

United States Senate

WASHINGTON, DC 20510

April 21, 2021

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

Dear Secretary Cardona:

I write today to urge you to work with Illinois Attorney General Kwame Raoul to provide prompt federal student loan debt relief to approximately 3,600 Illinois students who were defrauded by Westwood College.

In 2012, then-Attorney General Madigan filed suit against Westwood College for using deceptive marketing to lure students into its criminal justice programs in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act. According to evidence compiled by Attorney General Madigan, Westwood deceived Illinois students about the costs and accreditation of its criminal justice program and their prospects for employment upon completing the program. Westwood led Illinois students to believe that its criminal justice program was highly respected by employers and a sure ticket to a job in law enforcement. Unfortunately, when they graduated, students found out that Illinois law enforcement agencies did not recognize their Westwood education, leaving them with tens of thousands of dollars in student debt and no job.

Illinois' suit and underlying evidence make clear that Westwood's deceptive practices give rise to a cause of action under Illinois law, thereby qualifying approximately 3,600 Westwood criminal justice students in Illinois to federal student loan relief under the borrower defense provision of the Higher Education Act and applicable regulations.

On December 9, 2016, I wrote to then-Secretary John King to urge him to work with Illinois to provide relief to Westwood students covered by Attorney General Madigan's evidence.¹ Attorney General Madigan asked the Department to provide borrower defense discharges of the relevant loans in this case and provided the underlying evidence in November 2016. Current Attorney General Kwame Raoul resubmitted Illinois' claim on June 3, 2019.

Unfortunately, the Obama Administration did not act on Illinois' Westwood claim prior to leaving office. But, the Obama Administration did establish a precedent for approving group claims submitted by State attorneys general—providing complete relief to students who attended American Career Institute in Massachusetts without requiring individual applications, as

¹ Durbin, Richard, U.S. Senator. Letter to U.S. Department of Education Secretary John King. Dec. 9, 2016. <https://www.durbin.senate.gov/imo/media/doc/Westwood%20relief%202012.9.16.pdf>

announced on January 13, 2017.² At the time, then-Undersecretary Ted Mitchell wrote to me that the Department had initiated a review of the Westwood evidence and would continue its work with respect to Westwood, but that there was not enough time to act before the end of the Obama Administration.³

As you know, Secretary Betsy DeVos and President Donald Trump were no friends of defrauded students—doing everything they could (legally and illegally) to deny these students the relief to which they are entitled under federal law. As such, the Department’s efforts as they relate to Illinois’ Westwood group claim went nowhere over the past four years. Given the clear evidence of fraud and violations of state law in the Department’s possession, the progress that the Obama Administration had made on this claim prior to leaving office, and the intervening four years of the Trump Administration whereby these defrauded borrowers were cast aside, I urge you to immediately take up this case. Working with Attorney General Raoul to approve prompt, automatic, group relief for these Westwood borrowers would show a clear commitment to the rights of defrauded borrowers.

Thank you for your consideration and your work to provide relief to students defrauded by Westwood and other for-profit colleges.

Sincerely,



Richard J. Durbin
United States Senator

cc: The Honorable Kwame Raoul, Illinois Attorney General

² U.S. Department of Education, “American Career Institute Borrowers to Receive Automatic Group Relief for Federal Student Loans” Jan. 13, 2017. <https://www.ed.gov/news/press-releases/american-career-institute-borrowers-receive-automatic-group-relief-federal-student-loans>

³ Mitchell, Ted, Under Secretary of the U.S. Department of Education. Letter to U.S. Senator Richard J. Durbin. Jan. 18, 2017. <https://www.durbin.senate.gov/imo/media/doc/Westwood%201.18.17.pdf>