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Increasing Access to the University of California: A Case Study of Senate Constitutional Amendment 7

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INCREASING ACCESS TO THE UNIVERSITY OF CALIFORNIA:
A CASE STUDY OF SENATE
CONSTITUTIONAL AMENDMENT 7

Dissertation

Presented to the Faculty of the School of Education
International and Multicultural Education Department

In Partial Fulfillment

Of the Requirements for the Degree

Doctor of Education

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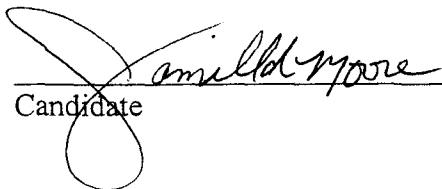
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CONSTITUTIONAL AMENDMENT 7

INCREASING ACCESS TO THE UNIVERSITY OF CALIFORNIA
A CASE STUDY OF SENATE
CONSTITUTIONAL AMENDMENT 7

by

Jamillah Moore

This dissertation, written under the direction of the candidate's dissertation committee and approved by the members of the committee, has been presented to and accepted by the Faculty of the School of Education in partial fulfillment of the requirements for the degree of Doctor of Education. The content and research methodologies presented in this work represent the work of the candidate alone.

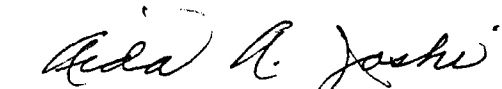

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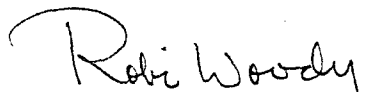
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DEDICATION

I would like to dedicate this dissertation to my mother, Velma. Without her love, support and wisdom I would not have become the person I am today and I would not have finished this document. This dissertation is also dedicated in loving memory of my sister, Jarneelah Moore. I will be eternally grateful for the time God allowed her to stay with us and I will always cherish her unconditional love and support she had for me.

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Now that I have completed my journey it is my goal to spread God's blessings by helping as many people as I can to accomplish their dreams.

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CHAPTER ONE

INTRODUCTION

Statement of the Problem

Historically, there continues to be a disparity in the number of students of color who are admitted to public universities in the United States. According to the California Postsecondary Education Commission, African-Americans, Latinos, and Native Americans enroll into the universities at a much lower rate than their European-Americans or Asian American counterparts. During the 1960s the struggle for educational equity was absorbed by the civil rights movement. It was believed that access to education for underrepresented groups would achieve momentum among higher levels of society by opening the doors to the university. However, thirty-eight years later with very low rates of minority students attending the University, was the door to access fully opened or just to certain types within the underrepresented population? Now with the current “race blind” admissions criteria enacted by the University of California, the decline in diversity on campuses statewide has been exacerbated. The unequal access of underrepresented students is not entirely the result of race-blind forces, but rather the concrete result of very specific choices made by specific human beings. The current trend of divisive racial policies can be attributed partially to the Wilson administration. In June of 1995, Governor Wilson, issued Executive Order W-124-95. The Executive Order requested the end of “preferential treatment and to promote individual opportunity based on merit.” As a result of the Governor’s Executive Order the University of California Regents introduced SP-1 a special resolution, which barred the University of California from using race, religion, sex, ethnicity, or national origin as criteria for admission to the university or to any program of study.

In approaching the twenty-first century, education is expected to experience unprecedented growth not only in student population, but in increased diversity. As

California Postsecondary Education Commission (1992) research asserts regarding high school graduates, “by the year 2000, Latino graduates are expected to comprise 35.9 percent of all graduates. The representation of Asians will increase to 16.7 percent while African-American representation will decrease to 5.8 percent,” (pg. 12). With this development in the new student population providing postsecondary educational opportunities for these students is critical to ensuring that they become productive and economically stable citizens. One of the fundamental goals of education is to prepare students to participate in the world that they will enter upon graduation and in California that world will be increasingly international and multicultural. With the barring of what has been captioned “preferential treatment,” increased diversity, and a larger student body statewide, will underrepresented students continue to have access to the campuses of the University of California? The preliminary figures for Fall admissions to the University of California has presented disturbing results regarding the ethnic make-up of the Freshmen Class of 1998. For example, high-profile campuses such as those of Berkeley and Los Angeles are proven facts that the new face of the University of California is primarily European and Asian students. The Los Angeles Times (1998), reported that the University of California, Berkeley figures showed a sixty-two percent drop for Black students and a forty-six percent drop for Latino students admitted. At the University of California, Los Angeles there was a forty percent drop in the admission of Black students and a twenty-four percent drop for Latino students admitted. These percentages are a clear indication that the effect of new prohibitions on race can be attributed to the record declines in diversity. The media frenzy which has centered around this issue has caused several individuals within the institution to make feeble attempts at explaining this phenomena as not that of discrimination but that of qualifications. Some Regents of the University of California, such as Ward Connerly have boasted that these declines are an indication of the number of unqualified students of color that were receiving preferences. How then, can one explain the eight hundred

underrepresented students with 4.0 GPA's who were denied admission to the University of California, Berkeley? In February of 1999, the courts were brought into the issue of the eight hundred students, when a coalition of civil rights organizations filed suit against the University of California alleging that Berkeley's new admission policy under SP-1 was discriminatory towards Black, Latino and Filipino Americans with 4.0 GPA's.

The decline in numbers of historically underrepresented students has become so demoralizing it has caused those within the institution to question their reasons for being there. In May of 1998, many University of California professors became so disgusted by the turning racial tides in admissions that they formed their own organization. The Faculty of Equal Opportunity and Cultural Diversity came into being, as a direct result of the impact of SP-1 on the University of California. These professors-largely comprised of Black and Latino-faculty no longer see the University as a welcoming ground for diversity and the appreciation of equity. As the San Francisco Examiner pointed out in its May, 1998 article:

Professor Carlos Munoz of UC, Berkeley has decided to leave. I personally have decided to retire early from the university. I feel that this is the last straw. I can't take it anymore. For the last 28 years I've been trying to make Berkeley relevant and meaningful to students of color. Now the climate is very bad. Professor Pedro Noguera might follow in his footsteps. I'm split (on whether to leave) because part of me says we have a right to be here and if we're not here, than there will be no one to push for any kind of change. At the same time I have a real problem. Berkeley's going to become a lot more like the University of Mississippi, where most of the students are white except for the football players. (pg. 2)

According to Dr. Jack Forbes, the closing door of access cannot be attributed to the new admissions policy only, but eligibility rates of ethnic minority groups and the secondary schools that serve them. The eligibility scale has been redefined consistently by the University of California. In addition, there is a growing number of low performing

schools that are highly populated by students of color. It is believed that these two main issues are related to the low representation of historically underrepresented groups to the University and they will be discussed in greater length later in this study.

With the current crisis in higher education we must begin to establish fundamentally sound alternatives to the admissions policy for public universities in order to address the needs of the new student population. Today, there is not only a need to provide actual access to the university, but also to redesign a politically acceptable, yet educationally sound, admissions policy that results in a student population that adequately, if not entirely fairly, represents the state's population in order that the university may meet its institutional responsibility for future generations of Californians.

Purpose of the Study

The purpose of this case study was to examine alternatives to the admissions process for students seeking enrollment in the University of California. As the University of California was the first public university in the nation to eliminate the consideration of race within their admissions process under SP-1, this study focused on undergraduate admissions solely within this institution. In addition, SP-1 did not ban affirmative action therefore this study did not focus on it. It should be noted that the University of California Board of Regents established SP-1 based upon Governor Wilson's executive order which called for the end of "preferential treatment" and to promote individual opportunity based on merit. SP-1 includes no reference to affirmative action. Under section 9, of SP-1 the University's policy is established to achieve a UC population that reflects the state's diversity through preparation and not based upon artificial preferences. SP-1 bans what they call artificial preferences but they do not define it. SP-1 forbids the University from using race, religion, sex, color, ethnicity, or national origin as criteria for admission to the institution. Admissions based upon these criteria do not constitute affirmative action.

Affirmative action is a policy which protects minority groups' opportunity to

obtain their share of resources necessary for their preservation. Affirmative action provides positive steps toward ending segregation. According to Smith (1998) “affirmative action’s primary political function is not to compensate African Americans for past discrimination but to protect their human rights against the tyranny of oppression and racism.” (Affirmative Action Measures Do Not Discriminate, 1998, pg. 2) As Forbes goes on to state, “providing a remedy for past victims of exclusion is not the granting of preferences but is the bringing to an end of previous preferences granted exclusively to white persons.” (Desegregation, Diversity and Affirmative Action in the University of California, 1997, pg. 1) Affirmative action does not impose preferences. The term affirmative action, is used in California statutes that guide public education, but the term is not defined. California statutes that require affirmative action do not impose preferences. Based upon these facts this study focused on the need to increase the number of underrepresented students admitted to the University of California under the new admissions policy and will limit the discussion of affirmative action.

Specifically, this case study examined a legislative policy, Senate Constitutional Amendment 7, (SCA 7). Introduced by Senator Teresa P. Hughes, SCA 7 proposed to redefine the criteria for student admission to the University of California. SCA 7 proposed to change the selection criteria for admissions by requiring the University of California to admit students who have met the academic criteria and rank in the top 4 percent from each public high school graduating class.

The research questions which guided the case study were as follows:

Research Questions

1. What factors and challenges exist that make it difficult for African-American, Latino and Native American students to gain access to the University of California?
2. What types of statutory provisions and retention efforts can be established to solve the stagnant growth of underrepresented students in higher education?

3. What are the current admission requirements and policies that govern the selection of a student body at the University of California?
4. What proportion of high school graduates within the state are currently eligible to attend the University of California?
5. What are the current differences in eligibility rates across demographic categories for students eligible to attend the University of California?
6. What are some alternatives toward increasing diversity of student enrollment that the University of California can implement in its admissions process other than race?

Theoretical Foundation

The theoretical foundation of this study was grounded in the role and obligation of the state to provide access to higher education to its diverse population. This role is rooted in the education statutes, the United States Constitution and the Constitution of the state of California. The California state education code requires postsecondary education to adhere to specific criteria regarding its citizens which is supported by language in the Constitution.

Education Code 66010.2 (a): Goals for Higher Education:

Access to education, and the opportunity for educational success, for all qualified Californians. Particular efforts should be made with regard to those who are historically and currently underrepresented in both their graduation rates from secondary institutions and in their attendance at California higher educational institutions. (pg 1258)

Education Code 66010.2 (b):

Educational equity not only through a diverse and representative student body and faculty but also through educational environments in which each person, regardless of race, gender, age, disability, or economic circumstances, has a reasonable chance to fully develop his or her potential. (pg. 1258)

Education Code 66030 (b): Higher Education: legislative intent; responsibility of governing boards.

It is the responsibility of the governing boards of institutions of higher education to ensure and maintain multicultural learning environments free from all forms of discrimination and harassment, in accordance with state and federal law. (pg. 1263)

Education Code 66201: Legislative intent; opportunity to enroll and to continue:

It is the intent of the Legislature that each resident of California who has the capacity and motivation to benefit from higher education should have the opportunity to enroll in an institution of higher education. Once enrolled, each individual should have the opportunity to continue as long and as far as his or her capacity and motivation, as indicated by academic performance and commitment to educational advancement, will lead him or her to meet academic standards and institutional requirements. The Legislature hereby reaffirms the commitment of the State of California to provide an appropriate place in California public higher education for every student who is willing and able to benefit from attendance. (pg. 1265)

Education Code 66205: University of California and California State University; standards in criteria for undergraduate and graduate admissions; responsibilities of governing boards:

In determining the standards and criteria for undergraduate and graduate admissions to the UC and CSU, it is the intent of the Legislature that the governing boards do all of the following: It is the intent of the Legislature that the University of California and the California State University, pursuant to Section 66201.5, seek to enroll a student body that meets high academic standards and reflects the cultural, racial, geographical, economic, and social diversity of California. (pg. 1266)

Fourteenth Admendment to the Constitution of the United States: Citizenship, Representation, and Payment of Public Debt, Equal Protection

All persons born or naturalized in the United States and subject to the jurisdiction therefor, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (pg. 57-58)

Article I, Section 7(b) of the California Constitution: Privileges and Immunities

A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. (pg. 85)

Article I, Section 31 of the California Constitution: Prohibition Against Discrimination or Preferential Treatment:

The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. (pg. 93)

The research conducted in this study is rooted in current California statutes which clearly require postsecondary education to adhere to quality, equity and access for all students in the state of California. Based upon California education statutes and the constitution, it is mandatory that the University of California provide a sound alternative to its current admission process in order to develop a student body which is reflective of the state's diverse population. Yet, with more than 60 percent of the incoming freshmen class of 1998 of European or Asian descent, it can be said that the University of California is granting preferences to specific students in its admissions process. Therefore, it is in direct violation of SP-1, the education statute and the constitution.

Theoretical Rationale

The theoretical rationale of this study is grounded in the need for educational equity and based on the following selected theories:

1. Thomas Hobbes' principle of equality theory
2. John Locke's theory of property
3. Nicolas Appleton's cultural pluralism theory

Principle of Equality Theory

Hobbes' theory which is derived from the law of nature, asserts that if individuals are created equal in the body and the mind, then one cannot claim a right to a government benefit or law that another individual cannot claim as well. According to Hobbes (1958):

Nature hath made men so equal, in faculties of the body, and mind; as though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man and man, is not so considerable, as that one man can thereupon claim himself any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself. (pg. 296)

Put plainly if all men are created equal no man can claim to be more equal than the other. Articulated in today's society, under the equal protection clause, once students meet the eligibility requirements for the University of California, they can claim a right to receive acceptance that any other student that has also met the eligibility requirements can claim as well. For example, admission requirements such as test scores and grade point averages (GPA's), do not give one candidate who scores 1300 on a test, more of a right to be accepted than the second candidate who scores 1200, when the eligibility requirement to attend the University of California is a score of 1170. In order for one student to make a claim that he or she has more of a right to be admitted, than another student, there has to be a law which establishes this criterion. This theory will be discussed further in Chapter 2, the Review of Literature.

