

**Congress of the United States**  
**Washington, DC 20515**

March 22, 2017

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

Dear Secretary DeVos:

As leaders of the Congressional Black Caucus (CBC), we write to articulate the CBC's education priorities and areas of concern and urge you to prioritize educational equity and commitment to all students. We are concerned that many of the policy goals articulated by you and by President Trump may undo decades of educational progress for disadvantaged and minority students in K12 and higher education, and respectfully request your commitment to work with us to ensure that the US Department of Education (ED) maintains its role as a leader in promoting and protecting civil rights for all students. Specifically, we ask for your careful attention to the following issues:

**Agency Organization and the Office of Civil Rights**

While the President's proposed Fiscal Year 2018 (FY18) budget lacks sufficient detail to identify all areas, functions, or offices proposed for elimination or drastic reduction, the details that were contained in the blueprint are alarming. The CBC is concerned with the administration's efforts to reduce the role ED plays in the education of our nation's children, and believe that such efforts demonstrate a lack of understanding of the scope and importance of the federal laws your agency is entrusted to implement and enforce. Of specific concern is the Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch and your stated intent to audit all agency functions and programs with the purpose of eliminating department activities. The stated mission of the Department is to "promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." In carrying out this mission, ED plays a critical role in supporting states, schools and institutions of higher education in the implementation of federal education programs, enforcement of federal education law and compliance with civil rights statutes as they relate to students. We are concerned that proposals to eliminate programs and activities within the Department could result in the Department being unable to fulfill its mission and legal obligations as set forth in the statutes for which it is responsible.

As you know, one of the Department's key obligations is to protect the civil rights of students. The Office of Civil Rights (OCR) is responsible for this effort and we urge your support for the office, including full funding. The Department of Education Organization Act of 1979 created the OCR and vested in the Assistant Secretary for Civil Rights the responsibility to issue "an annual report to the Secretary, the President, and the Congress summarizing the compliance and enforcement activities ... and identifying significant civil rights or compliance problems."<sup>1</sup> The Assistant Secretary for Civil Rights is

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<sup>1</sup> 20 U.S.C. §3413 (b)(1)

also responsible for making a “recommendation for corrective action [where] adequate progress is not being made.”<sup>2</sup>

The stated mission of the OCR is to “ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.” This mission is a direct outgrowth of the struggle for equal opportunity to education born out of this country’s sordid racial history and the seminal 1954 *Brown v. Board of Education* decision that declared that students had a constitutional right to an equal educational opportunity. Specifically, the U.S. Supreme Court rejected the constitutionality of *de jure* segregation by concluding that:

*“...education is perhaps the most important function of state and local governments ... In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”*

The Court went on to conclude that, “*in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.*”

The importance of the OCR must be understood within the context of the southern school districts which engaged in “massive resistance” in the face of the *Brown* decision. At the same time and well into the 1970s, northern localities practiced *de facto* educational segregation. Today, the OCR enforces educational civil rights laws aimed at ensuring that federally-funded educational programs are available “to all on equal terms,” including through enforcement of:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; and,
- Title II of the Americans with Disabilities Act of 1990.

Despite OCR’s significant importance and responsibility for realizing the goal of equal education, persistent bias and funding inequities have resulted in the hyper- and re-segregation of schools in the 21<sup>st</sup> century. A May 17, 2016 report by the Government Accountability Office confirmed that race and poverty continue to be a driver for inequities in education and that housing segregation patterns contribute to school segregation.<sup>3</sup> The growth in racial and socioeconomic isolation is concentrated in schools where 75% to 100% of the students were Black or Hispanic and eligible for free or reduced-price lunch.

Despite this sad reality, the OCR has **not** been funded at the level necessary to meet its statutory obligation. For instance, the OCR has received historic levels of complaints at a time when it has had its lowest staffing level. Stated simply, the OCR’s full-time employee level is more than 50% below its staffing level in 1982. In Fiscal Year 1980, the OCR had 1,148 full-time employees who received 3,497 complaints. Yet from 2009 to 2016, the OCR experienced an eight percent decline in its staffing, while the number of complaints it received rose by an unprecedented 163 percent.

