

November 8, 2023

Re: ASA College

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

Dear Ms. Sutherland:

We write again from the New York Legal Assistance Group (NYLAG), a non-profit legal services provider, regarding ASA College (ASA). Specifically, we write in response to a letter dated November 1, 2023 sent to you by the Chairman of the Board of Trustees of ASA, asking NYSED to “refrain from taking any action on ASA degree programs until all available legal avenues to restore MSCHE accreditation have been diligently pursued and exhausted.” ASA has further told its employees that it is attempting to “expedite the commencement of the new semester” and plans to re-start operations by obtaining new funding “within three weeks.” Our organization has been contacted by nearly 300 ASA students since its loss of accreditation was announced via our ASA student hotline (212-659-6166, ASAGHotline@nylag.org), with more reaching out every week.

Because we have heard from hundreds of ASA students that ASA’s closure devastated them and provided a tremendous setback to their personal, educational, and financial futures, we have grave concerns regarding any plan by ASA to re-open. At the very least, no action authorizing ASA’s further operation should be taken by NYSED until former ASA students are notified and given an opportunity to weigh in on ASA’s request. Given the catastrophic toll that ASA’s loss of accreditation and closure have had on students, including the hundreds that have contacted our office seeking legal help, it is absolutely critical that student voices be part of any decision by NYSED that would allow ASA to re-start operations.

Our prior letters noted many of the extreme problems with ASA described to us by its students, including:

- Even before its closure in February 2023, ASA had, in many respects, stopped operating, and it had stopped paying its staff. ASA faculty and staff went “on strike” prior to the school’s closure, but even before the strike, many classes were simply not held;
- Instructional and academic resources offered by ASA were not available to ASA students before its closure, including eTextbooks;
- Federal aid was not credited to student accounts for the final semester at ASA, students were charged extra fees and overcharged upon withdrawal, and many students maintain that ASA owes money to them;
- Immigrant students were terrified of losing legal status upon the school’s closure, and were provided little or no guidance by ASA;
- Ability to benefit students lacked transfer options;
- Many students lost access to their records; and

- Students lacked and continue to lack the ability to communicate with ASA regarding these critical issues.

We additionally note that there remain many, many outstanding legal and financial issues standing in the way of ASA's ability to operate in the future. As just a few examples: it is our understanding that ASA owes hundreds of thousands of dollars to New York City because it has not paid the fine it incurred for publishing misleading subway and online advertisements. Public court records show dozens lawsuits against ASA, many of which are to collect significant debts, and some of which make serious allegations that ASA's principals have fraudulently transferred millions of dollars out of the school for their own gain. As ASA admits, its employees were not paid for many months. Further, the school's closure and loss of accreditation resulted in its loss of eligibility for Title IV federal student aid, which was the primary source of its revenue, and raises questions as to how it would intend to operate in the future. To the best of our understanding, ASA no longer operates a physical campus in Brooklyn or Manhattan and eviction warrants were issued for at least some of these premises.

Given these numerous challenges, and the disastrous impact that ASA's closure has had on thousands of New Yorkers who were trying to improve their lives through career education, it would be unconscionable for NYSED to allow the school to re-start operations without hearing from students who were directly affected by ASA's conduct.

Sincerely,



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