

# Examining Equal Access to Post-Secondary Education in Illinois



A Report of the  
Illinois Advisory Committee to the  
U.S. Commission on Civil Rights

November 2022

## **Advisory Committees to the U.S. Commission on Civil Rights**

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states, the District of Columbia, and the five U.S. territories. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. They are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

**Illinois Advisory Committee to the  
U.S. Commission on Civil Rights**

The Illinois Advisory Committee to the U.S. Commission on Civil Rights (Committee) submits this report regarding access to post-secondary education. The Committee submits this report as part of its responsibility to study and report on civil rights issues in the state. The contents of this report are primarily based on testimony the Committee heard during public meetings held via videoconference on February 22, 2022; March 22, 2022; and May 31, 2022. The Committee also includes related testimony submitted in writing during the relevant period of public comment.

This report begins with a brief background of the issues to be considered by the Committee. It then presents primary findings as they emerged from this testimony, as well as recommendations for addressing areas of civil rights concerns. This report is intended to focus on civil rights concerns regarding access to post-secondary education. Specifically, the Committee sought to examine barriers to access and to determine if current federal civil rights protections are sufficient to ensuring access to post-secondary education. While additional important topics may have surfaced throughout the Committee’s inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion.

**Illinois Advisory Committee to the  
U.S. Commission on Civil Rights**

Ryan Dunigan, *Chair*, Chicago

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## **Overview**

On April 13, 2021, the Illinois Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) adopted a proposal to undertake a broad study of access to post-secondary education. The focus of the Committee's inquiry was to examine which factors impact access to post-secondary education and which protected communities are most affected in Illinois. Additionally, the Committee sought to consider the efficacy of current accountability and compliance structures; the role such measures may play in ensuring equal protection of the laws; and work to identify "gaps" or continued areas of concern where additional accountability structures or protections may be warranted.

As part of this inquiry the Committee heard testimony via web conference held on February 22, 2022; March 22, 2022; and May 31, 2022.<sup>1</sup> The following report results from a review of testimony provided at these meetings, combined with written testimony submitted during this timeframe. It begins with a brief background of the issues to be considered by the Committee. It then identifies primary findings as they emerged from this testimony. Finally, it makes recommendations for addressing related civil rights concerns. This report focuses on barriers to access to post-secondary education and an examination of federal and state laws that safeguard equal access to post-secondary education. While other important topics may have surfaced throughout the Committee's inquiry, matters that are outside the scope of this specific civil rights mandate are left for another discussion. This report and the recommendations included within it were adopted by a majority of the Committee on October 13, 2022.<sup>2</sup>

## **Background**

Ensuring access to post-secondary education in Illinois for all persons who have the desire to participate is of fundamental importance to the future economic prosperity of the state of Illinois and the country. The Illinois Board of Higher Education (IBHE) estimates that by the year 2025, 60 percent of the jobs in the state will require a high-quality degree or certificate.<sup>3</sup> As a result, the state set a goal to have 60 percent of the working population equipped with such degrees by that time.<sup>4</sup> In its fiscal year 2018 report on underrepresented groups in post-secondary institutions, IBHE identified the largest gap, or shortfall, to achieve this goal was in African American and Latinx populations.<sup>5</sup> In fiscal year 2018, only 30.7 percent of African Americans and 20.4 percent

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<sup>1</sup> Meeting records and transcripts are available in the Appendix.

Briefing before the Illinois Advisory Committee to the U.S. Commission on Civil Rights, February 22, 2022, (web-based), Transcript (hereinafter cited as "*2/22/22 Web Hearing*"); Briefing before the Illinois Advisory Committee to the U.S. Commission on Civil Rights, March 22, 2022, (web-based), Transcript (hereinafter cited as "*3/22/22 Web Hearing*"); Briefing before the Illinois Advisory Committee to the U.S. Commission on Civil Rights, May 31, 2022, (web-based), Transcript (hereinafter cited as "*5/31/22 Web Hearing*").

<sup>2</sup> See Appendix F for Committee Member Statements.

