

January 20, 2023

Re: Continued Urgent Help Needed for ASA College Students

Tracey Schneider
Senior Vice President for Legal Affairs and General Counsel
Middle States Commission on Higher Education

Emily Sutherland
Director, Office of College and University Evaluation
New York State Office of College and University Evaluation
via email

Dear Ms. Schneider and Ms. Sutherland:

We write again from the New York Legal Assistance Group (NYLAG), a non-profit legal services provider, to follow up on our letter of December 2, 2022 seeking urgent help for students of ASA College (ASA). As you know, in November, the Middle States Commission on Higher Education (MSCHE) issued a decision withdrawing accreditation from ASA no later than March 1, 2023.¹ ASA's appeal of its loss of accreditation remains pending, and its plans for operation after the end of this semester are unclear.² Over one hundred ASA students have contacted NYLAG for assistance via our ASA student hotline (212-659-6166, ASAHotline@nylag.org), with more reaching out every day.

We continue to request your urgent assistance for ASA students. Since our prior letter, it has become clear that ASA has, in many respects, stopped operating. At the start of 2023, ASA stopped paying its staff.³ In a publicly-reported staff-wide email, ASA Interim President Jose Valencia confirmed that the school "ha[d] not been able to secure funding" for staff and faculty salaries in the new year.⁴ Nonetheless, ASA has purported to remain open during this current semester. In response, yesterday, a group of ASA faculty and staff announced that they were "going ON STRIKE and will not be teaching any classes or doing any form of work" because "none of us has received a paycheck since before 12/24/2022, . . . and we all have bills to pay and families to support. This situation is of course unsustainable, and we cannot keep working without pay until the end of the semester."

The strike will exacerbate the ongoing crisis at ASA, where students report that, even before the strike, many classes have simply not been held. Sometimes students are required to submit work online anyway, sometimes not. Other classes are being held regularly but only for a portion of the scheduled time. Students report faculty changes that have occurred, with new

¹ Middle States Withdraws Accreditation from ASA College (Nov. 11, 2022), *available at* <https://www.msche.org/2022/11/11/msche-withdraws-accreditation-from-asa-college/>.

² All accreditation actions are available at <https://www.msche.org/institution/0837/>.

³ Faculty and staff have reported that ASA had been late or missed payroll during 2022 as well.

⁴ David Halperin, *Facing Collapse, For-Profit ASA College Makes Troubling Moves*, Republic Report, *available at* <https://www.republicreport.org/2022/facing-collapse-for-profit-asa-college-makes-troubling-moves/>.

faculty seemingly unprepared to teach the courses. On the whole, students uniformly report to us that a large portion of ASA classes are not occurring on a regular basis for their scheduled time.

As an example, one student reported that of their six classes, only one course is actually being held by a prepared instructor for the full scheduled time. Of the others: one had a new professor assigned mid-semester who did not know what the class was about; one professor had not shown up at all since the new year; one professor had shown up for only one of the three scheduled classes since the new year and, when they did show up, held class for only 5 or 10 minutes; one did show up every week but held class for only 20 minutes; and one had shown up so far but said they may not be able to do so in the future.

This student's experience is typical of what other ASA students are experiencing, across various programs of study and credential levels. Another student, in a different program of study, reported that they had two courses that had no class meeting at all; one that had not met since the new year; and two that were meeting regularly, although one not for the full scheduled time. A third student in a third program reported that one class had a new professor mid-way through the semester who holds class for only 30-40 minutes; two classes were being held but for only a short period of time; and two were being held regularly (although one of those was largely online, not in-person as promised).

Students have also reported that other instructional and academic resources offered by ASA are no longer available to them. Notably, the company Cengage, which offers eTextbooks to ASA students, has reportedly closed its account with ASA due to "unpaid billing" and the fact that its "requests for payment [from ASA] have gone unanswered"—even though ASA charged students a nearly \$200 fee for "E-Books Cengage" earlier in the current semester. ASA students are being closed out of the Cengage interface on a rolling basis, with no way to access their course materials, and thus no way to complete their coursework unless they pay for Cengage services out of pocket. Additionally, one student reported that their academic advisor left the school, they were not assigned another advisor, and they could not reach any staff member to help change their course load.

Additionally, students have reported that ASA is unlawfully refusing to issue transcripts to students with an outstanding balance, and that ASA is accepting payment only in cash (not even by credit card). Students have also reported that they are being denied access to ASA's student "portal," where they can see their unofficial transcripts and their ASA account balances, due to outstanding balances owed to the school. Pursuant to New York Education Law § 640 (1), it is illegal in New York State for a school to withhold a student's transcript because of unpaid debts to the institution or college.⁵ Access to transcripts is essential as many students are preparing applications to transfer schools, given the uncertainty of ASA's future.

On the whole, ASA students are extremely distressed that they are not being offered the courses that they enrolled in and paid for. These students are juggling jobs and childcare to show up to classes, only to routinely find that they are not being held. Students are concerned about whether they will get credit for this semester, whether they will ever be able to access their student records, and what their options are moving forward. Because the information about teach-outs has been confusing and, often, misleading (that Hilbert College would be taking over ASA, that Helene Fuld would accept all nursing students, etc.), students are understandably

⁵ New York State Senate Bill S5924C, amending New York State Education Law to ensure students have access to their transcripts, available at <https://www.nysenate.gov/legislation/bills/2021/S5924>.

frustrated. When they try to get the records they need to leave the school, they are being told to pay cash that they do not have and may not owe. They, and we, believe that this situation needs immediate intervention.

We want to reiterate that all of the numerous issues raised in our December 2, 2022 letter remain of concern for ASA students, including: the availability of closed school discharge upon an eventual closure; need for accurate information about closed school discharge; need for accurate information about teach-out programs; federal aid not being credited to student accounts for the current semester; students being charged for extra fees; students being overcharged upon withdrawal; overall lack of ability for students to communicate with ASA; immigration status for immigrant students upon loss of accreditation; lack of options for ability to benefit students; access to student records, including transcripts; and withholding of transcripts.

NYLAG seeks to work together with MSCHE, NYSED and other City, State, and Federal regulators to ensure that ASA students receive the help they urgently need. Specifically we ask that you now: (1) investigate whether ASA classes are in fact being held; (2) announce whether ASA will be closing, either now or at the end of the current semester; and (3) schedule a meeting with us to address these and other concerns raised by ASA students.

Sincerely,



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