OSERS		1.0	0	1
OUS		0.03	0	0.03
OVAE		0.01	0	0.01
RIMS (OM)		11.4	0.2	11.6
Headquarters (TOTALS)		**16.6**	**0.4**	**17.0**
OCR Field Office Totals				
Number of staff involved in FOIA processing				
OCR Boston	17	0.67	0	0.67
OCR New York	44	0.05	0	0.05
OCR Philadelphia	14	0.16	0	0.16
OCR Atlanta	35	0.7	0	0.70
OCR Chicago	11	1.3	0	1.30
OCR Dallas	16	0.7	0	0.70
OCR Kansas City	41	0.65	0	0.65
OCR Denver	20	0.3	0.1	0.40
OCR San Francisco	14	0.26	0	0.26
OCR Seattle	7	0.30	0	0.30
OCR District of Columbia	16	0.30	0	0.30
OCR Cleveland	25	0.08	0.01	0.09
OCR Field Office (TOTALS)		**5.5**	**0.1**	**5.6**

*The RIMS Action Office finalizes multiple Office requests. Data is accounted for in the RIMS data.

g. ED FOIA/PA Processing Costs:

FOIA/PA Component Offices	Processing Costs		
	Processing (including Appeals)	Litigation Related Activities	Total Costs
ED TOTAL	**$2,130,980**	**$203,674**	**$2,334,654**
Headquarters Organizations Totals			
CAM (OCFO)	7,705	0	7,705
FSA	77,063	500	77,563
IES	55,618	0	55,618
Multiple Offices*	n/a	n/a	n/a
OCIO	6,381	0	6,381
OCO	659	0	659
OCR	16,188	0	16,188
ODS	3,071	0	3,071
OELA	6,392	0	6,392
OESE	11,982	0	11,982
OGC	13,646	137,488	151,134
OIG	50,532	0	50,532
OII	21,000	0	21,000
OLCA	6,815	0	6,815
OM	3,505	0	3,505
OPE	15,715	0	15,715
OPEPD	3,103	0	3,103
OS	6,644	0	6,644
OSDFS	83,668	0	83,668
OSERS	63,354	0	63,354
OUS	3,071	0	3,071
OVAE	1,201	0	1,201
RIMS (OM)	1,341,309	65,686	1,406,995
Headquarters (TOTAL Costs)	**$1,798,622**	**$203,674**	**$2,002,296**
OCR Regional Office Totals			
OCR Boston	33,710	0	33,710
OCR New York	3646	0	3,646
OCR Philadelphia	10,686	0	10,686
OCR Atlanta	47,215	0	47,215
OCR Chicago	90,111	0	90,111
OCR Dallas	6,585	0	6,585
OCR Kansas City	41,820	0	41,820
OCR Denver	37,365	0	37,365
OCR San Francisco	22,912	0	22,912
OCR Seattle	21,702	0	21,702
OCR District of Columbia	9,164	0	9,164
OCR Cleveland	7,442	0	7,442
OCR Field (TOTAL Costs)	**$332,358**	**$ 0.00**	**$332,358**

*The RIMS Action Office finalizes multiple Office requests. Data is accounted for in the RIMS data.

h. ED FOIA/PA Fees:

FOIA/PA Component Offices	FOIA Fees Collected	Fee Percentage of Office Processing Costs	Fee Percentage of ED Total Processing Costs
ED Fee Collection (TOTAL)	**$28,680**		**1.23%**
Headquarters Organizations Totals			
CAM (OCFO)	658	8.54%	0.03%
FSA	8,102	10.45%	0.35%
IES	1,061	1.91%	0.05%
Multiple Offices*	n/a	n/a	n/a
OCIO	0	0.00%	0.00%
OCO	32	4.86%	0.00%
OCR	1,299	8.02%	0.06%
ODS	0	0.00%	0.00%
OELA	0	0.00%	0.00%
OESE	1,464	12.22%	0.06%
OGC	2,196	1.45%	0.09%
OIG	0	0.00%	0.00%
OII	1,958	9.32%	0.08%
OLCA	0	0.00%	0.00%
OM	0	0.00%	0.00%
OPE	1,958	12.46%	0.08%
OPEPD	0	0.00%	0.00%
OS	0	0.00%	0.00%
OSDFS	308	0.37%	0.01%
OSERS	2,513	3.97%	0.11%
OUS	0	0.00%	0.00%
OVAE	77	6.41%	0.00%
RIMS (OM)	5,697	0.40%	0.24%
Headquarters Fee Collection (TOTAL)	**$27,323**		**1.17%**
OCR Regional Office Totals			
OCR Boston	113	0.34%	0.00%
OCR New York	75	2.05%	0.00%
OCR Philadelphia	0	0.00%	0.00%
OCR Atlanta	0	0.00%	0.00%
OCR Chicago	738	0.82%	0.03%
OCR Dallas	0	0.00%	0.00%
OCR Kansas City	144	0.34%	0.01%
OCR Denver	0	0.00%	0.00%
OCR San Francisco	0	0.00%	0.00%
OCR Seattle	227	1.05%	0.01%
OCR District of Columbia	43	0.47%	0.00%
OCR Cleveland	17	0.23%	0.00%
OCR Field Office Fee Collection (TOTAL)	**$1,357.00**		**0.06%**

*The RIMS Action Office finalizes multiple Office requests. Data is accounted for in the RIMS data.

APPENDIX B

U.S. DEPARTMENT OF EDUCATION

FOIA PLAN

Wednesday, June 14, 2006

(Revised August 18, 2006)
(Revised July 12, 2007)

The following **Freedom Of Information Act** review and improvement plan is required by Executive Order 13,392

A. OVERALL NATURE OF FOIA OPERATIONS

The U.S. Department of Education's Regulatory Information Management Services (RIMS) within the Office of Management (OM) serves as the **FOIA Requester Service Center**, managing centralized Freedom of Information Act (FOIA) / Privacy Act (PA) operations for requests of records maintained by 20 headquarters organizations.[1] The Director of RIMS is the official denial authority and oversees the RIMS staff.[2]

During Fiscal Year (FY) 2005, the Department received 2,416 FOIA requests (an increase of eight percent compared to FY 2004), and completed processing of 2,219 requests. Many of these requests are for sensitive, complex and voluminous records that require meticulous review and multiple consultations. Requests are processed by the FOIA Requester Service Center, staffed by 4.0 full-time FOIA personnel and 6.1 personnel with part-time or occasional FOIA duties.[3] Fees collected during FY 2005 represent an increase of 239 percent above those collected during FY 2004.

During FY 2004, ED conducted an in-depth review and business case analysis of the full range of the Department's FOIA operations. The findings resulted in reengineered processes, customer service and training expansion, and technology improvements. In particular, the use of FOIAXpress, the most comprehensive COTS application available for processing FOIA and Privacy Act requests, is increasing productivity, decreasing administrative costs and providing an important case-tracking portal for FOIA requesters. FOIAXpress electronically stores, retrieves, redacts and prints documents for delivery to requesters; keeps track of processing statistics and fees; generates reports on the number, types and disposition of requests processed; and provides round-the-clock requester access for tracking case status.

It is our intent to propose improvements that can be implemented and measured. This relates to the timeliness of responding to FOIA requests, providing user-friendly means for requesters to determine the status of their requests, ensuring that responses are complete and accurately reflect necessary exemptions, providing accurate, timely, and reliable information for our annual FOIA report. Routinely, approximately 30 percent[4] of the total FOIA requests received by the Department seek records maintained by one or more of twelve regional offices of ED's Office for Civil Rights (OCR). To further expedite processing, this review and implementation plan proposes to delegate responsive authority to each of 12

[1] http://www.ed.gov/policy/gen/leg/foia/contacts.html
[2] This does not include the authority to administer FOIA for documents maintained in the Office of the Inspector General, which is delegated to the Inspector General.
[3] U.S. Department of Education "FOIA Annual Report (FY 2005)"
[4] ibid

OCR Regional Directors. It is also our intent to implement these improvements as we continue to experience increases in the number of our requests.

