



January 17, 2019

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary DeVos:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 12 undersigned organizations, we write to express our strong concern regarding the U.S. Department of Education's failure to protect students in the events leading up to and including the December 5, 2018 closure of the Education Corporation of America (ECA) and the disproportionate harm this has caused to students of color. While Black students comprise 14 percent, and Latino students comprise 18 percent of all students enrolled in postsecondary education,ⁱ Black and Latino students made up, respectively, 36 and 29 percentⁱⁱ of students enrolled by ECA, which was allowed to continue enrolling students despite several warning signs of imminent failure. **Your decision to continue to protect high-cost, low-quality for-profit institutions of higher education instead of the Black and Latino students who are representing the majority of ECA's enrollmentⁱⁱⁱ is disgraceful and inconsistent with the Department of Education's responsibility to advance higher education, serve students, and protect their civil rights.**

For-profit institutions of higher education that target students of color for enrollment in high-cost, low-quality programs limit students' opportunity and undermine the federal financial aid program. Without ensuring sufficient oversight and accountability, the U.S. Department of Education (the Department) has allowed ECA and other institutions like it to take advantage of students. Whether measured by the dismal earnings outcomes for students who earned a credential or degree from ECA, high student loan default rates, ineligibility for promised licenses, or serious financial problems, the Department repeatedly failed to respond to urgent signs that this institution was taking advantage of students.^{iv} Furthermore, the Department proactively reinstated as an accrediting agency the Accrediting Council for Independent Colleges and Schools (ACICS)^v, which originally lost recognition as an accreditor following a pattern of failures of oversight. The Department's reversal allowed ECA to continue to operate and enroll more students. If this reinstatement had been prevented, ECA would have closed in a more orderly fashion, allowing students to transfer or seek closed school discharges; new students would have been saved from enrolling; and current students would have wasted less of their time, money, Pell grant eligibility, and federal loan dollars at these institutions. By reinstating ACICS, the Department enabled ECA and contributed to the harm students continue to experience.^{vi}

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Given the Department's responsibility to support all students, and the disproportionate burden borne by students of color when high-cost, low-quality for-profit institutions are allowed to participate in the federal financial aid program, we would like to know how the Department intends to protect these communities from future harm. In particular, we would like answers to the following questions:

- In the case of ECA and its closure, how are students being made aware of their eligibility for closed school discharges?
- How are students being informed of reviewed and vetted transfer options?
- How are students who may not be eligible for closed school discharges being informed of their opportunity to apply for borrower defense discharges if they believe ECA deceived them when convincing them to enroll or otherwise harmed them through illegal conduct?
- How is the Department ensuring that students are able to access transcripts without charge?

We look forward to your response and to a renewed commitment to support the success of, and protect from harm, all students. If you have any questions or need additional information, please contact CJ Powell, higher education program analyst at The Leadership Conference, at powell@civilrights.org or (202) 263-2880.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Federation of Teachers
Asian Pacific American Labor Alliance, AFL-CIO
Augustus F. Hawkins Foundation
CLASP
NAACP LEGAL Defense & Educational Fund, Inc.
National Alliance for Partnerships in Equity (NAPE)
National Consumer Law Center (on behalf of its low-income clients)
Sargent Shriver National Center on Poverty Law
Southeast Asia Resource Action Center (SEARAC)
The Education Trust
UnidosUS
Young Invincibles

ⁱ See: https://nces.ed.gov/programs/digest/d17/tables/dt17_306.10.asp?current=yes

ⁱⁱ Based on calculation using IPEDS

ⁱⁱⁱ See: <https://predatorystudentlending.org/predatory-industry/racial-justice/>

^{iv} See:

<https://static1.squarespace.com/static/556718b2e4b02e470eb1b186/t/5c17fc43c2241b89460a1977/1545075779356/ISSUE+Brief+on+ECA.FINAL.pdf>

^v See: www.acics.org/news/content.aspx?id=7378

^{vi} See: https://www.washingtonpost.com/local/education/betsy-devos-to-the-rescue-for-profit-colleges-see-a-savior-in-secretary/2018/11/23/55066cfe-d3cb-11e8-8c22-fa2ef74bd6d6_story.html?noredirect=on&utm_term=.dc53650db397