

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL CENTER FOR YOUTH LAW
2300 18th St., N.W.
Washington, D.C. 20009

and

COUNCIL OF PARENT
ATTORNEYS AND ADVOCATES
263 Driftwood Lane
Solomons, MD 20688

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION
400 Maryland Ave., S.W.
Washington, DC 20202,

Defendant

Civ. No.

COMPLAINT

1. From the very start of the second Trump Administration, the President and the Department of Education (“Department” or “Defendant”) have taken a series of actions to dismantle the Department, including its Office for Civil Rights (“OCR”).¹ Within days of the start of the Administration, the Department froze the processing and investigation of all civil rights

¹ See Dana Goldstein, *Could Trump Shut Down the Department of Education?*, N.Y. Times (Nov. 13, 2024), <https://www.nytimes.com/2024/11/13/us/trump-close-department-of-education.html>; Michael C. Bender, *Asked if U.S. Needs Education Department, Its Head Says ‘No’*, N.Y. Times (Mar. 7, 2025), <https://www.nytimes.com/2025/03/07/us/politics/education-department-mcmahon-trump.html>.
6 U.S. Dep’t of Educ., *U.S. Department of Education Launches “End DEI” Portal* (Feb. 27, 2025).

complaints.² While that freeze was lifted in the following weeks, the Department soon issued a Reduction in Force that drastically lowered the OCR workforce.³ It also shuttered seven of OCR's twelve regional offices, a move that further undermined OCR's ability to effectively handle civil rights complaints.

2. The elimination of OCR offices and staff had the purpose and effect of preventing OCR from fulfilling its statutory and regulatory functions to enforce civil rights in schools. As Former Assistant Secretary Lhamon reported to ProPublica: "What you've got left is a shell that can't function."⁴

3. While the Department's actions impacted all civil rights complaints, discrimination complaints filed by students identified as disabled under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act have been especially impacted. Complaints by students with disabilities account for the largest share of complaints received by OCR. Children, families, and stakeholders who filed these complaints have been left completely in the dark about how the changes at OCR might impact their rights and the services they are expecting to receive through their local schools and educational institutions.

4. To better understand the nature of these impacts, on March 3, 2025, Plaintiffs National Center for Youth Law and Council of Parent Attorneys and Advocates, not-for-profit organizations that advocate on behalf of vulnerable children and children with disabilities, filed a

² Jennifer Smith Richards & Jodi S. Cohen, "*We've Been Essentially Muzzled*": Department of Education Halts Thousands of Civil Rights Investigations Under Trump, ProPublica (Feb. 13, 2025), <https://www.propublica.org/article/departments-of-education-civil-rights-office-investigations>.

³ Press Release: U.S. Dep't of Educ., *U.S. Department of Education Initiates Reduction in Force* (Mar. 11, 2025), <https://bit.ly/42fXyf8>; see also Michael C. Bender & Dana Goldstein, *Education Department Fires 1,300 Workers, Gutting Its Staff*, N.Y. Times (Mar. 11, 2025).

⁴ See Jodi S. Cohen & Jennifer Smith Richards, *Massive Layoffs at the Department of Education Erode Its Civil Rights Division*, ProPublica (Mar. 12, 2025), <https://www.propublica.org/article/education-department-civil-rights-division-eroded-by-massive-layoffs>.

Freedom of Information Act (“FOIA”) request. That request sought records about the numbers of OCR investigations, efforts to delay or close them, and records revealing changes in the staffing of OCR. Plaintiffs requested expedited processing given the urgency of the situation and the need to ensure complainants and the general public were provided the critical information they were seeking as soon as possible.

5. Plaintiffs submitted their FOIA request over a year ago. Defendant has failed to make a determination or otherwise take any action within the statutorily required period. Plaintiffs therefore seek an order directing Defendant to immediately begin searching for, processing, and producing all non-exempt records responsive to its request.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

7. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

8. Because Defendant has failed to comply with the applicable time-limit provisions of FOIA, Plaintiffs are deemed to have exhausted their administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and are now entitled to an order requiring Defendant to process their FOIA request.

