

# **Eliminating the S.A.T. I and Creating a Non-Discriminatory Admissions Policy**

*Report to the Regents of  
the University of California*

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By:

The Coalition to Defend Affirmative Action  
and Integration and Fight for Equality  
By Any Means Necessary (BAMN)

[www.bamn.com](http://www.bamn.com)  
[contact\\_bamn@uclink.berkeley.edu](mailto:contact_bamn@uclink.berkeley.edu)

## Our Great Challenge

In 1989, the California Legislature's Joint Committee for Review of The Master Plan for Higher Education, after observing California's sharply rising minority population and the severe educational and economic disadvantage of underrepresented minorities, wrote:

Any mapping of these developments, when joined to the statistics on illiteracy, unemployment and underemployment, would show an unsupportable future for California, one of *de facto* educational, economic and social apartheid. Entire communities—growing in numbers, families, the need for resources and employment—are currently excluded from the educational tools with which they can contribute to their and the state's future. The current numbers indicate an emerging social catastrophe, one of an ever-widening gap between communities who are well-educated, employed, wealthy and comfortable, and other communities who are undereducated, unemployed or underemployed, excluded, and alienated.<sup>1</sup>

The University of California continues to be the determining factor in whether this state moves forward toward greater opportunity for all or continues to slide backward toward increasing segregation and inequality. California is undergoing dynamic, rapid demographic changes that foreshadow changes for the nation. Between 1997 and 2001, the number of Latinas/os graduating from California high schools rose 26.6% (82,015 to 103,795).<sup>2</sup> Latina/o, black, Asian American, and Native American people, who now comprise a majority of California, will increasingly shape and define the character of this state. The struggle to realize the promise of *Brown vs. Board of Education* in California, to overcome the segregation and inequality of our state's educational system, is the key to our state's future.

The UC system faces the challenge of providing equal educational opportunity to a rapidly growing and increasingly diverse state. When the UC Regents banned affirmative action in 1995, they created a gigantic obstacle, preventing the UC system from rising to this challenge. The lack of affirmative action has opened the floodgates to discrimination and racism in the state and in particular in the admissions process of the UC system, leaving the SAT and other biases in the UC admissions process to discriminate freely. As a result, the UC system has been unable to keep pace with the increasing demands for educational equality for Latina/o, black, Native American, and other underrepresented minority people.

While the UC admissions numbers released in spring 2002 represent gains in underrepresented minority student enrollment from the previous year, they are insufficient, and by no means did they mean the post-Proposition 209 problems of inequality and discrimination were solved. An example of the glaring inequality that has been fostered by the attacks on affirmative action and integration in the UC system is the fact that the total number of underrepresented minority students admitted into the UC

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<sup>1</sup> Introduction to *California Faces... California's Future: Education for Citizenship in a Multicultural Democracy*, Joint Committee for Review of the Master Plan for Higher Education, March 1989. <http://sunsite.berkeley.edu:2020/dynaweb/teiproj/uchist/cahighered/masterplan1989/>

<sup>2</sup> Data taken from California Department of Education's DataQuest: <http://data1.cde.ca.gov/dataquest/>

system for this fall's incoming freshman class was only 19.1 percent.<sup>3</sup> While this was an increase from the previous year, the number of underrepresented minority students graduating from high school in California in 2000 was 39.9 percent of all graduates.<sup>4</sup> Latina/o, black, and Native American students graduating from high school in California continue to be underrepresented in the most "selective" schools and tracked into the "least selective" schools of the UC system.<sup>5</sup> The UC system continues to be a segregated institution that does not reflect the increasing diversity of our state. If discrimination remains in the admissions process, and the number of applications continues to rise, the "less-selective" campuses will become increasingly selective and reproduce the same tendencies demonstrated on the "most-selective" campuses of admitting fewer underrepresented minority students. As California becomes increasingly majority-minority, the contradiction between the makeup of the UC system, especially of its flagship schools, and the makeup of the state will become increasingly sharp. In order to provide the equal educational opportunity necessary to a truly democratic society, the UC system must eliminate the discrimination within its own admissions policy. Central to this goal is the elimination of the SAT I admissions requirement.

In response to the attacks on affirmative action and the subsequent severe drops in underrepresented minority student enrollment, a new civil rights movement of students, faculty, and community took a stand calling on the UC Regents to reverse the ban on affirmative action in the UC system and its consequences. As a result of this struggle, the Regents unanimously reversed this ban on May 16, 2001. The Regents declared they were "restoring the welcome mat" for underrepresented minority students. This victory, and the February 18, 2001 recommendation by UC President Richard Atkinson to eliminate the SAT I admissions requirement, presented the University of California with a historic challenge *and* opportunity—to create an admissions process that does not discriminate against underrepresented minority students and enables the UC system to reflect and serve the diversity of California. These events, taken as a whole, represent a change in the political climate in the state of California and a turn away from the increasing segregation and inequality of our state.

## **The Charade of the "New SAT" and the Shameful Role of BOARS**

The makers of the SAT, the College Board/ETS, have taken fright at the changing political climate in California and the possibility of losing the SAT. In the hopes of maintaining this test, they have decided to perpetrate a fraud on the American public. This fraud is the "new SAT." We agree with the assessment of the National Center for Fair and Open Testing (FairTest) that the College Board/ETS's proposed revisions for the "new" SAT I are "cosmetic," ignore the bias and discrimination of the current SAT I, and may in fact actually lead to *more* bias against Latino, black, Native American, English-

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<sup>3</sup> "University of California Freshman Admits from California – By Campus – Fall 1997 through 2002," UC Office of the President. [http://www.ucop.edu/news/factsheets/2002/admissions\\_campus.pdf](http://www.ucop.edu/news/factsheets/2002/admissions_campus.pdf)

<sup>4</sup> Refer to Appendix B, taken from "Admissions Briefing Paper: Underrepresented Minority Admissions at UC after SP-1 and Proposition 209: Trends, Issues and Options," page 10.