<sup>3</sup> Illinois Board of Higher Education, *Underrepresented Groups in Illinois Higher Education, 2018 Annual Report*, p. 6, available at [https://www.ibhe.org/pdf/URG%20Final-Nov\\_%202019.pdf](https://www.ibhe.org/pdf/URG%20Final-Nov_%202019.pdf).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

of Latinx individuals had attained at least an associate's degree.<sup>6</sup> This is compared to 50.3 percent of white and 73.2 percent of Asian Americans.<sup>7</sup>

Higher levels of academic achievement are correlated with higher lifetime earnings. Yet data show that significant disparities in levels of academic achievement and earnings exist between persons based on gender, race, and ethnicity.<sup>8</sup>

The Committee was concerned about whether Illinois students face challenges in their secondary and post-secondary educational attainment due to being a member of a class protected under federal law. The Committee, therefore, proposed to examine whether current federal civil rights protections sufficiently address concerns regarding equal access to post-secondary educational opportunities. The Committee anticipated that its study would include, inter alia, issues of proper academic preparation, access to reasonable disability accommodations, remediation practices, and affordability.

The Committee proposed this study under the authority of the following federal civil rights protections:

- Title VI of the Civil Rights Act of 1964<sup>9</sup> makes it illegal to discriminate based on race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance;
- Title IX of the Education Amendments of 1972,<sup>10</sup> as amended, which prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1972,<sup>11</sup> as amended, which prohibits discrimination on the basis of disability; and
- Title II of the Americans with Disabilities Act of 1990,<sup>12</sup> which prohibits discrimination on the basis of disability.

The Committee also acknowledges that a great deal of federal and state funding is dedicated to post-secondary education. The following programs are of particular interest:

- Federal Pell Grants – This grant is need-based and can help undergraduate students pay for any educational expenses, such as tuition, fees, room and board, and/or living expenses.<sup>13</sup> The maximum award ranges based on appropriations decided by Congress. Students need to submit the Free Application for Federal Student Aid (FAFSA) to be considered for the Federal Pell Grant.

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<sup>6</sup> Ibid., p. 11.

<sup>7</sup> Ibid.

<sup>8</sup> C. Tamborini, et al., Education and Lifetime Earnings in the United States. *Demography* 52: 1383-1407 (2015).

<sup>9</sup> 42 U.S.C. § 2000, 34 C.F.R. pt. 100.

<sup>10</sup> 20 U.S.C. §§ 1681 et seq., 34 C.F.R. pt. 106.

<sup>11</sup> 29 U.S.C. § 794, 34 C.F.R. pt. 104.

<sup>12</sup> 42 U.S.C. §§ 12131 et seq., 28 C.F.R. pt. 35.

<sup>13</sup> 20 U.S.C. § 1070a.

- Monetary Award Program (MAP) – This state-run financial aid program is administered by the Illinois Student Assistance Commission. It provides taxpayer-funded grants to qualified Illinois residents who attend community colleges or public or private universities in the state and do not need to be repaid.<sup>14</sup> The number of grants made through this program, as well as the annual award amount, are subject to sufficient annual appropriations set forth by the General Assembly and the Governor.<sup>15</sup> Colleges use the MAP formula to determine eligibility. The formula distributes the appropriated funds so that the neediest students receive grant assistance.

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<sup>14</sup> Illinois Student Assistance Commission, “Monetary Award Program,” *available at* “Monehttps://www.isac.org/students/during-college/types-of-financial-aid/grants/monetary-award-program/.

<sup>15</sup> Ibid.

## **Findings**

In keeping with their duty to inform the Commission of (1) matters related to discrimination or a denial of equal protection of the laws, and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,<sup>16</sup> the Illinois Advisory Committee submits the following findings to the Commission regarding equal access to post-secondary education. This report seeks to highlight the most salient civil-rights themes as they emerged from the Committee's inquiry. The complete meeting transcripts and written testimony received are included in Appendix A for further reference.

### **Finding I: Affordability, unequivocally, remains a primary barrier for many students to accessing post-secondary education and disproportionately impacts low-income and Black and Latinx students.**

Testimony indicated that affordability remains a primary barrier for many students to accessing post-secondary education. Several speakers shared that many students had to make a challenging decision between continuing their education and working. Juan Salgado, Chancellor at City Colleges of Chicago, stated that 64 percent of students at his institutions experienced difficulty meeting their basic food and housing needs and that finances are the top concern for City Colleges students who started but did not return to school.<sup>17</sup> Mr. Salgado explained that his institutions have tried to address this issue by holding the line on tuition, using federal resources to eliminate student account balances, launching debt forgiveness programs, offering short term credential programs at no cost, and offering a full tuition and book scholarship.<sup>18</sup>

Lisa Richmond, Executive Director of The Partnership for College Completion, noted that affordability is an issue for students because of the “precipitous decline in investment in higher education” since the 2000s.<sup>19</sup> She stated that inflation adjusted appropriations for universities and community colleges have declined from around \$1.5 billion to around \$850 million.<sup>20</sup> She argued that because of this prolonged disinvestment, public universities charge higher prices for tuition.<sup>21</sup> Such a reality is concerning especially for a state with the second highest prices in the country for students from low income households attending less resourced universities.<sup>22</sup> For instance, students whose families make less than \$30,000 a year will pay \$13,000 to go to a non-Research I university in Illinois compared with a student attending a comparable university in Indiana who would pay roughly \$6,000, or \$8,000 at a comparable university in Wisconsin.<sup>23</sup> As a result of the high cost of tuition, public universities have seen the greatest enrollment declines between 2008 and 2018.<sup>24</sup>

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<sup>16</sup> 45 C.F.R. § 703.2 (2018).