Theory of Property

Locke's theory offers evidence that an intellectual elite, based on academic achievement does not allow an individual to claim a property or interest in a government benefit. In his research Locke discusses how individuals can have a right in anything. According to Locke there first must be an appropriation. An appropriation is granted under two conditions: “ (1) by mixing one's labor with property, and (2) by law. These two methods make a distinction between mine and thine.” Mine and thine can only be established if people make a claim that they have a right to receive admittance to the University of California if they mix their labor with admission or that their credentials afford them an equal protection right to be admitted over any other candidates whose

credentials appeared less convincing than his. Meritocracy does not create a property it is subjective like that of a privilege. A privilege does not establish property as it can be given or taken away. According to Locke (1980) without a property interest in a government benefit, there can be no equal protection rights violation. A student's property interest in attending the University of California does not begin until the University sends the student an acceptance letter. The student signs and returns the intent to register form (accompanied with the acceptance letter) to the institution. The student has now established a contract with the University and it is this contract which can be recognized as property in our legal system, which substantiates the distinction between mine and thine. For example, only under this circumstance can a student make a claim that an affirmative action program deprived him/her of their equal protection right to a government benefit. This theory is further supported in Smith's (1998) research of the 1977 Bakke vs. Regents of the University of California case.

According to Smith (1998):

In order for the minority programs to have violated Bakke's equal protection right, it would have required the medical schools to disenroll him and replace him with a member of the minority for the sole purpose of fulfilling its affirmative action obligations. By signing the letter of acceptance, Bakke would have created a property interest in attending school because he would have had a contract, thus bringing his claim of entitlement under the purview of procedural due process. (pg. 11)

This theory will be discussed further in Chapter 2, the Review of Literature.

Cultural Pluralism theory

Public universities need to maintain student diversity on their campuses. Cultural pluralism is a theory widely used in the field of communication. However, it is vital in this study as it supports the need for diversity, in that it advocates all cultures coming together in order to contribute to making America a stronger nation. According to Appleton (1983):

Modified cultural pluralism places its emphasis on the development of

a common culture and a higher degree of interaction among the different groups. Each group in its own time and place becomes a collective entity serving as a source of individual identity as well as a platform to pursue political and economic interests. (pp. 33-34)

The theory of cultural pluralism perpetuates the need for the sustaining of educational equity and diversity on the university campus. Cultural pluralism theory points out the uniqueness of different ethnic groups, which makes us stronger as a nation, but it also calls for the conformity of our differences to help bring about uniformity which can assist us in communicating and interacting effectively. For this reason cultural pluralism should begin in the classroom and on campus.

Significance of the Study

With California's changing demographics, no single racial-ethnic group will constitute a majority of our state's population. This will have and is having a tremendous impact on education. California's changing demographics, the new student population, and the implementation of SP-1 presents a challenge towards equity and access for public universities. This study can have an impact on the admissions structure within the University of California, as well as its students and families. The information obtained in this case study will serve as a resource for the Legislature and those in the educational community towards increasing awareness of the need for diversity. As we approach the twenty-first century, it is absolutely necessary that we seek a goal of educational equity that is completely inclusive of diversity, not only of ethnicity, racial, and economic backgrounds, but California 2000 must also reflect the richness of language, gender, and cultural representation of our massive urban, rural, and suburban populations.

Definition of Terms

Access:	Obtaining entrance into an organization/institution where historically individuals have been denied access based on a discriminatory factor such as race. (California Postsecondary Education Commission)
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Disadvantaged:	Students from low socioeconomic backgrounds or students having experienced limited educational opportunities. (California Postsecondary Education Commission)
Higher Education:	All students attending education institutions which provide training beyond the twelfth grade of school. (Researcher)
Racism:	The combination of individual prejudice and individual discrimination on the one hand, and institutional policies and practices, on the other, that result in the unjustified negative treatment and subordination of members of a racial or ethnic group. The mistreatment of members of racial and ethnic groups that have experienced a history of discrimination. (Dr. Anita DeFrantz)
SP-1:	“Special Proposal”: a resolution enacted by the University of California Regents prohibiting the use of race, religion, sex, color ethnicity, or national origin as a criteria for admission to the University or to any programs of study. (University of California)
Tripartite System:	Multi-campus structure. (Master Plan for Higher Education)
Underrepresented:	This study will limit its research to the following three ethnic groups : (1) African-American, (2) Latino, (3) Native American (4) Asian. (Scope of Study for Researcher)

Summary

This introductory chapter established the foundation for the study by providing insight into specific areas of interests and policy that will have an impact on the University of California. The ideas presented contribute to the need to maintain equity and the commitment to research desegregating the university. The vision of California should be one that allows all students the opportunity to develop their talents and skills to their full potential. The following chapter contains a literature review which will examine the historical policies created and enacted which have contributed to the current admissions policy of the University of California.

CHAPTER TWO

LITERATURE REVIEW

One of the goals of our society is that individuals are judged, in the words of Dr. Martin Luther King, jr., by the “content of their character and not the color of their skin.” This statement must become a reality if California is to maintain a commitment to educational equity for all students. If California is to provide a strong social and economic future for its youth, then it must ensure that equitable educational opportunities are available for all students, especially for those from backgrounds largely absent in the past from our colleges and universities.

According to the California Postsecondary Education Commission (CPEC) over the next ten years the number of public high school graduates is projected to increase by nearly 50 percent. This growth will have a tremendous impact on education.

California’s changing demographics and the new student population present a challenge towards establishing equity for public universities. As Fox (1992) states:

the challenge for higher education in responding to this tremendous change in the racial/ethnic composition of the student body will be to recognize that this diversity also means diversity in learning styles and in cultural backgrounds, and that therefore our educational institutions will need to make some changes in their operations to serve more effectively their new student clientele (p. 4).

However, with an increase in public high school graduates across all racial/ethnic lines there is a stagnant and in some cases declining growth of underrepresented students attending the university. In 1990 of the students eligible to attend the university 7.5 percent were African American and 6.8 percent were Latinos compared to 20.5 percent for White students and 40.4 percent for Asian students.

In examining access to the University of California, the California Legislature has enacted specific statutes regarding higher education through the education code which

affect access to the University of California. This Literature Review will consider the historical policies enacted by public colleges and universities, the Civil Rights Movement, and the Master Plan for Higher Education all of which have contributed to the current structure of admissions at public universities. This chapter will discuss the establishment of the University of California, the constitutional convention of 1879, the University of California Regents, as well as historical policies and existing laws about admissions and enrollment. The literature researched was selected through computer and manual searches of the State Archives of the California Legislature and the California Postsecondary Education Commission library. The California Postsecondary Education Commission (CPEC) under the Master Plan for Higher Education was established to examine and study the structure, issues and challenges of higher education within the state of California for the Governor, Legislature and public universities. Because of CPEC's role within the policy context of higher education, several of their reports will be utilized within this literature review. This section will also include a review of scholarly journals, government documents, agency reports, books and policy studies which depict and elaborate on the decline in enrollment of underrepresented students to the university.

The Creation of the University of California

At the first constitutional convention in Monterey in 1849 there was an interest expressed in establishing a University of California. However, the new state lacked sufficient government support at the time to establish a university. To fill the void "private academies" were developed to educate those in the mining camps and "boomtowns." One such academy was the Contra Costa Academy in Oakland in 1853. In 1855 the Academy became incorporated as the College of California. In 1862 under the "Morrill Act" each state was offered a grant of public land to establish a college. Thus, with 150,000 acres of land the Legislature in 1866 established the "College of Agricultural, Mining and Mechanical Arts." The new college had funds but no real campus (no buildings) and the college of California had a campus, but inadequate funds.

In 1867, the College of California set-up an agreement with the College of Agricultural, Mining, and Mechanical Arts allowing the two colleges to forge together to establish a full university, aimed at teaching the humanities and agriculture. The Legislature accepted the agreement which came to be known as the “Organic Act.” The Organic Act passed by the California Legislature and signed by then Governor H. H. Haight charted the University of California on March 23, 1868. The University opened its doors with its first campus in Oakland in 1869.

Constitutional Convention of 1879

By the second constitutional convention of 1879, the University of California was fully established. At the constitutional convention of 1879 the act establishing the University was elevated to that of a separate “public trust” resulting in autonomy for the institution. This autonomy created a corporate body known as the Regents of the University of California. The status of a public trust set the University apart from all other public institutions in the state. Article IX, Section 9, of the Constitution established the Regents of the University of California as the sole governing body of this public trust. With autonomy the University of California is established as a self-governing body not controlled by the Legislature and Governor. In contrast the California State University and the Community Colleges, both created by “statutory enactment,” are required to adhere to the governing powers established through the Legislature. The University’s autonomy does not include the budget and funding process which is still controlled by the legislature and the Governor. The Constitution established the Regents like a fourth and separate branch of government. According to the Office of the Regents (1990):

The Governor of the State is officially the President of the Regents; in practice, however, the presiding officer of the Regents is the Chairman, elected from among its body for a one year term. The Vice Chairman of the Regents is likewise elected from among the membership of the Board for a one-year term. The Board would consist of twenty-six members. Eighteen of those members are appointed by the Governor for twelve-year terms. One is a student, appointed by the Regents to

a one-year term. Seven are ex officio by virtue of their elected or appointed positions: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of the Public Instruction, the President and Vice President for the Alumni Association of the University of California, and the President of the University. (pg. 2)

In 1974 language was added to the constitution regarding the make-up of the Regents and the process. Under article IX, Section 9 (d) it specifically, requests that the Regents be “reflective” of the broad diversity of the state. According to the Constitution (1974):

Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents. The Governor should also consult an advisory committee when comprising the membership. (pg. 138)

Appointing Regents of the University of California

The Regents of the University of California are nominated and appointed by the Governor of California. Individuals seeking an appointment must complete an application form with the appointments office of the Governor. An application should be accompanied with a resume and three to five letters of recommendation. After the application screening process candidates are interviewed. Recommendations are then made by the appointment secretary and the Governor’s Chief-of-Staff. The Governor then puts forth the candidates to the Advisory Committee. At this point the advisory committee can hold a public session to allow public testimony to be heard regarding the candidates. The Committee puts forth a confidential evaluation of each candidate for the Governor who makes the final decision. Once the Governor makes his decision the candidates are officially nominated. The next and final step is to receive confirmation from the Legislature. Each candidate must appear before the Rules Committee of each house (Senate and Assembly). If they pass confirmation by the Rules Committees then they are voted on by the full body of the Legislature. Upon final approval by the Legislature candidates are officially elected to serve as a Regent.

The Organic Act

The Organic Act directed the regents to set the qualifications for admissions. In 1880 the Regents required the faculty to establish admissions requirements, to develop outreach efforts and to set standards for California's network of high schools. According to Douglas (1997), the Organic Act defined four basic principles deemed essential to the operation of the university:

(1) the admission of students should be free of sectarian influences. California law makers demanded that any public supported institution of education be non-denominational; (2) admissions, and all other aspects of university management, should be free of political partisanship. It is expressly provided, that no sectarian, political or partisan test shall ever be allowed or exercised in the appointment of Regents, or in the election of professors, teachers, or other officers of the university, or in the admission of students; (3) the University of California should be tuition-free to all residents of the state. This third principle was espoused as a means to allow all economic classes to enter the university, and stood in marked contrast to virtually all private institutions and most other state universities, which incorporated tuition early as a major funding source; (4) the university should draw students from all parts of the state. Educational opportunity was thus defined not only in economic terms, but also by geographic representation so that all Californians, in theory, would have a chance to attend the university (pg. 3).

Each of these four principles helped to develop and guide the University of California as well as influence the development of the state's teacher colleges and the creation of California's junior colleges. As Douglass (1997) states, "in one form or another, the ideals of access to and representation of all major sectors of California's population drove the state to create one of the nations first systems of public higher education," (Anatomy of conflict: The making and unmaking of affirmative action at the university of California, pg. 3). A fifth element was added to the Organic Act regarding admissions. The fifth element stated that, "university admissions should be selective, admitting students who have the ability to successfully complete a degree," (Douglas, 1997, Anatomy of conflict: The making and unmaking of affirmative action at the

university of California, p. 3). Unlike most universities and colleges the University of California adopted admissions policies that were selective.

Gender and race were excluded from the Organic Act. In 1870, the Regents established the sixth criteria that women should be admitted into the university on equal terms with men. With this inclusion, however there were social and legal limitations placed on what courses and majors women might pursue.

After World War II the rapidly expanding population increased the demand for admission to the university. In addition to the population growth there was a new found perception by a growing middle class that a higher education guaranteed economic prosperity and social status. The rise in the university's popularity and increased enrollment begin to create limited space for those seeking admission into the university. At the time there were no other public institutions providing higher education. Many Californians demanded that the university lower admissions standards to allow more students to attend. With the increase in population and the limited number of public institutions there was a need to expand the university system. Thus, the junior college promised a solution to the enrollment demand.

The Creation of the Junior College

As Douglass (1997) suggests, "the junior colleges would provide not only training for the mass of students coming out of high school, but also a route to the university for those who would benefit from college and professional training," (Anatomy of conflict: The making and unmaking of affirmative action at the university of California, pg. 2). In 1907 the university offered a defined "lower division" curriculum program establishing the nation's first junior college certificate, which later would become the Associate of Arts Degree. In 1910 the first junior college in California began operating in Fresno. By 1920, California had established sixteen junior colleges, far more than any other state and a trend that would on average begin the establishing of two junior colleges a year until the 1960s (Douglas, 1997, pg. 3). The junior colleges (which later became the Community

Colleges) were part of the establishment of a new system of public higher education. As Douglas (1997) suggests:

The development by 1920 of the general framework of today's tripartite system of public higher education had a significant impact on educational opportunity in California. Not only were there new junior colleges but, with the establishment of a southern branch in Los Angeles, the University of California became the first multi-campus university in the nation. While the University of California served the entire state, it needed multiple-campus and research stations to serve distinct portions of California's population (pg. 3-4).

The creation of the junior colleges is an important component in examining the issue of access. Today more students of color begin their college education at a community college rather than at a four year university. As Richardson and Bender (1987) suggest, "minority students are better represented in high school graduating classes than in postsecondary institutions. And among postsecondary institutions they are disproportionately concentrated in urban community colleges (Fostering minority access and achievement in higher education: The role of urban community colleges and universities, pg. 9). Most of California's public high school graduates seeking postsecondary education are more diverse, making the composition of the community college's freshman classes very similar to the public high school graduating class. As CPEC (1996) suggests as, "Asian and Latino students have increased their presence in the public high school graduating class between 1980 and 1994, similar changes have occurred in the community colleges' freshman classes. At community colleges Asian freshmen have increased from 5.6 percent in 1980 to 16.1 percent in 1994 and Latino freshmen from 13.7 percent in 1980 to 27.7 percent in 1994," (pg. 27-28).