<sup>5</sup> For a graphic representation of this trend, refer to Appendix C, *ibid*, page 11.

as-a-Second-Language, and other underrepresented minority groups.<sup>6</sup> The College Board/ETS consistently makes discriminatory tests and cannot be relied upon to make anything else. The College Board/ETS is trying to pass this test off to the American public as something “new” and “better” in the hopes of saving it from its demise. This is a cynical charade and must be rejected.

The Board of Admissions and Relations with Schools (BOARS), the leading admissions committee in the UC system, is now trying to help the College Board perpetrate this fraud on faculty and students in the UC system.

BOARS has set very low standards for improvement and has made quite clear in its most recent report that they would be prepared to accept another SAT I that retains the bias of the current SAT I. The proposal of the “new SAT” is a plan for continued segregation in the UC system and represents a full retreat from the aim of “restoring the welcome mat” for California’s underrepresented minority population. BOARS want us to buy into this sham. They would like to believe that if the College Board/ETS dresses up the SAT I with some cosmetic changes that the people of America will not notice it is the same discriminatory test. But the victims of this discrimination will notice it. They will notice because the adoption of the new SAT would *reinstitutionalize* racism and bias in UC admissions. The stratification and segregation of the UC system would deepen, and underrepresented minority enrollment would continue to not reflect this state’s increasing diversity. Latina/o and black communities would continue to see the UC system as hostile to their interests.

UC President Richard Atkinson, in voicing support for the “new SAT” in public, appears to be going along with this deception. A new racist SAT is not what students, faculty and community across the state of California fought for when they demanded that the Regents reverse the ban on affirmative action in the UC System. The new civil rights movement that wrested this victory from the hands of the Regents demands full integration and equality, not more discriminatory tests.

BOARS also shamelessly proposes maintaining the current SAT I for several more years, even though the UC system’s own study shows that the SAT I measures next to nothing in college admissions.<sup>7</sup> BOARS knows that the only thing the SAT is competent in doing is discriminating. They cannot be relied upon to make admissions policy. For BOARS racism is acceptable, for BAMN it is not. If the College Board/ETS cannot make non-discriminatory admissions, and be held accountable for their record of failure, then they should be fired—not pandered to.

If the UC Regents maintain the SAT I, or adopt the fraudulent “new SAT,” they will have made no step forward in remedying the segregation caused by their admissions process, rendering their declaration one year ago of “restoring the welcome mat” to the UC system a lie. The Regents must summarily reject any admissions proposal that continues to discriminate by maintaining the current SAT I or by substituting the fraudulent “new SAT.”

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<sup>6</sup> Refer to Appendix D, FairTest press release. [http://www.fairtest.org/pr/New\\_SAT\\_Release.html](http://www.fairtest.org/pr/New_SAT_Release.html).

<sup>7</sup> Saul Geiser and Roger Studley, UC Office of the President, “UC and the SAT: Predictive Validity and Differential Impact of the SAT I and SAT II at the University of California.” [http://www.ucop.edu/sas/research/researchandplanning/pdf/sat\\_study.pdf](http://www.ucop.edu/sas/research/researchandplanning/pdf/sat_study.pdf)

## **Creating a Non-Discriminatory Admissions Policy**

This past year has seen a fruitful, valuable discussion among UC students and faculty on the future role of the SAT in UC admissions and how to create a non-discriminatory admissions policy. Over 13,000 people have signed a petition demanding the immediate elimination of the SAT I and an increase in underrepresented minority student enrollment. Hundreds attended educational series organized by BAMN at which students, faculty, and leading experts in the field discussed the negative impact of the SAT and standardized testing on college admissions and on education in general. It is clear that students and faculty want admissions that do not discriminate against underrepresented minority students.<sup>8</sup> The introduction of the “new SAT” does *not* reflect the character of this discussion. Adopting the “new SAT” would shut the door on the discussions of students and faculty, allow discrimination in the UC to flourish unchecked, and as a result encourage a confrontation with students and faculty.

Admissions decisions cannot be handed over to the College Board/ETS and to a BOARS wedded to past policies of discrimination. The Regents can utilize the knowledge of hundreds of academics and experts who are actually concerned with increasing opportunity for underrepresented minority students, who with their abundant expertise could begin to create a non-discriminatory admissions process. Besides this, they can look to the successful examples of 391 colleges and universities, including large public colleges, who now admit a substantial number of students without regard to test scores.<sup>9</sup>

For example, at the University of Texas (UT), where the 1996 *Hopwood* ruling resulted in the end of affirmative action and large drops in Latino and black admissions, state legislators appointed an advisory commission of Texas faculty to look into revising Texas’ college admissions processes to increase underrepresented minority enrollment. This commission made a set of recommendations, the main proposal being a policy enacted in 1998 where UT admitted the top 10 percent of each Texas high school, no matter what their SAT scores were. This measure has substantially increased the enrollment of underrepresented minorities, as well as of rural, low-income white students. At the same time, the University of Texas provided expanded support services to aid students who needed aid in making the transition to college, especially those who came from disadvantaged schools. As a result of this new admissions policy, the academic performance of new students at the University of Texas improved over previous years, when all admissions were based on the SAT.<sup>10</sup>

The issue of “portability,” or of the ability of UC applicants’ scores to convert into SAT and ACT scores across the country, is a diversion from the real question. The question at hand is whether the UC system, as the largest and most influential public university system in the nation, is prepared to eliminate the SAT I, biased and academically unsound, and create an admissions policy that does not discriminate. As the UC system goes, so goes the nation. The SAT I only became a truly national, portable

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<sup>8</sup> Also refer to Appendix E, “UC Faculty

<sup>9</sup> For listing of colleges, refer to Fairtest: <http://www.fairtest.org/univ/optional.htm>

<sup>10</sup> For a case study on the University of Texas, refer to Appendix F, excerpt from “Test Scores Do Not Equal Merit: Enhancing Equity & Excellence in College Admissions by Deemphasizing SAT and ACT Results,” FairTest. <ftp://ftp.fairtest.org/optrept.pdf>

exam when the *UC system* adopted it in 1968. If the UC System were to eliminate the SAT, the monopoly of the SAT in university admissions across the country would end. By taking the leading role in demonstrating how to develop a non-discriminatory admissions policy in one of this country's first majority-minority states, the UC system would be setting an example that the other colleges and universities across the nation would soon follow.