<sup>17</sup> Salgado Testimony, 2/22/22 *Web Hearing*, p. 6.

<sup>18</sup> Salgado Testimony, 2/22/22 *Web Hearing*, p. 6; Juan Salgado, Presentation before the Illinois Advisory Committee on February 22, 2022, slide p. 5.

<sup>19</sup> Castillo-Richmond Testimony, 5/31/22 *Web Hearing*, pp. 5-6.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> The testimony did not address whether any factors other than appropriations contributed to the cost of tuition.

<sup>24</sup> Castillo-Richmond Testimony, 5/31/22 *Web Hearing*, p. 6.

Wil Del Pilar, Vice President of Higher Education Policy and Practice at Education Trust, argues that the decline in enrollment at higher education institutions in Illinois is of concern because the state has shifted its focus to recruiting more full-pay students who are usually international students. He believes that the recruitment strategies of many universities are different for Black and Latinx students who are more likely to be low income.<sup>25</sup> He argues that the demographics of public universities should look like the state, especially since they are taking state tax dollars from Black residents who pay taxes the same way other Illinois residents pay taxes.<sup>26</sup>

Additionally, speakers identified racial disparities in the affordability of higher education.<sup>27</sup> According to the National Center on Education Statistics, in 2018, public universities cost the average Black Illinoisan roughly 55 percent of their annual income and 47 percent of the average income of a Latinx Illinoisan, 41 percent of the average income of Asian American Illinoisans, compared to 33 percent for the average white Illinoisan.<sup>28</sup> Dr. Orphe Divounguy, Chief Economist for the Illinois Policy Institute, explained how this is of particular concern to Black first generation college students, as only 32.2 percent of 18-22 year old students whose parents did not go to college end up going to college, well below the average for this group.<sup>29</sup> Further, Dr. Divounguy discussed how more than half of Black or Latinx students in Illinois receive a MAP grant but that spending on MAP grants as a share of state spending has decreased since 2000 even though tuition at public universities was five times higher than it was 10 years ago.<sup>30</sup>

#### *Completing FAFSA*

Speakers emphasized that students need assistance with completing Free Application for Federal Student Aid (FAFSA) applications and applying as early as possible to ensure that they have access to those funds before they run out.<sup>31</sup>

#### *Addressing Affordability Needs of Undocumented Students*

Because undocumented students do not qualify for federal loans due to their citizenship status, panelists stated that there are efforts to ensure undocumented students can access postsecondary education with some financial assistance. Mr. Salgado stated that they offer the Star Scholarship, which is available to any student in Chicago with at least a B grade average.<sup>32</sup> Many undocumented students have applied and were awarded the scholarship which covers two years of college completely at no cost. City Colleges of Chicago also has the Star Plus Scholarship which offers full tuition scholarships.<sup>33</sup>

Since 2018, Chicago Public Schools developed systems of support to provide holistic services to undocumented students that provide postsecondary advising, scholarship funds, mental health,

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<sup>25</sup> Del Pilar Testimony, 5/31/22 Web Hearing, p. 20.

<sup>26</sup> Ibid.

<sup>27</sup> Castillo-Richmond Testimony, 5/31/22 Web Hearing, pp. 5-6; Divounguy Testimony, 2/22/22 Web Hearing, p. 4.

<sup>28</sup> National Center for Education Statistics, National Postsecondary Student Aid Study, 2018; Note: Data on Asian Americans is nuanced as there are some ethnic groups that have larger income disparities.

<sup>29</sup> Divounguy Testimony, 2/22/22 Web Hearing, pp. 3-4.

<sup>30</sup> Divounguy Testimony, 2/22/22 Web Hearing, p. 4; Dr. Orphe Divounguy Presentation before the Illinois Advisory Committee on February 22, 2022, slides 5-9.

<sup>31</sup> Nagaoka Testimony, 3/22/22 Web Hearing, pp. 12-13; Mahony Testimony, 2/22/22 Web Hearing, p. 10.

