



2026

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

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Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General's 2022 [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

Yes. The designated Chief FOIA Officer is at the Assistant Secretary or equivalent level.

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

Deborah O. Moore, Ph.D., Chief FOIA Officer

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

The Department of Education (ED hereafter) has incorporated FOIA into its core mission, and FOIA milestones are embedded into its strategic plan.. These strategic objectives broadly mirror the Chief FOIA Officer's vision and serve as proof of the steps the agency has taken to demonstrate its commitment to the FOIA mission. By implementing these goals throughout the agency, the Chief FOIA Officer has been able to use ED's strategic plan as the foundation for building partnerships and coalitions among the FOIA Service Center (FSC), senior departmental leadership, and agency staff throughout ED.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes. ED confirms in every response letter to FOIA requesters that it has considered the foreseeable harm standard when reviewing records and invoking exemptions.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. If your agency tracks *Glomar* responses, please provide:

- the number of times your agency issued a full or partial *Glomar* response during Fiscal Year (FY) 2025 (separate full and partial if possible);

As appropriate, ED issues *Glomar* responses, responding to requesters that it can neither confirm nor deny the existence of requested records. ED tracks these *Glomar* responses. During this reporting period, ED issued 27 full *Glomar* responses and one partial *Glomar* response.

- the number of times a *Glomar* response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

ED's *Glomar* responses were issued by the following FOIA Exemptions and frequencies described below:

- **Exemption 6: 27 times;**
- **Exemption 6, 7(a) and 7(c) combined: 1 time**

6. 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.

The FSC continues to provide a required Search Form, in which those reviewing and providing responsive documents to the FSC annotate the results of foreseeable harm analyses they have conducted. In the same Search Form, those responding to FOIA taskings are also asked to identify records that may be candidates for proactive disclosure. In this manner the FSC collects information on materials that can be posted to the Department's FOIA Reading Room.

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General's 2022 [FOIA Guidelines](#) provide that "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation."

The Attorney General also "urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency's FOIA administration" as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

ED’s Chief FOIA Officer ensures that FOIA training is offered to agency personnel. As such, the FSC has undertaken efforts to ensure FOIA training was made available, along with multiple outreach events, throughout fiscal year 2025. These training opportunities were presented to ED staff through a multitude of outreach efforts, including a marketing format coined the ED FOIA Update, a branded e-mail campaign sent to the Department’s FOIA community announcing training, outreach events, and FOIA opportunities, and relevant information. In addition, to increase consistency of responses to FOIA and Privacy Act requests, the FSC provided training to multiple OCR regional offices for every aspect of the FOIA request process. Finally, due to the restructuring of the Department and changing needs for FOIA training, FSC adopted a training model designed to be responsive to emerging needs. For example, multiple new FOIA Coordinators were named during the reporting period; in response, FSC reconfigured and delivered its FOIA Coordinator training, tailored to the needs of those new to FOIA processing work.

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

Yes. In addition to the FSC staff, ED’s FOIA professionals and personnel who have FOIA responsibilities attended substantive FOIA Training during the reporting period, including ED’s Annual FOIA training, which includes presentations by the Department of Justice’s (DOJ) Office of Information Policy. Many FOIA professionals at ED also attended additional training offered by DOJ and the Office of Government Information Services (OGIS).

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

Internal Training			
	Training Provider	Description of Event	Date
1	ED	FOIA Overview Training for FOIA Coordinators	June, August, December 2025
2	ED	FOIA Overview Training for OCR Regional Offices	February, March, May, July, September 2025
3	ED	FOIAXpress Overview Training	June, July 2025

4	ED	FOIA Intake Training	June 2025
5	2025 ED Annual FOIA Training	Department-wide training event covering the following topics presented by DOJ and ED FSC: <ul style="list-style-type: none"> • Procedural Requirements • Overview of Exemptions • FOIAXpress Tricks and Tips • Operational Update and Reminders 	September 2025
External Training			
6	DOJ Training	Litigation Training	May 2025
7	DOJ Training	Litigation Training for FSC Leadership	June 2025
8	DOJ Training	Exemption 1 and Exemption 7 Training	June 2025
9	DOJ Training	Exemption 4 and Exemption 5 Training	June 2025
10	OGIS	2025 Annual Open Meeting of the Federal FOIA Ombudsman	July 2025
11	OGIS	FOIA Advisory Committee Meeting	June 2025

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

ED asserts that 100% of its FOIA professionals and staff with FOIA responsibilities attended substantive training during this reporting period.