## **Eliminate the S.A.T.**

In the Jim Crow South, there was no explicit law barring black people from their right to vote. Instead, one of several devices used by white southern segregationists to disenfranchise black people was a citizenship examination, a test to ostensibly measure people's fitness for voting. This ensured that black people and a large number of poor white people did not have real access to democracy. Today, the SAT also acts to hypocritically deny black, Latino, Native American, and other underrepresented groups their democratic right to education. The SAT maintains segregation and stands as a present-day obstacle to the realization of *Brown vs. Board of Education*.

In today's California, retaining the SAT I has the appearance of an attempt to protect white skin privilege from a growing majority minority population. In a state where inequality is already severe, this poses an untenable future for California.

The UC Regents have the possibility of rising to this state's greatest challenge. The elimination of the SAT I is both desirable and completely possible. The Regents need only have the will to do it. In doing so, the Regents can reverse the post-Proposition 209 resegregation of the UC system and ensure that black, Latino, and Native American students have equal access to all of UC's campuses. The UC system can set an example of openness and equality of opportunity for the nation. By eliminating the SAT I and adopting new admissions criteria that allow faculty and admissions officers to acknowledge the tremendous potential, talents, and accomplishments of California's minority youth that the SAT does not measure, the UC system can become the most dynamic, integrated educational system in the nation. This is how the UC Regents can truly "restore the welcome mat" to black, Latino, Native American students in this state. This is how California can take a step towards realizing the promise of *Brown vs. Board of Education*. The UC Regents must prove that their "restore the welcome mat" talk was not mere empty words. They must not stand in the way of students and faculty, and must endorse a nondiscriminatory admissions policy. The segregation of the UC system must end now.

## APPENDIX A

### California SAT Scores by Ethnicity and Gender (2000)

California Department of Education  
Office of Policy and Evaluation

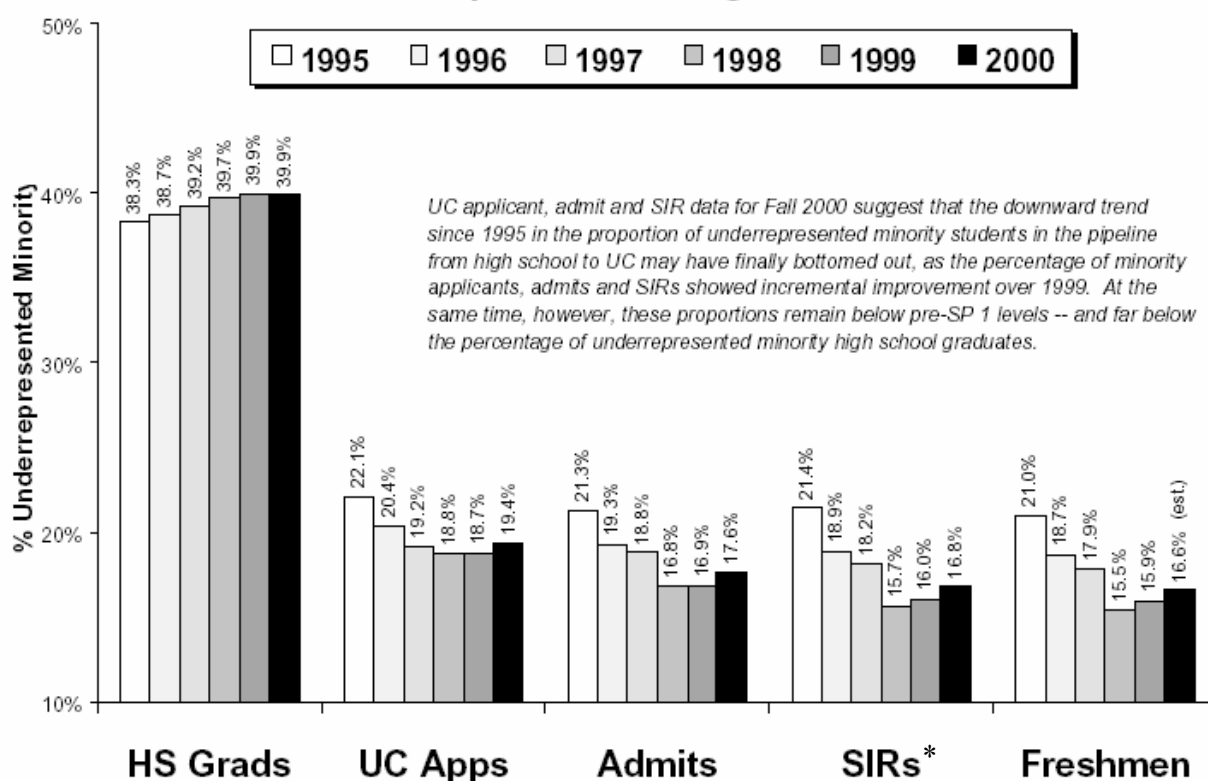
#### 2000 SAT (Re-centered) Report Statewide Report