<sup>32</sup> Salgado Testimony, 2/22/22 Web Hearing, p. 21.

<sup>33</sup> Ibid.



legal and tax assistance, and much more.<sup>34</sup> Additionally, SIU raised money with their donors to support undocumented students who could not get access to CARES Act funding which had specific restrictions on how the money can be spent.<sup>35</sup>

In addition to institution-led changes to ensure access, there have also been state efforts to increase access for undocumented students, especially those who need financial assistance. Dr. Carmen Ayala, State Superintendent at the Illinois Board of Education, stated that one of the things that Illinois has also done to expand financial aid eligibility for Illinois students is create the Illinois Alternative Application for financial aid.<sup>36</sup> The application allows undocumented students and other students such as transgender students who cannot fully or accurately complete the FASFA to access state aid, like the MAP grants.<sup>37</sup> She added that completing either the FASFA or the Illinois alternative is now a graduation requirement for high school to ensure students apply early.<sup>38</sup>

Dr. Miguel Saucedo, Director of Postsecondary Strategic Interventions at Chicago Public Schools, stated that from 2003 to 2018, Illinois has seen the passage of laws that have helped immigrant students, some who are undocumented, access higher education like in-state tuition, mandated training for high school counselors, and lifting the ban on professional licenses.<sup>39</sup>

### *Suggested Legislative Solutions*

As it relates to legislative solutions, speakers called for an increase in funding of Pell Grants and MAP grants,<sup>40</sup> as these grants are critically important for students' ability to afford college and limit or eliminate the need for debt that compromises students' future economic wellbeing. Lisa Richmond advocated for expanding Pell Grants because more students will be impacted due to the increased cost of attendance, and the purchasing power of Pell Grants has declined to where it now covers less than one third the cost of attending a four-year institution.<sup>41</sup>

Mr. Del Pilar added that states should invest in a "completion fund" to support students to graduation.<sup>42</sup> He noted that students often do not have the necessary supports to be able to reach graduation.<sup>43</sup> He also advocated for the creation of an equity-focused funding formula that provides additional resources to institutions that enroll and graduate higher numbers of students of color.<sup>44</sup>

Speakers provided recommendations for increasing access to post-secondary education for undocumented students. Dr. Heidi Truax, Executive Director for the Office of School Counseling

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<sup>34</sup> Saucedo Testimony, 3/22/22 Web Hearing, p. 20.

<sup>35</sup> Mahony Testimony, 2/22/22 Web Hearing, p. 22.

<sup>36</sup> Ayala Testimony, 2/22/22 Web Hearing, p. 21.

<sup>37</sup> See Low-Income Transgender Students Face Systematic Barriers in Applying for Federal Aid, available at: <https://www.newamerica.org/education-policy/edcentral/low-income-transgender-students-face-systematic-barriers-applying-federal-aid/#:~:text=The%20FAFSA%20currently%20does%20not,they%20were%20assigned%20at%20birth.>

<sup>38</sup> Ayala Testimony, 2/22/22 Web Hearing, p. 21.

<sup>39</sup> Saucedo Testimony, 3/22/22 Web Hearing, p. 20.

<sup>40</sup> Del Pilar Testimony, 5/31/22 Web Hearing, p. 18; Castillo-Richmond Testimony, 5/31/22 Web Hearing, p. 8.

<sup>41</sup> Castillo-Richmond Testimony, 5/31/22 Web Hearing, p. 8.

<sup>42</sup> Del Pilar Testimony, 5/31/22 Web Hearing, p. 18.

<sup>43</sup> Ibid.

<sup>44</sup> Del Pilar Testimony, 5/31/22 Web Hearing, p. 18.

and Postsecondary Advising at Chicago Public Schools, testified to creating more financial aid opportunities for undocumented students that include the expansion of FAFSA to include undocumented students, expansion of federal Deferred Action for Childhood Arrivals (DACA) program to include new applicants as it only allows currently enrolled recipients to get work permits, and creation of an emergency fund that helps pay for DACA applications (\$495) as the cost to apply is a barrier for many eligible individuals and families.<sup>45</sup> The DACA program has not allowed new persons to qualify for DACA since 2017.<sup>46</sup> As a result, children from other countries who were brought to the United States as minors since 2007 are unable to lawfully work or access most financial aid to pay for college after graduating from high school. According to the U.S. Immigration and Customs Service, over 80 percent of DACA recipients are from Central and South America.<sup>47</sup> Thus, the termination of new enrollments in the DACA program disproportionately affects the ability of Latinx students to access post-secondary education.