While the FY 2018 budget released on March 16<sup>th</sup> is silent on the funding for the OCR, we remain concerned by your comments during a recent interview with *Town Hall* magazine. When asked about the need for a Department of Education, you replied that that you believe there is a federal role for “ensuring children with special needs and then the anti-discrimination issues,” but added that there is a need to

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<sup>2</sup> Ibid

<sup>3</sup> <http://www.gao.gov/products/GAO-16-345>

“streamline and simplify a lot of the engagement and involvement the department has had around some of these issues.”<sup>4</sup> When Senator Tim Kaine of Virginia asked you about compliance with the requirements of the Individuals with Disabilities Education Act during your confirmation hearing, you replied, “I think that is a matter that's best left to the states” and that it was “certainly worth discussion.”

In a February 17th interview with Axios, you indicated that “it would be fine with (you) to have (your)self worked out of a job” but that you were unsure of whether or not there would be a “champion movement in Congress” to eliminate the Department of Education.<sup>5</sup> Then in a subsequent interview also with Axios, you stated “I think in some of the areas around protecting students and ensuring safe environments for them, there is a role to play ... I mean, when we had segregated schools and when we had a time when, you know, girls weren't allowed to have the same kind of sports teams — I mean, there have been important inflection points for the federal government to get involved.” But are there any remaining issues like that where the federal government should intervene? “I can't think of any now.”<sup>6</sup> Put simply, we find those statements alarming. As Secretary, your leadership in directing the agency to implement and enforce federal laws and reduce inequities in education must be a serious endeavor. We urge you to publicly denounce the call to eliminate the Department of Education and to redouble your commitment to understand and combat the racial and income inequities that persist by embracing the critical value of the OCR to deliver on the promise of the *Brown v. Board of Education* decision. The CBC opposes any efforts to eliminate offices, functions, or staffing at the Department.

#### **Civil Rights Data Collection (CRDC)**

The CRDC is an essential tool in identifying inequity of educational opportunity and examining compliance with federal laws that prohibit discrimination based on race, ethnicity, sex, disability, and age. The data provides researchers, parents, local, state, and federal policy-makers, and other stakeholders the opportunity to review their school’s information, identify inequities, and devise strategies to improve access to educational opportunity for all students. Without this data collection process, it is impossible to ascertain whether opportunity gaps are narrowing or persisting, whether or not Department policies are having the desired impact, or whether or not all students have access to a high-quality education. In order to carry out these activities, stakeholders must have timely access to the data provided through the CRDC.

The CRDC is critical for stakeholder analysis and examination and in the Every Student Succeeds Act (ESSA) it is explicitly authorized as the tool for capturing data that measures school climate and safety, discipline rates, school related arrests, chronic absenteeism, and incidences of violence (Sec. 1111(h)(1)(C)(viii)). With the biennial CRDC, the Department can fulfill the longstanding bipartisan intent of Congress across federal education programs to improve equitable access to a high-quality education and improve gaps in opportunity and achievement.

The importance of the CRDC cannot be overstated. We urge the Department of Education to maintain the CRDC -- including current data elements -- and we urge that the data be collected no less than every two years and that de-identified data is easily accessible to stakeholders in a timely manner.

#### **Implementation of the Every Student Succeeds Act (ESSA)**

In 2015 Congress passed the bipartisan ESSA to advance the work of providing every student with an equitable, high-quality education. ESSA provided increased flexibility for states, but maintains federal safeguards to ensure disadvantaged students are equitably served by states and school districts. Federal support states in taking meaningful steps toward reducing the achievement gap and addressing the needs

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<sup>4</sup> <https://townhall.com/columnists/calthomas/2017/02/16/interview-of-secretary-of-education-betsy-devos-n2286164>

<sup>5</sup> <https://www.usnews.com/news/articles/2017-02-17/betsy-devos-id-be-fine-if-we-could-ditch-the-education-department>

<sup>6</sup> <https://www.axios.com/what-betsy-devos-wishes-she-said-at-her-confirmation-hearing-2266444767.html>

of minority students in public schools. Such safeguards include, but are not limited to the requirement that states take action to improve student learning in any school in which a subgroup of students is failing to improve; the requirement that statewide accountability systems be driven primarily by student learning outcomes; the requirement that indicators in such system measure performance of all students and the performance of each subgroup of students; and the requirement that 95 percent of all students and 95 percent of each subgroup of students participate in the annual statewide assessment.