The California State University

In the mid 1940s, the State Colleges were established as schools for the training of teachers. The State Universities were later expanded beyond the role of just training teachers to include the arts and sciences which lead to the Bachelor's degree. When the

State Colleges started out they were governed by the State Department of Education and the State Board of Education. The 1960 Master Plan recommended that the State Universities establish a new board of governance. This new board became the Trustees of the State College. According to Education Code 66606 (1993):

The Trustees of the California State University shall succeed to the powers, duties, and functions with respect to the management, administration, and control of the state colleges heretofore vested in the State Board of Education or in the Director of Education. (Ch. 8, sec. 1.5)

According to CPEC (1993) The Master Plan further contended that the State University would provide instruction in the liberal arts, teacher education, and matriculation that require more than two years of study through the Master's degree.

In 1948 the Legislature authorized a report designed to study the needs of higher education. The report entitled, "*A report of a Survey of the Needs of California in Higher Education*," authored by George Strayer, better known as the Strayer Report, supported the development of the tripartite system of public higher education. The tripartite system another word for multi-campus system, was designed to establish a structural balance for public universities within California. The Strayer Report of 1948 would later provide the foundation and validity for the need for the Master Plan for Higher Education. According to the Strayer Report (1948):

the junior colleges were not to offer courses beyond the fourteenth year or attempt to become four-year colleges. The state colleges were asked to terminate their two-year curricula, and offer vocational education beyond the technical level of the junior colleges and below the professional schools of the University, raise their admission standards, and grant master's degrees (Survey, p. 31).

The University of California would continue to select its students on the basis of their ability to pursue the programs that the university offers. This multi-campus structure allowed the University of California to remain a selective institution with high

admissions standards. This new system would allow the other two public universities, the junior colleges and the state universities to absorb the vast majority of postsecondary students in California.

The 1960 Master Plan for Higher Education

The 1960s brought about a major change for the University of California, the development of the Master Plan for Higher Education. Once again California was growing and changing both in economics and in population. These changes forced the Governor and Legislature to recognize the need to establish a structural plan for higher education. That plan came to be known as the Master Plan for Higher Education. As the CPEC (1993) report suggests the Master Plan for Higher Education came about for three reasons:

(1) state college enrollment was projected to increase almost 350 percent between 1958 and 1975. (2) Many legislators were introducing bills and resolutions to establish new campuses in their districts without the benefit of statewide planning and coordination with respect to need and the state's ability to pay any; (3) the state colleges were in a sense "restless" with respect to their traditional mission having emerged only recently from their status as teachers colleges with limited master's degree programs and learning at least on some campuses to be allowed to become comprehensive universities with doctoral-degree programs and as a recognized research institution (p. 7).

Thus, the problem became maintaining a sense of balance between the three systems while still adhering to the state's increasing need for its students to have the opportunities to pursue higher education. As Douglas (1997) states:

the 1960 Master Plan was forged in an era of fiscal uncertainty for higher education, and amid conflict over the future of the tripartite system. The compact that resulted provided a rational plan for future expansion of public higher education in California and required the University of California to establish more precise methods for determining eligibility. Ultimately the purpose of the Master Plan was to contain enrollment growth at a level that

California tax payers appeared willing to fund (p. 3).

With future enrollments on one hand and state revenues on the other the developers of a Master Plan for Higher Education attempted to achieve two major objectives: “(1) guard the state and state funds against unwarranted expansion and unhealthy competition among the segments of public higher education; and (2) provide abundant collegiate opportunities for qualified young people and give the segments and institutions enough freedom to furnish the diverse higher education services needed by the state,” (California Postsecondary Education Commission, Master Plan, Then and Now, 1993, pg. 8).

In examining access for underrepresented students to the University of California the most relevant parts of the Master Plan for Higher Education are those regarding admissions policy among public institutions. As Douglas (1997) suggests:

projections showed that California state government could not fully fund the anticipated growth in enrollment demand in the coming two decades. To reduce costs and to provide uniformity in admissions policy, the University of California and the state colleges (what became CSU) each reduced its eligibility pool of high school graduates. This in turn, resulted in a shift of approximately 50,000 to the junior colleges (what would be renamed the California Community Colleges) with lower operating costs and funding primarily from local property taxes (pg. 1).

Under the Master Plan for Higher Education the University of California would raise its admission standards to select the top 12.5 percent of high school graduates statewide. This shift automatically reduced access to the UC at the freshman level. The junior colleges would step in providing the opportunity for students to transfer in their junior year. To assure that there would be space available for transfer students the University of California agreed to establish a ratio of upper to lower division students of 60 to 40 percent with transfer students required to have 2.4 or better grade point average (GPA) to be considered for admission.

The Master Plan for Higher Education provided few changes to the function and mission of the University of California. “The university would still provide instruction in

the liberal arts and sciences, exclusive jurisdiction over professional education in fields such as dentistry, law, and medicine, and sole authority to award the doctoral degree. The one change that the Master Plan made was to suggest that the university award joint doctoral degrees in selected fields with the State University,” (CPEC, *The Master Plan, Then and Now*, 1993, p. 4). As CPEC (1993) suggests there were five objectives the Master Plan established in providing universal access at the undergraduate level:

- (1) building campuses to which most students could commute;
- (2) charging no or low fees and no tuition;
- (3) maintaining open access to the community colleges, with an opportunity to transfer after
- (4) completing lower-division work; controlling the size of lower-division enrollments in the universities so as to reserve space for community college transfer students; and
- (5) offering financial aid to a limited number of the least qualified students with financial need (p. 5).

In looking at understanding underrepresentation of minority students most of the historical educational policies enacted by the state of California prior to 1965 did not include people of color or any discussion of diversity. The 1960 Master Plan for Higher Education was no exception. Affirmative action, diversity, and equality of opportunity for historically underrepresented groups were not a part of the planning for the 1960s. According to CPEC (1993), the Master Plan did not address issues of diversity or the underrepresentation of racial/ethnic groups in the student population. The report claims the major reason for this omission was a prohibition at that time against inquiring into the racial/ethnic identity of students on the grounds that such identification had led to negative bias in the past (CPEC, *The Master Plan, Then and Now*, p. 7). While it is not clear to the researcher what prohibition actually laid claim to the exclusion of the need to address issues of diversity, what may be pertinent is the social era in which California was participating at the time of the inception of the Master Plan.

Prior to 1960, specific issues of race and the need to provide access to historically

underrepresented minorities was not an issue at all for California policymakers. California at the time performed as a homogeneous state. As Douglas (1997) states, “largely a bastion of white Americans, who made up almost 90 percent of the state’s population. Issues of race, equity, and social justice, while in much need of attention, had yet to emerge as a mainstream issue for Californians,” (Setting the conditions of Undergraduate admissions, April, 1997, p.1). It was not until 1974, that California policy makers addressed the issue of diversity in statute. Under Assembly Concurrent Resolution 151, which calls for each segment of California public higher education to strive to approximate by 1980, the general ethnic, sexual and economic composition of recent California high school graduates.

As significant as the 1960 Master Plan for Higher Education is the structure of public universities, it did not drastically alter the University of California system. What has shaped the structure of the University of California has been the evolving admission policies put forth by the Academic Senate and the Regents which have historically guided the institution. The primary goal of colleges and universities is to prepare students to become productive citizens ready to participate in the world in which they live. In an effort to accomplish this goal it is the responsibility of colleges and universities to provide students with tools in which to learn the skills, abilities and competencies that will prepare them to function in a global marketplace. In addition, to providing the tools of opportunity, the California education code requires colleges and universities to enroll a study body which is reflective of the diverse backgrounds and cultures that comprise the versatility of the state population and the world. The University of California, like most universities is faced with the challenge of balancing explosive demographic changes in the college-going population with diversity on one end and merit on the other, in an effort to frame an admissions policy that is nondiscriminatory and more inclusive of underrepresented students. This section of the literature review will discuss the admissions process and the versatility it has taken on over the years.

University of California Admissions Process

For public institutions such as, that of the University of California the admissions process is complex. The primary reason for this complexity is due to the responsibilities of public institutions to educate those within the communities that comprise our State. According to the first president of the University of California, Daniel Gilman (1872):

This is the University of California. The University of this State. It must be adapted to this people their geographical position to the requirements of their new society and their undeveloped resources. It is not the foundation of private individuals it is of the people and for the people. It opens the door of superior education to all. (pg. 2)

In defining educational opportunity the University of California's admissions process has undergone four major transitions. According to Douglas (1997):

The first extends from the establishment of the University in 1868 until 1900, significant difficulties both in setting academic standards and in recruiting enough students to warrant the university's existence. The second period begins in 1900, includes World War II and ends with the negotiation of the 1960 California Master Plan for Higher Education. The third period begins in 1960 and extends until roughly 1980. The post war period brought the adoption of the SAT, and the tremendous expansion in enrollment demand, resulted in a more standardized approach to admissions and set the first state mandated limits on the flow of students to the University of California. The fourth and final period, 1980 to the present rapid changes in California's demography brought increasing concern within the University community and among state lawmakers, and the public that the university was not responsive to the state's growing minority population (pg. 3).

Currently, the University of California is undergoing another transitional period regarding admissions policy with the regents decision in July of 1995, to end race based decision making in admissions. The Regents resolution SP-1 which did away with the use of race in admissions policy is discussed in detail later in this chapter.

The four major transitions along with historical policy has shaped the current structure of admissions to the University of California. What has become evident as a

result of these transitions is the stagnant growth in underrepresented students admitted to the university. Under the structure of the university students who meet the admissions requirements for a particular university system are eligible for admission. Yet, the eligibility rate for underrepresented groups is not growing at the rate of their European and Asian counterparts. According to the CPEC (1995), “of the estimated pool of 1994 high school graduates eligible to attend the University of California 3.4 percent were African-American, 10.3 percent were Latino compared to 33.1 percent Asian and, 53.1 percent white,” (Informational Item 6, pg. 23). Clearly, these percentages indicate that underrepresented students are far from achieving educational equity. If our student bodies are to encompass the broad diversity of the state’s population, as stated within statute, then the small and declining percentages of students from certain racial and ethnic groups who are currently represented on campuses, pose some obvious challenges to the state as well as to public universities if we are to ensure equitable access to higher education.

The University of California, as a public land grant institution has the responsibility of enrolling a student body, which is reflective of the State’s population. A statement often echoed by the California Postsecondary Education Commission. According to CPEC (1997) enrolling a student body reflective of the State’s population is a vital role of all colleges and universities in California. CPEC asserts that the college admissions process for most public institutions is complex. Most institutions like that of the University of California employ the traditional measures of high school grades and standardized test scores in establishing a student’s eligibility. What makes the process complex by CPEC’s standards is that the achievement factors of GPA and test scores used solely in the process are imperfect when used in isolation. They are imperfect because there is no correlation between grades or test scores in determining college success. In addition, test scores are unreliable. A student’s score can vary from one test to another and these differences may not indicate a student’s actual ability to succeed in

college.

The current policies for selecting freshmen students to the University of California were outlined by the 1960 Master Plan for Higher Education, which established the guidelines for admissions to public universities in the State. Under the Master Plan the University is encouraged to select all first-time freshmen from the top 12.5 percent of public high schools. The admission requirements consist of a college-prep curriculum, grades and standardized college admission tests. For the University of California, the academic senate, upon approval by the board, determines the conditions for admission to the institution. The University president, vice president and personnel comprise the members of the academic senate. The board within the University of California is the Board of Admissions and Relations with Schools (BOARS). The BOARS Committee consists of eleven members (one member from each divisional committee on admissions and enrollment). The BOARS Committee advises the president and members of the academic senate on the issues relating to undergraduate admissions, set the basis of acceptance for college admission examination requirements, and maintain the qualifying factors for students who enter the University from California secondary schools.

According to the University of California (1998) the current admission requirements are:

2 years of History/Social Sciences, 4 years of English,
3 years of Mathematics, 2 years of Laboratory
Sciences, 2 years of Foreign Language, 2 years of
Advanced Course Electives. The SAT I or ACT and
three SAT II subject tests. (pg. 21-23)

The required course pattern of classes listed above, is commonly referred to by the institution as the A-F course pattern. In addition, to taking the required courses students must obtain at least a 2.82 GPA in those courses in order to qualify for admission. The standardized tests' qualifying scores are based upon student's GPA, the higher the GPA the lower the score can be on the test. The University does not require any set score if a

students' GPA is 3.3 or above on the admission exams. Students can be admitted to the University based upon examination alone. If a students' SAT score is 1400 or above or their ACT score is above 31 and they obtained a combined score of 1760 or above on the three SAT II subject exams they can be admitted to the University.

The University of California admits all eligible students to the University. All eligible students as defined by CPEC (1997) are, all "high school students who meet the respective admissions requirements for the University," (Higher Education Update, California Postsecondary Education Commission, Number 97-8, December, 1997). What this means specifically is that all students who meet the requirements will be admitted to a campus within the system. However, for some students this may mean acceptance to the University of California, but not to the first campus of their choice. According to the University currently there are only two campuses which admit all eligible students. They are the University of California, Riverside and Santa Cruz. The University will admit 50 to 75 percent of freshmen based solely on their academic record which includes, courses and test scores. The University admits the remainder of the freshmen class based on academic record plus talent, life experiences, personal difficulties, and personal traits. Currently, this is how the University of California admissions is conducted, but that was not always the case. In 1988, the Regents of the University of California had adopted a policy on undergraduate admissions. According to the University (1988):

Mindful of its mission as a public institution, the University of California seeks to enroll, on each of its campuses, a student body that, beyond meeting the University's eligibility requirements, demonstrates high academic achievement or exceptional talent, and that encompasses the broad diversity of cultural, racial, geographic, and socioeconomic backgrounds characteristic of California. (pg. 1)

In addition to a broad statement aimed at increasing diversity, the University for the first time allowed students to apply to more than one campus thus, increasing the admission rates of students accepted into the system.