PARTIES

9. Since 1971, Plaintiff National Center for Youth Law, a Section 501(c)(3) organization, has pursued a vision in which federal every child—no matter their race, family background, gender identity, or immigration status—has the freedom, support, and power to thrive. Using law, policy, research, and community partnerships, all guided by young people’s experiences, the National Center for Youth Law works to transform public systems, to strengthen

families and communities, to promote equity, opportunity and dignity, and to pursue accountability and justice.

10. The Council of Parent Attorneys and Advocates is a Section 501(c)(3) organization dedicated to securing high quality educational services and to promoting excellence in advocacy. COPAA's primary goal is to secure appropriate educational services for children with disabilities in accordance with national policy. COPAA provides resources, training, and information for parents, advocates, and attorneys and has trained thousands of people to advocate on behalf of students with disabilities to secure the rights guaranteed to them under federal special education law.

11. Defendant United States Department of Education is an agency within the meaning of 5 U.S.C. § 552(f)(1), has possession and control of the requested records, and is responsible for fulfilling Plaintiffs' FOIA request.

STATUTORY FRAMEWORK

12. The FOIA provides that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules . . . shall make the records promptly available to any person." 5 U.S.C. § 552(a)(3)(A).

13. Upon receipt of a FOIA request, an agency must make a determination whether to comply with it and to notify the requester of that determination within twenty days of receipt of a request, excluding Saturdays, Sundays, and legal public holidays. 5 U.S.C. § 552(a)(6)(A)(i).

14. Agencies shall grant requesters requests for expedited processing of their FOIA requests when they demonstrate "compelling need." 5 U.S.C. § 552(a)(6)(E)(i)(I). "Compelling need" requires the requestor to show that they are "a person primarily engaged in disseminating information" with an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II).

15. A determination of whether to provide expedited processing shall be made and notice of the determination shall be provided to the person making the request within 10 days after the date of the request. 5 U.S.C. § 552(a)(6)(E)(ii)(I).

16. Agency action to deny a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request, is subject to judicial review. 5 U.S.C. § 552(a)(6)(E)(iii).

17. After a FOIA request is received by an agency, it must “make reasonable efforts to search for the records.” 5 U.S.C. § 552(a)(3)(C). If the agency identifies any responsive records, the agency must make them “promptly available.” *Id.*

18. If an agency fails to make a determination within the prescribed time frame, requesters are deemed to have exhausted their administrative remedies under 5 U.S.C. § 552(a)(6)(C)(i).

19. The FOIA further provides that records shall be furnished without charge, or at a reduced charge, when disclosure is likely to contribute significantly to public understanding of government operations or activities and is not primarily in the requester’s commercial interest. 5 U.S.C. § 552(a)(4)(A)(iii).

STATEMENT OF FACTS

20. Early in the second Trump Administration, the President and the Department issued, respectively, Executive Orders and letters that portended changes in the Department’s Office of Civil Rights. *See, e.g.*, ED OCR, Jan. 31, 2025 Dear Colleague Letter; Exec. Order No. 14190, 90 Fed. Reg. 8853 (Jan. 29, 2025); Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025); Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025). The OCR investigates and enforces violations of federal statutes that protect the educational rights of children with disabilities.

21. In addition, press reporting showed substantial cuts in the OCR staff, which would likely lead to diminished civil rights enforcement.

22. As a result, on March 3, 2025, Plaintiffs filed a federal Freedom of Information Act request with the United States Department of Education, seeking two categories of records. The first sought data on the numbers of open, pending and closed OCR investigations and efforts to delay or close such investigation. The second sought lists of probational OCR employees and communications about them. The full request is attached as Exhibit A.