Despite public satisfaction with the Obama Administration's regulation of ESSA's core requirements, Congressional Republicans used the Congressional Review Act to block the rule's implementation and to prevent reregulation of the law's requirements on March 9<sup>1</sup>. As Members of Congress who were deeply involved with ESSA's development, we urge you to re-regulate the law's core requirements. Without federal regulations, we are concerned that states and school districts will not have the necessary information to carry out the law, that the Department will not have the mechanisms in place to ensure meaningful peer review of state plans, and enforcement of the law's requirements.

Additionally, we want to emphasize the importance of stakeholder engagement in the development of state plans. ESSA requires meaningful stakeholder engagement from groups that include students, teachers, principals, parents, school administrators, and the civil rights community to ensure that state plans meet the needs of all stakeholders. The recent template released by ED did not include stakeholder engagement as a required component of the consolidated state plan, despite clear statutory requirements for meaningful consultation in section 1111(a). The voice of the stakeholders, including the civil rights community, must be included in the state plan development process not only to provide minority students and families equitable access to a high-quality education, but also to meet the requirements of the statute. While the authority in section 8302 allows you to select core requirements for submission in the consolidated state plan, we are concerned that the mechanisms in place for plan approval will not adequately address compliance with the requirements for stakeholder engagement in section 1111(a), and we urge you to ensure meaningful follow-up guidance and robust enforcement of this statutory requirement.

The implementation of ESSA requires meaningful federal enforcement of statutory requirements to fulfill the bipartisan intent and civil rights legacy of the law. It is critical the Department take an active role during development, submission, peer review, and approval of state plans to engender compliance with the law. It is crucial that you commit to implement the law as written and provide robust resources to oversight, monitoring, and enforcement of ESSA in the months and years ahead. Such a commitment also means both rejection of proposals to underfund or eliminate programs within the authorized programmatic structure of the law (including Title II-A for teacher professional development and Title IV-B support for afterschool programming), or redirect ESSA funding toward private school vouchers, as proposed in the President's FY18 budget.

### **Private School Choice**

The FY18 ED budget blueprint proposes to fulfill your and the President's promises to divert public dollars to private schools through establishing and expanding programs for vouchers, tax-credit scholarships, and educational savings accounts. Voucher programs supported by the administration siphon away funds from public schools, leaving the most disadvantaged students with the fewest resources. Most studies conducted on private school choice find that private schools utilized through vouchers fail to produce better academic outcomes,<sup>7</sup> increase socioeconomic segregation,<sup>8</sup> strip students of their civil rights, and leave parents picking up the bill for tuition and other fees. Further, private

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<sup>7</sup> <http://educationresearchalliance.org/files/publications/ERA-Policy-Brief-Public-Private-School-Choice-160218.pdf>; [https://edex.s3-us-west-2.amazonaws.com/publication/pdfs/FORDHAM%20Ed%20Choice%20Evaluation%20Report\\_online%20edition.pdf](https://edex.s3-us-west-2.amazonaws.com/publication/pdfs/FORDHAM%20Ed%20Choice%20Evaluation%20Report_online%20edition.pdf)

<sup>8</sup> <http://educationresearchalliance.org/publications/the-impact-of-the-louisiana-scholarship-program-on-racial-segregation-in-louisiana-schools>

schools that accept students with vouchers are rarely required to administer state assessments and lack operational and fiscal transparency for taxpayers. One recent research on state voucher programs is actually showing decreased academic achievement for participating students, when compared to students in public schools.<sup>9</sup> In Cleveland, a state-sponsored evaluation found no statistically-significant difference between public school students and students who had used a voucher from kindergarten to sixth grade. None of the studies on the D.C. Opportunity Scholarship Program conducted by the U.S. Department of Education or other entities found any statistically-significant difference in math and reading academic performance for voucher students compared to D.C. public school students.<sup>10</sup> Researchers in Milwaukee reported similar results.<sup>11</sup>

Private schools participating in choice programs are not always subject to federal civil rights laws and standards, including Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and those protecting students with limited English proficiency. Students attending these schools may be denied acceptance or unnecessarily disciplined or expelled for reasons that would not be allowed at a public school, often with few or no avenues for recourse.<sup>12</sup> As a result, those leaving private school programs – by choice or otherwise – tend to be more disadvantaged than those who remain.<sup>13</sup>