As stated earlier, in 1995, the Board of Regents of the University of California voted to do away with this policy. Through resolution SP-1, beginning in January of 1997, the University would eliminate the consideration of ethnicity, race, national origin, and gender as criteria for regular admissions and admissions by exception. After the Civil Rights movement and during the 80s, these were factors that the University previously considered in their admissions process. SP-1 also called for the restructuring of admission guidelines with at least 50 to 75 percent of the students admitted to each campus based solely on GPA and test scores. Following the passage of SP-1, the University convened a task force on undergraduate admissions designed with the goal of providing the guidelines for addressing admissions under the new requirements. Membership of the task force was comprised of University personnel. The task force established the following goals (1995):

adherence to the Master Plan's definition of the eligible population from which the University is to draw its entering class; commitment to provide a place within the University for every eligible California applicant who wishes to enroll. However, this commitment to eligible applicants does not guarantee admission to the campus or program of an applicant's first choice; commitment to those who have demonstrated high academic achievement or exceptional personal talent; enrollment of a student body that encompasses the broad diversity of cultural, racial, geographic, and socio-economic backgrounds characteristic of California, in recognition of a publicly supported institution's responsibility to train the leadership of a pluralistic society; and the educational importance of a student body made up from a broad diversity of backgrounds, values and viewpoints, as an integral part of a stimulating intellectual and cultural environment. (pg. 3)

The task force also encouraged campuses to adhere to certain institutional goals. Such as, giving preference to athletes, rural, poor, disabled, and local students. Increasing the enrollment of these students as expressed by the task force, would garner a wider perspective of diversity. However, the task force viewed this issue as one of the biggest

barriers to improving admissions and enrollment. The University of California task force on admissions made recommendations tailored toward increasing academic standards and eligibility of students seeking admissions to the institution. In their recommendations the task force (1995) stated clearly that students would not be judged solely on quantifiable measures. Campuses were encouraged to look at additional assessments beyond academic achievement. Campuses would have the flexibility of molding their admissions criteria which best suited the campus, while still adhering to the Universitywide policy of SP-1. The University should monitor the new guidelines in an effort to make sure they comply with the Regents 1988 policy on diversity and Section 9 of SP-1. On-going reporting will be developed on the implementation of the new criteria aimed at keeping the Regents and the University at large informed. Campuses were encouraged to monitor the selection and admission of transfer students and how they contribute to the diversity of the student population. In addition, campuses were asked to enhance their focus of the low-socioeconomic status of students and their financial need in the admissions process. The task force noted that the differences in student eligibility among ethnic groups, appeared to be an on-going obstacle for underrepresented students in gaining admissions. The need to improve the disparity in eligibility rates the task force noted as the number one concern of the University and it would be monitored closely. The task force's final recommendation was to elevate the committee to that of an advisory group to the University Provost in overseeing the implementation of the new admissions guidelines which is the case to date.

With the new admissions policy in place, there began a heavy focus upon the term "merit" in the ivory towers of selective universities. This focus brought concern by those in the educational community. In the passage of SP-1 many University officials began to use the term merit in describing how they were restructuring admissions. The term, although never operationally defined by the institution, was used in a host of admission documents and even the text of SP-1 when University officials began referring to

focusing more on academic qualifications in the admissions process. If the institution had not changed its use of the Master Plan guidelines there should not have been any shift from academic qualifications whatsoever. So, why the new use of the term? Those within the academic community had assumed theories of the new shift in terms. According to Miller (1996), Forbes (1996) and Smith (1998) the use of the term “merit” became apparent when the assumption was made that students were gaining admission based solely on skin color. With this assumption the term “merit” emerged to the forefront of the admissions debate. According to these researchers the subjective use of merit with no definition has become biased in its interpretation and use regarding admissions. According to Miller (1996):

This conclusion that more than academic merit determines admission, however obvious, is not a simple one. Consider its polar opposite: that academic merit and only academic merit determines all admission. Such merit brings with it a host of underlying assumptions about the merited ones: they are academically prepared. It is in this thinking that our short-sightedness of definition is apparent. When closely examined, academic merit, which was meant to be an unbiased, purely objective measure of a student’s qualifications and achievement, loses some of its supposed objectivity. Why? Because merit itself is a subjectively contrived concept. For those persons whose mental ability is viewed as less adept, is doubted for any reason, or just maybe, is limited due to prejudice, higher levels of education are quite frequently considered inappropriate, with the justification that these persons simply do not measure up academically. This is how access to education, is restricted on the basis of academic merit. (pg. 49)

The aftermath of SP-1 has brought tremendous change in the demographic make-up of the campus. Since the implementation of SP-1, the numbers of underrepresented students admitted to the University of California dropped. According to the Senate Select Committee on Higher Education Admissions and Outreach (1997):

As of 1998, African American and Latino students make up nearly 40 percent of California’s high school graduates. As a consequence of implementing SP-1, the numbers of African

Americans and Latinos dropped by 7 percent and 18 percent respectively so that, both groups account for only 17 percent of those admitted to the University of California. (pg. 2)

At the most selective campuses like that of UCLA and UC, Berkeley the largest drops in minority admissions were unveiled in April of 1998. For example, at UC, Berkeley there was a 50 percent drop from the previous year in the number of African American, Latino and Native American students, with only 10 percent of underrepresented groups gaining admissions to the University. With the implementation of SP-1, admission to the University of California became increasingly competitive. According to the University (1998):

For the Fall class of 1998, the University of California received 60,912 applicants. Of those 29,961 applied to UC, Berkeley which was only able to admit 27 percent of them. At UCLA, it was reported that the grade point average of those students admitted had climbed to 4.19 and the average SAT had risen to 1324. (pg. 2)

For example, Berkeley's data indicated that they rejected over 8000 applicants with 4.0 GPAs and 1200 SAT scores. Of that 8000, 800 of them were students from underrepresented groups. There is a distinct difference in the number of students who apply to the flagship campuses of the University of California versus those of the non selective campuses in the system. There is a large difference between the number of underrepresented students admitted at UCLA versus those admitted at UC, Riverside. According to the enrollment figures from the University of California student academic services admissions office. In 1998, of the 195 Native American students that applied to UCLA, 49 were admitted and 15 actually enrolled. Of the 1,353 African American students who applied 304 were admitted and 131 enrolled. Of the 1,040 Latinos that applied, 262 were admitted and 129 enrolled. At the University of California, Riverside of the 69 Native American students who applied, 54 were admitted and 14 enrolled. Of the 621 African American who applied, 372 were admitted and 123 enrolled. Of the 483 Latinos who applied, 342 were admitted and 95 enrolled. While the number of

underrepresented students who applied to the University of California, Riverside were substantially lower than the number which applied at the flagship campus, UCLA. The numbers indicate that the less selective campuses are admitting more underrepresented students.

When the numbers were released for Fall 1998, admissions were the top news with major headlines around the country triggering numerous responses and statements by those in the educational community and the University of California itself. The headline for the Los Angeles Times read, “Fewer Blacks and Latinos enroll at UC.” The Times reported (1998) that Blacks and Latinos admitted to the flagship campuses of Berkeley and Los Angeles had declined by 40 and 50 percent. While the declines were expected the large numbers were more pronounced and even a surprise by those within the University of California. According to Rae Lee Siporin, admissions director for UCLA, “we are doing the best we can, given the law we have to work with. The numbers are not as bad as they might have been. That’s the only bright side,” (The Los Angeles Times, May 21, 1998, A1). According to Weiss, of the Los Angeles Times (1998):

At the most competitive campuses, such as UC Berkeley, where only 98 African Americans will join 3,562 other students who have agreed to register as freshmen in the fall. That’s a 62% drop from the number of blacks who enrolled at Berkeley last September. Latinos there dropped 46%. UCLA also showed significant declines in black and Latino students who will join its freshmen class. Of the 4,267 entering freshmen, only 131 are African American a 40% drop compared to last year and 458 are Latino, a 24% drop. Overall, the UC system reported its largest freshmen class ever 27,425 students. In contrast to the overall rising numbers of UC- bound freshmen, the proportion of the class that is either black, Latino or American Indian is the lowest it has been in at least half a dozen years. (A-13)

Once all the applications were in and the admission notices had been sent out there were huge declines for underrepresented students at the flagships campuses of the University of California. However, the figures for these students systemwide was a surprise for

University leaders. Kollars (1998) reported that, “the proportion of underrepresented students systemwide declined 2.4 percentage points from 17.6 percent in 1997 to 15.2 percent next year,” (The Sacramento Bee, Many losses, a few gains in UC’s fall minority enrollment, May 21, 1998). The systemwide percentage of underrepresented students was viewed as good news by the University. According to Carla Ferri (1998), director of undergraduate admissions for the University of California, the institution was concerned about the declines but relieved that they were not as drastic as they had anticipated. While the University had not lost as much as they thought, they were also concerned that underrepresented students had not increased either.

There were those who viewed these declines as telling symbols of the resegregation of the University. June Jordan (1998), author and professor of African American studies at UC, Berkeley asserted that the figures were “appalling” and that this would be the beginning of a predictable and consistent attrition of underrepresented students. There were those who saw these declines as a direct threat to underrepresented communities. In July of 1998, the California Conference Ministerial Alliance African Methodist Episcopal Church sent a letter to UC President Atkinson expressing their concerns with the growing decline of African American students admitted to the University of California and demanding a meeting to resolve the issue. According to Reverend Burroughs (1998):

We are concerned about the precipitous drop in the number of African Americans admitted to the University of California for the Fall of 1998. We see this set of circumstances as being the direct culminating effect of the actions by the Regents of the University in their initiating the policy changes embodied in SP 1. This action has had and portends an extremely detrimental effect on the African American Community in the potential development of doctors, lawyers, educators, engineers and other scientists, all of which are critical to the survival of a viable African American Community. This blatant denial of access for large numbers of African American youth to the University of California has caused enormous concern and unrest in the community, church and State. (pg. 1)

The impact of the new admissions policy was also a concern by those in the Legislature. State Senator Teresa P. Hughes a former college professor and a member of the Senate Rules Committee requested that the State Senate devise a special committee to examine this issue and its impact on California solely. In July of 1997, the California State Senate established the Select Committee on Higher Education Admissions and Outreach. Chaired by Senator Teresa P. Hughes, the focus and purpose of the committee was to examine the historical inequalities and the current disparities regarding the decline in access to public universities specifically, the University of California. According to Hughes (1997):

With the 1995 decision by the California Board of Regents to eliminate the use of race in admissions criteria, the university has experienced record declines in statewide representation of students for Fall enrollment. With this decline in enrollment, it seems only appropriate that the State Senate move in the direction of researching this issue to ensure that our public universities are providing real access to postsecondary education for students in rural, as well as inner city communities, if we want to increase their opportunities to become productive and economically stable citizens. (pg. 2)

Senator Hughes like others, had concerns that the new admissions policy would turn back the clock on desegregation. In addition, the new policy would allow the University of California to ignore the education code which calls for public universities to enroll student bodies that reflect the diverse population of the state. The select committee conducted public hearings within the education community throughout the state on this issue. In addition to collecting data on the structure and function of college admissions, the public hearings sent a clear message to the University of California that the Legislature would be watching.

Ward Connerly, Regent of the University of California and author of SP-1, saw the new admissions policy as promising for the growth and development of the University. When the new enrollment figures were released Connerly (1998) made the following comment, “this is heartening news that you can make the transition from a very

race-conscious institution without the sky falling. The notion that these kids would feel unwelcome is just nonsense, and this validates it,” (The Sacramento Bee, Many losses, a few gains in UC’s fall minority enrollment, May 21, 1998). However, not all the University of California Regents felt as Connerly did. The San Francisco Examiner reported that Regent William Bagley, in an open letter to the Board of Regents urged them to overturn SP-1. Bagley, who voted against SP-1, in his open letter to the Regents (1998) he stated, “let’s simply rescind our 1995 resolution. Remove the stain, the damned spot, and then simply affirm our resolve to welcome all qualified comers now and in the future,” (UC regent asks board to end its ban on affirmative action, San Francisco Examiner, April 18, 1998). Bagley’s actions were not warranted with the same intentions as proponents of affirmative action. Bagley openly stated that he sent the letter as a step toward removing the University from the lime light of the media and negative press they have endured since the passage of SP-1 and to send a positive message to underrepresented students who may have applied to the University. University of California, President Richard Atkinson viewed the issue as one that should be focused at the academic curriculum of the K-12 system. Atkinson adamantly asserted that the University was not discriminating against students of color. Atkinson believed that the declining figures where a direct result of the lack of academic preparation students had received in secondary schools and the reality that there are many more low-performing schools in the state then people realize. In an editorial to the San Francisco Chronicle (1998) Atkinson stated:

Preliminary figures show that this year’s class, may well include fewer underrepresented minorities. We hope this is a temporary imbalance that will soon right itself. But if it does not, the irony for California will be that UC enrollment is falling among precisely those groups that are projected to constitute the majority of this state’s high school graduates in the next century. The hard fact is that inequities in educational opportunities in the K-12 schools translate into very real differences in students’ preparation and readiness for college. Admissions procedure and criteria can try to take these inequities into account,

but they cannot correct them. (pg. 53)

There are scholars who contend that the University as well as the United States cannot afford to pursue a colorblind approach to equal opportunity in admissions. John Dovidio (1997), a professor at Colgate University contends that “aversive racism” is the main reason why the University cannot delude itself into thinking that a colorblind approach to equal access will cure the racial ills of our society. According to Dovidio (1997):

Overt racism has evolved into more-subtle and perhaps more-insidious forms of racism. “Aversive” racism to minorities is not one of overt dislike or hostility, but rather one of anxiety or discomfort. As a consequence, aversive racists attempt to avoid interracial interaction whenever possible. And although they try not to behave in overtly negative ways toward blacks (which would threaten their self-image as unbiased), they frequently express their bias indirectly, by favoring whites rather than discriminating against blacks and members of other minority groups. (pg. 1)

In his research Dovidio (1997) has outlined three key elements that all universities should employ which will make the use of race and affirmative action programs more effective against aversive racism and their so-called colorblind “equal opportunity” policies. First, race-based programs must be established in a manner which counteracts the effects of subtle bias, for example a diverse pool of “fully qualified” applicants for entrance into the university. Second, affirmative-action produces statistical information which allows agencies and institutions to track their progress toward equity and diversity. “Systematic monitoring of racial disparities in student or faculty attrition can reveal the cumulative effects of aversive racism that might go unnoticed,” (The Chronicle of Higher Education, “Aversive” Racism and the Need for Affirmative Action, July 25, 1997, pg. 2). Finally, race-based affirmative action programs which focus on the outcomes and not the design are more effective in producing positive results than those which can be produced through the unintentional bias of aversive racism. The LaFollette Institute of public affairs, a

research policy organization also examined the issue of color blind admissions. Researcher Cancian (1996) concluded that race based programs would still achieve more diversity when compared to class based. The study used data from the National Longitudinal Survey of Youth (NLSY) designed to implement the impact from race-based to class-based in college admissions. What they found was their definition of class, which yielded a target population of youth (ages 14-16 years old in 1979), based on socioeconomic measures of poverty, mothers' education, and family structure were too restrictive. When they examined youth based on poverty alone fifty-two percent were minority. When they factored in family structure and mother's education the percentage of minorities was cut in half down to twenty-five percent which were still eligible. While some minority youth fell within this criteria so to did many other youth in the study. Therefore, the socio-economic criteria they instituted as an alternative to race was limited, in that it did not produce the same results of diversity that race based programs did.