	<b>Ethnic Group</b>					
	Total	American Indian	Asian	Hispanic or Latino	African American	White
<b>Grade 12 Enrollment</b>	357,789	3,349	50,521	121,450	27,523	153,439
<b>SAT Test</b>						
Test Takers-Number	131,047	885	27,728	24,650	7,718	45,560
Test Takers-Percent	36.6	26.4	54.9	20.3	28	29.7
Average Verbal Score	492	485	490	436	431	531
Average Math Score	516	489	554	450	428	543
Average Total Score	<b>1,008</b>	<b>974</b>	<b>1,044</b>	<b>886</b>	<b>859</b>	<b>1,075</b>
# Scoring Above 1000	68,366	421	15,862	6,719	1,785	30,381
	<b>Gender</b>					
	Total	Male	Female			
<b>Grade 12 Enrollment</b>	357,789	179,884	177,905			
<b>SAT Test</b>						
Test Takers-Number	131,047	58,246	72,801			
Test Takers-Percent	36.6	32.4	40.9			
Average Verbal Score	492	498	487			
Average Math Score	516	538	499			
Average Total Score	1,008	1,036	986			
# Scoring Above 1000	68,366	33,504	34,862			

## APPENDIX B

Taken from “Admissions Briefing Paper: Underrepresented Minority Admissions at UC after SP-1 and Proposition 209: Trends, Issues and Options,” page 10.

### Proportion of Underrepresented Minority Students in the Pipeline from High School to UC

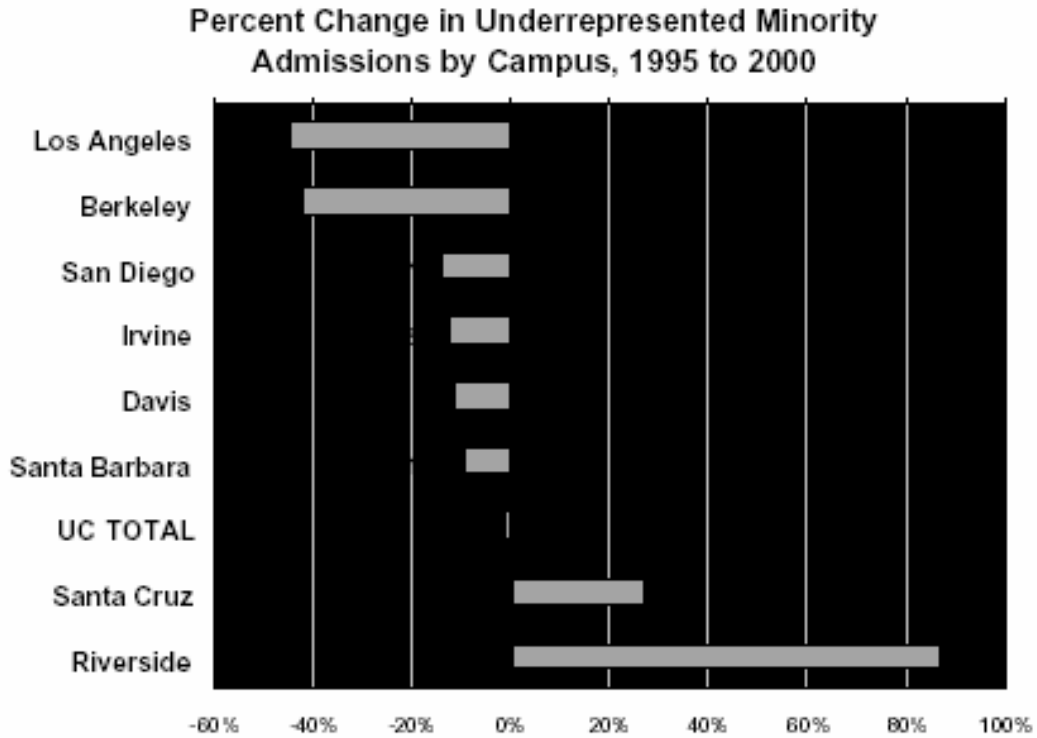


Source: California Department of Education data on CA public high school graduates; UC Corporate Student System data on CA resident applicants from public and private high schools. “Underrepresented minority” includes African American, American Indian, Chicano and Latino. Full data on UC applications, admissions and enrollments from 1995 to 2000, including campus-by-campus breakdowns, are provided in Appendix A.

\* SIRs = Statements of Intent to Register

## APPENDIX C

Taken from "Admissions Briefing Paper: Underrepresented Minority Admissions at UC after SP-1 and Proposition 209: Trends, Issues and Options," page 11.



## APPENDIX D

# FairTest

*Press Release*

for further information: Bob Schaeffer (941) 395-6773  
June 27 & 28 (212) 265-7400  
or Christina Perez (617) 864-4810

**for use after 2:30pm Thursday, June 27, Empire Hotel NYC News Briefing**

## **SAT REPACKAGING FAILS TO ADDRESS FUNDAMENTAL FLAWS, MAY INCREASE EXAM'S BIAS AND COACHABILITY; FAIRTEST AND ALLIES URGE MORE COLLEGES TO DROP TEST SCORE REQUIREMENTS, STOP SAT MISUSE**

Revisions to the SAT announced today are "a desperate attempt by the College Board to preserve the market for its much criticized admissions test," according to the nation's leading critics of standardized exam misuse.

Speaking at a news briefing following the College Board announcement, Bob Schaeffer, Public Education Director of the National Center for Fair & Open Testing (FairTest), charged, "None of these minor changes address the SAT's fundamental flaws such as the test's inaccuracy, bias and susceptibility to coaching. Nor has the College Board acted to crack down on widespread misuses of the SAT, such as requiring minimum scores for admissions or scholarships. This cosmetic repackaging is simply designed to sell more of their flagship product!"

Addition of a brief essay section -- part of a "Writing Test" consisting largely of multiple-choice, copy-editing questions -- may increase the SAT's bias against students whose first language is not English, explained the Puerto Rican Legal Defense Fund (PRLDF). In a written statement, PRLDF staff attorney Sandra Del Valle said, "Drafting several short paragraphs in a few minutes in a testing center is not a fair measure of how well someone can compose a thoughtful, coherent essay in college. The time pressure will make this a particularly unfair test for students who need to translate from their mother tongue to English."