Voucher and tax credit programs intended to increase access to private schools often provide insufficient funds and resources to do so. Many vouchers only cover a portion of the tuition and exclude transportation, school supplies, uniforms, or additional services. For example, Louisiana's voucher program has no formal transportation system for voucher students, and those unable to reach a school cannot attend that school, limiting choice to easily accessible schools.<sup>14</sup> It comes as no surprise, then, that research of voucher programs also finds that the lowest-income families fail to benefit from the program, with the majority of benefit going to middle and upper-income families with the means to pay additional tuition and fees. Tax credit programs, like the Florida program you often reference as “what works” are subject to bloated overhead and have experienced problems with conflicts of interest in other states.<sup>15</sup>

Also concerning is your longstanding support of for-profit charter schools that lack transparency and have been subject to federal and congressional oversight. Due to the growing concerns regarding the for-profit sector of charter schools and the lack of transparency of charters in general, the Office of Inspector General in the Department of Education recently conducted an audit.<sup>16</sup> The report concluded that charter school relationships with Charter Management Organizations (CMOs) and Education Management Organizations (EMOs) posed significant risks to Department objectives and found that these organizations did not perform sufficient oversight of charters. The lack of oversight resulted in conflicts of interest; insufficient segregation of duties; related-party transactions; lack of accountability of federal funds; waste, fraud, and abuse; and performance risks with programs not providing students the services required by federal programs. For-profit charter schools ultimately operate with a profit-center focus rather than an emphasis on student achievement. This leads to issues that include discriminatory enrollment, opaque reporting on student progress, and limited oversight. Increased oversight and accountability for charter schools is necessary in the pursuit of a high-quality, equitable education for students.

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<sup>9</sup> [https://www.nytimes.com/2017/02/23/upshot/dismal-results-from-vouchers-surprise-researchers-as-devos-era-begins.html?\\_r=0](https://www.nytimes.com/2017/02/23/upshot/dismal-results-from-vouchers-surprise-researchers-as-devos-era-begins.html?_r=0)

<sup>10</sup> <http://ies.ed.gov/ncee/pubs/20104018/pdf/20104018.pdf>

<sup>11</sup> [http://www.ctbaonline.org/sites/default/files/reports/ctbaonline.org/node/add/repositoryreport/1429130411/R\\_2015.04.16\\_CTBA\\_IN%20School%20Voucher%20Report\\_FINAL.pdf](http://www.ctbaonline.org/sites/default/files/reports/ctbaonline.org/node/add/repositoryreport/1429130411/R_2015.04.16_CTBA_IN%20School%20Voucher%20Report_FINAL.pdf)

<sup>12</sup> <http://www.jsonline.com/news/opinion/special-ed-vouchers-wont-end-discrimination-ha9sa6v-206667501.html>

<sup>13</sup> Carlson, D., Cowen, J. & Fleming, D. (2013). Life after vouchers: What happens to students who leave private schools for the traditional public sector? *Educational Evaluation and Policy Analysis*, 35(2), 179-199; Plucker, J., Muller, P., Hansen, J., Ravert, R., pg. 183.

<sup>14</sup> [http://ncspe.org/publications\\_files/OP227.pdf](http://ncspe.org/publications_files/OP227.pdf)

<sup>15</sup> <https://www.nytimes.com/2017/03/02/upshot/arizona-shows-what-can-go-wrong-with-tax-credit-vouchers.html>

<sup>16</sup> <https://www2.ed.gov/about/offices/list/oig/auditreports/fy2016/a02m0012.pdf>

The members of the CBC are increasingly concerned with the Administration's plans to privatize public education and the harm such efforts will pose to low-income and minority students. During your recent remarks before the National Association of State Boards of Education, you claimed that the President's budget invests in 'underserved communities' by focusing on 'what works,' while pointing to the Florida Tax Credit Scholarship Program as an example of what works. We remind you that there is no evidence suggesting that that program improves student outcomes. We urge you to commit to supporting our nation's public schools and public school students through rejection of private school voucher schemes and robust investment into ESEA formula funding streams.

### **Commitment to School Diversity**

As evidenced by findings of the GAO report referenced earlier in this letter, the promise of *Brown v. Board of Education* remains unfulfilled. In fact, our nation's public schools are more segregated now than they were in 1968.<sup>17</sup>

As you know, the Opening Doors, Expanding Opportunities grant program (Opening Doors), proposed by the Obama Administration, will support school districts and their communities in planning and implementing locally driven strategies to increase school diversity and improve student achievement in the lowest-performing schools. Using existing statutory authority, the Department proposed an investment of \$12 million in up to 20 districts or groups of districts to fund the development of blueprints for increasing student diversity. Nearly 30 school districts have submitted applications for available funds, and the CBC urges you to move forward with this grant program and promptly award Opening Doors grants to the most qualified applicants.

