

March 8, 2023

***Re: ASA College Closure***

Fanny Kong  
U.S. Department of Education  
School Participation Division- Region II  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202  
*via email*

Dear Ms. Kong:

We write again from the New York Legal Assistance Group (NYLAG), a non-profit legal services provider, to follow up on our letters of December 2, 2022 and January 20, 2023 seeking urgent help for students of ASA College (ASA). Over 170 former 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 are extremely concerned that even though ASA closed on February 24, 2023, it is not listed in the February 2023 monthly closed school report<sup>1</sup> (nor listed in the closed school search file). **We ask that the Department immediately list ASA as a closed school, which will allow its students to be able to obtain the closed school discharges they are entitled to.**

As background, in November, the Middle States Commission on Higher Education (MSCHE) issued a decision withdrawing accreditation from ASA no later than March 1, 2023.<sup>2</sup> On January 24, 2023, ASA notified MSCHE of its plans to close on February 24, 2023 (the final day of ASA's semester). On February 24, 2023, MSCHE noted that "ASA College closed on February 24, 2023, while on adverse action status, without prior approval and without an approved teach-out plan." On March 1, 2023, MSCHE noted "that ASA College accreditation ceased effective March 1, 2023. To note the action of February 24, 2023, of the unapproved institutional closure without prior approval. . . . Despite repeated requests by the Commission, the institution failed to provide information relating to the required teach-out plan and teach-out agreements." Many news articles have also reported on ASA's closure.<sup>3</sup> The Manhattan campus has been vacant for months. The Brooklyn campus now likewise has a "for lease" sign on the building following a judgment of eviction granted in December 2022.<sup>4</sup> As you know, closed school discharges will only be granted once the school is officially listed as closed by the Department; in the meantime, former ASA students maintain loan balances, causing many to panic, and putting them at risk of being targeted by other predatory schools and/or debt relief scams.

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ASA is closed, and should be listed as such by the Department. NYLAG asks that you immediately list ASA as a closed school on the monthly closed school report. If you are unable to do so immediately, we ask that you meet with us to discuss our concerns.

We want to note that many of the issues raised in our prior letters remain of concern for former ASA students, including: the 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 final 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 and closure; lack of options for ability to benefit students; access to student records, including transcripts; and withholding of transcripts.

Sincerely,



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Jessica Ranucci, Esq.  
Genesis Miranda, Esq.  
Janet Ceron  
100 Pearl Street, 19th Floor  
New York, NY 10004  
(212) 613-7578  
jranucci@nylag.org

cc:

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

Patrick Donovan  
Office of Senator Charles E. Schumer

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<sup>1</sup> Available at <https://www2.ed.gov/offices/OSFAP/PEPS/closedschools.html>.

<sup>2</sup> All accreditation actions are available at Middle States Commission on Higher Education's page on ASA College, <https://www.msche.org/institution/0837/>.

<sup>3</sup> See Amir Khafagy, Troubled ASA College Closed But Left Students Out In the Cold, DocumentedNY (March 2, 2023), available at <https://documentedny.com/2023/03/02/asa-college-closed-closure-students-transcripts-visa/>; Natalie Schwartz, Embattled For-profit ASA College Closes without Teach-out Plan (Feb. 24, 2023), available at <https://www.highereddive.com/news/embattled-for-profit-asa-college-closes-without-teach-out-plan/643553/>; Lilah Burke, For Scandal-Plagued For-Profit Colleges, No State Is More Welcoming Than New York, New York Focus (Feb. 23, 2023), available at <https://www.nysfocus.com/2023/02/23/asa-for-profit-college-tap-new-york-subsidies/>.

<sup>4</sup> *Fulton St. Realty Venture, LLC v. ASA College Inc.*, No. LT-322659-22/KI (Kings County Civil Court).