"The only certain result from the 'new SAT' is increased profits for the test-coaching industry, including the College Board," added Bill Wetzel, founder of Students Against Testing. "These SAT revisions might be a great marketing strategy, but the test is still a terrible educational tool."

"The failure of the College Board to deal with the SAT's real problems should encourage more schools to drop test score requirements for admissions," FairTest's Schaeffer concluded. Nearly four hundred four-year colleges already do not require many of their applicants to submit test scores prior to admissions, according to FairTest.

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- additional information about the "new SAT" is available at <http://www.fairtest.org>

## APPENDIX E

# UC Professors Call for Immediate Elimination of SAT and Increase in Underrepresented Minority Student Enrollment

## Students: Please show this Faculty Declaration to your professors.

The elimination of affirmative action in the University of California has been a tragic mistake. Recognizing and attempting to correct this mistake, the University of California regents voted unanimously to reverse the ban on affirmative action at their May 16, 2001 meeting in San Francisco.

Now we as faculty have the opportunity, the responsibility and the authority to begin taking important steps to correct the tragic consequences of the regents' 1995 mistake. The years since the elimination of affirmative action in the University of California prove that the inequality and segregation of our society still require positive counter-measures.

The University of California is one of the best public university systems in the world. Our education policy, our research, and our intellectual output are looked to the world over. This is an important responsibility. We must set an example of openness and equality of opportunity. We must set an example of active opposition to racial caste and stratification. We must in no way participate in the sordid tradition of marginalizing black, Latina/o, Native American and other underrepresented minority young people in our state. If the UC System itself is tainted by the segregation and racial inequality that have too long poisoned our national life, a stamp of hypocrisy is placed on our entire project, despite all of our sincere and diligent efforts.

California is now a majority minority state. In order for the UC system to be an institution that is democratic, open and responsible to the state of California, it is critical that the UC system represent our state's broad and rich diversity. It is an untenable contradiction simultaneously to have the diversity of our state increasing while opportunities in higher education are being narrowed for Latina/o, black and other underrepresented minority students. We know that separate cannot be equal and that integration is an educational and a social imperative.

The current use of the SAT in admissions arbitrarily reduces the number of underrepresented minority students who are accepted into our flagship schools. The discriminatory impact of the SAT I means that academically capable, intellectually gifted students who would very likely succeed at UCLA or UC Berkeley are cut off from that opportunity because of the university's use of the SAT I.

### For these and other reasons:

1. We call for an immediate end to the use of the SAT I in University of California admissions.
2. We support the proposal for unitary admissions\* as a component of what is necessary to reverse the drop in underrepresented minority enrollment that has followed the elimination of affirmative action.
3. We call for an increase in underrepresented minority student enrollment beginning next fall.

**If you agree with this statement, please send the following info to [DefendAffAction@aol.com](mailto:DefendAffAction@aol.com):**

**Your Name, Position, Department, College or University Affiliation, E-Mail Address.**

**Student and community organizations are also encouraged to endorse.**

10/10/01

\*Also known as comprehensive review, this proposal would end the requirement that each UC campus admit at least 50 percent of students strictly on the basis of what are termed academic criteria (i.e., GPA, extra and honors and AP courses taken, test scores)