The Department's ultimate goal is nothing short of "best-in-class" services.

B. AREAS SELECTED FOR REVIEW

For this report, the Department focused on the ten (10) areas noted below:

- Affirmative disclosure under subsection (a)(2)
- Proactive disclosure of information
- Overall website improvement
- Increased staffing
- Politeness/Courtesy
- Automated processing – Electronic FOIA
- Multi-track processing
- Backlog reduction/elimination
- Improvement ideas from field office personnel
- Training and guidance

C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW

As described in Part A ("Overall Nature of FOIA Operations"), ED's current FOIA operations reflect a broad analysis of functions and processes that yielded major results-driven improvements. Most recently, RIMS selected 10 potential performance target areas identified in Part B above which present opportunities for additional improvements. Of these, eight were chosen as the optimum mix of next steps for strengthening oversight and quality control, providing transparent accountability, and ensuring clear FOIA roles throughout the Department.

A major conclusion of the review was the potentially significant impact of releasing more information to ease the administrative burden that FOIA imposes on requesters and the Department. Although the Department has made strides in this area, there is much more to be done. Establishing internal protocols to identify and post documents likely to be of public interest and appropriate for disclosure would preclude the need for numerous FOIA requests and the ensuing searches, document reviews, redactions, copying and fees. Making greater use of information technology advances would provide a cost-effective tool to facilitate the public's instant access to the information.

Similarly, the review underscored the untapped benefits of proactive disclosure through intra-agency collaboration that identifies current records of interest (e.g., grant and contract awards), redacts documents as needed, and posts them at ED's Electronic FOIA Reading Room. In addition, the Department could take

advantage of its cutting edge FOIA processing software (FOIAXpress) to recognize and tag multiple requests for similar information, which along with the "rule-of-three", would enable the speedy proactive posting of releasable materials to the E-FOIA Reading Room. The review also pointed to the absence of systematic trend analyses that could assist in identifying and posting releasable information to the E-FOIA Reading Room.

The review also evaluated the Department's FOIA Website, which recently was re-designed to incorporate the requirements of the E-FOIA Amendments of 1996 (e.g., the handbook for requesters, the E-FOIA Reading Room, and on-line annual reports). The Department populated the FOIA home page with ED-specific materials and links to other important FOIA Websites; and the *ed.gov* home page includes a prominently displayed "FOIA" button for easy customer navigation and retrieval of FOIA information. The current user-friendly format and the benefits of ongoing information technology improvements offer additional advantages for upgrading the E-FOIA Reading Room to accommodate an increasing volume of information anticipated through the various improvement initiatives. The format and utilities of the website also provide outreach possibilities for customer feedback questionnaires, web-based FOIA status reports, and recent FOIA news.

The Department's FOIA process reengineering summarized earlier in this section integrated state-of-the-art technology and procedural efficiencies. The current review looked at the incremental efficiencies available through additional automation improvements, including expanding the functionality of FOIAXpress. Using FOIAXpress to track the process and prepare electronic responses transmitted to requesters via e-mail or the Internet would significantly reduce processing time and the associated administrative costs. In addition, use of specially configured CDs to ensure more secure and standardized response formats would further standardize the response process, saving time and resources, and improving quality control.

Since FOIA requests received by ED typically are processed in order of receipt, without regard to level of complexity, the review pinpointed significant performance strides available through the use of multi-track processing. Placing simple requests that require relatively minimal review in one processing track and more voluminous, complex requests in another track offers significant savings in processing and response time.

The review also looked at the Department's FOIA request backlog inventory (480).[1] Coupling the need to reduce or eliminate the backlog to the electronic tracking system mentioned above could provide an efficiency measure absent from the current process and developing specific goals to target the backlog

[1] As of June 2, 2006

reduction, including the implementation of a “10-Oldest” Backlog Reduction Effort.