5. 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. ED ensured that 100% of its FOIA professionals attended substantive FOIA training at least once throughout the year.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?

ED continues to inform non-FOIA professionals of their obligations under the FOIA. The FSC provided several ad-hoc trainings based on the needs of the various program offices.

These training courses included an overview of the FOIA, FOIAXpress training, and FOIA operations.

The Department's primary training to reach non-FOIA staff for this reporting period was ED's Annual FOIA Training. This event was a four-hour workshop, covering various topics. It was open to all departmental employees. In collaboration with DOJ, the FSC provided substantive training on multiple topics relevant to the work of FOIA professionals and non-professionals alike.

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly?

Yes. In coordination with ED's FOIA professional's department-wide, ED's Chief FOIA Officer and the FOIA Public Liaison routinely communicated with requesters concerning complex or voluminous requests; these communications often led to helping the requester formulate their FOIA request and/or clarifying or narrowing the scope of the request so requesters can receive responses more quickly.

Please describe any such outreach or dialogue and, if applicable, any specific examples.

ED's outreach and dialogue most often resulted from the FSC's group review and discussions about incoming requests during the FSC's daily Triage Meeting and associated processes. During the daily Triage Meeting, the FSC individually reviewed and discussed every request received the prior day. In addition to the FSC staff collectively participating in the assignment of requests to the correct program office, these meetings also afforded opportunities to carefully review requests to ensure a shared understanding of the records the requests were seeking, determine if the scope of records was reasonably described, and/or opportunities to clarify or narrow the scope, as needed.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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.

Yes. As a FOIA Advisory Committee member, ED's Chief FOIA Officer routinely communicates with non-government members who are part of the requester community.

This engagement has provided invaluable discussions that would not have been available otherwise.

9. 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 Fiscal Year 2025 (please provide a total number or an estimate of the number for the agency overall).

ED notified all requesters about the services provided by the agency's FOIA Public Liaison, along with contact information, in every determination and appeal response letter. During this reporting period, requesters sought assistance from ED's FOIA Public Liaison approximately 65 times.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Yes. Throughout the fiscal year, ED has monitored and anticipated FOIA request volume and demand. In addition, ED's FOIA Program has adapted by shifting resources and responsibilities to ensure coverage when needed. ED will continue to remain flexible and responsive to changes in resources and demand.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

ED uses data and processing metrics to ensure efficient management of the FOIA workload to determine trends, streamline processes, enhance quality, and improve processing times. All FSC staff performance plans include focused, outcome-based metrics tied to case processing and quality assurance measures. The following are examples of case management reports and process metrics:

- **Weekly Metrics Report: This report provides data on the three key processing elements; 1) cases received; 2) cases closed; 3) cases pending for FOIA requests, Privacy Act Requests, appeals, and consultations. The report also provides prior year data for comparison and provides weekly status updates of ED's ten oldest requests, appeals, and consultations.**

- **Weekly Closure Report:** FSC Leadership uses the Weekly Closure Report to identify trends, guide discussions with the program offices on challenges and obstacles, brainstorm solutions, and determine potential mitigation measures.
- **Monthly Post-Closure Review:** FSC Leadership every month conducts a de-novo quality assurance review on a random sample of 20% of cases closed in the prior period. This internal control effort allows FSC Leadership to determine if there are errors or error trends that need to be addressed.
- **Bi-Weekly Performance Report:** This report distributed to ED's Deputy Secretary, Chief of Staff, seniormost program office leadership, and FOIA professionals provides data on the three key processing elements; 1) cases received; 2) cases closed; 3) cases pending for FOIA requests. This transparency on ED's FOIA program emphasizes accountability and drives compliance and responsiveness.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

Section III: Proactive Disclosures

The Attorney General's 2022 [FOIA Guidelines](#) emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

ED completed the following steps to identify, track, and post (a)(2) proactive disclosures: the FSC regularly collaborated with program offices across the Department to identify records for proactive disclosure. These records are identified using the electronic search function of the FSC's case management tracking system, which queries frequently requested records. ED's FSC also identifies records for proactive disclosure during the daily intake triage meeting. Finally, ED's new Search Form requests responding offices identify records that are candidates for proactive disclosure.