### Signatures as of February 19:

UCB ETHNIC STUDIES DEPARTMENT, UCB WOMEN'S STUDIES DEPARTMENT, CHARLES HENRY, PROF AND CHAIR, AFRICAN AMERICAN STUDIES, UCB; JANET ADELMAN, PROF AND CHAIR, ENGLISH, UCB; MICHAEL BURAWOY, PROF AND CHAIR, SOCIOLOGY, UCB; Elizabeth Abel, Prof, English, UCB; Ayse Agis, Lecturer, Women's Studies, UCB; Robert Allen, Visiting Prof, African American Studies, UCB; Paul Ammon, Prof, Education, UCB; Gibor Basri, Prof, Astronomy, UCB; Emilie L. Bergmann, Prof, Spanish, UCB; Daniel Boyarin, Prof, Near Eastern Studies & Rhetoric, UCB; Daniel Brook, Lecturer, Sociology, UCB; Dana Buntrock, Asst Prof, Architecture, UCB; Judith Butler, Maxine Elliott Prof, Rhetoric & Comparative Literature, UCB; Claudia Carr, Prof, ESPM, UCB; Lydia Chavez, Assoc Prof, Journalism, UCB; Margaret Chowning, Assoc Prof, History, UCB; Donald L. Dahlsten, Prof and Assoc. Dean, ESPM, UCB; Tracy Davis, UCB; Laura Enriquez, Assoc Prof, Sociology, UCB; Susan Ervin-Tripp, Prof Emeritus, Psychology, UCB; Gil Eyal, Asst Prof, Sociology, UCB; Laurel Fletcher, Acting Clinical Prof, Law, UCB; Mary Louise Frampton, Director, Center for Social Justice, Boalt Law, UCB; Evelyn Nakano Glenn, Prof, Women's Studies, UCB; Bluma Goldstein, Prof Emerita, German, UCB; Marcial Gonzalez, Asst Prof, English, UCB; Andrew Paul Gutierrez, Prof, ESPM, UCB; Christy Harrington, Lecturer, Women's Studies, UCB; Saidiya Hartman, Assoc Prof, English, UCB; David Haytin, UCB; Leon Henkin, Prof Emeritus, Mathematics, UCB; Susana Hinojosa, Librarian, Government/Social Sciences, UCB; Glynda Hull, Assoc Prof, Education, UCB; Jean Ishibashi, Lecturer, Ethnic Studies, UCB; Sohrab Ismail-Beigi, Postdoc researcher, Physics, UCB; Andrew F. Jones, Assoc Prof, East Asian Languages & Cultures, UCB; Enrico Jones, Prof, Psychology, UCB; Caren Kaplan, Assoc Prof and Chair, Women's Studies, UCB; Mary Kelsey, Lecturer, Sociology, UCB; Liza Kramer, Lecturer, English, UCB; Jean Lave, Prof, Education, UCB; Young-Oak Lee, Visiting Scholar, Ethnic Studies, UCB; David Leonard, Lecturer, Ethnic Studies, UCB; Xin Liu, Asst Prof, Anthropology, UCB; Michael Lucey, Assoc Prof, French & Comparative Literature, UCB; Peter Manoleas, Lecturer, Social Welfare, UCB; Francine Masiello, Prof, Spanish and Comparative Literature, UCB; Utz McKnight, Visiting Prof, African American Studies, UCB; Martin Meeker, Lecturer, UGIS, UCB; Dawne Moon, Asst Prof, Sociology, UCB; Donald Moore, Asst Prof, Anthropology, UCB; Deborah Nason, Lecturer, African American Studies, UCB; Michael Omi, Assoc Prof, Ethnic Studies, UCB; Jessica Parker, Lecturer, Education, UCB; Brian Powers, Lecturer, Sociology, UCB; Allan Pred, Prof, Geography, UCB; Jose Rabasa, Prof, Spanish and Portuguese, UCB; Darren Ranco, Asst Prof, Native American Studies, UCB; Victoria Robinson, Lecturer, Ethnic Studies, UCB; Jeff Romm, Prof, ESPM, UCB; Jose Saldivar, Prof and Chair, Ethnic Studies, UCB; Nicole Sausberry, African American Studies, UCB; Susan Schweik, Assoc Prof, English, UCB; Jeff Selbin, Lecturer, Law, UCB; Dan I. Slobin, Prof, Psychology, UCB; Noam Sobel, Asst Prof, Neuroscience, UCB; Angelica Stacy, Prof, Chemistry, UCB; Alan Steinbach, Assoc Clinical Prof, Public Health, UCB; Jim Stockinger, Lecturer, Sociology, UCB; Jill Stoner, Assoc Prof, Architecture, UCB; Tyler Stovall, Prof, History, UCB; Ronald Takaki, Prof, Ethnic Studies, UCB; Barrie Thorne, Prof, Sociology & Women's Studies, UCB; Faye Wachs, Lecturer, Sociology, UCB; Jon Weil, Lecturer, Public Health, UCB; Marcy Whitebook, Senior Researcher, Institute of Industrial Relations, UCB; Linda Williams, Prof and Director, Film Studies, UCB; Erin Winkler, Instructor, African American Studies, UCB; Leon Wofsy, Prof Emeritus, Molecular & Cell Biology/Immunology, UCB; Darrell Hamamoto, Assoc Prof, Asian American Studies, UCB; Suad Joseph, Prof, Anthropology and Women's Studies, UCB; Rodolfo Alvarez, Prof, Sociology, UCLA; Adolfo Bermeo, Assoc Vice Provost for Student Diversity, UCLA; Frederick Erickson, Prof, Education, UCLA; Katherine Callen King, Prof, Comparative Literature & Classics, UCLA; Vinay Lal, Asst Prof, History, UCLA; Reynaldo Macias, Prof, Chicana/o Studies, Education, and Applied Linguistics, UCLA; Peter McLaren, Prof, Education, UCLA; Belinda Tucker, Prof, Dept of Psychiatry & Biobehavioral Sciences, UCLA; Jennifer Westbay, Lecturer, Writing Programs, UCLA; Karen Pyke, Asst Prof, Sociology, UCR; Ellen Reese, Asst Prof, Sociology, UCR; Donald R. Atkinson, Prof, Education, UCSB; Eileen Boris, Hull Prof, Women's Studies, UCSB; Julie Carlson, Assoc Prof, English, UCSB; Eve Darian-Smith, Assoc Prof, Anthropology, UCSB; Kip Fulbeck, Assoc Prof, Art, UCSB; Nancy Gallagher, Prof, History, UCSB; Mary Hancock, Assoc Prof, Anthropology, UCSB; Aaron J. Levine, Acad Coord/Sup, Education (Teacher Education Program), UCSB; Harold Marcuse, Assoc Prof, History, UCSB; Cecilia Mendez-Gastelumendi, Asst Prof, History, UCSB; Sharleen Nakamoto, GSI, History, UCSB; Constance Penley, Prof and Chair, Film Studies, UCSB; Tim Fitzmaurice, Lecturer, Writing Program, UCSC; W. L. Goldfrank, Prof, Sociology & LALS, UCSC; Jody Greene, Asst Prof, Literature and Women's Studies, UCSC; Craig Haney, Prof, Psychology, UCSC; Gail Hershatler, Prof, History, UCSC; Curtis Marez, Asst Prof, American Studies, Latin American Studies, Latino Studies, UCSC; Olga Najera-Ramirez, Assoc Prof, Anthropology, UCSC; Arthur Pearl, Prof emeritus, Education, UCSC; David Swanger, Prof, Education and Creative Writing, UCSC; Gordon Wells, Prof, Education, UCSC; Lisa Bloom, Visiting Assoc Prof, Visual Arts, UCSD; Ross Frank, Assoc Prof, Ethnic Studies, UCSD; Paul Frymer, Asst Prof, Sociology, UCSD; Ruth M. Heifetz, Senior Lecturer, Medicine, UCSD; Marcel Henaff, Prof, Literature, UCSD; Louis Hock, Prof, Visual Arts, UCSD; Kimberly Jameson, Asst Prof, Psychology, UCSD; Adriene Jenik, Asst Prof, Computer & Media Arts, UCSD; Fred Lonidier, Professor, Visual Arts, UCSD; Demian Pritchard, doctoral candidate, Literature, UCSD; Roddy Reid, Assoc Prof, Literature, UCSD; Lesley Stern, Prof, Education, UCSD; Shelley Streeby, Assoc Prof, Literature, UCSD; Winifred Woodhull, Assoc Prof, French, UCSD; Adele E. Clarke, Prof, Sociology, UCSF; Dana Polan, Prof, Critical Studies, USC; Alma Flor Ada, Prof, Education, USF; Ann Aurelia Lopez, Instructor, Biology/Environmental Science, CC-San Jose; Charles Wollenberg, Chair, Social Science, CC-Vista; Carol Burr, Prof, English, Dir of Ctr for Multicultural & Gender Studies, CSU-Chico; Jose R. Lopez-Morin, Asst Prof, Chicano Studies, CSU-Dominguez Hills; William De La Torre, Interim Chair, Educational Leadership and Policy Studies, CSU-Northridge; Juanita Barrera, Prof, Biological Sciences, CSU-Sacramento; Elsa Favila, AOA, Academic Affairs, CSU-Sacramento; Rhonda Rios Kravitz, Head of Access Services, Library, CSU-Sacramento; Madeline Y. Hsu, Assoc Prof, Asian American Studies, CSU-San Francisco; Ken Burke, Prof and Dept Head, Dramatic Arts & Media Studies, Mills College; Jose Calderon, Assoc Prof, Sociology and Chicano Studies, Pitzer College; Daphne A. Brooks, Asst Prof, English and African-American Studies, Princeton; Thomas P. Kim, Asst Prof, Politics and International Relations, Scripps College; Juliet Koss, Asst Prof, Art History, Scripps College

