

March 28, 2022

**VIA ELECTRONIC MAIL**

U.S. Department of Education  
Office of the Executive Secretariat  
FOIA Service Center  
400 Maryland Ave. SW, LBJ 7W106A  
Washington, D.C. 20202-4536  
EDFOIAManager@ed.gov  
ATTN: FOIA Public Liaison

**Re: FOIA Request: Records Related to Equity Assistance Centers**  
(DFI FOIA No. 100-10-22)

Dear FOIA Public Liaison:

The Defense of Freedom Institute for Policy Studies, Inc. (“DFI”) is a 501(c)(3) nonprofit, nonpartisan organization dedicated to defending and advancing freedom and opportunity for every American family, student, entrepreneur, and worker and to protecting civil and constitutional rights at schools and in the workplace. For the benefit of the public, DFI’s mission includes obtaining records related to the consideration and implementation of policies imposed by the federal government and its officials on the American people.

Pursuant to Title IV of the Civil Rights Act of 1964 (“Desegregation of Public Education”), the U.S. Department of Education (“ED”) is authorized to “render technical assistance” through grants awarded to applicants which assist school boards and other responsible governmental agencies in the “preparation, adoption, and implementation of plans for the desegregation of public schools.”<sup>1</sup> “Desegregation Assistance Centers” (“DAC”) were established and funded by ED to render technical assistance for the explicit purpose of desegregating schools, in compliance with the Civil Rights Act of 1964.

In 2016, ED’s Office of Elementary and Secondary Education (“OESE”) changed the name of the DACs to “Equity Assistance Centers” (“EAC”), indicating a broader scope of permitted “equity” interests well beyond providing technical assistance for implementing successful desegregation plans - and a considerably wider scope of potential grant application eligibility. ED issued new regulations which effectively diluted the original purpose of the DACs (*e.g.*, to “increase socioeconomic diversity” and permitting the Secretary of Education wider authority to award grants to achieve racial, religious, and sex discrimination “desegregation”)<sup>2</sup>.

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<sup>1</sup> 42 U.S.C. § 2000c-2000c-2, 2000c-5; 34 C.F.R. Part 270.

<sup>2</sup> See <https://www.govinfo.gov/content/pkg/FR-2016-04-01/pdf/2016-07459.pdf>.



Dramatically exceeding the original purpose of the program (providing technical assistance to successfully achieve and ensure desegregation), the revised regulations provided that “[s]ex desegregation” is a proper concern of the desegregation grant program and includes “the assignment of students to public schools and within those schools without regard to their sex (including transgender status; gender identity; sex stereotypes, such as treating a person differently because he or she does not conform to sex-role expectations because he or she is attracted to or is in a relationship with a person of the same sex; and pregnancy and related conditions), including providing students with a full opportunity for participation in all educational programs regardless of their sex.”<sup>3</sup> Merits of “sex desegregation” aside, the race-based desegregation purposes of the Civil Rights Act of 1964 were clearly exceeded by the revised governing regulations.

In 2016, Secretary John King, Jr., noted the expansion beyond the original purpose of the DACs<sup>4</sup> by describing EACs as “provid[ing] critical resources to districts and communities to ensure that our most vulnerable students have access to an equitable education.”<sup>5</sup> Indeed, mission re-tooling (shifting from racial desegregation assistance to outcome-based “equity”) provided an entirely different framework to ED administrators in considering the award of sizable grants to support “social intervention, ideological re-education and economic redistribution” efforts.<sup>6</sup> In fact, OESE now identifies the EAC performance goal as “support[ing] access and equity in public schools and help[ing] school districts solve equity problems in education related to race, sex, national origin, and religion.”<sup>7</sup>

Predictably, ED’s EAC grantee roster includes a number of entities primarily concerned with equity-focused, often racially-driven outcomes. In February 2017, one grantee, Indiana University’s “Great Lakes Equity Center<sup>8</sup>” (“GLEC”), published its 101-page “Assessing Bias in Standards and Curricular Materials,” which included tools for the study of the “perspectives, histories, and contributions of non-White, non-male, non-dis/abled, or non-cisgender people [who] are generally minimized, misrepresented or often omitted altogether.”<sup>9</sup>

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<sup>3</sup> 34 C.F.R. Part 270.20.