The Department’s initial rollout for FOIAXpress was limited to headquarters. The current review addressed options for phasing in the software at the 12 OCR regional offices and transitioning this initiative with a pilot program at the San Francisco and Philadelphia location during 2006. Regional FOIA coordinators, program managers and Regional Directors have critical roles and responsibilities in processing and responding to FOIA requests, including disclosure decision-making. These regional staff require training on the use of FOIAXpress in order to process requests consistently, correctly and rapidly. Implementing FOIAXpress as a pilot in these two field offices could provide lessons learned prior to fully implement the technology. Coupled with FOIA training at all regional offices would ensure that the Department adheres to a standardized FOIA program by using the same tools to deliver more uniform FOIA services.

At the Secretary’s request, last year, the RIMS FOIA team developed and presented Department-wide stakeholder FOIA Awareness Training. Training materials, maintained by the FOIA Requester Service Center staff, are updated annually. In addition, the Department is currently developing a comprehensive Training and Outreach Plan. The Plan will include multiple levels of training for different audiences, and will link training subjects to specified user groups. As this program matures over the next several years, ED will develop and implement strategies that provide flexible options for FOIA training and retraining throughout the Department. The current review focused on the additional value of revising/updating the current Standard Operating Procedure (SOP) for the FOIA Requester Service Center and including a new reference section for Principal Office FOIA processing.

D. List of Improvement Areas

- Affirmative disclosure under subsection (a)(2)
- Proactive disclosure of information
- Overall website improvement
- Automated processing – Electronic FOIA
- Multi-track processing
- Backlog reduction/elimination
- Improvement ideas from field office personnel
- Training and guidance

E. Explanation of Improvement Areas

1. Affirmative disclosure under subsection (a)(2)

Goal: Serve the interests of the public through the proactive release of information likely to be of widespread interest and ease the administrative processing burdens by reducing the need for requests submitted under the Freedom of Information Act.

Improvement Steps

- Develop internal protocols to identify, in advance, certain records or information that are likely to be of such interest to members of the public, and can be disclosed without concern for any FOIA exemption sensitivity.
  To Be Completed by March 2007.

- Increase use of electronic information technology to facilitate ready-access to information of interest to the public.
  To be completed by March 2007.

Measurements of Success

- Increased "views" (hits) on our E-FOIA Reading Room.

- Fewer manual packages needed to respond to requests by referring requestors to the E-FOIA Reading Room.

2. Proactive Disclosure of Information

Goal: Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining them.

Improvement Steps

- Identify grant and contract awards that are likely FOIA requests, redact them and have them posted on the ED Electronic FOIA Reading Room.
  To be completed by March 2007.

- Identify records that are likely to be of news media interest so that they can be made available in advance of a request through public affairs channels. Where there is no FOIA exemption sensitivity to such records, they can be disclosed most efficiently through this non-FOIA channel once the news media interest in obtaining them is identified.
  To be completed by March 2007.

- Develop operational mechanisms to increase intra-agency communication and coordination to determine potential records for posting.
  To be completed by March 2007.

- Post documents within the ED Electronic FOIA Reading Room once the Department receives three similar requests for the same information ("rule-of-three").
  To be completed by March 2007.

- Along with the "rule-of-three," use the FOIAXpress technology to assist in the identification of multiple requests for similar information and then proactively post the releasable materials in the E-FOIA Reading Room.
  To be completed by March 2007.

- Implement consistent language to capture request descriptions and leveraging existing capability in FOIAXpress.
  To be completed by December 2007.

- Track requests and identify trends on daily basis to determine the need for posting releasable information in the E-FOIA Reading Room.
  To be completed by December 2007.

Measurements of Success

- Increased "views" (hits) on our E-FOIA Reading Room.

- Fewer manual packages needed to respond to requests by referring requestors to the E-FOIA Reading Room.

3. Overall Website Improvement

Goal: Implement web enhancements as a result of a review of its current structure.

Improvement Steps

- Update information on ED FOIA Website to reflect the designations described in Executive Order 13,392.
  To be completed by December 2006.