Young persons who were accepted into the DACA program before new enrollments ceased are eligible to renew their DACA status every two years, but the \$495 cost of renewal is often prohibitive. In addition, DACA recipients continue to be ineligible for most financial aid, making college unaffordable.

Dr. Saucedo noted that other states have demonstrated their support for undocumented students by creating resource centers and having a designated staff member. He suggested that Illinois should take a step further and provide enough funding for robust wraparound services and staff working with students in post-secondary education.<sup>48</sup>

**Finding II: Religious accommodation remains a challenge for some students, especially those pursuing specific disciplines, which may impact access to and completion of post-secondary education.**

Even though Illinois passed the University Religious Observance Act<sup>49</sup>, which requires public institutions of higher education to have a policy that reasonably accommodates individual students' religious observances and there are federal protections within Title VII of the Civil Rights Act<sup>50</sup>, there are still gaps that prevent students attending private institutions from being able to fully observe religious holidays. Rabbi Shlomo Soroka, Director of Government Affairs at Agudath Israel of Illinois, testified that the University Religious Observance Act has broad language and "could infringe upon the freedoms of a religious institution to maintain its character and integrity."<sup>51</sup> He argues that lawmakers could pass legislation that is narrow in scope by

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<sup>45</sup> Truax Testimony, 3/22/22 Web Hearing, p. 22.

<sup>46</sup> USCIS, Frequently Asked Questions, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions#:~:text=DACA%20is%20an%20exercise%20of,to%20Terminate%2C%20at%20DHS's%20discretion.>

<sup>47</sup> USCIS, Active DACA Recipients: Country of Birth (2017), [https://www.uscis.gov/sites/default/files/document/data/daca\\_population\\_data.pdf](https://www.uscis.gov/sites/default/files/document/data/daca_population_data.pdf).

<sup>48</sup> Saucedo Testimony, 3/22/22 Web Hearing, p. 30.

<sup>49</sup> 110 ILL. COMP. STAT. ANN. 110/1 (amended 2012).

<sup>50</sup> 42 U.S.C §§ 2000d et seq.

<sup>51</sup> Soroka Testimony, 3/22/22 Web Hearing, p. 3.

specifically addressing the issue of taking exams and attendance when in conflict with religious observance.<sup>52</sup>

There are specific concerns, namely within licensing programs requiring significant clinical activities, such as nursing programs, which are structured, college-supervised learning experiences. Clinicals are not classified either as a school assignment or employment and do not fall under Title VII or employment laws, which leaves out many students who observe religious holidays. For example, a clinical may occur during the Jewish Sabbath, or on Sundays, and students may find it challenging to find alternative dates to make up for those missed hours. While instructors are required to make these accommodations, there is still a lack of knowledge regarding how students observe certain holidays and an awareness on how to honor these accommodations.<sup>53</sup>

Based on these examples, there is concern that the lack of accommodation and cultural sensitivity deters students from entering into specific fields when they do not accommodate religious ways of life and may even prevent them from fully completing the required coursework.<sup>54</sup>

**Finding III: Remedial course work is viewed as a barrier to access and college completion for many low-income and minority students. This is of concern because Black and Latinx students are overly placed in remedial courses which exacerbates racial inequities in higher education.**

Testimony indicated that college readiness continues to be an issue for many students. Nearly half of Illinois community college students (45 percent) are placed in at least one remedial course, with institutions disproportionately placing Black and Latinx students in these courses. Ms. Castillo-Richmond stated that very few students who begin in remedial education will graduate, which has severe implications for racial equity. Based on an examination of a 2014 cohort of community college students done by the Illinois Community College Board, 6 of the 71 Black students enrolled in a developmental education will graduate college. For Hispanic students in the same cohort, 10 of the 62 will graduate while 11 of 42 of their white counterparts will graduate.<sup>55</sup>

It was also noted that remedial coursework is a barrier to students persisting in college and graduating on time because it costs time and money but does not earn students credit toward their degree.<sup>56</sup> Additionally, these courses are not covered by financial aid, which creates a financial barrier for low-income students seeking to make strides toward college completion.<sup>57</sup>

While the state recently passed the Developmental Education Reform Act in 2021<sup>58</sup>, a law that requires community colleges to use certain measures – like high school grade point average, completion of various courses or standardized test scores – to determine a student's placement in

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<sup>52</sup> Ibid., pp. 3-4.

<sup>53</sup> Ibid., p. 4.

<sup>54</sup> Ibid., p. 8.