<sup>4</sup> Bradley Scott, “From ‘DAC’ to ‘EAC’ – The Expanding Role of the Equity Assistance Center,” INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION NEWSLETTER (February 1999), <https://www.idra.org/resource-center/from-aeoedacae-to-aeoeacae-the-expanding-role-of-the-equity-assistance-center/>.

<sup>5</sup> See <https://maec.org/maec-announced-as-region-i-equity-assistance-center/>.

<sup>6</sup> Charles Lipson, “‘Equity’ Is a Mandate to Discriminate,” WALL STREET JOURNAL (March 4, 2021), <https://www.wsj.com/articles/equity-is-a-mandate-to-discriminate-11614901276#:~:text=It's%20the%20difference%20between%20equal,baised%20competition%20and%20preferential%20judging.>

<sup>7</sup> See <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/training-and-advisory-services-equity-assistance-centers/performance-training-and-advisory-services-equity-assistance-centers/>.

<sup>8</sup> See <https://greatlakesequity.org/anti-racism-resources>.

<sup>9</sup> See <https://www.iyi.org/wp-content/uploads/2019/12/Handouts-Packet.pdf>.



GLEC’s “Center Statement” wastes no time in dividing American teachers by race:

“For those who are white (non-disabled, Christian, non-LGBTQIA+, English-only speaking, US born, and otherwise privileged) educators/scholars, we urge you to focus your work on dismantling the racism and ableism, and other oppressions *you* engage to maintain this systemic trauma for our Youth of Color and intersectionally-marginalized youth, alongside your community of white educators and scholars. Position yourselves as vulnerable and work toward the *redistribution of your own power and resources, not the deficit-based fixing of children* who are already brilliant and beautiful exactly as they show up in our schools, classrooms, and online spaces each and every day.

For our Black, Indigenous, People of Color+ partners, including families and students, we will continue work to center your experiences, your leadership, your wisdom, your voices, and all other forms of your expression. We will work to create more healing and loving spaces for you in particular as we move forward in the immediate and long-term future.”<sup>10</sup>

By 2016, ED’s OESE had rewarded GLEC’s racial animus with nearly \$2.4 million in taxpayer-funded grants.<sup>11</sup>

The “Mid-Atlantic Equity Consortium” (“MAEC”), another EAC grantee, established the Center for Education Equity (“CEE”) “to improve and sustain the systemic capacity of public education to increase outcomes for students regardless of race, gender, religion, and national origin.”<sup>12</sup> To “achieve educational equity,” it provides training in “equity-centered capacity building,” “collective impact,” and “equity-centered socioeconomic integration,” among other equity-driven approaches.<sup>13</sup>

In its “Bold Classroom Conversations: Let’s Talk About Racism!”, the CEE indicates that not discussing racism with students is not an option, that there isn’t a better place to discuss historical racism than the classroom, and that although “parental pushback is a powerful force,” it must be minimized by “making sure that any discussions on racism tie back to the curriculum. After all, how can they [parents] argue with that? Ok . . . they still find a way, but you get my point!”<sup>14</sup>

By 2016, ED’s OESE rewarded MAEC’s racial, anti-parental invective with nearly \$3.8 million in taxpayer-funded grants.<sup>15</sup>

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<sup>10</sup> See <https://greatlakesequity.org/anti-racism-resources>.

<sup>11</sup> See <https://www2.ed.gov/programs/equitycenters/awards.html>.

<sup>12</sup> See <https://cee-maec.org/>.

<sup>13</sup> See <https://cee-maec.org/what-we-do/>.

<sup>14</sup> See <https://cee-maec.org/lets-talk-about-racism/>.

<sup>15</sup> See <https://www2.ed.gov/programs/equitycenters/awards.html>.



Another EAC grantee, “The Education Alliance at Brown University,” offered resources that include “The Diversity Kit: An Introductory Resource for Social Change in Education” and “Standards, Equity and Cultural Diversity.”<sup>16</sup> Now defunct, Brown’s “Education Alliance” received nearly \$2.4 million in EAC grants between 2002 and 2011.<sup>17</sup>

According to ED, the typical activities of EAC grant recipients should include “disseminating information on successful education practices and legal requirements related to nondiscrimination on the basis of race, sex, national origin, and religion in educational programs.”<sup>18</sup> Yet the stated purposes of multiple grant recipients is facially hostile to certain races and others lacking in preferred “intersectionalities.” This suggests a lack of compliance by grantees, insufficient or improper ED guidance for grant applicants and recipients, or deficient oversight by the grantor (here, OESE).