23. By letter dated March 5, 2025, Defendant assigned the request 25-02657-F. The letter stated it required no further information from the requesters and that the average processing time was 185 days.

24. In its March 5, 2025, FOIA request, Plaintiffs sought a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A). Exhibit A. They stated that disclosure of the requested information is in the public interest because it would shed light on the operations or activities of the government. They further stated that the records were not sought for commercial purposes and that they intended to distribute the records and information contained in them to other educational institutions and the public at no charge.

25. In addition, Plaintiffs explained that they are representatives of the news media. They gather information of potential interest to the public and distribute it at no cost to interested parties. The Defendant has not made a determination on Plaintiffs' request for a fee waiver.

26. Plaintiffs also included in its March 5, 2025, submission a request for expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). *See* Exhibit A.

27. They sought expedited processing of this request because: (1) there is an “urgency to inform the public about an actual or alleged Federal Government activity” by organizations, “primarily engaged in disseminating information,” 5 U.S.C. § 552(a)(6)(E)(i) & (v)(II); (2) the

request concerns “[t]he loss of substantial due process rights,” 5 U.S.C. § 552(a)(6)(E)(ii); and (3) the request concerns “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence,” 5 U.S.C. § 552(a)(6)(E)(ii).

28. Further, Plaintiffs sought records concerning a matter of great urgency. Children, families, and stakeholders who advocate on their behalf need to understand these changes in OCR and how they might impact their rights and the services to which they are entitled.

29. As of the date of filing this Complaint, Defendant has not further responded to Plaintiffs’ March 5, 2025 request.

30. More than ten days have passed since Plaintiffs’ request for expedited processing. Defendant has therefore failed to comply with 5 U.S.C. § 552(a)(6)(E)(ii)(1).

31. More than twenty days have passed since Plaintiffs submitted their request, and Defendant has therefore failed to comply with 5 U.S.C. § 552(a)(6)(A)(i).

32. As a result, Plaintiffs have constructively exhausted their administrative remedies, 5 U.S.C. § 552(a)(6)(C)(i), and seek immediate judicial review.

PLAINTIFFS’ CLAIMS

Count I (Failure to Grant Expedited Processing)

33. Plaintiffs repeat and reallege paragraphs 1-32 as if they were fully set forth herein.

34. Pursuant to the FOIA and applicable agency regulations, Plaintiffs sought expedited processing of their March 5, 2025 request.

35. As organizations with missions to uncover and to reveal to the public the activities of the federal government as it pertains to the children they serve, Plaintiffs are actively engaged in disseminating information. The records sought may address matters of great importance and urgency to children whose federal rights Defendant had traditionally furthered.

36. A determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request. 5 U.S.C. § 552(a)(6)(E)(ii)(1).

37. In violation of that statute, Defendant did not respond to Plaintiffs' expedited processing requests within 10 days, or at any time.

Count II (Failure to Search for and Produce Requested Records, and to Make a Determination on Plaintiffs' Request for a Fee Waiver)

38. Plaintiffs repeat and reallege paragraphs 1-32 as if they were fully set forth herein.

39. In its March 5, 2025, FOIA request, Plaintiffs properly sought records within the custody and control of Defendant.

40. Defendant wrongfully withheld agency records requested by Plaintiffs by failing to make determinations on Plaintiffs' requests within the statutorily prescribed time period of 20 business days, as required by 5 U.S.C. § 552(a)(6)(A), and by continuing to withhold documents that are non-exempt and responsive to Plaintiffs' FOIA request.

41. Defendant's failure to grant Plaintiffs' request for a waiver of fees violates the FOIA, 5 U.S.C. § 552(a)(4)(A)(iii), and Defendant's corresponding regulations.

42. Defendant's failure to grant Plaintiffs' requests for a reduction of fees violates the FOIA, 5 U.S.C. § 552(a)(4)(A)(ii)(II), and Defendant's corresponding regulations.

