



## **Filed Electronically**

October 13, 2025

Hon. Linda McMahon  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

### **COMMENTS REGARDING IPEDS “ADMISSIONS AND CONSUMER TRANSPARENCY SUPPLEMENT” (ACTS) SURVEY COMPONENT**

Defending Education is a national, nonprofit membership association. Its members include many parents with school-aged children in K-12 and higher education. Launched in 2021, it uses advocacy, disclosure, investigation, and litigation to combat the increasing politicization and indoctrination of K-12 and postsecondary education. It has a substantial interest in the civil rights of American college applicants in order to guarantee a high-quality, value-neutral education for every American college student. We write to share comments on the proposed IPEDS “Admissions and Consumer Transparency Supplement” (ACTS) survey component. This additional component is welcome news. Greater transparency in postsecondary admissions and scholarship administration is an essential first step to ensure that these institutions of higher education follow the law, respect the civil rights of applicants, and treat all students with the dignity they deserve.

Per the 2023 IPEDS data, the average acceptance rate of all four year colleges in the United States was 58.4%.<sup>1</sup> Further, only about 100 colleges accept fewer than 30% of their applicants according to US News & World Report.<sup>2</sup> Within the college admissions industry, selectivity is generally accepted to be broken into brackets from “Moderately Selective” to “Most Selective.” We recommend the Department of Education require “Extremely Selective” (acceptance rate below 35%) and “Most Selective” (acceptance rate below 15%) institutions receiving funds via Title IV of the Higher Education Act to complete the ACTS survey for their admissions practices. Unlike their less selective peers, these colleges inherently have a higher risk of non-compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, national origin, or ethnicity in any

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<sup>1</sup> U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Admissions component provisional data (fall 2023).

<https://nces.ed.gov/ipeds/trendgenerator/app/answer/10/102?f=1%3D1%7C2%7C3>

<sup>2</sup> US News and World Report. *Top 100 - Lowest Acceptance Rate*. <https://www.usnews.com/best-colleges/rankings/lowest-acceptance-rate>

federally funded education program. The sheer number of applications these schools receive—many of them, tens of thousands or more—lead to slim margins between admissions and denials. While these institutions are only a small minority of four-year colleges in the United States, their slim margins have led to many of the worst instances of Title VI discrimination in admissions decisions. By requiring the ACTS survey for these schools with acceptance rates below 35% the worst actors will receive needed oversight and the vast majority of schools will see no impact on their existing administrative workload.

Discrimination in scholarship administration, however, is not limited to particularly selective colleges. Defending Education’s own report lists many clear Title VI violations in scholarship administration from colleges across the selectivity spectrum. Colleges ranging from Sacramento State (93.6% acceptance rate) to University of Colorado Denver (75.6% acceptance rate) to University of California Berkeley (11.17% acceptance rate) have each given out scholarships in clear violation of Title VI.<sup>3</sup> These institutions have shown that they are unwilling to or incapable of following federal law on their own and that more guardrails are needed. We would recommend any college receiving funds via Title IV of the Higher Education Act complete the ACTS survey for their scholarship administration to ensure compliance with applicable civil rights law.

Defending Education strongly supports the decision to increase transparency in admissions and scholarship administration. We, our members, and the American taxpayers deserve to know how public funding is being expended in order to ensure that institutions of higher education are fair in their processes and operations.

Respectfully submitted,

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President and Founder  
Defending Education

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<sup>3</sup> Defending Education. 2025. *UNIVERSITY: Diversity, Equity, and Inclusion Scholarships*. April 24, 2025. <https://defendinged.org/investigations/university-diversity-equity-and-inclusion-scholarships/>