ED has indicated that the reach of its EAC program throughout the country is already extensive (“[i]n FY 2020, EACs provided targeted and intensive assistance to 36 SEAs [State education agencies] and 196 LEAs [local education agencies] in 49 States and territories”<sup>19</sup>) and growing because of, among other factors, “recent increases in public interest in issues related to discrimination, and desegregation-related issues caused or exacerbated by the COVID-19 pandemic and conditions necessitated by it (*e.g.*, instances of online bullying related to race or ethnicity as a result of an increase in virtual instruction during the pandemic).”<sup>20</sup>

The apparent purposes and activities of certain previous EAC grant recipients seem starkly counter to the historical purposes of Title IV of the Civil Rights Act of 1964. Previous recipients and other grant applicants are likely to apply for EAC grants again quite soon. On February 15, 2022, ED published a Notice Inviting Applications for 2022 EAC grant applications, due on May 16, 2022.<sup>21</sup>

The public has an interest in ED’s transparency regarding its past and present EAC grant funding operations, particularly since ED has solicited new grant applications and will presumably award EAC grants later this year. Therefore, DFI now seeks records related to the administration and oversight of the EACs funded by ED.

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<sup>16</sup> See

[https://repository.library.brown.edu/studio/collections/1041/?selected\\_facets=keyword%3Aequity](https://repository.library.brown.edu/studio/collections/1041/?selected_facets=keyword%3Aequity).

<sup>17</sup> See <https://www2.ed.gov/programs/equitycenters/awards.html>.

<sup>18</sup> See <https://www2.ed.gov/programs/equitycenters/index.html>.

<sup>19</sup> See <https://www.federalregister.gov/documents/2022/02/15/2022-03208/applications-for-new-awards-equity-assistance-centers>.

<sup>20</sup> See *Id.*

<sup>21</sup> See <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/training-and-advisory-services-equity-assistance-centers/applicant-information-training-and-advisory-services-equity-assistance-centers/>.



Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.* and the implementing regulations of ED, 34 C.F.R. Part 5 (“Availability of Information to the Public”), DFI makes the following request for records within your possession and/or control:

### **Requested Records**

DFI requests that ED produce the following records within twenty (20) business days:

1. All non-deliberative communications of ED officials (see “Custodians” *infra*) within the Office of the Secretary, Office of the Deputy Secretary, Office for Civil Rights, Office of the General Counsel, Office of Communications and Outreach, Office of Legislation and Congressional Affairs, particularly communications sent by, copied to, or received by ED officials from January 1, 2015, through the date the search is conducted, which reference any of the following:
  - a. Equity Assistance Center, Equity Assistance Centers, EAC, or EACs
  - b. Desegregation Assistance Centers, Desegregation Centers, DAC, or DACs
  - c. 84.004D
  - d. Civil Rights Training and Advisory Service or Civil Rights Training and Advisory Services
  - e. 34 CFR 270
  - f. 42 USC 2000c
  - g. WestEd
  - h. Brown University – The Education Alliance Equity and Diversity Projects
  - i. Mid-Atlantic Equity Consortium
  - j. Intercultural Development Research Association
  - k. Kansas State University – College of Education, Dean of Education
  - l. Education Northwest
  - m. Southeastern Equity Alliance, Inc.
  - n. Touro College – School of Education, Lander Center for Education Research
  - o. Metropolitan State College of Denver
  - p. Indiana University – Great Lakes Equity Center
2. Each application received by ED for a program award grant (Program No. 84.004D), whether or not awarded, to fund “Equity Assistance Center(s)” or “Desegregation Assistance Center(s)” or “Training and Advisory Services,” authorized under title IV of the Civil Rights Act of 1964, 42. U.S.C. 2000c-2000c2, 2000c5, and 34 CFR part 270 for fiscal years 2016 (Federal Register Document Number 2016-16809, published July 18, 2016), 2017, 2018, 2019, 2020, 2021, through the present (Federal Register Document Number 2022-03208, published February 15, 2022) from July 18, 2016, through the date the search is conducted.
3. All records of ED officials (see “Custodians” *infra*) related to the receipt, evaluation, processing, and award or declination of award for each grant application identified in