- Redesign E-FOIA Reading Room to accommodate increased volume of information likely to be included based upon earlier recommendations.
  To be completed by December 2007.

- Propose outreach possibilities using the Web; such as using the web for customer feedback questionnaires, web-based FOIA status reports, and recent FOIA news.
  To be completed by December 2007.

Measurements of Success

- Increased "views" (hits) to the ED FOIA Website.
- Reduced number of calls indicating that ED FOIA Web information is confusing and/or not useful.
- Improved communication between the public and the FOIA Requester Service Center by leveraging the appropriate contacts to answer public inquiries.

4. Electronic FOIA -- Automated Processing

Goal: Improve the automation of FOIA submissions and tracking process by utilizing the full functionality of FOIAXpress.[1]

Improvement Steps[2]

- Leverage the "status" capability within FOIAXpress to better recognize where a request is within the lifecycle.
  To be completed by March 2007.
- Use FOIAXpress to deliver responses via email or the Internet.
  To be completed by December 2007.
- Use form letters in Microsoft Word for standardized agency responses and any other authorized correspondence.
  To be completed by December 2006.

[1] July 12, 2007 Revision: After conducting research into the need for using specialized computer discs for the delivery of large volume of documents it was determined that specialized CDs were not necessary. That portion of the goal (Use specialized CDs to respond electronically to requesters) was removed. The Measurements of Success are unchanged.

[2] July 12, 2007 Revision: Improvement steps associated with the deleted goal of determining if specialized CDs were necessary, the following two improvement steps were removed: (1) Develop a consistent protocol to determine the most user-friendly and cost effective use of CDs to respond to high volume responses. **To be completed by December 2007.** (2) Acquire and use specially configured CDs to ensure more secure and standardized response formats. **To be completed by December 2007.**

Measurements of Success

- Reduced number of inquiries made from the FOIA Requester Service Center processors to the Program Office FOIA Coordinators.
- Fewer requests directed to the wrong FOIA contact.
- Improved transmission of documents to requesters.
- Increased customer service.
- Improved quality control.

5. Multi-Track Processing

Goal: Establish three tracks for processing FOIA requests.

Improvement Steps

- Develop and implement the following tracks:
  To be completed by March 2007.
  - ***Track One*** *– "Simple" requests (1–5 Workdays):*
    Implement process for "**Simple**" requests; those which do not have responsive documents to provide or those for which there are already records easily available from prior requests.
  - ***Track Two*** *– Normal requests (20 Workdays):*
    Implement process for "**Normal**" requests; those that do not involve the location and/or redaction of a voluminous amount of records, nor do they require extensive consultation with other entities to respond.
  - ***Track Three*** *– Complex requests (Over 20 Workdays):*
    Implement process for those "**Complex**" requests; those which involve the location and/or redaction of voluminous records and for which lengthy or numerous consultations are required, or those requests which may involve sensitive records. The Department will notify the requester that it has placed his/her request in the "Complex" track. The Department may provide a requester filing a "Complex" request with an opportunity to limit the scope of the request. If a requester limits the scope of his/her request, it may result in faster processing.

Measurements of Success

- Average response time decreases.
- Average response time for "Simple" requests is less than the response time for the average of the "Normal" and "Complex" tracks (as a whole).
- Less confusion is reported by the Principal Office FOIA Coordinators regarding processing instructions.

6. Backlog Reduction/Elimination

Goal: Reduce the backlog of pending requests (480 as of June 2, 2006). In addition, the Department will implement a "10-Oldest" Backlog Reduction Effort.

Improvement Steps

- On a **monthly** basis:
  - the ED FOIA Public Liaison (Leader, Information Case Management Services Team) will review existing backlog to determine the number of cases pending for more than the twenty days provided by statute.
    To be completed each month from August 2006 through December 2008.
- On a **quarterly** basis:
  - the ED FOIA Public Liaison (Leader, Information Case Management Services Team) and the RIMS Director will review the workload of each FOIA Requester Service Center analyst to determine whether cases need to be redistributed and to consider the possible reallocation or augmentation of resources where needed.
    To be completed by November 2006, February 2007, May 2007, August 2007, November 2007, February 2008, May 2008, August 2008, and November 2008.
- On a **semi-annual** basis:
  - the ED Chief FOIA Officer (Assistant Secretary for Management), FOIA Public Liaison (Leader, Information Case Management Services Team), and the RIMS Director will meet to address further means of backlog reduction.
    To be completed by November 2006, May 2007, November 2007, May 2008, and November 2008.