<sup>55</sup> Castillo-Richmond Testimony, *5/31/22 Web Hearing*, p. 6; Lisa Castillo-Richmond presentation before the Illinois Advisory Committee on May 31, 2022, slide 14.

<sup>56</sup> Ayala Testimony, *2/22/22 Web Hearing*, pp. 15-6.

<sup>57</sup> Ibid.

<sup>58</sup> 110 ILL. COMP. STAT. 175 (2021).

introductory college-level courses, it is unclear if all community colleges use grade point average to determine a student's placement in such courses. According to Dr. Truax, if community colleges choose to use GPA, specifically with a 3.0 GPA as the cutoff mark for CPS students, an additional 17 percent of those students are immediately placed in and can take college classes.<sup>59</sup> Additionally, this would allow for more student groups to qualify for college courses: 60 percent more of Black students would qualify for college credit bearing coursework and 46 percent of Latinx students would qualify.<sup>60</sup> For diverse learner and English language learner populations, groups who struggle with standardized tests due to the nature of how it is set up, using GPA would allow a 236 percent increase in their ability to take college courses and for English language learners a 11 percent increase.<sup>61</sup>

More than one speaker testified that dual credit and co-requisite courses were more effective and less costly than remedial courses.<sup>62</sup>

As for state efforts, Dr. Ayala noted that as part of Illinois Postsecondary and Workforce Readiness Act<sup>63</sup>, transitional math and English courses have been established as partnerships between high schools and institutions of higher education. Successful completion of these courses in high school result in direct placement into credit-bearing courses at all community colleges and certain Illinois universities without additional testing. All schools are required to offer transitional math courses, while transitional English is currently in the pilot phase.<sup>64</sup>

#### **Finding IV: Some for-profit colleges deploy predatory practices and target low-income, Black, and Brown students.**

Discussion regarding access to post-secondary education included the mention of for-profit colleges and their use of predatory practices. Dan Mahony, President of Southern Illinois University, noted that African American students are “disproportionately involved at for-profit colleges, where they end up usually cumulating more debt,” which “cost[s] them more over their lives.” For-profit colleges represent the smallest sector of higher education, but still enroll tens of thousands of students in Illinois.<sup>65</sup> One study found that Black and Latinx students are more likely to borrow money to pay for college.<sup>66</sup> Due to the intergenerational ways that wealth reproduces itself, Black and Latinx borrowers take on student debt at a rate that far outpaces their white peers: over 90 percent of Black students and 72 percent of Latinx students who complete four-year programs borrow to attend college in comparison to 66 percent of white students.<sup>67</sup> Ms. Castillo-Richmond added that while for-profits serve less than 8 percent of Illinois students, they account for 1.7 times more in defaulted loan amounts than all public and private non-profit colleges

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<sup>59</sup> Truax Testimony, *3/22/22 Web Hearing*, p. 21.

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*, pp. 21-2.

<sup>62</sup> Mahony Testimony, *2/22/22 Web Hearing*, pp. 11-2 ; Williams Testimony, *3/22/22 Web Hearing*, pp. 27-8.

<sup>63</sup> 110 ILL. COMP. STAT. 148 (2016).

<sup>64</sup> Ayala Testimony, *2/22/22 Web Hearing*, pp. 15-6.

<sup>65</sup> Castillo-Richmond Testimony, *5/31/22 Web Hearing*, p. 6.

<sup>66</sup> Aissa Canchola & Seth Frotman, The Significant Impact of Student Debt on Communities of Color, Consumer Fin. Prot. Bureau (Sept. 15, 2016), <https://www.consumerfinance.gov/about-us/blog/significantimpact-student-debt-communities-color/>.

<sup>67</sup> *Ibid.*

combined.<sup>68</sup> For-profit colleges also generate nearly all fraud claims and reports of failing or near failing programs.<sup>69</sup>

In addition, these borrowers are also more likely to struggle in repayment. Twenty years after starting college, the median white borrower has paid down nearly 95 percent of their original balance while the median Black borrower still owes nearly 95 percent of their original balance.<sup>70</sup> These figures are concerning because for-profit colleges target students who have the least ability to afford higher education and charge them more than any other type of college, despite little evidence on increased earnings and employment prospects compared to less costly alternatives<sup>71</sup> What is also of concern is that Black and Latinx communities are far more likely to be surrounded by for-profit institutions. Student debt continues to rise which has devastating ripple effects across the economy and communities.<sup>72</sup> Yet, the Federal Reserve Bank have found that Black and Latinx borrowers disproportionately bear the brunt of the student debt crisis<sup>73</sup> and face systemic barriers with regard to every aspect of the borrowing and repayment of student loans.<sup>74</sup> According to a study by Student Borrower Protection Center “density of for-profit programs across Chicago is striking, however the prevalence of for-profit colleges in neighborhoods with the densest proportion of Black and Latinx residents makes the observation even more stark.”<sup>75</sup> In comparison with more densely white communities in Chicago, only have three for-profit colleges, the most densely Latinx and Black communities have 33 and 28 for-profit colleges, respectively.