2. Does your agency post logs of its FOIA requests?

- If so, what information is contained in the logs?
- Are they posted in CSV format? If not, what format are they posted in?
- Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

Yes, ED posts FOIA logs to the [Department's FOIA Reading Room](#) as an Excel spreadsheet monthly. The log consists of the request tracking number, requester's name, organization, received date, request description, exemption cited, and final disposition for requests closed during the reporting period.

3. Provide examples of any material (with links) 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).

Departmental

- [Common Core of Data School and District Map](#)
- [Open Data Platform](#)
- [ED and Department of Labor Workforce Development Partnership](#)
- [College Scorecard](#)
- [College Accreditation](#)

Office for Civil Rights

- [List of Open Title VI Shared Ancestry Investigations](#)
- [OCR News Room](#)

Federal Student Aid

- [Data Center](#)
- [Free Application for Federal Student Aid \(FAFSA\) update and tools](#)

Office of Elementary and Secondary Education

- [Rehabilitation Services Administration Updates](#)
- [ED Data Express](#)

Office of Inspector General

- [Ongoing Work](#)
- [Final Reports](#)

Office of Postsecondary Education

- [Education Benefits for Military Personnel and Families](#)

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

ED's frequently requested records are posted to the [FOIA Library](#).

5. 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? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine readable formats. If not taking steps to make posted information more useful, please explain why.

The following are examples of improvements and steps ED has taken to post information in open, machine-readable and machine-actionable formation:

- **[Data.ed.gov](https://data.ed.gov) is part of the Department of Education's (ED) Open Government initiative to make high-value data sets publicly available in user-friendly, machine-readable formats. Data.ed.gov organizes, makes accessible, and highlights data from ED's diverse set of programs. It serves as a one-stop shop for education data, allowing practitioners, researchers, and the public to access data that can inform their work in classrooms and communities across America.**
- **The [National Center for Education Statistics](https://nces.ed.gov/ipeds/) (NCES) produces the [Integrated Postsecondary Education Data System \(IPEDS\)](https://nces.ed.gov/ipeds/). IPEDS gathers information annually from U.S. college, university, and technical and vocational institutions eligible to participate in any of the Title IV federal student financial aid programs.**
- **The [Database of Accredited Postsecondary Institutions and Programs \(DAPIP\)](https://nces.ed.gov/ipeds/data/dapip/) contains information reported the Department of Education directly by recognized accrediting agencies and state approval agencies.**
- **The NCES [Education Demographic and Geographic Estimates \(EDGE\)](https://nces.ed.gov/ipeds/data/edge/) program designs and develops data resources to help understand the social and spatial context of education in the United States. EDGE uses data from the U.S. Census Bureau's American Community Survey to create custom indicators of social, economic, and housing conditions for school-age children and their parents. EDGE also uses spatial data collected by NCES and the Census Bureau to create geographic locale classifications, school geocodes, school district boundaries, and other types of data to support spatial analysis.**

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes. ED's FSC routinely engages program office staff through meetings and training where proactive postings are encouraged. Posting to ED's FOIA Reading Room requires interaction between the program office and the FSC webpage content manager.

7. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Section IV: Steps Take to Greater Utilize Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's

2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes. Throughout the reporting year, the FSC met regularly with internal stakeholders and discussed FOIA-related technology needs and possible solutions. ED also conducted market research on administrative search and case management platforms, receiving several demonstrations of various possible solutions.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

ED did not use any new technology to support our FOIA program during this reporting period. However, ED continues to explore and identify new ways to leverage existing functions of the technology it currently uses, including its case management system and administrative search tools.

3. Does your agency currently use any technology to automate request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Yes. ED uses Veritas (Clearwell) and Microsoft Purview (Office 365). The FSC's Administrative Search Unit uses these tools to conduct enterprise-wide Boolean and Keyword searches, using syntax search language and to manage the resulting document production. This resource reduces the agency's human capital burden of performing manual searches.

4. 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 its FOIA website.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2025 appear on FOIA.gov?

Yes. All four quarterly reports were posted and appear on FOIA.gov.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2026.

N/A. ED successfully posted all quarterly reports on FOIA.gov.

7. 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 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 Annual FOIA Report.

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

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes. All components are in compliance with the established interoperability standards.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

The Attorney General's 2022 [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?

Yes. ED has established an alternative means of access to first-party requested records outside of the typical FOIA and Privacy Act processes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

ED established a website that allows inquirers to find out accreditation information outside of the FOIA process, see generally: <https://www.ed.gov/accreditation?src=rn>. ED also engaged with students, parents, third-party representatives by responding to their inquiries and redirecting them to informational resources, such as: <https://studentprivacy.ed.gov/audience/parents-and-students>, and usually outside of the FOIA process.