## **APPENDIX F**

<http://www.fairtest.org/univ/Texas.htm>

**Texas Public University System profile from *Test Scores Do Not Equal Merit***  
(<ftp://ftp.fairtest.org/optrept.pdf>):

"Our ability to enroll a diverse class while maintaining high academic standards is certainly due in large part to HB [House Bill] 588."

-- Dr. Bruce Walker, Associate Vice President and Director of Admissions, University of Texas (UT), Austin, describing the impact of a new Texas law deemphasizing the role of the SAT and ACT in making admissions decisions at Texas public four-year universities.<sup>1</sup>

In 1997, Republican Governor George Bush, Jr. signed into law a bill, sponsored by a group of Texas House of Representatives Democrats, that requires the state university system to accept all applicants who finish in the top ten percent of public and independent Texas high schools, regardless of their SAT or ACT scores. For students not falling within the top ten percent, the new law (commonly referred to by its Texas House of Representatives bill number, HB 588) spells out 18 academic and socioeconomic criteria that "each general academic teaching institution" can consider when making admissions decisions. Of these 18, just two mention standardized test score results and, one of those calls for consideration of ". . . an applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds."<sup>2</sup>

The new law governing admissions policies, Subchapter S of Chapter 51 (the Texas Education Code), was specifically designed to counter the negative effects of the Hopwood v. the University of Texas School of Law decision, a federal court ruling that barred the use of affirmative action in Texas public university admissions. With its swift and strong response, Texas has now become a leader in the national movement to seek alternatives to test score-based admissions practices.

In 1996, the United States Supreme Court decided not to review a federal appeals court ruling barring the Univ. of Texas Law School from pursuing affirmative action in its admissions policies. Texas Attorney General Dan Morales subsequently adopted a broad interpretation of the court's decision in Hopwood, ruling that none of the state's public universities would be allowed to use racial preferences in admissions and financial-aid decisions.

The impact of the ruling was dramatic: in the fall of 1997, just 4 African American and 26 Mexican American students enrolled at the University of Texas Law School, down from 31 African Americans and 42 Mexican Americans the year before.

Anticipating similar results at the undergraduate level, the Texas Higher Education Coordinating Board (THECB) established an Advisory Committee on Criteria for Diversity to analyze alternative admissions policies and criteria. Composed of faculty members from throughout the Texas public higher education system, the Committee was charged with studying how to maintain diversity at public colleges and universities in Texas.

The Committee's report, issued early in 1997, sought to identify factors that block access to higher education in Texas for underrepresented groups. Based on its research, the Committee concluded:

". . . the use of standardized tests unduly limits admissions. It also has a chilling effect on the motivations and aspirations of underserved populations. The debate about the appropriateness of standardized tests has a long history, and certain elements are generally agreed upon. The tests indicate some level of readiness to do college work, but scores are better predictors for some students than others. Except at the extremes, SAT/ACT scores do not adequately predict grades in core freshman courses or the probability of college graduation. "<sup>3</sup>

At the conclusion of its report, the Committee sent to the full Coordinating Board a set of recommendations designed to promote more widespread access to higher education in Texas and to mitigate, at least in part, the damaging impact of the Hopwood decision. A key recommendation addressed standardized admissions testing:

"SAT/ACT and other standardized tests should be used for student counseling and curriculum development but should not be utilized as a major criterion in student admissions processes or in the awarding of financial assistance. In particular, standardized test scores should never be used as a sole screening factor where a low score alone bars an applicant from admissions without the consideration of other qualifications and accomplishments."<sup>4</sup>

Spurred by the THECB Committee recommendation, Texas lawmakers filed more than two dozen bills to address public university admissions rules. After lengthy debate, both houses finally approved and Governor Bush signed into law House Bill 588 which added the following significant provisions to the Texas Education Code:

Sec. 51.803.(a) AUTOMATIC ADMISSION: ALL INSTITUTIONS: Each general academic teaching institution shall admit an applicant for admission to the institution as an under-graduate student if the applicant graduated in one of the two school years preceding the academic year for which the applicant is applying for admission from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade-point average in the top 10 percent of the student's high school graduating class.<sup>5</sup>

The bill also stated:

Sec. 51.804. ADDITIONAL AUTOMATIC ADMISSIONS: For each academic year, the governing board of each general academic teaching institution shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible under Section 51.803 (see above), shall be admitted to the institution if the applicant graduated from a public or private high school in this state . . . with a grade point average in the top 25 percent of the applicant's high school graduating class.