According to Cancian (1996):

Class-based programs would not achieve the same results as programs targeting racial and ethnic minority youth: many minority youth would not be eligible and many eligible youth would not be members of racial or ethnic minority groups. In addition, the difficulty of developing criteria by which to identify disadvantaged youth raises questions about the feasibility of a class-based approach. (pg. 12)

Since 1995, the University of California and the University of Texas, are the only two public higher education institutions that have abolished the use of race in their admissions policy. With the recent declines in minority representation it can be said that there is a growing perception among high school students and those in the education community, that the University of California no longer welcomes African American, Latino and Native American students. In addition, this current trend will force underrepresented students to congregate at the less selective University of California campuses, the California State Universities and the Community Colleges where their

numbers in representation are increasing.

The foundation for understanding the role of admissions is in the concept of student eligibility. While admissions criteria can differ from campus-to-campus all applicants seeking admissions must first meet systemwide eligibility standards. The University of California uses an academic index to determine a student's eligibility. The academic index consists of the student's high school GPA, test scores and the completion of course curriculum. As we defined earlier eligibility, is the basis by which students meet all of the requirements. The California Postsecondary Education Commission (CPEC) has provided the state with eligibility information over the past five decades. The purpose of eligibility studies is to provide information regarding the institutions' current status in adhering to the goals of the Master Plan guidelines of student admissions. Eligibility studies have been a vital component in higher education planning. The first eligibility study was done in 1955, by the Committee for the Restudy of the Needs of California in Higher Education which later became known as the California Postsecondary Education Commission in 1975. Over the last 44 years eligibility studies have been conducted with the sole purpose of providing insightful information to those in the education community regarding the eligibility of California high school students. According to CPEC (1997) procedures:

An eligibility rate indicates the percentage of a specific group of high school graduates who are eligible to attend a public university system. Eligibility rates are computed on a statewide basis and by gender, by major racial-ethnic categories, by geographic regions, and by location in the state. (pg. 3)

With the changing demographics high school graduates in California are becoming increasingly diverse. According to CPEC (1996) since 1981 Asian high school graduates have doubled comprising 14.4 percent of public high school graduates in 1996. By the year 2006 that number is expected to expand to 15.9 percent. In 1996 Latinos comprised

30.3 percent of all public high school graduates. This figure is expected to grow to 37.2 percent by the year 2006. Black student graduates have declined over the years. Since 1981 Black graduates have dropped from 8.5 to 7.5 percent in 1996. Under CPEC's research it is anticipated that the 7.5 percentage will increase to 7.9 by the year 2006. A similar case also existed for white high school graduates. In 1981, 68.3 percent of the high school graduates were White and in 1996, that percentage had dropped to 46.8. CPEC anticipates that by the year 2006 this figure will further decrease to 38.1 percent for Whites. While the demographic population of high school graduates in California is increasingly diverse the number of admitted college freshmen does not present the same demographic make-up of students in the state.

The percentage of students eligible to attend the university has changed over the years. In 1986, 9.1 percent of students were eligible to attend the University. In 1990, the percentage of students eligible to attend the university was the highest the state has witnessed at 12.3.

CPEC believed that there was a connection between eligibility and admissions based upon the number of students who successfully complete the University's A-F college preparatory course pattern. The completion of the college preparatory curriculum across ethnic lines is similar to the ethnic eligibility rates. In 1990, 48.2 percent of Asians successfully completed the A-F curriculum. 19.4 percent of Latino students completed the A-F course pattern and; 19.5 percent of Native American students completed the curriculum in 1996. 25.4 percent of Black students completed the curriculum and 33.1 percent of White students.

Low eligibility rates for underrepresented students have always been an issue with the University of California. In 1986 the University developed a task force on Black Student Eligibility. The task force was created by University President David Gardner. In 1986, only 4.5 percent of Black students were eligible to enter the University. The task force was charged with the goal of identifying factors which attributed to the low rates of

Black students who became eligible for the University and providing recommendations to the University designed to improve eligibility. In 1990 the task force released their final report with recommendations to the President of the University. The task force developed ten recommendations. The recommendations were aimed at improving the 4.5 percent rate of Black high school graduates in 1986 to the rate of 12.5 percent as established by the Master Plan. According to the Black Student Eligibility Task Force (1990) the University of California should:

Improve the coordination and effectiveness of all University of California pre-college programs to expand the pool of eligible African American students. Provide greater support for existing initiatives and special programs designed to increase the proportion of African American students who transfer from the community colleges. Recruit and hire more African American faculty. Ensure that the University's schools of education are oriented toward the state's increasingly multicultural classrooms, and produce well-trained teachers and administrators thoroughly informed about the varied educational needs of African American students. Establish a multi-campus research unit to conduct further research and disseminate information on issues relating to the African American experience. Take the lead in the development of school-improvement collaborations in all levels of K-12. Create a mechanism to support independent community-based programs designed to improve the academic performance of African Americans students. Establish a mechanism, in collaboration with private industries and corporations and with state and federal agencies, to support African American communities. Collaborate with the State Department of Education, the Commission on Teacher Credentialing, and other state agencies to improve teacher preparation and a curriculum sensitive to diversity. Sponsor and promote legislation and other initiatives calling for a state supported scholarship program that would supplement other educational assistance programs for "at-risk" African American students to attend college. (pg. 12-15)

Troy Duster, sociology professor at the University of California, Berkeley was the chairman of the task force. Duster (1990) viewed the recommendations as serious reforms that if implemented would have put California at the forefront as a model for the nation. The task force on Black Student Eligibility was not the only task force the

University of California established in this area. There is the Latino Student Eligibility task force.

In 1990, less than 7 percent of Latino high school graduates were eligible to attend the University. The Latino Eligibility Task Force was created in 1992, by University President Gardner. Like that of the Black Student Eligibility task force the Latino Eligibility task force was charged with providing strategies and policies aimed at improving the eligibility of Latinos for admissions to the University of California. The Latino Eligibility Task Force (1997) established the following recommendations for the University:

Without reducing admissions standards, immediately change specific University of California policies and practices that may negatively affect Latino student eligibility, application, admissions, and enrollment. Eliminate the SAT in determining eligibility. Encourage campuses to create admissions alternatives. Expand admissions opportunities for community college transfers. Expand the flow of relevant information in Spanish and English to Latino high school personnel, parents, and students. Coordinate universitywide and campus outreach plans with those of the K-12 schools, community colleges, and local organizations and business in order to better prepare and recruit promising disadvantage students for higher education. (pg. 7)

Standardized exams play a large role in the admissions process. Research conducted by the college board (sponsors of the SAT), ACT and CPEC indicated that while more underrepresented students were taking these tests, they still do not score in the same range as their White or Asian counterparts. According to Selingo and Fiore (1997) students taking college admission exams is on the rise. More than 1 million students took the SAT or the ACT in 1997. The research for 1997 also indicates that 32 percent of the over one million students who took the exams were ethnic minority. That figure for minority students has grown by ten points over the last ten years from 22 percent in 1987 to 32 percent in 1997. While verbal and mathematics scores increased for underrepresented students, they still were below that of White and Asian scores.

According to Selingo and Fiore (1997):

The verbal and mathematics scores for many ethnic groups were slightly higher for this year's freshmen class but continued to lag behind white students. Average verbal scores were 526 for white students, 434 for black students, 496 for Asian-American students, 475 for American Indian students, 454 for Puerto Rican students, 451 for Latino students, and 466 for other Hispanic students. Average math scores were 526 for white students, 423 for black students, 560 for Asian-American students, 475 for American Indian students, 458 for Latino students, 447 for Puerto Rican students, and 468 for other Hispanic students. (pg. 2)

Donald Stewart, president of the College Board attributed grade inflation for the stagnant and low verbal scores for underrepresented students taking the SAT. The College Board indicated that their research has shown SAT scores have fallen for students with high GPA's. Stewart (1997) perpetuated that instructors who give students high grades for below average performance on work "promote" a trend of grade inflation which is harmful to students and schools nationwide.

Advanced Placement Courses

The University of California offers additional grade points for advanced placement courses. The Advanced Placement Program was created in 1955, by the College Board. The program was designed to expose gifted students at the secondary level to college-level work. Advanced placement (AP) courses are usually accelerated advanced English, math and history courses offered for gifted students. According to the College Board (1996) participation in advanced placement or as they are often referred to as honors courses is growing among high school students. With the grade enhancements students earn extra points for AP courses in which they receive a C or better. Thus, a "C" in an AP course earns 3 grade points, instead of a 2. The extra grade points increase students chances of qualifying for admission into the University. According to CPEC (1990) 8.7 percent of White students took AP examinations during their senior year

compared to 6.2 percent Latinos. Black graduates in AP courses at 3.3 percent compared to 19.7 percent of Asians in 1990. The challenge that AP courses present is one of access. For the students who are fortunate to attend a school which offers AP courses in large numbers and they are able to test into them, then they can equally compete. For those students who are not in that category and attend schools where very few, if any AP courses are offered they are put at a disadvantage. According to CPEC the issue of AP courses is a controversial challenge that the University and high schools will continue to face in regards to the issue of students gaining equitable access to courses which afford them the opportunity to compete.

With the elimination of the use of race in admissions, the need to maintain diversity, address the low eligibility rates for underrepresented students and provide equitable access for students seeking to enroll from across the state. Now, more than ever, an acceptable alternative to the current admissions structure was at the forefront of the debate. The University of California; faculty and the state of Texas have all developed proposals which restructured college admissions on a per school basis. In May of 1998, the University of California Regents discussed a 4 percent alternative proposal plan which would alter eligibility criteria. The University proposed to alter admissions on a two-tier track. Track one would provide eligibility to students who rank in the top 4 percent of their graduating high school class. Students in track one would be identified as UC Merit Scholars. The remainder of the students (8.5 percent under the Master Plan guideline) would fall under track two and they would gain eligibility on a statewide basis. UC officials estimated that this proposal would offer an additional 3500 to 4000 to its eligible pool of students. The Regents have decided not vote on this proposal until March of 1999. The University of California claimed a need to ensure “geographic and ethnic” diversity of the campus was the reason and justification for their proposed plan.

Two University of California professors also devised an alternative plan. Like that of Texas and the University of California itself the Alvarez and Flacks proposal was

also structured on a per school basis. The 6 percent proposal was authored by Rodolfo Alvarez, a sociology professor at UCLA and Richard Flacks, a sociology professor at UC, Santa Barbara. Their proposal would give each individual who graduated in the top 6 percent of their public high school in California an opportunity to attend the University of California. The 6 percent plan would require each campus within the University of California system to establish a list of high schools within their general area and monitor the required courses at each of these schools. In addition, each public high school would annually submit a list of its high school seniors and their ranking according to the academic requirements of the University. The University would issue certificates to these students which allowed them to attend a UC campus which was associated within the area of their high school. The remainder of the 6.5 percent as outlined by the Master Plan would be selected on the current statewide basis. The Alvarez and Flacks proposal was submitted to the University of California for consideration but was rejected.

While the University of California has yet to approve any proposal to alter its admissions on a per school basis, in 1996 the state of Texas made it the law of the land. Under H.B. 588 (Rangel), the state of Texas passed legislation which assured admission to any public higher education institution in Texas for a student in the top 10 percent of a high school graduating class. The State of Texas did not propose the plan solely on the issue of diversity, but also to add a sense of conformity for all admission policies in colleges and universities across the state. The 10 percent proposal also allows for flexibility, in that each university is free to consider other admissions criteria to admit students who fall outside the range of ten percent. As outlined by the 5th Circuit Court, colleges and universities still have the right to use other nontraditional criteria such as athlete ability or musical talent as part of its criteria in admitting students.

The four, ten and six percent proposals, while altering admissions on a per school basis, still require all students to adhere to the basic academic requirements. For example, if a student graduates in the top 4 or 6 percent of his/her class but all of their

courses are in vocational education they are not eligible for admission. All students who graduate in the top of their class and have completed the proper academic courses are able to attend the University under these proposals. The positive aspect of per school basis admissions is that it offers an opportunity for increased access for all students. In addition, it allows students to compete for admissions amongst their peers with similar socioeconomic backgrounds. Finally, it increases the accountability factor as it helps to encourage more parent and school participation in preparing students for college.

From basic high school courses to advanced placement courses and standardized exams, admissions to the University of California has changed over the years. The A-F college preparatory curriculum has been in place since 1933. In 1955 there existed five alternative means to obtaining admission to the University of California. Graduates with only two deficiencies in the A-F pattern and 12 high school units with an earned B or better were eligible. Graduates who earned a score of 500 on the math and verbal of the SAT I and three achievement tests of the SAT II were eligible. Graduates must have completed 12 high school units with no less than a C grade and six units in the A-F course pattern with no less than a B grade. Finally, students graduating in the highest tenth of their class with substantial academic preparation were eligible. In addition to the these five alternatives, students could also be admitted by the director of admissions under what the university termed “unusual academic recommendation.” The director of admissions had the authority to waive minor deficiencies in a students’ transcript and grant them admission. This is still a common practice by the University today under “admission by exception.” Admission by exception for the University of California is a policy which allows each campus within the system to enroll students who may not have fulfilled all the requirements, but demonstrate potential to succeed. The University of California allows each campus to admit 6 percent of new freshmen under this criterion. According to the University of California Office of the President (1997), “within the 6 percent designations, up to 4 percent may be drawn from disadvantaged students and up

to 2 percent from other students,” (University of California, Policy on Undergraduate Admissions by Exception, 1997).

Dr. Jack Forbes, professor at the University of California, Davis has looked at college admissions over the past ten years. Dr. Forbes has examined the historical structure of admissions at the University of California. It is Forbes’ understanding that the University has altered its admissions process systematically over the years, in such a manner which has excluded students of color. Admissions to the University of California in the 1950s was seen by some as providing wide room for flexibility. According to Forbes (1996):

Very clearly, the five different options offered by the University in the 1950s, provided considerable latitude in the policy for students. If a student failed to meet the rigid pattern of option 1, he or she could be in the upper 10 percent of the class (option 2), or do A and B work with only two subject deficiencies, or do C or better work in 12 units with 6 units of A and B work in key subject areas. In addition, option 5 allowed for the waiving of “minor deficiencies.” (pg. 20)

Given the institutional climate and segregation laws in the 1950s most students of color were neither encouraged nor invited to pursue college prep courses. Given all indications the researcher was not able to secure figures which presented the ethnic make-up of the University of California in the 1950s. The assumption of the researcher is that the institution was mostly white.