**Finding V: Legacy admission practices reinforce long standing economic, social, and educational disparities between white students, and Black and Brown students.**

Legacy status is a consideration that is used in the admissions process at over 350 schools, including several in Illinois, and which disproportionately gives preferences to student applicants whose family member is an alumnus of the college or university which they are applying.<sup>76</sup> The beneficiaries of legacy preferences are overwhelmingly white and wealthy while high performing

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<sup>68</sup> Castillo-Richmond Testimony, *5/31/22 Web Hearing*, p. 7.

<sup>69</sup> Ibid.

<sup>70</sup> Jen Mishory et al., The Century Fund., *How Student Debt and the Racial Wealth Gap Reinforce Each Other*, (Sept. 9, 2019), <https://tcf.org/content/report/bridging-progressive-policydebates-student-debt-racial-wealth-gap-reinforce/>.

<sup>71</sup> Student Borrower Protection Center, *Mapping Exploitation: Examining For-Profit Colleges as Financial Predators in Communities of Color*, July 2021, <https://protectborrowers.org/wp-content/uploads/2021/07/SBPC-Mapping-Exploitation-Report.pdf>.

<sup>72</sup> Ibid.

<sup>73</sup> Email from John C. Williams, President, Fed. Rsvr. Bank of N.Y., to Sen. Corey Booker (Sept. 24, 2019), (available at <https://www.scribd.com/document/428472893/Booker-Requested-Report-from-NY-FedDetailing-Racial-Disparities-Student-Loan-Debt>).

<sup>74</sup> Susan Tompor, Black Women Bear Largest Burden in Student Debt Crisis, Detroit Free Press (Oct. 10, 2019), <https://www.freep.com/in-depth/money/personal-finance/susan-tompor/2019/10/10/student-debt-crisis-us-black-women/2233035001/>.

<sup>75</sup> Student Borrower Protection Center, *Mapping Exploitation: Examining For-Profit Colleges as Financial Predators in Communities of Color*, July 2021, p. 19, <https://protectborrowers.org/wp-content/uploads/2021/07/SBPC-Mapping-Exploitation-Report.pdf>.

<sup>76</sup> Alex Seeskin, “Op-Ed: It’s time to end legacy admissions at elite schools like the University of Chicago,” *Chicago Tribune*, Feb. 10, 2022, available at: <https://www.chicagotribune.com/opinion/commentary/ct-opinion-universities-legacy-admissions-institutional-racism-20220210-fxotbq23jbhsrmyu3xmtcuq4gi-story.html>.

students coming from non-white, wealthy backgrounds are less likely to be accepted at universities that use legacy status as a factor when weighing admissions.<sup>77</sup> According to a 2011 study by the *Economics of Education Review*, children of alumni from 30 top colleges had a 45 percent greater chance of admission. The acceptance rate for legacies at Stanford University is estimated to be three times higher than the acceptance rate for the overall pool.<sup>78</sup> While universities purportedly use legacy admissions with the aim to increase donations from alumni, there is mixed evidence that this practice has significant impact on alumni donations.<sup>79</sup> Conversely the argument that legacy admissions cross-subsidize financial aid for lower-income students because the former are more likely to draw on full-pay students is a factor that is difficult to quantify.<sup>80</sup>

What is notable is that when students compete for limited spots at top universities that use legacy status, more legacy students are likely to be accepted than Black and Latinx students combined. At selective colleges that have always been disproportionately white and Asian, legacy status acts as another institutionalized barrier for Black and Latinx students, who are less likely to have parents with undergraduate degrees than white and Asian students.<sup>81</sup> Disparities are also evident according to socioeconomic status in addition to race and ethnicity. Alex Seeskin, Director of the To & Through Project at the University of Chicago, argues that Chicago universities should stop this practice altogether because the problem is that very few low-income students attend selective colleges, and this creates a less equitable environment for students to compete.<sup>82</sup> Students with parents from the top one percent of income distribution are more than 75 times more likely to gain access to Ivy League colleges than students from the bottom 20 percent.<sup>83</sup>

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<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Chad Coffman, Tara O’Neil, And Brian Starr; *Affirmative Action For The Rich; An Empirical Analysis Of The Impact Of Legacy Preferences On Alumni Giving At Top Universities*; 101-121; Chapter 5, Book; Publisher The Century Foundation Press; Richard D. Kahlenberg (Editor) March 12, 2012; Noting counter argument that elite colleges argue that the increased alumni support comes not directly but through private foundations (established by alumni) or corporate donations influenced by alumni. See *Legacy Preferences Unfer Fire*, Available at: [https://www.mindingthecampus.org/2013/09/22/legacy\\_preferences\\_under\\_fire](https://www.mindingthecampus.org/2013/09/22/legacy_preferences_under_fire).