- Item 2. “Records” should include but not be limited to electronic mail (“email”), texts, letters, memoranda, annual performance reports, and other documentation regarding applications received by ED from July 18, 2016, through the date the search is conducted.
4. Each cooperative agreement executed between ED/OESE and award grant recipient (*i.e.*, each entity to which an EAC grant was awarded) pursuant to the program described in Item 2, from July 18, 2016, through the date the search is conducted, including but not limited to the cooperative agreements (and any modifications or revisions to those agreements) with each of the following:
    - a. WestEd
    - b. Brown University – The Education Alliance Equity and Diversity Projects
    - c. Mid-Atlantic Equity Consortium
    - d. Intercultural Development Research Association
    - e. Kansas State University – College of Education, Dean of Education
    - f. Education Northwest
    - g. Southeastern Equity Alliance, Inc.
    - h. Touro College – School of Education, Lander Center for Education Research
    - i. Metropolitan State College of Denver
    - j. Indiana University – Great Lakes Equity Center
  5. All records of ED officials (see “Custodians” *infra*), including but not limited to electronic mail (“email”), texts, letters, memoranda, and other documentation, which provided the evidentiary basis (and sources of such evidentiary basis) upon which ED relied in its Funding Opportunity Description, published in the Federal Register on February 15, 2022 (Document Number 2022-03208), indicating that “instances of online bullying related to race or ethnicity as a result of an increase in virtual instruction during the pandemic” had occurred, from January 20, 2021, through the date the search is conducted.
  6. All non-deliberative communications of ED officials (see “Custodians” *infra*), (particularly communications sent by, copied to, or received by ED officials within the Office of the Secretary, Office of the Deputy Secretary, Office for Civil Rights, Office of the General Counsel, Office of Communications and Outreach, Office of Legislation and Congressional Affairs), from January 20, 2021, through the date the search is conducted, which reference:
    - a. Withdrawal of Notice Inviting Applications and Cancellation of the Competition for the Equity Assistance Centers Program
    - b. 86 CFR 2653
    - c. Assistance Listing number 84.004D
    - d. 84.004D





## Custodians

The search for records described in Item 1 should be limited to “ED officials” employed in each of the following appointment categories:

- a. “PAS” (Presidential Appointments Requiring Senate Confirmation)
- b. “PA” (Presidential Appointments Not Requiring Senate Confirmation)
- c. “NC-SES” (Non-Career Senior Executive Service)
- d. “SES” (Career Senior Executive Service)
- e. “SC” (Schedule C Confidential or Policymaking Positions)
- f. Director, Program and Grantee Support Services, Office of Elementary and Secondary Education
- g. Group Leader, Program and Grantee Support Services, Office of Elementary and Secondary Education
- h. Any employee or contractor assigned to Program and Grantee Support Services, Office of Elementary and Secondary Education

## Definitions

Absent contrary statutory directives, words and phrases contained herein should be accorded their usual, plain, and ordinary meaning. Please note the following statutory definition:

“**Records**” are defined at 44 U.S.C. § 3301(a)(1-2) as including “all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them” and further “includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form, such as emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voice mail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

## Identification and Production of the Requested Records

FOIA imposes a burden on ED, as a covered agency under 5 U.S.C. § 551(1), to timely disclose requested agency records to the requestor<sup>22</sup> if ED (1) created or obtained the requested materials, and, (2) is “in control of the requested materials at the time the FOIA request [was] made.”<sup>23</sup> Upon

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<sup>22</sup> FOIA requires the disclosure of nonexempt agency records to any person, which includes an individual, partnership, corporation, association, or public or private organization other than an agency. 5 U.S.C. § 551(2).

