

Civil Rights Principles for the Reauthorization of the Higher Education Act



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The Higher Education Act was first passed in 1965, during the height of the civil rights movement, in response to demands from low-income communities and communities of color that the federal government do more to open the doors to higher education and enable students to attain the education and degrees they knew would mean economic, social, and political opportunity in the United States. While some challenges remain the same, new challenges have arisen in the 50 years since the law was first passed. The fundamental desire of communities, however, and the obligation of the federal government to assist, remain the same. It is in this spirit that we offer the following principles that must be included in a reauthorization of the Higher Education Act if we're going to strengthen and build a higher education system that provides equitable access to and success in a high-quality postsecondary education for all students, especially for those students who have historically experienced and continue to experience barriers to success in higher education.

To fulfill the civil rights promise and intent of the Higher Education Act, any reauthorization must:

- 1. Ensure robust **implementation and enforcement of civil rights laws** across all postsecondary institutions that accept federal funds and ensure federal funds only go towards institutions that do not discriminate based on race, color, national origin (including religion, language, ethnic characteristics, and immigration status), sex (including pregnancy status, family status, sexual orientation, and gender identity), disability, or age.*
- 2. **Remove barriers to enrollment** and promote meaningful access for historically marginalized students (including students of color, Native students, low-income students, English learners, students with disabilities, adult learners, pregnant and parenting students, opportunity youth, immigrant students, LGBTQ students, homeless students, youth in or exiting foster care, currently incarcerated individuals and individuals who have had prior contact with the justice system), including by providing for quality educator preparation so that students are prepared for success after K-12, and address barriers in access to a post-secondary education caused by historic and present-day race-based exclusionary policies and practices.*
- 3. **Increase student persistence in and completion of** a quality, racially equitable postsecondary education, such that students who enroll will have meaningful access to all aspects of student life and the support they need to succeed. Increase culturally competent wrap around support services such as academic advising, counseling, mental health services, and child and family care services.*
- 4. Make college **affordable** for low-income students and ensure that federal student aid takes into account the totality of a family's economic circumstances and full college cost, which may include child care, transportation, and housing, and prioritize investments in grant aid first to reduce the disparate student loan debt burden placed on low-income students, first-generation students, women, and students of color.*
- 5. Provide for the collection and reporting of higher education **data** that is disaggregated, cross-tabulated, and broadly available without personally identifiable information and ensure that students and*

families have meaningful access to figures about programmatic quality, affordability, student borrowing, attendance costs, measures of student success, campus safety and climate, and investigations of the institution regarding fraudulent, abusive, and deceptive practices.

*6. Design **accountability systems** to ensure students receive value from their higher education, and not in a way that limits opportunity for or disincentivizes enrollment of low-income students or other students who might face greater barriers to degree completion. Create incentives to improve institutional quality by requiring that a majority of federal financial aid is spent on instruction and student supports and provide additional resources to non-profit and public institutions that serve large shares of low-income and historically marginalized students and that are actively working to provide the supports necessary to improve student outcomes. Ensure accountability is differentiated and takes into account an institution's history, mission, and resources.*

*7. Exclude **for-profit colleges**, including covert for-profit colleges masquerading as non-profit, from federal financial aid programs unless they have demonstrated their value to students through increased student earnings and they rely, at least partially, on non-federal sources of funding.*

*8. Protect **student loan borrowers** from abusive and fraudulent practices and exploitation in the federal and private student loan servicing and debt collection markets and provide access to accurate and complete information about their loans, access to affordable repayment options, access to administrative loan discharges, and access to legal remedies if they need further relief.*

*9. Ensure **safe and inclusive campus climates** free of harassment and violence, including sexual harassment, gender-based harassment and violence, and other forms of harassment and violence based on race, national origin, religion, disability, or any combination thereof, and ensure that campus programs, policies, and practices are inclusive, equitable, fair, and advance the safety and well-being of all students.*

*10. Invest in and support **institutions that serve high populations of traditionally underrepresented students**, including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Predominantly Black Institutions (PBIs), Tribal Colleges and Universities (TCUs), Alaska Native and Native Hawaiian-serving Institutions (ANNHIs), Native American-serving Nontribal Institutions (NASNTIs), and Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs).*

Signers of these principles as of April 26, 2018:

The Leadership Conference Education Fund
The Leadership Conference on Civil and Human Rights
AFSCME
American Association of University Women (AAUW)
American Federation of Teachers
American-Arab Anti-Discrimination Committee
The Arc of the United States

Association of University Centers on Disabilities (AUCD)
Autism Society
Autistic Self Advocacy Network
Center for Law and Social Policy (CLASP)
Center for Responsible Lending
Children's Defense Fund
Clearinghouse on Women's Issues
Council of Parent Attorneys and Advocates
Disability Rights Education & Defense Fund
Education Law Center - PA
The Education Trust
Feminist Majority Foundation
GLSEN
Hispanic Federation
Human Rights Campaign
Institute for Higher Education Policy
Judge David L. Bazelon Center for Mental Health Law
Lambda Legal
Lawyers' Committee for Civil Rights Under Law
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Association of Councils on Developmental Disabilities
National Bar Association
National Center for Learning Disabilities
National Center for Lesbian Rights
National Center for Transgender Equality
National Consumer Law Center (on behalf of its low-income clients)
National Disability Rights Network
National Education Association
National Indian Education Association
National Urban League
National Women's Law Center
People For the American Way
Poverty & Race Research Action Council
Southeast Asia Resource Action Center
Southern Poverty Law Center
TASH
The Institute for College Access & Success
UnidosUS, formerly NCLR
Young Invincibles
YWCA USA