43. Plaintiffs have constructively exhausted their administrative remedies.

44. Accordingly, Plaintiffs are entitled to injunctive and declaratory relief requiring Defendant to immediately process and disclose all requested records to Plaintiffs.

Prayer for Relief

WHEREFORE, Plaintiffs respectfully request this Court:

1. Issue a declaration that Plaintiffs are entitled to the immediate processing and disclosure of the requested records to them;
2. Issue a declaration that Plaintiffs are entitled to expedited processing of all requests for which they have sought such handling;
3. Order the Defendant to preserve all records, in whatever form they exist, potentially responsive to Plaintiffs' request prior to and during the processing of its request;
4. Order Defendant to immediately process and disclose all responsive records to Plaintiffs;
5. Order Defendant to grant Plaintiffs' request for fee waivers;
6. Provide for expeditious processing of this action;
7. Retain jurisdiction over this action to ensure that no agency records are wrongfully withheld;
8. Award Plaintiffs attorneys' fees and costs pursuant to 5 U.S.C. § 552(a)(4)(F)(i); and
9. Grant any other such relief that this Court may deem just and proper.

Dated: July 16, 2026

Respectfully submitted,

/s/ Jeffrey S. Gutman
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(202) 631-5129
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Attorney for Plaintiffs



Sent Via Email to: EDFOIAManager@ed.gov

March 3, 2025

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

Re: Freedom of Information Act Request Regarding Office for Civil Rights Investigations for Disability, Access, and Special Education Cases

Dear FOIA Public Liaison,

The National Center for Youth Law and Council of Parent Attorneys and Advocates (“Requestors”) submit this letter to the FOIA Service Center at the U.S. Department of Education (“ED” or the “agency”) as a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq. We ask that this request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and that we be granted a fee waiver. We also ask that you refer the requests contained in this letter to the Office for Civil Rights (“OCR”) and/or the Institute of Education Sciences (“IES”) as appropriate.

There have been a series of Executive Orders and Dear Colleague Letters from the Department of Education regarding the new approach being taken by the OCR as relating to various policies.¹ We seek to better understand how these new policies impact students with disabilities as they are identified by the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

We also have concerns about the ability to process the disability-related OCR claims raised by students across the United States in light of ProPublica’s reports that around 75 of 400

¹ See, e.g., ED OCR, Jan. 31, 2025 Dear Colleague Letter; Exec. Order No. 14190, 90 Fed. Reg. 8853 (Jan. 29, 2025); Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025); Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025).

EXHIBIT A

OCR employees have been fired or placed on administrative leave.² As such, we are hereby submitting a Freedom of Information Act request and seek expedited processing and a waiver of fees.

Application for Expedited Processing

Requestors seek expedited processing of this request because: (1) there is an “urgency to inform the public about an actual or alleged Federal Government activity” by organizations, like the National Center for Youth Law and Council of Parent Attorneys and Advocates, “primarily engaged in disseminating information,” 5 U.S.C. § 552(a)(6)(E)(i) & (v)(II); (2) the request concerns “[t]he loss of substantial due process rights,” 6 C.F.R. § 5.5(e)(1)(iii); 5 U.S.C. § 552(a)(6)(E)(ii); and (3) the request concerns “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence,” 6 C.F.R. § 5.5(e)(1)(iv); 5 U.S.C. § 552(a)(6)(E)(ii).

As discussed above, reports about the Department of Education’s recent activity raise many complex questions about how the agency’s operations may be shifting under the Trump administration. Children, families, and stakeholders who advocate on their behalf need to understand these changes and how they might impact their rights and the services they are expecting to receive through their local schools and educational institutions. The requested records seek to inform the public about an urgent issue affecting children and families across the country.

Given the foregoing, the National Center for Youth Law and the Council of Parent Attorneys and Advocates have satisfied the requirements for expedited processing of this Request. We, therefore, ask that we receive a response within 20 days.