During key political points in California’s history, the University of California admission requirements became increasingly stringent over the years. First, with the SAT in 1953 the university implemented a score of 500 as a requirement under one of the options. If students did not wish to take the SAT they could be admitted under the four other options based on high school course work and grades. The 1960’s brought about change for the structure of admissions. In 1960 California adopted its Master Plan for Higher Education clarifying the expanded role of the three systems (University of

California, California State University, and Community Colleges), the University of California was to draw its students from the upper 12.5 percent of the high school graduates. In order to adhere to the Master Plan, the University altered its admissions criteria. Options 2,3 and 4 for admissions were eliminated in 1962. Under admissions by examination with the use of the SAT, the University changed the score from 500 to 1,000. In addition, subjects were determined for the SAT II achievement tests. The subjects were English, Social Science or Foreign Language, and Math or Science. The University set a total score of 1,650, with no individual score below 500 required for admission by examination.

The Civil Rights Movement increased ethnic minority interests in admissions and established new pressures for the University to desegregate. Once again, this altered admission requirements. In 1969, the University for the first time imposed an examination for all freshmen applicants seeking admissions. Students with a low B average in the required high school courses had to achieve a total score of 2500. The University indicated that scores for students in this category were to be used for counseling purposes only. Yet, this was the beginning of the phase-in of standardized forms of assessments in determining admissions. Students who sought admission by examination alone were required to score an 1,100 on the SAT I and a 1,650 on the SAT II achievement tests with a combined score of 2,750 with no single score below 500. In addition, by 1969 the University had also eliminated option 5 (admission by recommendation). A student who had any deficiencies of any kind was forced to seek admission by examination or as a special admit (admission by exception). Forbes (1996) considered these new criteria as inherently biased. According to Forbes (1996):

It is interesting to note that students meeting (a) to (f) requirements with a low B average (3.00 to 3.09) had to score only 2,500 in total, without being required to score any single examination at 500. In contrast, students seeking admission by “examination only” had to score significantly higher and had to achieve minimum scores in all

areas. Quite clearly, the University was biasing its admission requirements in favor of high school students who had completed (a) to (f) with better than average grades, as opposed to students from out-of-state or students who had not completed a full “college prep” high school program. (pg. 26)

In the mid-1970s “special action” admits were seen as a main access for underrepresented students to gain admission to the University. In the late 1970s the University established a Subcommittee on Special Action Admissions. According to Forbes (1996) research at the University of California, Davis, this committee consisted of five faculty members, two students, two staff, and one member of the Admissions Office. Forbes’ research examined the role of this committee from the Davis campus. According to Forbes (1996):

The Committee on Admissions and Enrollment stated that:
The Director of Admissions will be authorized to admit by special action disadvantaged and other special applicants if he believes that there is a reasonable chance that they will succeed, under the following conditions: (a) freshmen if they fall into any of the categories below: (i) GPA 2.35 Academic Omissions = 0, (ii) GPA 2.45 A.O < 1, (iii) GPA 2.55 A.O < 2, (iv) GPA 2.75 A. O < 3, (v) GPA 2.95 A.O < 4, (vi) GPA 3.15 A.O < 5.

In 1979, the percentage of “special action” was increased to 6 percent and thus the name altered to admission by exception. Statistics regarding the specific ethnic breakdown of students admitted under this category were not compiled by the University. According to BOARS (1996), the disadvantaged students admitted as “special admits” from 1977-1983 ranged from 2.96 percent to 4.23 percent. In 1975 the University made another broad change to its admissions criteria, the use of standardized tests. The University was concerned with grade inflation and improving academic qualifications of incoming freshmen. So BOARS developed what has come to be known as the academic index. The academic index is a combination of the students GPA and test scores. The University felt this combination would prevent such a heavy reliance on grades. The

academic index was the use of a minimum entrance score taken from the verbal and math sections of the SAT plus 500 added to a student's GPA. This was the beginning of the University placing a heavy emphasis on SAT scores. According to Forbes research (1996) BOARS outlined the following criteria which established the academic index:

The establishment of a minimum entrance score computed by a linear combination of the grade point average (GPA) earned in selected courses in high school (the same courses on which the present 3.0 minimum is based) and the two scores from the Scholastic Aptitude Test: (SAT Verbal) + (SAT Math) + 500 (GPA) The exact total required for admission by this formula would be set so as to maintain the present eligibility pool for the University or to achieve some other proportion of admissible high school graduates. (pg. 32).

Prior to 1975, the SAT I and II were required for incoming freshmen with low B averages in the 1960s. Prior to the 1960s, the University only utilized the SAT for students in the category of admission by examination only. Yet, in 1975 the University mandated the use of the SAT I and II for all students in addition to GPA under the implementation of an academic index. The University of California has contended that one of the main reasons for the increase in requirements was the need to maintain academic performance of students as well as the need to adhere to the Master Plans 12.5 percent. Over the years, this is how admissions at the University of California has come to shape itself.

Forbes' research asserts that since the 1950s the University of California has become even more selective. While there are those who insist these changes, are mandatory in adhering to the Master Plan, Forbes views them as inherently biased toward the poor who are in large part underrepresented students. According to Forbes (1996):

In short, the post-1970 student has been faced with a quite different University and different admission standards. Given this change, one cannot really compare performance data since, for example, many of the regularly-admitted white students of the 1934-1969 period (when admissions standards remained largely unchanged) might not be able to achieve very well in the University of the late 1970s and

1980s. Thus, the desire of making more “disadvantaged” students regularly-admittable, while laudable on its face, must be viewed realistically within the context of the “speed-up” and increasingly elitist stance of the University overall. In other words, the University is constantly creating new hurdles which were not in place when the University was almost totally white and middle-class. (pg. 31)

The era of colleges altering admission requirements to one of quantifiable means is not new. Many researchers have echoed, increasing selectivity in admissions which alters demographic make-ups can be viewed as history repeating itself. According to Duster (1976) for years prominent medical schools throughout the nation have participated in a quota system for “Caucasian gentile males.” According to Duster (1976), in his research, he echoed that for years there has existed a well known quota system for white males. This was put in place by administrators in order to curtail the number of prominent Jewish students who were applying to medical schools with applications that far-exceeded their white counterparts. Duster refers to this process as “universalism and privilege.” According to Duster (1976):

For nearly a century, the medical schools of this nation have practiced affirmative action for white gentile males. It was an informal but well-understood procedure called “the quota system,” designed and effectively used to limit the number and proportion of Jews to a maximum of 10 to 12 per cent of any medical school. The need for this policy was that by academic qualifications alone, Gentiles in power feared that Jews would dominate medical school admission and, consequently, the medical profession. Jewish applicants had the higher grades from the better schools, and by the current universal, academic meritocratic criteria, these students should have been admitted. (pg. 74)

The quota system established by medical school admission offices was one of privilege for white males. While blatantly disregarding the universal academic qualifications of Jewish applicants. This, says Duster, is the distinction between privilege and universalism. Universalism is the straight academic criteria that was inclusive of all and privilege is the “quota system” for white males. Duster indicates this practice which still exists in some forms today is the so-called unconstitutional affirmative action based

solely on privileges, that whites have enjoyed for years. There are many different criteria universities can utilize in admissions, so to are there many kinds of affirmative action. Yet, some of these types of affirmative action are grounded in issues that perpetuate privileges of one group of people over another. In a sense giving more access to those who are already in. Duster contends that universities should begin to administer access which breaks the “cycle of exclusion.” According to Duster (1976):

Affirmative action programs designed to break down the cycle of exclusion and privilege is worthy of support despite the relatively lower ranking of the less privileged on the universalistic criteria of merit at any given time. (pg. 77)

In her book, The Half Opened-Door, Marcia Synnott (1979) discusses the history of selective admissions from 1900-1970 and the shameful and discriminatory policies exhibited by some of our most elite institutions. Synnott’s research examined the “Big Three,” Harvard, Yale and Princeton and their admission policies of Jews and Blacks in the 1920s. In the mid to late 1920s Harvard, Yale and Princeton kept strict limitations on the number of Jewish students they admitted. At the time these institutions had adopted certain discriminatory criteria for applicants in determining their ethnic and religious background. The goal of these institutions was to provide more access to what they termed at the time their, “native-born American males.” According to Synnott (1979):

All three institutions began to limit Jewish students by various and not particularly subtle means. They ranged from photographs attached to admission forms, specific questions regarding applicant’s race and religion, personal interviews, and restriction of scholarship aid. Beginning with the class of 1928 for Yale aimed at stabilizing its Jewish students at 10-12 percent. Princeton aimed at reducing its Jewish population by half at 3 percent. In 1930 Harvard reduced its Jewish population from 25 percent to 10 percent. (pg. 19-20)

Synnott’s research indicates that their treatment of Blacks was controversial on two parts. The percentage of Black students was too small to employ quotas. However they were restricted based upon their participation on athletic teams and the residency in freshman

dorms. Black students were not allowed to reside with whites in the dorms until after World War II. For example, at Harvard University the issue of housing black students was blatantly discriminatory. According to Synnott (1979):

The faculty at Harvard had voted in 1914 that all first-time freshmen be required to reside in the halls, except those who are permitted by the Assistant Dean of Harvard College to live elsewhere. Black students were thus persuaded to seek other accommodations. (pg. 49)

While many universities were openly practicing segregation at that time, the strategies they employed to curtail, limit and discourage enrollment of students of color is not unlike some of the criteria which is exhibited today. According to Forbes (1996) and Smith (1998), the methods today's institutions employ such as a new approach to the use of standardized exams, the focus of merit, and increased quantifiable barriers is not unlike some of the diagnostic tools employed by Harvard, Yale and Princeton in the early 1920s. Forbes (1996) states:

The sad history of racial and cultural prejudice at schools like Harvard, Yale and Princeton should serve as an intrusive reminder that higher education often lags behind other sectors of society in overcoming class and ethnic prejudice. (pg. 111)

The United States has a long history of racism and segregation in education. It's this history that has been well documented in the courts. In order to have a better understanding of the issue of segregation and college admissions today it is essential to establish the foundation of the issue as it played out in the courts. When examining the issue of college admissions the court system has deliberated over the matter of race and access for years. This next section examined the Civil Rights Act, college admissions and the courts.

President Johnson signed executive order 11246, which later became known as the Civil Rights Act. The Civil Rights Act of 1964 sought to remedy the erroneous policies of repression that groups of color were subjected to in the United States. The main premise of the Civil Rights Act was to require employers to do something more to

overcome discrimination. While the Civil Rights Act is most widely known for giving African Americans the right to vote, the most referenced part of the Civil Rights Act is that of Title VI. Title VI called for nondiscrimination in federally assisted programs.

Under Title VI, section 601 of the Civil Rights Act (1964) states that:

No person in the United States shall, on the ground of 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. (The Laws of the 88th Congress, pg., 301)

Title VI of the Civil Rights Act is not only historical in its context but over the years it has become a critical component in the on-going discussion of what constitutes unequal or unfair treatment in college admissions. Title VI, however, does not contain a definition of racial discrimination. The term was not defined in political or legal literature, rather it was left open to interpretation by the courts on a case by case basis. This lack of definition within Title VI according to scholars such as Smith (1992, 1998), Forbes (1997), and Trent (1996) has resulted in the courts misinterpretation of discrimination versus equity. Desegregation in education has been the primary way in which people of color have demanded an expanded opportunity to participate in education at all levels. The Fourteenth Amendment to the Constitution states (1787):

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (pg. 58)

The Civil Rights Act has been the primary basis for obtaining more equitable representation. According to Trent (1996) the justification and purpose of fair and equitable access to higher education has a long history in the courts. Prior to the landmark Supreme Court decision, *Brown v. Board of Education* (1954), there were

several pivotal cases cited by numerous law journals as providing clarification regarding the responsibilities of universities to establish full and fair access for all its students. This section of the literature review will provide background on the role the courts have played over the years regarding college admissions.

The Courts and College Admissions

In *Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri*, (1938) Lloyd Gaines, a black student, was refused admission to the School of Law at the State University of Missouri. Gaines claimed that this constituted a violation of the Fourteenth Amendment of the Federal Constitution as this refusal was a denial by the State of the equal protection of the laws. Mr. Gaines filed suit against the University of Missouri for admission to the institution. In 1935 Lloyd Gaines graduated from Lincoln University with a Bachelor of Arts degree. Lincoln University in the state of Missouri at that time was the college designated for the education of black people within the state. Lincoln University had no law school so Lloyd Gaines applied for admission to law school at the University of Missouri. The University of Missouri was designated for whites only and the university denied his application for admission based on his race. The University claimed they had the right to do so because state statute prohibited whites and blacks to attend the same schools. The State constitution of Missouri provided that separate free public schools shall be established for the education of black children. The state also provided that any black resident may attend the university of any adjacent state with their tuition paid, until the full development of Lincoln University was complete. Based upon this statute the University asserted that it was not the intention of the Legislature that blacks and whites attend the same university. With this law in place the University of Missouri claimed it acted in accordance with state policy by denying Mr. Gaines application for admission to the School of Law based upon his race.

Mr. Gaines' attorneys argued that the issue at hand was not what other states may offer as an opportunity, but whether the opportunities Missouri itself offered to white

students what it denied to black students. According to the court brief (1938):

By the operation of the laws of Missouri a privilege has been created for white law students which is denied to Negroes by reason of their race. The white resident is afforded legal education within the State; the Negro resident having the same qualifications is refused it there and must go outside the State to obtain it. That is a denial of the equality of legal right to the enjoyment of the privilege which the State has set up, and the provision for the payment of tuition fees in another state does not remove the discrimination. (pg. 350)

While the state of Missouri argued that separate facilities could be afforded to Mr. Gaines at that time those facilities did not exist as Lincoln University did not have a law school. Mr. Gaines refused to travel outside of the state to attend another law school as he felt that he would be put at a disadvantage because he wanted to practice law in the state of Missouri. Mr. Gaines contended that there were advantages to staying within the state, by obtaining access and experience with the local courts and the prestige of the University of Missouri viewed by the citizens of the state who could become prospective clients. The court found that (1938) :

It was impossible to conclude that what otherwise would be an unconstitutional discrimination, with respect to the legal right to the enjoyment of opportunities within the State, can be justified by requiring resort to opportunities elsewhere. That resort may mitigate the inconvenience of the discrimination but cannot serve to validate it. (pg. 10)

The courts ruled in favor of Mr. Gaines and ordered that the University of Missouri admit him arguing that he could not be denied admission based upon his race.

