

Exhibit A



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

ASSISTANT SECRETARY

September 29, 2006

Via Facsimile – (949) 475-4627

Joseph P. Busch, III, Esq.
Gibson, Dunn and Crutcher LLP
Jamboree Center
4 Park Plaza
Irvine, California 92614-8557

Re: FOIA Request No. 05-00093-F,
In re: Apollo Securities Group, Inc., Securities Litigation
and Related Matters

Dear Mr. Busch:

The Department's Office of the General Counsel has referred to me for appropriate administrative action your September 27, 2006 letter to Assistant United States Attorney Sara Winslow.

Your letter to Ms. Winslow reveals that the Apollo Group, Inc. and its counsel (collectively, "Apollo") possess one or more documents identified as privileged by the U.S. Department of Education and that Apollo received those privileged documents in error pursuant to the above-referenced FOIA request. Examples of the documents identified as privileged and of concern to us include your reference to the Agency's witness interview notes and a March 7, 2003 draft disclosure statement. This letter constitutes a demand for Apollo to return to the Department all originals and any and all copies of the CDs released with the Department's April 8, 2005, May 3, 2005, and August 31, 2006 letters to Douglas R. Cox, Kristopher P. Diulio and Jared M. Toffer of your firm, as well as all printed hard copies of documents contained on those CDs. The Department is seeking a return of the documents and CDs to determine the extent of any disclosure of privileged documents. The Department also asks that Apollo certify that Apollo has accounted for and returned to the Department each of the foregoing materials.

This is a very serious matter. Apollo and its counsel possess documents that they know the Department has identified as privileged. I ask that you contact Joanna Dailey of the Office of the General Counsel at (202) 401-6000 by no later than October 4, 2006 to make arrangements for the return of the above-described records.

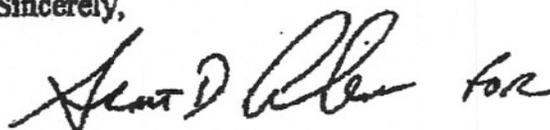
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Letter to Mr. Busch
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The Department looks forward to your cooperation in this matter.

Sincerely,



Michell Clark
Assistant Secretary for Management
and Chief FOIA Officer

cc: Douglas R. Cox, Esq.
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