Fulfillment of Opening Doors is a small, but meaningful, federal investment in school diversity. Making awards to qualified applicants will demonstrate your commitment to realizing the promise of *Brown*, closing achievement gaps, raising achievement levels for all students, preparing all students to thrive in a diverse workforce and society, and expanding parental choice in the public school system that prioritizes diversity and parent support.<sup>18</sup> These are important goals for creating an equitable K12 system that truly empowers parents and families. We know that you share these goals, and expect that you will fund awards for the Opening Doors Program in FY18.

Research proves that a diverse learning environment is a strong force for closing achievement gaps. During the 1970s and 1980s, as America's schools grew more diverse, the K12 racial achievement gap closed more than during the 1990s, when schools began resegregating.<sup>19</sup> School diversity provides important benefits for all students—in Jefferson County Public Schools (JCPS) in Kentucky, 95% of high school juniors report feeling either “very prepared” or “somewhat prepared” to “work and live in diverse settings.” JCPS’ program to ensure diversity, which dates back to 1975, also earns high marks from families. Eighty seven percent of families indicate they are satisfied with the quality of their child’s education, and 90 percent of families believe that their children benefit from attending diverse schools. Furthermore, JCPS employs a parental choice system in which 90 percent of families receive their first choice of school.<sup>20</sup> There are numerous examples across the nation—from school districts in Jefferson, Kentucky to Stamford, Connecticut, to Cambridge, Massachusetts that are using open enrollment and controlled choice policies to increase school diversity with clear results. To ensure that public school

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<sup>17</sup> <https://www.civilrightsproject.ucla.edu/research/K12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future/Brown-at-60-051814.pdf>

<sup>18</sup> <https://tcf.org/content/report/school-integration-practice-lessons-nine-districts/>

<sup>19</sup> <https://www.civilrightsproject.ucla.edu/research/K12-education/integration-and-diversity/schools-more-separate-consequences-of-a-decade-of-resegregation/orfield-schools-more-separate-2001.pdf>

<sup>20</sup> <https://tcf.org/content/report/jefferson-county-public-schools/>

choice is a tool to combat, not reinforce, resegregation, we urge your careful attention to controlled choice policies that prioritize student diversity and meaningful parent supports in any efforts to expand public school choice.

### **Racial Disparity in School Discipline Practices**

Minority students are systematically excluded from educational opportunities through the use of suspension, expulsion, seclusion, and restraint. Although national rates of exclusionary discipline practices that include out-of-school suspension and expulsion are declining, many public schools continue to suspend and expel minority students at alarmingly disproportionate rates. In the 2013-14 school year, black students were 3.8 times as likely to receive one or more out-of-school suspensions as white students. These exclusionary discipline practices contribute to the school-to-prison pipeline with many school discipline policies criminalizing minor infractions and pushing students out of schools. Law enforcement officers on school campuses criminalize behavior in young students, in particular minority students, and contribute to an increased likelihood of dropping out and future police interactions. During the 2013-14 school year, approximately 24% of elementary schools and 42% of high schools have some form of law enforcement on site. In September of 2016, The Department of Justice and Department of Education released joint guidance on school resource officers (SROs) and practices in schools as part of their efforts to reduce exclusionary discipline practices and reduce the growing school-to-prison pipeline. The guidance provided rubrics to help determine the most effective SRO programs and allow state and local policy-makers to evaluate areas needing reforms.

In addition to guidance on SROs and policing in schools in 2016, the Department of Education finalized a regulation promoting equity in the treatment of minority students with disabilities under the Individuals with Disabilities Education Act (IDEA). Specifically, the regulation sets a standardized methodology by which states identify significant disproportionality in identification, placement, and discipline of students with disabilities to fulfill the bipartisan intent of Congress. The regulation was developed after a GAO report reviewed the use of early intervening services described in IDEA to address disproportionality.<sup>21</sup> The report found large discrepancies in how states defined and determined significant disproportionality leaving disparities without any oversight or correction.