In *Sipuel v. Board of Regents of the University of Oklahoma* (1948) Ada Sipuel, a black woman was denied admission to law school. In 1946, Ada Sipuel sought admission to the School of Law of the University of Oklahoma, at the time the only institution for

legal education supported and maintained by the State of Oklahoma. Her application was denied by the University based on her race. As a result of *Missouri Gaines v. Canada*, (1938), Thurgood Marshall argued on behalf of the petitioner that black people are qualified to receive professional legal education offered by a State and cannot be denied that education because of their race. The State must provide such education for her in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group. The Supreme Court of Oklahoma affirmed that Ada Sipuel was entitled to a secure legal education afforded by a state institution. The court asserted that the right to a legal education had been denied Ms. Sipuel while it was afforded to many white applicants by the State. Therefore, they concluded that the State of Oklahoma must provide it for her in compliance with the equal protection clause of the Fourteenth Amendment.

In *Sweatt v. Painter* (1950), a black student sought admission to the University of Texas Law School for the Fall 1946 term. The University of Texas denied his application because of his race. Mr. Sweatt, the petitioner, brought suit against school officials to compel his admission to the University. At the time he filed his case there was no law school in Texas which admitted black people. Like most states throughout the country the University was restricted to white students in accordance with state law. The state court recognized that denying the petitioner access to the law school was depriving him of his Fourteenth Amendment right to equal protection under the law. The state court at the time continued the case for six months in order to allow time for school officials to establish a law school for black people within the State of Texas. Once university officials announced they would open a law school the court denied Mr. Sweatt's petition for admission contending that separate and equal facilities were available to the petitioner. He appealed and while his appeal was pending a law school was made available for "blacks," but Sweatt refused to register. Sweatt's attorneys contended that the University of Texas Law School was considered one of the nation's top ranking law

schools. Staffed by a faculty of sixteen full-time and three part-time professors. Its student body numbered at 850 and the library contained over 65,000 volumes along with a law review, moot court facilities, and scholarship funds. The law school for blacks had no independent faculty or library. The teaching staff was comprised of four instructors from the University of Texas Law School, who maintained their offices at the University of Texas. The library would contain 10,000 volumes that had yet to arrive and there was no full-time librarian. Finally, the school still lacked accreditation. The attorneys for the petitioner concluded in their appeal that these facilities were not equal to those provided for white students at the University of Texas. According to *Sweatt v. Painter* attorneys for the petitioner asserted (1950):

It may be argued that excluding petitioner from that school is no different from excluding white students from the new law school. This contention overlooks realities. It is unlikely that a member of a group so decisively in the majority, attending a school with rich traditions and prestige which only a history of consistently maintained excellence could command, would claim that the opportunities afforded him for legal education were unequal to those held open to petitioner. That such a claim, if made, would be dishonored by the State is no answer. "Equal protection of the laws is not achieved through indiscriminate imposition of inequalities." (pg. 20)

In the Supreme Court's decision the court concluded that the law school designated for blacks was not an institution equal to that of the University of Texas. The court stated (1950):

The law school to which Texas is willing to admit petitioner excludes from its student body members of the racial groups which number 85% of the population of the State and include most of the lawyers, witnesses, jurors, judges and other officials with whom petitioner will inevitably be dealing when he becomes a member of the Texas Bar. With such a substantial and significant segment of society excluded, we cannot conclude that the education offered petitioner is substantially equal to that which he would receive if admitted to the University of Texas Law School. (pg. 20)

The court concluded that the petitioner could claim his full constitutional right in seeking a legal education equivalent to that offered by the State of Texas to students of other

racess. In addition, the court further stated in their decision that an equal education was not available to him in a separate law school as offered by the State. The court held that the equal protection clause of the Fourteenth Amendment required that the petitioner be admitted to the University of Texas Law School.

Unlike the previous cases addressing college admissions the courts did not deal with the issue of segregation in education directly as separate facilities were not available to the petitioners in the cases of *Missouri and Sipuel* at the time in which they applied for admission to law school. Although, the case was similar in *Sweatt v. Painter* the State attempted to circumvent the rulings of Missouri and Sipuel in claiming that black students had full access to an education as the State had provided a separate institution which provided graduate education opportunities for blacks. The State of Texas was not successful as the court ruled that it was not equivalent to the facilities offered for white students.

In *McLaurin v. Oklahoma State Regents for Higher Education (1950)* the issue of segregation in separate facilities took on a different precedent. A black man possessing a master's degree was admitted to the Graduate School of the University of Oklahoma as a candidate for a doctorate in education. Mr. McLaurin was permitted to use the same facilities as white students. However, because the state law required that institutions of higher education operate on a segregated basis, he was assigned to a separate table in the library, a separate row in the classroom as well as a separate table in the cafeteria all of which were designated for Negro students only. He filed suit against the University claiming that the conditions under which he was required to attend school deprived him of his personal and present right to the equal protection of the laws on the basis of race which the Fourteenth Amendment prohibits.

Oklahoma state regents argued that they were acting in accordance with state law. According to Oklahoma State statute (1950):

State owned or operated colleges or institutions of higher education of this state established for and/or used by the white race, where such programs of instruction leading to a particular degree are not given at colleges or institutions of higher education of this State established for and/or used by the colored race; provided further, that said programs of instruction leading to a particular degree shall be given at such colleges or institutions of higher education upon a segregated basis. Segregated basis is defined as “classroom instruction given in separate classrooms, or at separate times”. (pg. 25)

Based upon this statute Oklahoma State Regents concluded that they were not in violation of McLaurin’s personal and present rights under the Fourteenth Amendment. Oklahoma State Regents indicated that McLaurin used the same classroom, library and cafeteria as students of other ethnicity’s with no indication that the seats he was assigned put him at a particular disadvantage. “He may wait in line in the cafeteria and there stand and talk with his fellow students, but while he eats he must remain apart,” (*McLaurin v. Oklahoma State Regents for Higher Education*, pg. 25, 1950).

McLaurin attorneys insisted that the State in administering facilities that it established for professional and graduate study intentionally excluded McLaurin from interaction with other students. In court documents McLaurin attorneys stated (1950):

The result of these facilities is that appellant is handicapped in his pursuit of effective graduate instruction. Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession. Appellant is attempting to obtain an advanced degree in education, to become by, definition, a leader and trainer of others. Those who will come under his guidance and influence must be directly affected by the education he receives. Their own education and development will necessarily suffer to the extent that his training is unequal to that of his classmates. State imposed restrictions which produce such inequalities cannot be sustained. (pg. 26)

The final decision on this case was handed down by the Supreme court in which they concluded that the conditions in which Mr. McLaurin was required to receive his education were a violation of his personal and present right to equal protection of the

laws. The court held that the Fourteenth Amendment prohibited differences in treatment based upon race. As McLaurin was admitted to a state supported institution he therefore, must receive the same treatment as students of other races do.

While these cases preceded Brown, they set a legal precedent of great importance regarding the policy dilemma that continues to curtail the efforts of underrepresented students in securing increased access to higher education. In *Brown v. Board of Education*, (1954) the issue of segregation was finally addressed by the courts. In this historical case the face of education was changed forever when the court found that state policies to segregate students on the basis of race were unconstitutional. They required all school systems to take “affirmative steps” to remove past discriminatory practices. In the pivotal case following the Brown decision the Court ruled in *Florida ex rel. Hawkins v. Board of Control*, 350 U.S. 413 (1956) that Brown also held for higher education. Trent, a professor of policy studies at the University of Illinois believed it was Title VI that set the pace towards desegregating higher education. According to Trent (1996):

Despite the rulings in these court cases, progress in desegregating higher education in those states was not forthcoming. Title VI of the 1964 Civil Rights Act provided for federal regulation of higher education by prohibiting the distribution of federal funds to colleges and universities that discriminate on the basis of race, color or national origin. (pg. 112)

According to Smith (1998) the issue of equitable access while not a reality for most students of color presented itself as an issue once again. Smith is making reference to the *Bakke vs. the University of California* another historical case regarding education and the issue of race.

In *Bakke v. The University of California*, (1978) the issue of race in college admission once again came to the forefront. In 1973 and 1974 Allan Bakke was denied admissions to the Medical School at the University of California, Davis. At the time the University had two admissions programs for the entering class of 100 students, the

regular program and the special admissions program which was utilized for disadvantaged students. After being denied admissions not only to the University of California, Davis but to all twelve of the other medical schools he applied, Bakke brought a suit against the University of California Regents. Bakke filed suit against the University seeking a mandatory injunction for admission claiming that the institution had excluded him on the basis of his race in violation of the Equal Protection Clause of the Fourteenth Amendment and Section 601, Title VI of the Civil Rights Act. His suit also claimed that all students admitted under the special program were racial minorities, in which the University applied separate preferential standards of admission. In 1973 over 2,000 applications were submitted for admission to the medical school and in 1974 that number was over 3,000. There were only 100 slots available for acceptance into UC, Davis Medical School each year, of which 16 were filled under the special admission program for disadvantaged students.

The court contended that quotas existed, “if a fixed number of seats were set aside or an unyielding number is set to achieve a goal.” (*Bakke*, 438 U.S. at 288, 98 S. Ct. at 2747). The University argued that the sixteen slots presented a goal not a “quota.” According to the University (1978):

In light of California’s sizable minority population and the current underrepresentation of minorities in the medical profession, the allocation of 16 out of 100 places to the special admission program can hardly be criticized as unreasonably generous. Moreover, only fully qualified applicants were admitted under the program and thus if there had not been a sufficient number of qualified disadvantaged minority applicants the medical school would not have accepted minority applicants simply to fill a quota. (pg. 32)

The University asserted that if special consideration was not afforded to disadvantaged minority applicants, most of them would not gain admission because their test scores and grades more often than not are lower than those of white students. Two years prior to the

establishment of the University's special program only two black people and one Mexican-American qualified for admission. Upon implementation of the program 33 Mexican-Americans and 26 black people, and 1 Native American were admitted.

The Supreme Court ruled in favor of Bakke finding the University's special program unconstitutional, but still allowing the University to consider the use of race in its admissions process. Justice Powell (1978) contended that the use of race was a plus when administered appropriately. He asserted that while race could be a "plus" in consideration of admissions, race and ethnicity should not be used to insulate the individual from comparison with all other applicants for available seats. Powell believed that it was the goal of the institution to assure applicants were treated as individuals in the admissions process. According to the Supreme Court (1978):

Regardless of its historical origin, the equal protection clause by its literal terms applies to "any person," and its lofty purpose, to secure equality of treatment to all, is incompatible with the premise that some races may be afforded a higher degree of protection against unequal treatment than others. The rights created by the first section of the Fourteenth Amendment are, by its terms, guaranteed to the individual. The rights established are personal rights. It is, therefore, no answer to these petitioners to say that the courts may also be induced to deny white persons rights of ownership and occupancy on grounds of race or color. Equal protection of the laws is not achieved through indiscriminate imposition of inequalities. We conclude that the program, as administered by the University, violates the constitutional rights of nonminority applicants because it affords preference on the basis of race to persons who, by the University's own standards, are not as qualified for the study of medicine as nonminority applicants denied admission. (pg. 3-10)

In *Hopwood v. Texas* (1996), once again, the issue at hand was whether it was constitutional for a public college or graduate school to use race or national origin as a factor in its admissions process. Cheryl Hopwood brought suit against the University of Texas. She alleged violations of the Fourteenth Amendment and Title VI of the Civil

Rights Act of 1964. The main issue before the Court was whether the affirmative action program employed by the University was constitutional. Hopwood contended that it was not because she was discriminated against by the University of Texas Law School when it administered a quota system and provided preferential treatment to less qualified Mexican and Black American applicants in admitting them to the University.

The state of Texas has a long history of discrimination. Beginning in 1978, the Federal Office of Civil Rights (OCR) conducted an investigation of Texas' public higher education system. They concluded in their investigation that Texas had failed to eliminate vestiges of a former segregated system of public higher education between whites and students of color. In 1983 the district court for Columbia entered a Title VI enforcement suit against Texas after it found that Texas had not committed itself to a desegregation plan. This resulted in the court ordering the Department of Education to begin enforcement proceedings against the state unless it submitted a plan which was in full conformity with Title VI. The state of Texas did comply in submitting a desegregation plan forty-five days from the court order. Prior to the court order the Office of Civil Rights provided Texas with suggested measures for increasing Black and Hispanic student enrollment in graduate programs at traditionally white institutions. One of the admissions suggestions was that graduate admission officers re-evaluate each underrepresented candidates entire record in admitting Black and Hispanic students who demonstrate the potential for success, but "who do not necessarily meet all the traditional admission requirements." (*Texas et al. v. Cheryl Hopwood*, 518 U.S. 1033; 116 S. Ct. 2581).

In 1992, the University of Texas Law School admissions committee was comprised of fifteen individuals made up of faculty, staff, and students. The University also had a minority subcommittee who were all members of the full committee. The minority subcommittee was made-up of three individuals whose sole responsibility was to review files of the underrepresented candidates and make recommendations. When

students applied to the institution their applications were placed in individual folders in which additional material was added as it became available to the University. Each folder was color-coded based on two criteria: residency and race or ethnicity. Their application deadline was February 1 for Fall admissions. However, to ensure that the University would increase their chances of admitting the top minority candidates the chair of the minority subcommittee would conduct what they called “presumptive” applicant reviews. What this meant is that once the University had a computer print-out of the student’s test scores and qualifications and the candidate seemed likely to contain the appropriate admission qualifications at first review, (such as a high Texas Index score which was a combination of their GPA and LSAT scores) would receive an offer of tentative acceptance. The offer was tentative based on completion of any current course requirements the candidate was enrolled. The University’s process of separate review for minority candidates verses those of nonminority candidates was the crux of the lawsuit. However, presumptive admissions were also conducted for nonminority resident candidates. In addition, the University also implemented a separate admissions process for nonresident applicants. What became the issue of concern was not the “presumptive” admissions process, but that of the qualifying requirements for each category of students. The plaintiff’s suit claimed that the University set a higher level of requirements for nonminority candidates than that for minority candidates. The University set required scores for resident and nonresident Black and Mexican Americans, that were lower than those set for the nonminority resident and nonresident applicants. The University of Texas Law School is highly-rated nationally. The insitution receives over 4000 applicants each year who compete for 500 available seats. According to the University (1996):

The law school received 4,494 applications for the Fall 1992 incoming class. It offered admission to 936 applicants to fill a class of slightly over 500 students. The overall median GPA for

entering students was 3.52, and the overall median LSAT was 162. The median figures for nonminorities were a GPA of 3.56 and an LSAT of 164; for Blacks, a GPA of 3.30 and an LSAT of 158; and for Mexican Americans, a GPA of 3.24 and an LSAT of 157. (pg. 13)

The University contended that part of their admissions process was established by the Office of Civil Rights through the Texas desegregation plan. The plan required the State to admit ten percent Mexican American and five percent Black students in their entering class. In adhering to the need for equity and diversity, the University asserted that these percentages were not quotas, but goals consistent with the numbers of Black and Mexican American college graduates. The University also asserted that the implementation of the OCR plan was contingent upon the quality of the pool of applicants. This meant that the University was not just admitting underrepresented students based on color, but that these students were qualified and showed promise for achieving a law degree. For these reasons the University contended that the admission process was constitutional.