<sup>23</sup> *Department of Justice (DOJ) v. Tax Analysts*, 492 U.S. 136 at 144-45 (1989).



request, ED must “promptly” make the requested records available to the requester.<sup>24</sup> Notably, covered agency records include materials provided to ED by both private and governmental organizations.<sup>25</sup> Upon receipt of a FOIA request that “reasonably” describes the records sought and is in compliance with ED’s published rules regarding the time, place, any fees, and procedures to be followed,<sup>26</sup> ED must conduct a search calculated to find responsive records in ED’s control at the time of the request.<sup>27</sup> In addition, the records produced by ED are required to be provided in “any form or format requested . . . if the record is readily reproducible by the agency in that form or format.”<sup>28</sup>

Upon receipt of this request, ED has twenty business days to “determine . . . whether to comply with [the] request” and “shall immediately notify” the requester of its determination and the reasons therefor,” the right to seek assistance from the agency’s FOIA public liaison, and the requester’s right to appeal any “adverse determination” by ED.<sup>29</sup>

Consistent with FOIA guidelines, DFI requests the following regarding the provision of the requested records:

- ED should immediately act to protect and preserve all records potentially responsive to this request, notifying any and all responsible officials of this preservation request and verifying full compliance with the preservation request. This matter may be subject to litigation, making the immediate initiation of a litigation hold on the requested materials necessary.
- ED should search all record systems that may contain responsive records, promptly consulting with its information technology (IT) officials to ensure the completeness of the records search by using the full range of ED’s IT capabilities to conduct the search. To constitute an adequate search for responsive records, ED should not rely solely on a search of a likely custodian’s files by the custodian or representations by that likely custodian, but should conduct the search with applicable IT search tools enabling a full search of relevant agency records, including archived records, without reliance on a likely custodian’s possible deletion or modification of responsive records.
- ED should search all relevant records and information retention systems (including archived recorded information systems) which may contain records regarding ED’s business operations. Responsive records include official business conducted on unofficial systems which may be stored outside of official recording systems and are subject to FOIA. ED should directly inquire, as part of its search, if likely custodians have conducted any

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<sup>24</sup> 5 U.S.C. § 552(a)(3)(A).

<sup>25</sup> *Id.* at 144.

<sup>26</sup> 5 U.S.C. § 552(a)(3)(A)(i).

<sup>27</sup> *Wilbur v. C.I.A.*, 355 F.3d 675, 678 (D.C. Cir. 2004).

<sup>28</sup> 5 U.S.C. § 552(a)(3)(B).

<sup>29</sup> 5 U.S.C. § 552(a)(6)(A)(i).





such official business on unofficial systems and should promptly and fully acquire and preserve those records as ED's official records. Such unofficial systems include, but are not limited to, governmental business conducted by employees using personal emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voice mail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack. Failure to identify and produce records responsive to this request from such unofficial systems would constitute a knowing concealment by ED calculated to deflect its compliance with FOIA's requirements.

- ED should timely provide entire records responsive to this request, broadly construing what information may constitute a "record" and avoiding unnecessarily omitting portions of potentially responsive records as they may provide important context for the requested records (*e.g.*, if a particular email is clearly responsive to this request, the response to the request should include all other emails forming the email chain, to include any attachments accompanying the emails).
- ED should narrowly construe and precisely identify the statutory basis for any constraint which it believes may prevent disclosure.
- If ED determines that any portions of otherwise responsive records are statutorily exempt from disclosure, DFI requests that ED disclose reasonably segregable portions of the records.
- For any responsive records withheld in whole or part by ED, ED should provide a clear and precise enumeration of those records in index form presented with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA"<sup>30</sup> and provide a sufficiently detailed justification and rationale for each non-disclosure and the statutory exemption upon which the non-disclosure relies.
- Please provide responsive records in electronic format by email, native format by mail, or PDF or TIH format on a USB drive. If it helps speed production and eases ED's administrative burden, DFI welcomes provision of the records on a rolling basis. Responsive records sent by mail should be addressed to the Defense of Freedom Institute for Policy Studies, 1455 Pennsylvania Avenue NW, Suite 400, Washington, D.C. 20004.

### **Fee Waiver Request**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 34 C.F.R. § 5.33 and 34 C.F.R. § 5.32(b)(1)(ii), DFI requests a waiver of all fees associated with this FOIA request for agency records.

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<sup>30</sup> *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).



### **Disclosure of the requested records is in the public interest.**

Disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and because disclosure of the information contained within the requested records is not primarily in the commercial interests of DFI.