For example, in Pennsylvania, a minority group of students needed to be disciplined at more than four times the rate as white students for at least three years to be determined to have disproportionality. Yet to fulfill the same statutory requirement, Louisiana used a ratio of only two and a singular year of data (as opposed to a ratio of four and three years of data in Pennsylvania). Therefore, no schools in Pennsylvania were required to use the set aside funds for early intervening services while 86 of 111 school districts in Louisiana had to use the funds to address disparities. The 2004 reauthorization of IDEA sought to address disproportionality, but without a consistent way to determine which districts have significant disproportionality, the bipartisan intent of Congress to address these educational disparities remains unfulfilled. As you know, implementation of this regulation has been paused to account for the new administration's transition; however we expect you to quickly resume implementation of this long-overdue rule to ensure meaningful IDEA compliance that fulfills the bipartisan intent of Congress to provide students with disabilities a free, appropriate public education without discrimination.

Exclusionary discipline practices and disproportionate identification of minority students for special education continue to be significant concerns. Although steps are being taken in schools to lower exclusionary discipline rates, we encourage the Department of Education to maintain the guidance and regulations developed by the previous administration to address these concerns. Additionally, we urge you to provide meaningful technical assistance to states in an effort to reduce use of exclusionary discipline practices, as required by section 1111(g) of ESSA. Without sufficient oversight and consistent

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<sup>21</sup> <http://www.gao.gov/assets/660/652437.pdf>

reporting, these practices will go unchecked and are likely to increase over time. Reduction of both exclusionary discipline and disproportionate identification and discipline are critical to ensuring students are provided a high-quality, equitable education.

### **Higher Education**

We are also very concerned with the lack of support for low-income students and students of color shown by the President's FY18 budget proposal. Although the budget maintains funding for Historically Black Colleges and Universities (HBCUs), the blueprint lacks details on federal investments to other Minority Serving Institutions (MSIs) including Predominantly Black Institutions (PBIs). Additionally, the proposal cuts funding to many programs that provide resources to these institutions and the students and families these institutions support such as the Pell Grant program, campus-based financial aid, and student support programs.

The proposed budget eliminates nearly \$4 billion of the Pell funding appropriated by Congress and reserved to improve the program and keep it in good financial standing for future generations. This rescission disproportionately affects the African-American community as three out of five black undergraduate students receive Pell Grants. Without this funding, Congress cannot make needed improvements to the program such as improvements to increase the maximum award, index the award to inflation, and reinstate Summer Pell.

The budget also calls for drastic cuts to campus-based aid through elimination of the Federal Supplemental Educational Opportunity Grant (FSEOG) and significant reductions to Federal Work-Study (FWS). These programs allow institutions to target additional federal dollars to students with the greatest need. The President's budget states that FSEOG is a less targeted method than the Pell Grant program to deliver need-based aid. However, the data show that students who receive FSEOG have income levels comparable to Pell recipients. In fact, more than three in four dependent undergraduate FSEOG recipients come from families that earn an annual income of less than \$30,000 and one in four independent students receiving this grant earn less than \$20,000. In award year 2016-17, HBCUs received \$33.4 million of FSEOG dollars to provide 55,000 students with aid and \$43.7 million in FWS dollars. Eliminating or reducing these programs will decrease students' average awards and leave them with less money to pay for college.

The President's budget also reduces funding to important student support programs, specifically Federal TRIO Programs (TRIO) and Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), by \$193 million. TRIO and GEAR UP provide critical outreach and student services to low-income and first-generation middle and high school students to prepare them for post-secondary education. TRIO programs also provide adults wanting to enroll in college with needed resources. Despite the important role both programs play in improving access to college for historically underserved students, the President's budget calls for 10 and 33 percent cuts to TRIO and GEAR UP, respectively. In Fiscal Year 2016, the most recent year for which data is available, HBCUs received nearly \$42 million through TRIO and currently have two GEAR UP grants worth \$6.4 million. Reducing funding to these programs would not only hurt HBCUs, but would also weaken the educational pipeline to college for the African-American community, the larger minority community, and the institutions that serve as engines of social mobility for these students, including other MSIs and PBIs.

If the Administration truly supports HBCUs and the communities they serve, it must provide robust investment and a strong federal commitment to grant aid and wrap around services designed to get minority students in and through college.

We thank you for your attention to issues impacting disadvantaged students and await your commitment to engage with the CBC and concerned members of Congress on the above-articulated priorities and



concerns in an effort to ensure that the Department of Education continues to play a meaningful role in protecting and promoting the civil rights of America's students.

Sincerely,



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ROBERT C. "BOBBY" SCOTT  
Ranking Member  
House Committee on Education  
& the Workforce



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CEDRIC RICHMOND  
Chairman  
Congressional Black Caucus