

June 23, 2026

VIA WEB PORTAL ONLY

U.S. Department of Education
Office of the Deputy Secretary
FOIA Service Center
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4536
ATTN: FOIA Public Liaison

RE: FOIA Request to the U.S. Department of Education (DOE) for Records Regarding Enforcement or Investigatory Action of Institutions of Higher Education

Dear FOIA Officer and Mr. Clutter:

This letter is a request (Request) in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et seq.*, and corresponding department/agency implementing regulations, submitted by the American Center for Law and Justice (ACLJ).¹

Background

Pursuant to Department of Education FOIA regulations, 75 Fed. Reg. 33510 § 5.20(b), this Background describes “the type of agency record requested, the subject matter of the agency record, the date, if known, or general time period when it was created, and the person or office that created it,” to the extent known.

For context, this request is made in connection with research into whether or not the Federal Student Aid (FSA) Office of Enforcement (Office of Enforcement or the Office) applied its resources and enforcement authority equitably across the types of higher education institutions in Virginia and nationwide.

¹ The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

Published federal data and independent analysis appears to indicate that approximately 70 percent of enforcement actions taken by the Office since its relaunch in 2021 targeted faith-based or career-education institutions—schools that collectively enroll less than 10 percent of college students nationwide. This Request seeks aggregate, non-personally identifiable data sufficient to assess whether that pattern is reflected in enforcement and complaint activity directed at Virginia institutions.

In February 2016, under then-acting Education Secretary John B. King, Jr. in the Obama Administration, the Department of Education (Department or DOE) established the Student Aid Enforcement Unit within the Office of Federal Student Aid.² In October 2021, the Biden-Harris Administration relaunched the unit under a new name—the Office of Enforcement—still housed within FSA.³

In August 2024, the Department publicly disclosed enforcement data for the first time in response to a congressional mandate for greater transparency.⁴ Analysis of that data appears to reveal a pronounced disparity in the Office’s enforcement activity. The organization American Principles Project found when reviewing the data, of the 87 enforcement actions taken by the Office since 2021, approximately 59—nearly 70 percent—were directed against faith-based or career-education institutions, even though those institutions collectively serve less than 10 percent of college students nationwide.⁵ During that time, no Ivy League institution was the subject of any enforcement action by the Office. Similarly, virtually no actions were taken against public or private nonprofit universities.

The records sought herein will enable the ACLJ to assess whether the enforcement patterns documented at the national level—including any disproportionate targeting of faith-based and career-education institutions and the application of disparate investigative methodologies and penalty calculations—were similarly reflected in the Office’s treatment of Virginia institutions. The ACLJ seeks aggregate, non-personally-identifiable data to enable rigorous, data-driven analysis of these questions in the public interest, consistent with the core purpose of the Freedom of Information Act.

Records Requested

For purposes of this Request, the term “record” is “any information” that qualifies under 5 U.S.C. § 552(f). The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government or private account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served”).

² Cory Turner, *Department Of Education Creates Student Aid Enforcement Office*, NPR (Feb. 8, 2016), <https://www.npr.org/2016/02/08/466047429/department-of-education-creates-student-aid-enforcement-office>.

³ (*GENERAL-21-64*) *Federal Student Aid to Establish Enforcement Office and Enhance Federal and State Oversight Partnerships*, DEP’T EDUC. (Oct. 8, 2021), <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2021-10-08/federal-student-aid-establish-enforcement-office-and-enhance-federal-and-state-oversight-partnerships>.

⁴ *Federal Student Aid: Enforcement*, DEP’T EDUC., <https://studentaid.gov/data-center/enforcement> (last visited Apr. 9, 2026).

⁵ Jon Schweppe, *The Department of Education’s Office of Enforcement: The Obscure Agency Leading a Crusade Against Christian Colleges and How New Data Proves the Bias*, AM. PRINCIPLES PROJECT, November 2024, at 14.

When this Request names a person or an office, it includes any alias or pseudonym name and any electronic communication account any such official might use.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 1, 2020, to the date this Request is processed.

Pursuant to the FOIA, 5 U.S.C. § 552 *et seq.*, the Requestor, the American Center for Law and Justice, hereby requests the following:

1. OFFICE OF ENFORCEMENT RECORDS

All records relating to enforcement actions, investigations, fines, penalties, and program reviews initiated or conducted by the Federal Student Aid (FSA) Office of Enforcement since January 2021 against any higher education institution located in the Commonwealth of Virginia, including but not limited to records containing the following information:

- a) The number, type, and disposition of enforcement actions opened against each institution
- b) The basis and statutory authority cited for each action
- c) The dollar amount of any fines or penalties assessed and collected
- d) Any written procedures used to select, investigate, or penalize institutions

The ACLJ requests that results be provided in aggregate or spreadsheet form, organized by institution type (e.g., public, private nonprofit, faith-based, for-profit). It does not request the release of any personally identifiable student information.

2. OFFICE FOR CIVIL RIGHTS (OCR) COMPLAINT DATA

Records containing aggregate complaint data — not individual student records or personally identifiable information — for all Virginia higher education institutions for the period January 1, 2021, through the date of this request, including:

- a) The total number of civil rights complaints filed per institution per year
- b) The number of complaints opened for full investigation versus resolved through rapid resolution or other abbreviated mechanisms
- c) The general category of each complaint (e.g., Title IX, Title VI, Section 504)
- d) The disposition of each complaint (e.g., closed administratively, resolved by agreement, finding of violation)

Results should be provided in aggregate or spreadsheet form organized by institution type. I am not seeking any records that would identify individual complainants or respondents.

3. INTERNAL SELECTION AND PROCEDURE DOCUMENTS

All records containing written procedures, guidance documents, and policy memoranda governing how the FSA Office of Enforcement selects institutions for investigation, imposes penalties, and determines fine amounts, including any versions completed or updated after October 2021.

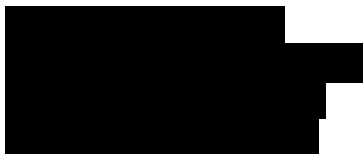
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Each request seeks records which include, but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOE electronic mail or message accounts, non-DOE electronic mail or message accounts, personal electronic mail or message accounts, DOE servers, non-DOE servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a Vaughn Index. Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Handwritten signature of Jordan Sekulow in black ink.

Jordan Sekulow
Executive Director

Handwritten signature of Benjamin P. Sisney in black ink.

Benjamin P. Sisney
Senior Litigation Counsel

Handwritten signature of John A. Monaghan in blue ink.

John A Monaghan
Senior Litigation Counsel