

Congress of the United States
Washington, DC 20515

May 2, 2017

The Honorable Betsy DeVos
Secretary
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-8510

Dear Secretary DeVos:

We write to ask you to help the tens of thousands of low-income, first-generation students who will lose access to critical college preparation services without your immediate intervention. Per our conversations with critical stakeholders, the Department of Education (Department) has denied five percent of Upward Bound applications due to minor formatting concerns – such as spacing, font, and format of the file uploaded – and hundreds of other applicants for minor errors that have no bearing on the substance found in the 65 pages submitted by each applicant. As Secretary, you have the authority to reconsider the applications wholly excluded from the Upward Bound award competition (Federal Register, 81 FR 71492). Thus, we ask that you allow the institutions excluded for minor errors the opportunity to compete based on the merit of their applications with the second slate of appealing applicants and that you withhold sufficient funds for this second slate to cover the increased applications. Past Secretaries have exercised similar discretion when problems with grant competitions arose, including with the 2012 Upward Bound competition. Further, we ask that you revise the Department's grant parameters to ensure that the federal grant-making process has the appropriate flexibility and focus on the substance of an application. Finally, we ask that you review the TRIO grant competitions in the past five years and reinstate the experience points in future grant competitions to institutions denied these benefits by exclusion from consideration due to minor application errors.

Many of the cases brought to us highlight just how small the formatting errors were in the applications. For example, one applicant was denied solely because the title of a chart was 1.5 spaced rather than double spaced. In some cases, the errors were so minor that the applicants could not even identify the problem. Other applications included minor errors (e.g., inconsistent budget numbers) or narrowly exceeded the time deadline due to institutional technical problems. By refusing to consider these applications for non-substantive reasons, the Department jeopardizes higher educational attainment for thousands of low-income, at-risk youth and weakens the institutions affected, institutions that play vital roles in the communities we serve. Many of these institutions have demonstrated histories of excellence with Upward Bound, helping tens of thousands of students with SAT/ACT preparation, college applications, securing financial aid for college, tutoring, and more.

Abject refusal to consider applications with minor errors rather than providing an opportunity for remedy or subtracting a small number of points for such non-substantive mistakes suggests that

the Department's priorities are misaligned with its mission. By equating the quality of an application with non-substantive factors, the Department's policy inflicts long-term and profound damage on our institutions and communities currently operating Upward Bound programs. In addition to denying important federal resources that support low-income students in college preparation, re-applicants will be seriously disadvantaged in future competitions given that they lose substantial prior experience points.

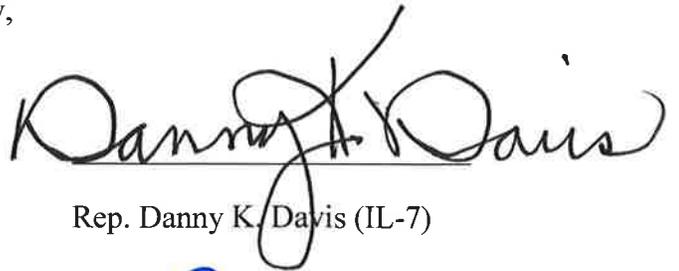
We understand that numerous colleges and agencies currently operate programs under grants that expire on May 31, 2017. We urge the Department to publish a first slate of successful Upward Bound grantees by May 15, 2017. However, 34 C.F.R. Sec. 645.35(c)(1) requires the Secretary to limit the funds awarded in this slate in order to have funds available for institutions and agencies that are successful in the appeals process outlined in the aforementioned regulation. Therefore, in addition to the funds normally held back, we urge you to use your authority as Secretary to hold back an additional \$20,000,000 to fund applications initially-rejected for minor errors as well as appellants.

The competitiveness of our nation is directly tied to the quality of our children's education. Excluding students from these critical opportunities solely due to the minutia of the application process rather than to substance is inconsistent with the spirit of the TRIO statute and the mission of the Department. Given the timeliness of this matter and the tremendous negative impact that the loss of a federal grant has on students and institutions, we urge you to exercise your statutory authority to reconsider these harmful rejections immediately. A quality education is a fundamental key to success in life, and we hope the Department recognizes its important role in ensuring our children have the best educational opportunities available to them. We appreciate your promptness in addressing this matter and respectfully request a response prior to the Department's release of the first round of awards.

Respectfully,



Rep. Warren Davidson (OH-8)



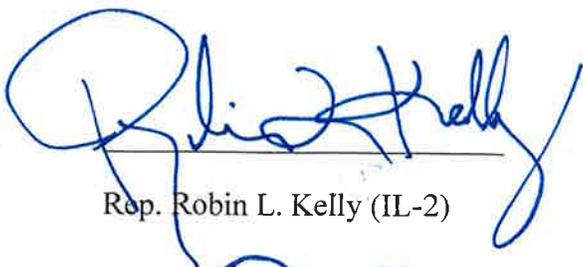
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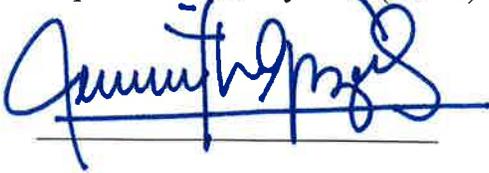
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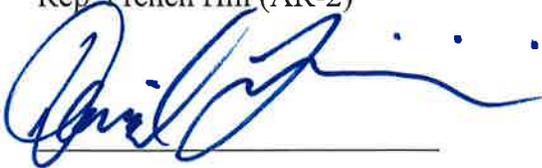
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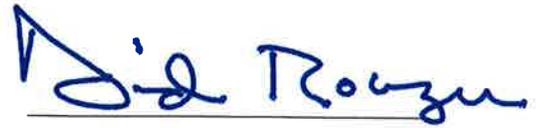
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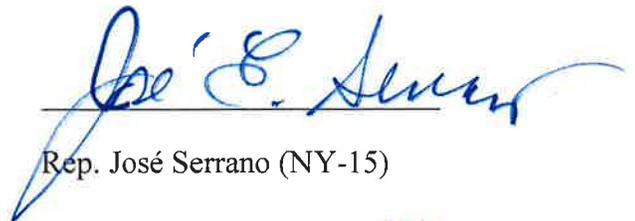
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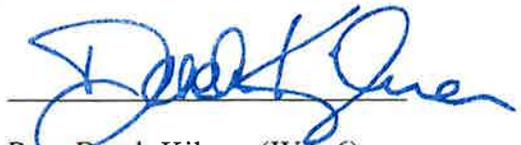
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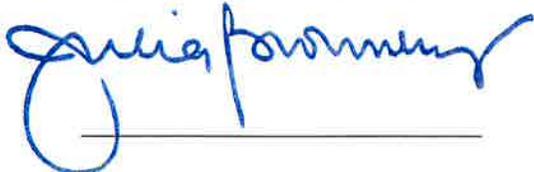


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