Under the new law, applicants not qualifying for automatic admission will be evaluated based on institution-specific criteria which can include any combination of

eighteen factors spelled out in the new law. In addition to the two mentions of standardized testing described above, these factors include high school academic record, the applicant's socioeconomic background (including household income), whether the applicant is the first generation from his or her family to attend college, and personal interviews.

Texas public universities have also intensified their recruitment activities. At the University of Texas at Austin, for example, officials focused those efforts on students in the top ten percent of their high school classes. Early in the fall of 1997, UT admissions officers identified 13,000 such students and sent them letters.<sup>6</sup> Texas A&M sent out admissions officers with financial aid representatives as part of its outreach, who joined representatives from the other Texas public universities to explain the ten percent rule to high school counselors and students. A&M also was aggressive about explaining that there were alternative means of gaining admission to the school and that students below the top ten percent should not be discouraged.<sup>7</sup>

### **The Results**

In testimony before the Higher Education Committee of the Texas House of Representatives, University of Texas at Austin Director of Admissions Bruce Walker described the pool of applicants for the 1998 freshman class as larger and more diverse than the 1997 pool. He noted that HB 588 "has allowed us to take back some of the ground I think we lost following the Hopwood decision."<sup>8</sup> Preliminary numbers for the incoming class of 1998, the first year under the new admissions law, show modest increases in the numbers of African American (from 2.7 percent to 2.9 percent of the class) and Latino students (from 12.6 percent to 13.2 percent) who plan to enroll at the Austin campus. Texas A&M also reports likely increases in the number of minority students attending in Fall 1998.

Walker cited a study of applicants' behavior from 1990 to 1997, noting that an average of 4,600 top ten percent students applied each year during that period. The number of top ten percent applicants in 1998 was higher than any year in the study, due in part to the University's more intensive outreach to that cohort. Walker added that in 1998 there were more Hispanic (48.9 percent of Hispanic freshmen) and Asian top ten percent applicants than in any year covered in the study. The number of top ten percent African American students, 36.9 percent of African American freshmen, was the highest since 1993. "Our ability to enroll a diverse class while maintaining high academic standards is certainly due in large part to HB 588," Walker testified. At Texas A&M, officials expect the yield among top ten percent students offered enrollment to climb 14%.

According to Walker, the part of HB 588 that codified what criteria the schools should use for making admissions decisions—the 18 factors—has given the University of Texas at Austin greater flexibility and has helped put a broader range of student achievement into context. Using those guidelines, admissions officers were able to "look at students holistically" and "select students who will distinguish themselves."<sup>9</sup>

Some of the other, less selective public universities in Texas also reported changes in their admissions processes and results. The University of Houston, which had already admitted the top ten percent before HB 588, now admits the top 25%, provided they obtain a minimum high school grade-point average of 2.5 and meet core course

requirements. The school has almost doubled the number of applications it receives from black and Hispanic students. Twenty-five percent of applicants are in the top ten percent of their high school classes, a figure that is equal across different ethnic groups. Grade-point averages across ethnic groups were nearly identical; only test scores differed.<sup>10</sup>

The results in Texas stand in stark contrast to what has happened in California. In 1998, the first year in which California's statewide ban on affirmative action applied to undergraduate admissions, the number of African Americans, Latinos and Native Americans offered enrollment at Berkeley dropped by more than 55 percent. At the eight schools in the University of California system, the total of African Americans accepted dropped by 17 percent and Chicanos/Latinos by 7 percent. The declines would have been far steeper if U.C. Riverside had not significantly expanded its total enrollment, accepting 100 more African Americans and 500 more Latinos.

The Texas solution should help other public systems—even those where affirmative action policies are still in place—develop alternative approaches to admissions. With bipartisan political support and a clear basis in academic performance, the top ten percent solution promotes the twin goals of equity and excellence. By rewarding students who excel in their academic environments, a top ten percent type rule does not penalize students who may not be good test takers but who have otherwise proven their academic prowess. Moreover, the emphasis on reading more closely the applications of students not in the top ten percent offers a model for how large public universities can approach admissions on a more individualized basis.

<sup>1</sup> Dr. Bruce Walker, Associate Vice President and Director of Admissions, University of Texas at Austin, Testimony before the Texas House of Representatives Higher Education Committee, June 24, 1998.

<sup>2</sup> Section 1. Chapter 51, Education Code, Subchapter S: Uniform Admission Policy, Sections Chapters 51.803-51.805.

<sup>3</sup> Texas Higher Education Coordinating Board: Advisory Committee on Criteria for Diversity, "Second Status Report," January 16, 1997, p. 12.

<sup>4</sup> THECB Advisory Committee on Criteria for Diversity report, p. 15.

<sup>5</sup> Section 1. Chapter 51, Education Code, Subchapter S: Uniform Admission Policy, Sections Chapters 51.803-51.805.

<sup>6</sup> Augustin Garza, Deputy Director, Office of Admissions, University of Texas at Austin, Testimony before the Texas House of Representatives Higher Education Committee, June 24, 1998.

<sup>7</sup> Ronald Douglas, Provost, Texas A&M University System, Testimony before the Texas House of Representatives Higher Education Committee, June 24, 1998.

<sup>8</sup> Walker testimony before Texas House Higher Education Committee, June 24, 1998.\

<sup>9</sup> Walker testimony before Texas House Higher Education Committee, June 24, 1998.

<sup>10</sup> Director of Admissions, University of Houston official, testimony before the Texas House of Representatives Higher Education Committee, June 24, 1998.