<sup>80</sup> Max Larkin and Mayowa Aina, “Legacy Admissions Offer An Advantage — And Not Just At Schools Like Harvard,” *NPR*, Nov. 4, 2018, available at <https://www.npr.org/2018/11/04/663629750/legacy-admissions-offer-an-advantage-and-not-just-at-schools-like-harvard>.

<sup>81</sup> Ibid.

<sup>82</sup> Alex Seeskin, “Op-Ed: It’s time to end legacy admissions at elite schools like the University of Chicago,” *Chicago Tribune*, Feb. 10, 2022, available at <https://www.chicagotribune.com/opinion/commentary/ct-opinion-universities-legacy-admissions-institutional-racism-20220210-fxotbq23jbhsrcmyu3xmtcuq4gi-story.html>.

<sup>83</sup> Ibid.

## **Recommendations**

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws, and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.<sup>84</sup> In keeping with these responsibilities, and given the testimony heard on this topic, the Committee submits the following recommendations to the Commission:

1. The U.S. Commission on Civil Rights should:
  - a. Conduct a nationwide study regarding affordability of post-secondary education and its impact on protected student categories.
2. The U.S. Commission on Civil Rights should issue the following report and recommendation to the U.S. Congress:
  - a. Pass legislation to increase funding for the Pell Grant and other forms of federal financial aid.
  - b. Pass legislation to invest in evidence-based programs to improve retention and completion among low-income students, those attending community colleges, and minority-serving institutions.
  - c. Pass legislation to make greater investments in college preparation programs, such as greater college and career counselling.
  - d. Pass legislation to support undocumented students in accessing post-secondary education, including financial aid.
3. The U.S. Commission on Civil Rights should issue the following report and recommendations to the Illinois Legislature:
  - a. Extend religious accommodation requirements to cover private colleges to the extent permitted by law to ensure students are able to take exams and make up attendance when in conflict with religious observance.
  - b. Pass legislation to fully fund the Monetary Award Program grants to cover all tuition and fees for all eligible Illinois students.
  - c. Continue studying equity-based funding formulas for colleges.
  - d. Pass legislation to ensure funding for counselling, pathways, and dual enrollment in pre-K through 12th grade.
4. The U.S. Commission on Civil Rights should issue the following recommendation to the Illinois State Board of Education:

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<sup>84</sup> 45 C.F.R. § 703.2 (2018).

- a. Ensure that higher education institutions collect and report data that documents efforts to equitably market to and recruit, enroll, and serve the different state populations, as covered by the civil rights statute.
- b. Require that higher education institutions implement accurate placement practices at universities, such as scaling co-requisite support models, so that all students have an equal opportunity to access post-secondary education.

***Considerations for Colleges and Universities:***

Universities should review their legacy status practices that result in inequitable student admissions, especially those who were previously underrepresented or historically excluded from these universities.



## **Appendix**

Materials can be found here: <https://tinyurl.com/2022Illinois>

- A. Hearing materials
  - a. Web Hearing Transcript
    - i. February 22, 2022
    - ii. March 22, 2022
    - iii. May 31, 2022
  - b. Web Hearing Agenda and Presentation Slides
    - i. February 22, 2022
    - ii. March 22, 2022
    - iii. May 31, 2022
- B. Written Testimony
  - a. Rabbi Shlomo Soroka, Director of Government Affairs, Agudath Israel of Illinois
- C. Additional Resources & Supporting Documents
  - a. Developmental Education and Corequisite Remediation: Evidence and Implications, Report Submitted by Lisa Castillo Richmond at the Partnership for College
  - b. Adequacy at 2-year and 4-year Institutions, Presentation Submitted by Wil Del Pilar, The Education Trust

**Illinois Advisory Committee to the  
United States Commission on Civil Rights**



**U. S. Commission on Civil Rights Contact**

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*This report is the work of the Illinois Advisory Committee to the U.S. Commission on Civil Rights. The report, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.*