Application for Waiver or Limitation of Fees

The Requestors further ask that a waiver of document search, review, and duplication fees be granted on the grounds that disclosure of the requested records is in the public interest and is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The National Center for Youth Law is a not-for-profit organization that advocates on behalf of vulnerable children, and the Council of Parent Attorneys and Advocates is a not-for-profit organization that advocates for the rights of students with disabilities. Because of that work, the National Center for Youth Law and the Council of Parent Attorneys and Advocates are uniquely situated to be able to understand the information sought through this request. This information is not being sought for commercial purposes, and it is the intent of the National Center for Youth Law and the Council of Parent Attorneys and Advocates to distribute the information gleaned from the records sought from this request to other public interest groups and members of the public.

² Jennifer Smith Richards & Jodi S. Cohen, “*We’ve Been Essentially Muzzled*”: Department of Education Halts Thousands of Civil Rights Investigations Under Trump, ProPublica (Feb. 13, 2025), <https://www.propublica.org/article/departments-of-education-civil-rights-office-investigations/>.

- A. *The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requestors.*

As discussed above, there is a substantial public interest in understanding the actions and intentions of the government as it relates to the Executive Orders and Dear Colleague letters described above. Given the ongoing and widespread media attention to these Executive Orders and Dear Colleague letters, the receipt, review, and dissemination of the records sought will significantly contribute to public understanding of an issue of profound public importance.

- B. *The Requestors are representatives of the news media and the records are not sought for commercial use.*

The Requestors are also not filing this Request to further a commercial interest. As such, a waiver of search fees would be appropriate here since Requestors qualify as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The Requestors meet the statutory and regulatory definitions of “representative of the news media” because they gather information, exercise editorial discretion in selecting and organizing documents, and “distribute the resulting work to the public.” *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). The Requestors are therefore a “representative of the news media” for the same reasons they are “primarily engaged in [the] dissemination of information.” 5 U.S.C. § 552(a)(4)(A)(ii)(II), (6)(E)(v)(II).

Any information disclosed to its members and the public by the Requestors as a result of the responsive productions to this FOIA Request will be made available at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (internal quotation marks omitted)).

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the Requestors’ to be “representative[s] of the news media” as well. Requestor National Center for Youth Law, for example, in 2014 published a two-part series in its former journal “Youth Law News” called “Achieving Equal Educational Opportunities for Native American Youth: Lessons from Communities Working for Change” and “Equal Educational Opportunities for Native American Youth” that relied, in part, upon information obtained from an OCR FOIA about the resolution of complaints filed by Indigenous students and families. Requestor Council of Parent Attorneys and Advocates, for example, published *The Crisis of Trauma and Abuse in Our nation’s Schools* (2020), which relied on OCR data on restraint and seclusion of students with disabilities, and *Keeping Students safe in School: Redirecting School Police Funding to Benefit Students by Supporting Social, Emotional and Behavioral Needs* (2021), which relied upon OCR Data Collection. *Cf. Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).

On account of these factors, fees associated with responding to FOIA requests should be waived for the Requestors as “representative[s] of the news media.”

Request for Information

The Requestors request disclosure of the following records³ that were prepared, received, transmitted, collected and/or maintained by the agency, including but not limited to, OCR and IES:

1. Any and all records created on or after January 20, 2025, related to efforts to open, close, delay, and/or pause OCR investigations for cases that reference “disabilit!,” “504 Plan,” “autism,” “ADHD,” “learning disability,” “speech and language impairment,” “IEP” or “Individualized Education Plan,” “specialized academic instruction,” “special education,” “emotional disturbance,” “other health impairment,” “transition,” “preschool,” “behavior,” “discipline,” “suspension,” “expulsion,” including, but not limited to:
 - a. Records reflecting the number of open investigations as of January 20, 2025;
 - b. Records reflecting the number of new investigations opened on or after January 20, 2025;
 - c. Records reflecting the number of investigations closed on or after January 20, 2025;
 - d. Records reflecting any efforts to delay, pause, slow down, slow walk, reassign, or close any investigations pending as of January 19, 2025, including but not limited to, meetings and/or mediation sessions that have been cancelled or postponed, closing letters sent to complainants or respondents, or any letters declining to open investigations; and
 - e. E-mail communications among, between, or cc’ing OCR personnel at Headquarters and/or Regional Offices sent or received on or after January 20, 2025, containing any of the following words or terms: “disabilit!,” “504 Plan,” “autism,” “ADHD,” “learning disability,” “speech and language impairment,” “IEP” or “Individualized Education Plan,” “specialized academic instruction,” “special education,” “emotional disturbance,” “other health impairment,” “transition,” “preschool,” “behavior,” “discipline,” “suspension,” “expulsion,”⁴

³ The term “records” includes all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, legal and policy memoranda, minutes or notes of meetings and phone calls, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, text communications between phones or other electronic devices (including, but not limited to, communications sent via SMA or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Gchat, Microsoft Teams, Slack, or Twitter direct message), training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

⁴ The “!” character is intended to capture any combination of letters that complete the partial word provided. If it is not possible to perform searches with Boolean logic, please use similar terms and search procedures.

2. Any and all records that would indicate changes in staffing in the Department of Education Office for Civil Rights (OCR) from January 1, 2025, through the date of this request:
 - f. A list of probationary employees, including job title, who were employed by OCR prior to January 20, 2025;
 - g. A list of probationary employees, including job title, who are currently employed by OCR;
 - h. A list of probationary employees, including job title, who were employed by OCR as of January 20, 2025, and who were terminated on or after January 20, 2025;
 - i. Any and all written communications sent on or after January 20, 2025 by any staff at the Department of Education, the Office of Management and Budget, or the Department of Governmental Efficiency, to probationary employees who were formerly part of OCR as of January 20, 2025, and who were terminated on or after January 20, 2025; and
 - j. Any and all written communications sent on or after January 20, 2025 by any staff at the Department of Education, the Office of Management and Budget, or the Department of Governmental Efficiency, to probationary employees who are currently working in OCR.

* * *

To the extent to which these records may reference confidential or personally identifiable information, we ask that the records be redacted and produced with a privilege log.

Requestors ask that you search all records regarding agency business, including files or emails in the personal custody of agent officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016).

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Requestors request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the Requestors request that the records be provided electronically in a text searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

Pursuant to applicable statutes and regulations, the Requestors expect a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii).

If the Request is denied in whole or in part, the Requestors ask that you justify all deletions by reference to specific FOIA exemptions. The Requestors expect the release of all segregable portions of otherwise exempt material. The Requestors reserve the right to appeal a decision to withhold any information or deny a waiver of fees.

Additionally, in order to avoid delays in receiving records, the Requestors request that records be produced seriatim as they become available. Due to the exigent circumstances surrounding this request, the Requestors are amenable to narrowing the request if it would accelerate production. Please provide all responses, requests for narrowing or clarification, or other answers in writing.

Thank you for your prompt attention to this matter. Where possible, please provide responsive records in electronic format by email to jsmith@youthlaw.org. Please furnish any responsive records being sent by mail to:

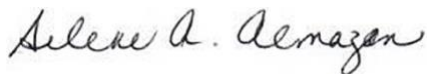
Johnathan Smith
National Center for Youth Law
818 Connecticut Avenue NW
Suite 425
Washington, DC 20006

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Sincerely,

A handwritten signature in black ink, appearing to read "Johnathan Smith", with a stylized flourish at the end.

Johnathan Smith
Chief of Staff and General Counsel
National Center for Youth Law

A handwritten signature in black ink, appearing to read "Selene A. Almazan", with a stylized flourish at the end.

Selene Almazan
Legal Director
Council of Parent Attorneys and Advocates