The disclosed materials are likely to contribute significant information to the public's understanding of ED's Title IV Equity Assistance Center policies, which policies are highly relevant to students, faculty, and taxpayers. Disclosure of the requested materials will illuminate ED's Title IV grant award policies for its Equity Assistance Centers. Further, the requested information does not otherwise appear to be in the public domain (in duplicative or substantially identical form).

Provision of the requested records will not commercially benefit DFI (a nonprofit, nonpartisan organization interested in the transparency of ED operations and governance), but will benefit the general public and other groups and entities with non-commercial interests in ED's operations and governance.

DFI will review and analyze the requested records and make the records and analyses available to the general public and other interested groups through publication on DFI's website and social media platforms such as Facebook and Twitter (distribution functions it has already demonstrated a capacity to provide since its formation in September 2021, including a detailed news story on ED policies widely distributed by one of the nation's largest news providers in February 2022 and more recently, a March 2022 analysis of DOJ policies distributed by a leading news magazine. DFI personnel have also offered commentary and analyses on radio news programs and in various public forums).

Federal law makes clear that when the disclosure is in the public interest and the information contained within the disclosed records is not primarily in the commercial interests of the requester (here, DFI), statutory fee waiver is appropriate.

### **DFI is a representative of the news media.**

In addition to the fee waiver request based upon the public interest, DFI also requests a fee waiver on the basis that DFI is a **representative of the news media**, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 34 C.F.R. § 5.32(b)(1)(ii).

FOIA (as amended) provides that a representative of the news media is "any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn



the raw materials into a distinct work, and distributes that to an audience.”<sup>31</sup> DFI provides exactly this service to the general public and other audiences with an interest in those materials and analyses. Upon receipt of the requested materials from ED, DFI will review and analyze those materials and will extract and otherwise distill particularly useful information from those materials for the benefit of the general public and other interested audiences.

DFI will provide its analyses to the general public and other interested audiences through publication on DFI’s website and social media platforms such as Facebook and Twitter (distribution functions it has already demonstrated a capacity to provide since its formation in September 2021, including a detailed news story on ED policies widely distributed by one of the nation’s largest news providers in February 2022 and more recently, a March 2022 analysis of DOJ policies distributed by a leading news magazine. DFI personnel have also offered commentary and analyses on radio news programs and in various public forums).

As a qualified non-commercial public education and news media requester with demonstrated ability to review and analyze publicly-available information and to provide insight regarding that information, DFI is thus entitled to a fee waiver under FOIA as a representative of the news media.

## **Conclusion**

The subject of this request regards identifiable operations and activities of ED and, more specifically, the award of grants for ED’s Equity Assistance Centers. Provision of the requested records will meaningfully inform the general public about significant developments in ED’s civil rights policies affecting students, parents, teachers, faculty, and the public. As noted above, previous grant recipients appear to be engaged in racial animus towards teachers with a particular racial background. Discriminatory practices by ED’s EAC “equity” partners, subsidized by taxpayer dollars, present significant issues with tremendous impact on the general public and worthy of transparency in service of the public’s right to know.

DFI is an independent 501(c)(3) nonprofit organization without a commercial purpose primarily engaged in the dissemination of information about government policies to the public. DFI is engaged in the collection, analysis, and dissemination of information to educate the public about government policies that impact the civil and constitutional rights of American families, students, entrepreneurs, and workers. DFI actively publishes information and related analyses on its public website and promotes access to that information and analyses on social media platforms, including but not limited to distribution via Facebook and Twitter.

DFI appreciates ED’s prompt attention to this request for records pursuant to FOIA, which will provide important information to the American people regarding ED’s equity-related grant-making policies, which impact students, parents, teachers, faculty, and the public.

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<sup>31</sup> See *Cause of Action v. FTC*, 799 F.3d 1108, at 1115-16 (D.C. Cir. 2015).



Please contact me immediately if DFI's request for a fee waiver is not granted in full.

If you have any questions or I can further clarify DFI's request, please contact me at your earliest convenience at [paul.moore@dfipolicy.org](mailto:paul.moore@dfipolicy.org).

Sincerely yours,

*/s/ Paul R. Moore*

Paul R. Moore, Senior Counsel

Defense of Freedom Institute for Policy Studies, Inc.