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Description of document: Department of Education (ED) Freedom of Information Act (FOIA) Backlog Reduction Plan 2018 (?)

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U.S. Department of Education
Office of the Executive Secretariat
FOIA Service Center
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4536
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[Freedom of Information Act Public Access Link](#)

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United States Department of Education

Office of the Secretary

FOIA Service Center

November 27, 2023

RE: FOIA Request No. 22-01363-F

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated December 27, 2021, and received in the U.S. Department of Education's (Department) FOIA Service Center on December 27, 2021. You requested the following:

“ A copy of each FOIA Backlog Reduction Plan, or FOIA Backlog Reduction Strategy, and each equivalent document discussing reduction of the FOIA Case Backlog. I am interested in internal documents rather than a document published online. I agree to limit this request to the results of a search of the records of the Chief FOIA Officer. I limit this request to records between January 1, 2016 and present. I EXCLUDE from this request the Chief FOIA Officer reports transmitted to DOJ and published online, and the published FOIA Annual Reports transmitted to DOJ and published online.”

Your request was forwarded to the Office of the Secretary, FOIA Service Center. The Department has identified 4 page(s) that are being released in full.

The pages are available for download via the Public Access Link (PAL). You can access your PAL account, or register for a PAL account, at this link:

<https://foiexpress.pal.ed.gov/app/PalLogin.aspx>

Fees

There are no fees associated with processing this request. Therefore, any fee waiver request submitted for this FOIA request is not applicable.

Additional Assistance

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department, offers ombuds

services, including dispute resolution, to assist FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note, OGIS's assistance does not replace the administrative appeal process described below. You may contact the FOIA Public Liaison or OGIS at:

FOIA Public Liaison
Office of the Secretary
U.S. Department of Education
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Email: robert.wehausen@ed.gov
Phone: 202-205-0733
Fax: 202-401-0920

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road, OGIS
College Park, MD 20740-6001
Email: OGIS@nara.gov
Phone: 202-741-5770 or 1-877-684-6448

You have the right to appeal this decision, as well as decisions in any previous interim releases, with the Department by submitting an appeal to the address below, no later than 90 calendar days from the date of this letter. Using the FOIA Public Liaison or OGIS services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal. It should be accompanied by this letter, a copy of your initial letter of request, and any documentation that supports the argument you wish the Department to consider in making an administrative determination on your appeal. You may submit your appeal by:

Mail: Appeals Office
Office of the Secretary
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W104
Washington, DC 20202-4536

Online Form: www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf

E-mail: EDFOIAappeals@ed.gov

Fax: 202-401-0920

Sincerely,

Elise Cook

Elise Cook
Government Information Specialist
Office of the Secretary

Department of Education Requests Backlog Reduction Plan

BACKLOG REDUCTION INITIATIVE

The Department of Education's ("Department" or "ED") Freedom of Information Act (FOIA), Privacy Act (PA), and FOIA/PA requests have grown tremendously over the past couple of years and a backlog of open requests has developed. The current caseload of open requests is at 858, which is the highest number since January 2008 when the caseload reached 940 open cases. ED's central FOIA Office, the FOIA Service Center (FSC), recommends implementing various approaches for addressing the growing caseload in an effort to meet the Department's backlog reduction goals and objectives.

PLAN STRATEGIES, GOALS, AND OBJECTIVES FOR REDUCING THE BACKLOG

The FSC examined the Department's FOIA processes and operations prior to developing a plan of action for reducing the backlog. The FSC also reviewed other agency strategies for backlog reduction to assist with devising ED's plan for reducing backlogs. These plans' strategies, and discussion on the causes that contributed to the increase of backlogs at some agencies, can be found in the 2015, 2016, and 2017 agency Chief FOIA Officer Reports located on the [Reports](#) page of U.S. Department of Justice's Office of Information Policy website. The reviews revealed that a lack of resources is overwhelmingly the prevailing reason across government agencies for current backlogs. ED program offices on average are staffed by single individuals assigned FOIA responsibilities as a collateral duty on a rotational and temporary basis. Furthermore, there are competing priorities for the FOIA resources, and personnel turnover has resulted in a loss of institutional knowledge, which brings its own challenge with a learning curve for training new people.

Goals: The Department will drastically reduce or totally eliminate the backlog of requests in the near future and, thereby, increase responsiveness to requesters and decrease the size and age of the backlog of requests.

Objective: Focus on closing FY2015 and previous fiscal years' requests by the end of FY2017.

Objective: Focus on closing the ten (10) oldest Initial FOIA requests as defined in the FY2016 FOIA Annual Report by the end of FY2017.

Objective: Focus on closing the ten (10) oldest FOIA appeals as defined in the FY2016 FOIA Annual Report by the end of FY2017.

Objective: Focus on closing FY2016 and later requests that are pending beyond the statutory timeline each year.

Given the direct correlation between available resources and productivity, the Department endeavors to adopt the following approaches to bring about a meaningful reduction in its backlog.

Strategy 1: [Implement a New Processing Approach for Reducing the Backlog of Requests Currently Pending in the Department.](#)

Action: The Department will convene working groups, aka, "Tiger Teams" or "SWAT Teams" as on-demand resources dedicated to processing the Department's backlog of requests:

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1. **Tiger Team 1 (TT1):** Operates as the Department's core working group staffed with five or more FOIA professionals from various program offices across the Department. TT1 is assigned to work on any backlogged requests including, but not limited to, requests that are cross-cutting multiple program offices and/or may involve sensitive information. The FSC will assist TT1 with identifying program offices that need assistance with reducing their backlog. TT1 will transition their efforts between the targeted ED program offices as reduction goals are met.
2. **Tiger Team 2 (TT2):** At the Principle Office (PO) level, each ED PO will devote non-FOIA personnel (e.g., SMEs, contractors, detailees, interns) within the PO as TT2 resources to assist its FOIA personnel with processing the office's own requests in order to minimize and reduce the number of backlogged requests as needed throughout each fiscal year.