- Implement a "10-Oldest" Backlog Reduction Effort.
  To be completed by November 2008.
  - By **October 2006**, propose a process to focus and eliminate the oldest Department of Education FOIA requests, in 10-case increments.
  - By **November 2006**, implement a process to focus and eliminate the oldest Department of Education FOIA requests in 10-case increments.
  - By **January 2007**, close the 10-oldest cases identified in October 2006.
  - By **January 2008**, close the 10-oldest cases identified in August 2007.[1]

Measurements of Success

- Fewer open cases at the end of each successive calendar year. Reduce the backlog of pending requests (480 as of June 2, 2006):
  - 10% by **January 2007**,
  - 15% by **January 2008**, and
  - 20% by **December 31, 2008**.
- Ten oldest cases identified in October 2006 are closed by **January 2007**.
- Ten oldest cases identified in August 2007 are closed by **January 2008**.

7. Improvement Ideas from Field Office Personnel

Goal: Implement FOIAXpress software in Office for Civil Rights Regional Offices

[1] It was determined that more than 90 days was necessary to properly resolve "10 oldest" cases and, therefore, the identification date was adjusted to August 1, 2007, from the previous October 2007 requirement.

Improvement Steps

- Pilot FOIAXpress in two OCR Regional Offices (San Francisco, CA and Philadelphia, PA).
  To be completed by July 2006.

- Implement FOIAXpress in remaining ten OCR Regional Offices.
  To be completed by May 2007.

Measurements of Success

- All reporting for the FOIA Annual Report (2007) is automated for the San Francisco and Philadelphia OCR Regional Offices.[1]

- Implementation and use of the automated system in the remaining ten OCR Regional Offices commenced in Fiscal Year 2007.[2]

- All reporting for the FOIA Annual Report (2008) is automated for all 12 OCR Regional Offices.[3]

8. Training and Guidance

Goal: Develop a strategic outreach training/guidance program for all ED employees.

Improvement Steps

- Develop and issue a Standard Operating Procedure (SOP) that will include repeatable FOIA processing and guidance.
  To be completed by December 2006.

- Conduct quarterly training workshops for FOIA Coordinators.
  To be completed by August 2006 and Ongoing.

- Review/update Departmental Directive as needed.
  To be completed by December 2007.

- Develop roles and responsibilities guidance for FOIA processing.[4]
  To be completed by December 2008.

[1] The measurement was adjusted to apply to only the two OCR Regional Offices that had the opportunity to use the automated system for all of fiscal year 2007.
[2] This measurement was added to account for less than one-year usage by the ten remaining OCR Regional Offices and, therefore, the necessity to report some data manually.
[3] This measurement was added to represent the first full fiscal year that the entire Department is able to use the same processing program.
[4] Text was adjusted for clarity. "Roles and responsibilities" replaced the original phrasing of "performance standards."

Measurements of Success

- Reduced administrative costs.
- Increased efficiency of FOIA processing.
- Increased quality control.

F. Improvement Area Time Periods

Areas anticipated to be completed by December 31, 2006

- Overall website improvement
- Automated processing – Electronic FOIA
- Backlog reduction/elimination
- Improvement ideas from field office personnel
- Training and guidance

Areas anticipated to be completed by December 31, 2007

- Affirmative disclosure under subsection (a)(2)
- Proactive disclosure of information
- Overall website improvement
- Automated processing – Electronic FOIA
- Multi-track processing
- Backlog reduction/elimination
- Improvement ideas from field office personnel
- Training and guidance

Areas anticipated to be completed after December 31, 2007

- Training and guidance
- Backlog reduction/elimination