



August 15, 2022

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Avenue, SW
Washington, DC 20202

Freedom of Information Act Request: Records Related to Processing of Protection of Pupil Rights Amendment Complaints

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, prevent executive overreach, protect due process and equal protection, and educate Americans about the individual rights guaranteed under the Constitution and laws of the United States. Our mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and media, including social media platforms, all to educate the public and to keep government officials accountable for their duty to faithfully execute, protect, and defend the Constitution and laws of the United States.

To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute information to a national audience through traditional and social media platforms. For example, AFL’s employees regularly appear on radio and on cable and broadcast news programs; our email list contains over 34,000 unique addresses; our Facebook page has over 44,000 followers; our Twitter page has 19,000 followers and the Twitter page of our Founder and President has over 202,000 followers, and we have another 30,900 followers on GETTR.

I. Requested Records

- A. All records and documents maintained by the Department to track the length of time taken to process and adjudicate complaints submitted under the Protection of Pupil Rights Amendment (20 U.S.C. § 1232h, 34 C.F.R. Part 98).

611 Pennsylvania Ave SE #231
Washington, DC 20003

- B. All internal communications relating to the Department's obligation to adjudicate Protection of Pupil Rights Amendment complaints. The timeframe for this item is January 21st, 2021, to the date this request is processed.

II. Processing

The Department must comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.¹ If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please contact me at FOIA@aflegal.org.

IV. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and applicable regulations, AFL requests a waiver of all search and duplication fees associated with this request. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL's financial interest. Accordingly, AFL has been granted fee waivers on this basis by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, and the Office of the Director of National Intelligence. Second, waiver is proper as disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government."²

V. Production

To accelerate the release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

¹ U.S. Dep't of Just. (Mar. 15, 2022), <https://tinyurl.com/4duy4r5k>.

² 5 U.S.C. § 552(a)(4)(A)(iii).

Sincerely,

/s/ Tyler J. Sanderson

Tyler J. Sanderson

America First Legal Foundation