Action: The FSC will routinely review all pending FOIA requests that have exceeded the statutory response deadline. The review will entail (1) evaluating the scope of the request and identifying the reasons for the delay; (2) devising a strategy for responding to each request more promptly whenever possible, and (3) defining necessary resources to reduce the backlog.

Action: The FSC will consult with each program office as necessary throughout the reduction process when addressing the individual office's backlog.

Action: The pending untimely responses may also be reallocated between the Tiger Teams (core Department-wide team versus internal PO level team) throughout the fiscal year when required to speed up the response process.

Desired Results: The collaborative efforts of a working group or multiple working groups as on-demand resources to tackle the backlog of requests when FOIA resources are limited across the Department will greatly reduce, and potentially eliminate the backlog of pending requests.

Strategy 2: Establish a Department Project Lead to Serve as a Liaison between the Working Groups, and Management to Assist with Developing Performance Indicators, Goals and Metrics That Will Be Used to Measure the Efficiency and Consistency of the Services for Addressing the Backlogged Requests.

Action: The project lead may be assigned to work on the Department's backlog reduction initiative for a period up to 120 days on a detail assignment and/or when needed.

Action: The project lead will provide scorecards, and any required reporting to assess progress.

Action: The project lead will diligently monitor responses to backlogged requests and hold the Department accountable for its timelines.

Action: The project lead will tactfully monitor the Department's progress in a manner that will not create an acrimonious relationship.

Department of Education Requests Backlog Reduction Plan

Desired Results: The Project Lead scorecard approach and other tactics for holding each PO accountable for making progress in closing out their outstanding cases will significantly reduce or eliminate the backlog within specified timelines.

Strategy 3: Utilize Various Mediums of Communication as Resources to Increase Awareness and to Keep the Backlog Reduction Initiative at the Forefront for the Department.

Action: Types of mediums of communications to potentially use include, but are not limited to:

- ED-wide Newsletters (e.g., OM Department-wide Newsletter, “FOIA Freedom Flyer”)
- ConnectED
- ED Notebook
- ED Kiosks
- Senior Leader meetings (e.g., MOF, EXO)
- Meetings with POs
- Guidance issued Department-wide from ED Secretary, Deputy Secretary or other Senior Official (intra-agency memoranda)
- Other (TBD)

Desired Results: Maintaining high visibility of the backlog reduction initiative within the Department will ensure goals and objectives are timely met.

Strategy 4: Outsource Aspects of the Department’s FOIA Services to Contract Workers. The Department Has the Authority to Decide What Is Appropriate for Contract Employees to Perform as within the Professional Boundaries of Government Policy.

Action: Hire private employees (“contractors”) trained in FOIA to address specific goals (e.g., backlog reduction targets or help handle a spike in requests or make released FOIA documents 508 compliant and fully accessible online in accordance with federal mandates).

Desired Results:

- Free up the FOIA personnel to spend more time making disclosure determinations rather than spending the time on more administrative aspects of FOIA.
- Aid the Department in ensuring timely and appropriate processing of requests.

PLAN RESOURCES, CHALLENGES, AND MILESTONES

Personnel Resources Needed:

- The FOIA Service Center to manage the Department’s backlog reduction efforts.
- Principle Office FOIA Coordinators from each PO to assist with coordinating their individual offices caseload.

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- A core Department-wide working group of full-time Government employees (5 or more FOIA professionals) selected from across the Department to process backlogged requests on demand.
- An internal Principle Office level working group established within each PO to process specific backlogged requests and to assist with sustaining a manageable PO caseload. The PO will specify resources as needed to meet the demand, including but not limited to:
 - Full-time Government Employees
 - Part-time Government Employees
 - Contractors
 - Student Interns
 - Detail Resources
 - Other (TBD)
- A Project Lead with previous case processing experience to serve on a detail assignment to assist with the Department's FOIA backlog reduction initiative.
- ED Senior Leadership to champion the Department's backlog reduction efforts.
- ED's Chief FOIA Officer to advocate for appropriate staffing and agency support being given to FOIA activities.

Challenges:

- The FSC is not currently fully staffed and may have difficulty allocating enough resources on demand to assist with the backlog reduction efforts.
- The PO may not have resources available to adequately aid the Department's backlog reduction initiative.
- Competing priorities within the Department could prevent FOIA personnel from being assigned to work on reducing the backlog.
- Resources may not be available to fill or sustain the working groups at either the Department-wide or PO level.
- The volume of incoming requests could increase significantly and put a strain on existing resources and result in a negative effect on reducing the backlog.
- The Department may not be able to employ enough properly trained resources to process the backlog of requests within specified timelines.
- Inadequate funding to employ the necessary resources to initially or continually provide support for reducing the backlog.
- Delays in receiving the necessary information technology (IT) desktop and network support to maintain the software and hardware necessary to processing cases could have a negative effect on meeting reduction timelines.

Milestones: TBD

NOTE: Key milestones for the Department's adopted Plan strategies must be identified accordingly to meet Plan goals and objectives.