Student loan borrowers are able to access their current year data while in school through the self-serve portal Student Transaction Report without having to submit a Privacy Act request for their records.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

As highlighted in prior CFO reports, OCR publishes a list of elementary through secondary and post-secondary institutions that are currently under investigation for discrimination involving shared ancestry. The [List of Open Title VI Shared Ancestry Investigations](#) web is available. As a result of this effort, ED is making this government information available without having to submit a FOIA request.

B. Timeliness

4. For Fiscal Year 2025, 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 2025 Annual FOIA Report.

The average number of days was 12.53.

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

The Chief FOIA Officer will continue to emphasize the importance of improving the process for adjudicating requests for expedited processing in fewer than 10 calendar days, along with continued managerial oversight through the review of the FSC daily report, which identifies all new incoming requests.

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

Yes. ED utilizes a separate track for simple requests.

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2025?

No. ED's processing time for simple requests for Fiscal Year 2025 was not twenty working days or fewer.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

No. The simple track average processing time did not decrease compared to the previous Fiscal Year.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

During Fiscal Year 2025, 8% of the 3,916 requests processed were placed in the simple track.

10. 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. ED tracks simple requests separately.

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2025, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?

No. ED's FOIA backlog did not decrease.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024?

Yes. ED processed 3,916 requests during Fiscal Year 2025, compared to 3,119 requests in Fiscal Year 2024.

13. If your agency's request backlog increased during Fiscal Year 2025, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

ED encountered multiple contributing factors that prevented the Department from reducing the backlog. The number of new requests increased by 15%. ED received 5,266 requests during Fiscal Year 2025 compared to 4,560 requests in Fiscal Year 2024. ED's staffing level was lower during this reporting period compared to the prior reporting period. Additionally, there was a historic 43-day government shutdown during the reporting period that impacted staffing levels.

14. 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 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

The percentage of requests that make up the backlog of the total number of requests received by ED in Fiscal Year 2025 is 86.7%.

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2025, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?

No. ED's appeals backlog did not decrease.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024?

No.

17. If your agency's appeal backlog increased during Fiscal Year 2025, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

ED experienced a reduction in staff throughout the Department during this reporting period, which impacted the processing of pending appeals. Additionally, there was a historic 43-day government shutdown during the reporting period that impacted staffing levels.

18. 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 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2025 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 2025 is 74.3%.

D. Backlog Reduction Plans

19. In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2025?

Yes. ED implemented a backlog reduction plan last year. Unfortunately, ED was unable to achieve a backlog reduction in Fiscal Year 2025.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026.

ED intends to reduce the backlog during Fiscal Year 2026 with established processing goals throughout the year. Continuous monitoring of cases processed will provide FSC leadership insight into the progress.

The Department continues to provide FOIA training within ED to reach more non-FOIA professionals, ensuring these subject matter experts understand their obligation to search for and produce responsive records timely. Additionally, ED will explore advances with FOIA processing software to improve processing efficiencies.

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report?

Yes. ED closed the 10 oldest requests.

22. 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 2024 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A.

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

The FSC met with program offices throughout the fiscal year to assist them with developing individual backlog plans, particularly through informal training and interactions that FSC staff provided to FOIA professionals in component offices.

Ten Oldest Appeals

24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report?

Yes. ED closed the 10 oldest appeals.

25. 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 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A.

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

ED worked with component offices to identify and train new points of contact to coordinate appeals. ED also collaborated with other agencies to identify and implement efficiencies in appeals processing.

Ten Oldest Consultations

27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report?

Yes. ED closed the 10 oldest consultations.

28. 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 2024 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A.

Additional Information Regarding Ten Oldest

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2026.

N/A.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:

- The number and nature of requests subject to litigation
- Common causes leading to litigation
- Any other information to illustrate the impact of litigation on your overall FOIA administration

Yes. For this reporting period, 47 FOIA requests became the subject of litigation. Constructive denials were the most common issue leading to litigation, causing a ripple

effect and making it even more difficult for ED to make subsequent release determinations within the statutory timeline. ED currently has 57 active litigation cases. Responding to litigative requirements negatively impacted the Department's ability to keep pace with other requests and consequently was a significant factor in the growing backlog.