Hopwood had a Texas Index (TI) score of 199. Her TI was reflective of a 3.8 GPA and a 39 LSAT score combined placed her in the “presumptive” resident admit range. According to the University when Hopwood applied they were more concerned about her commitment to the program and the previous undergraduate institutions she attended. Hopwood received an associate’s degree in accounting from Montgomery County Community College in 1984 and a bachelor’s degree in accounting from California State University, Sacramento in 1988. She was a certified public accountant from California who worked thirty hours a week while attending school. In addition to being active in community organizations such as the Big Brothers and Sisters in California she also had a disabled child who required additional care. Because of the needs of her child, Hopwood submitted a letter to the University requesting to attend school on a limited basis the first year in order to attend to her child. The University had additional concerns regarding the lack of information Hopwood provided in her

application. Her application contained neither letters of recommendation nor a personal statement. Further her responses to questions included within the application were brief failing to elaborate on her background. Based on her application the University did not consider her a strong candidate. Because of this Hopwood was not offered admission in the first cut of students. She was not denied, instead she was placed on a waiting list.

According to the University (1996):

Johnson believed that Hopwood's ability to work a significant number of hours while maintaining a high GPA was indicative of earning her GPA while on a "fairly slow track" at a non-competitive institution. In contrast, Associate Dean Sharlot found that Hopwood's achievement of a high GPA while working was a "definite plus." This plus however, was insufficient to overcome Hopwood's below-median performance on the LSAT and attendance at a series of "very weak schools." (pg. 15)

The University's letter to Hopwood indicated that they could not admit her to the 1992 class at this time. However, it instructed Hopwood to return the attached form to the law school within three weeks if she wished to be placed on the waiting list. In addition, the letter asked all applicants not to place their name on the waiting list unless, they could accept an offer of admission as late as August. Hopwood testified before the court that she contacted the admissions office and personnel within the office could provide no insight on the possibility of admittance from the waiting list. At the time because of her childcare needs she chose not to place herself on the waiting list for fear that she would not be in a position to accept admittance a week before school would start. Based upon this information the court declared that under Hopwood's circumstances she was denied admission to the University based on their letter.

Under the court's standard of review they contended that the University's affirmative action plan based on race was applicable to strict judicial scrutiny. The University asserted that the court's decision to apply a strict judicial scrutiny to the affirmative action program administered by the University was inappropriate because

their plan was adopted pursuant to a federal mandate. The Texas Plans for desegregation submitted to OCR equate to a federal mandate in keeping compliance with Title VI, which is within the power of Congress as argued by the University. The University held that they were protected by this right under the Supreme Courts ruling on affirmative action plans. In 1990 the Supreme Court held that affirmative action plans adopted under federal mandate are not subject to strict scrutiny, but that these plans must only show whether they serve an important governmental objectives and whether, “they are substantially related to the achievement of the objectives,” (*Supreme Court’s holding in Metro Broadcasting v. FCC*, 497 U.S. 54, 110 S. Ct. 2997, 111 L. Ed. 2d 445, 1990).

The court disagreed with the University as they asserted that the equal protection analysis of strict scrutiny applies to all race-conscious affirmative action plans, including those adopted by “consent agreements” such as those conducted between the State of Texas and OCR. The court pointed to a 1992 ruling in *Podberesky v. Kirwain*, 956 F. 2d 52, 55, in which an affirmative action scholarship under OCR guidelines was upheld by the lower court’s application of strict judicial scrutiny. The application of strict scrutiny according to the court (1996):

involves a determination of whether the law school process served “a compelling governmental interest” and whether the process is narrowly tailored to the achievement of that goal. The purpose of ascertaining whether a compelling governmental interest exists is to “smoke out” illegitimate uses of race by ensuring that the goal is important enough to use the suspect tool of racial preference. The narrowly tailored analysis ensures that the means chosen fit this compelling goal so closely that there is little or no possibility that the motive for the classification was illegitimate racial prejudice or stereotype. (pg. 19)

The University in its defense contended that a compelling governmental interest existed which justified the need for the affirmative action program implemented by the law school. The reasons for justification were put forth in the school’s policy on

affirmative action. In order to achieve the School of Law's goal of providing real opportunities for a legal education to Black and Latino students as two of the largest minority groups in the state the institution implemented the following statement on diversity (1996):

- To achieve the diversity of background and experience in its student population essential to prepare students for the real world functioning within the law of our diverse nation;
- To assist in redressing the decades of educational discrimination to which African Americans and Mexican Americans have been subjected in the public school systems of the State of Texas;
- To achieve compliance with the 1983 consent decree entered with the Office of Civil Rights of the Department of Education imposing specific requirements for increased efforts to recruit African American and Mexican American students;
- To achieve compliance with the American Bar Association and the American Association of Law School standards of commitment to pluralist diversity in the law school's student population. (pg. 19)

The University contended that race-related remedies could be used in attempts to address past and present effects of discrimination. Hopwood asserted that any past discrimination against Blacks occurred so long ago that it has no present effects of the law school. In addition the law school had not discriminated against Mexican Americans. The separate review process for admission to the law school was unfair to nonminority candidates.

The court contended that Texas' "consent decree" with the Office of Civil Rights in an effort to remedy past discrimination in Texas higher education system, was not a valid justification by itself for the current structure of the admissions program. In the end the court sided with Hopwood asserting that the law school's affirmative action program which gave minority applicants a plus was unlawful. But the court had issue with the lack of an evaluative comparison amongst all individual applicants to determine who were the most qualified was not lawful. According to the court (1996):

The constitutional infirmity of the 1992 law school admission procedure, therefore, is not that it gives preferential treatment on the basis of race but that it fails to afford each individual applicant

a comparison with the entire pool of applicants not just those of the applicant's own race. Because the law school's 1992 admissions process was not narrowly tailored, the Court finds the procedure violated the Equal Protection Clause of the Fourteenth Amendment (pg. 28)

The Court ruled in favor of Hopwood stating that she should be allowed to reapply for admission to the law school for the 1995-96 school year without having to pay administrative fees and that her application would be reviewed by the admissions committee along with all other applications. This ruling changed the college admission process in Texas in that educational institutions within the state could no longer use race or ethnicity as a basis for offering preferential admissions to students.

Dr. J. Owens Smith, a professor at California State University Fullerton, has studied the issue of civil rights for many years. He asserts that Titles VI and VII of the Civil Rights Act are Human Rights Laws and have been misinterpreted by the courts. Smith (1998) contends that the Supreme Court has attempted to make the equal protection clause fit into Titles VI and VII in concluding that equal protection is a personal right. Smith's research compels that human rights laws are superior to domestic laws. This distinction between the two makes the Supreme Court's rulings involving the use of race-based decision making a violation against the Civil Rights Act. Making it a complete contradiction with the international law of human rights. According to Smith (1998):

The guarantee of the Fourteenth Amendment extends to all persons. Its language is explicit: "No State shall deny to any person within its jurisdiction the equal protection of the laws." It is settled beyond question that the rights created by the first section of the Fourteenth Amendment are, by its terms, guaranteed to the individual. The rights established are personal rights. The equal protection guarantee is a property right. Property is a right and not a thing. It is a right in or "a right to" things. The constitution does not create these rights but safeguards them through procedural due process. Since the equal protection clause presupposes

possession of property, the only way that affirmative action can infringe on an individual's right is to require governmental actors to take away a benefit from a non-affirmative action applicant and give it to an affirmative action applicant for the sole purpose of fulfilling its affirmative action obligations. (pg. 18-19)

Smith (1998) believes that the only way Bakke could have been deprived of his equal protection rights to attend Davis Medical School would have been to have become disenrolled after being accepted and then replaced with one of the disadvantaged minority students admitted through the schools' minority program. After he was admitted he would have had a property interest in this benefit. Smith further asserts (1998) that the boundary of the equal protection clause agreement solely limited to safeguarding the property interest. Section 601 of Title VI does not create a property interest and without a property interest there can be no discrimination.

Smith contends that the failure to provide a clear definition of racial discrimination within Titles VI and VII of the Civil Right Act has contributed to the reverse discrimination theory for which proponents of race neutrality laws have argued for years. According to Smith the United States government has an obligation to its people to amend the 1964 Civil Rights Act to include the international definition of racial discrimination. The inclusion of this definition would make the Civil Rights Act and the term consistent with the international law of human rights. According to Smith (1998):

Since the ratification of the International Convention on Eliminating All Forms of Discrimination, we now have an international definition of racial discrimination. The United States has an international obligation to amend the 1964 Civil Rights Act to make it consistent with international law of human rights. This definition is found in Article 1, of the Convention which reads: In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, or cultural or any other field of public life. (pg. 33)

Putting this language into statute will remove any gray areas regarding equity and reverse discrimination allowing the country to keep its laws designed to create equity through affirmative action in place. Smith (1998) contends that if Congress does not take affirmative steps to amend the civil rights act we will soon see an end to policies designed to eliminate racial discrimination and a systematic exclusion of underrepresented groups from mainstream society. Proponents of race blind decision making have prevailed in launching a war and a campaign of language designed to mobilize public opinion against civil rights. It is this mobilization which will ultimately prevent the United States from fulfilling its international obligation to eradicate racial discrimination. The need to eradicate racial discrimination has been an incentive need to maintain diversity and equity in higher education. This next and final section examined the need to maintain diversity and equity in higher education.

Diversity and Equity in Higher Education

The discussion of race relations in America continues to be a controversial issue replete with loaded terms such as quotas and preferences. Nowhere is this more prevalent than in higher education in the United States. The continued dialogue of racism and oppression has manifested itself into an on-going debate of diversity, equity, and merit. The university is not an ivory tower exempt from issues of turmoil. Universities, like many institutions, are community reflections of the day-to-day societal issues that challenge our human existence. Historically, the most visible of those challenges is that of “race.” According to Altbach (1996) from the civil rights movement of the 1960’s, to the governmental policies of the 1980’s, to the changing college admissions has given witness to the need for increased diversity in higher education.

More than thirty years have passed since the enactment of the 1964 Civil Rights Act, and higher education has made some progress in providing access for minority students to college campuses nationwide. Yet today, in the aftermath of the civil rights movement a loss of momentum has developed. This loss of momentum has led to an

abandonment of E PLURIBUS UNUM and a public perception that racial discrimination has been dealt with. According to the American Council on Education (1989):

In 1960 there were 150,000 black students in higher education; by 1975 that number had risen to approximately one million. But progress since then has slowed, and national commitment to equality and access seems to have faltered. Black enrollments have remained stagnant since 1975. While the number of Hispanic students enrolled in college has increased significantly since 1975, the rate of attendance declined slightly between 1975 and 1985, from 51 percent to 47 percent. A recent report by the Cherokee Nation found that only 55 percent of American Indians graduate from high school, and of these, only 17 percent go on to college. (pg.-3)

The American Council on Education asserts that there are several reasons why the numbers of underrepresented students gaining access to college campuses have become stagnant. The main causes are primary and secondary schools. Most minority students are concentrated in “inner city” schools where they receive an education inferior to that offered in suburban schools which are highly populated by whites. This situation handicaps underrepresented students by poor preparation which hinders their chances to gaining access to higher education. A second reason for this stagnant growth is that most institutions have taken a limited approach to increasing minority participation. Universities have isolated programs which may attract and retain a few minorities. In addition, they do not engage in outreach programs which seek out underrepresented students who in large part are concentrated within the very communities where the campuses reside. Finally, academia is slow to change. Changing the make-up of the college campus requires a holistic and pluralistic approach both on an organizational and personal level.

Altbach (1991) a professor at the State University of New York, asserts that those in academic life felt that minorities should be satisfied with the policies put in place at the time of the civil rights movement. This understanding, it was believed, led to a lack of caring about “racial” issues on campuses all together. Altbach’s research discusses the

negative trends in higher education which have impacted underrepresented students.

Altbach, (1991) has depicted American higher education at a flashpoint of crisis. Altbach suggests that governmental policy has neither fully supported nor enforced civil rights laws producing a trickle down affect of less equity on college campuses nationwide. It is this trickle down affect which supports the continued need for diversity on American campuses. According to Altbach (1991):

In the less political atmosphere of the 1980s, students have less ideological or moral commitment to racial harmony. In the earlier decades, the spirit of the civil rights movement and of a moral commitment to a struggle for racial equality in the United States had an impact on campus. (pg. 11)

Reagan's two terms as President exacerbated the racial crisis on college campuses. Politics played a role in how race relations became depicted in higher education. During the Reagan years conservative approaches to race relations and social programs had a devastating impact on access to higher education. According to Altbach (1991):

The legacy of Reaganism produced the lack of vigorous enforcement of civil rights laws, the taming of the Civil Rights Commission and official opposition to new anti-bias initiatives are all part of the social fabric woven during the Reagan years and enduring today. Governmental funds for virtually every program dealing with education were reduced in response to the double pressures of Reagan's military buildup and the growing budget deficit. Student loan programs were cut back and administrative and financial restrictions relating to them were increased. As a result, access to higher education was made more difficult. Enforcement of anti-bias and affirmative action policies were significantly weakened so much so that both civil rights organizations and liberals in Congress vociferously complained. (pg. 8)

Many of the programs started in the 1970s were designed to increase minority representation in the university. With the rise in conservatism during the Reagan years minority students were impacted the most. This change in national policy made its way to college campuses across the country. Altbach reports that during the 1970s the

numbers of minorities on college campuses had increased tremendously as a direct result of affirmative action programs which contributed special attention over and above that of the so-called “traditional” student. Trent (1991) a higher education researcher believed that these programs were well supported as there was evidence that the history of past discrimination and its continuing vestiges served as barriers to the elimination of persisting inequalities. This would soon change with the cut-backs in funding to education. “Ethnic” programs still left in existence came under attack by those who felt that these programs were bleeding university budgets and admitting unqualified minority students over qualified white candidates. For example, according to Altbach (1991) minority trends on campuses changed drastically:

By the 1980s, however, the growth rate for most minorities slowed significantly. In 1985, 87.3 percent of the student population was Caucasian, while 8.1 percent was Afro-American, 1.6 percent Hispanic and 2.1 percent Asian-American. The only group showing continued rapid growth is Asian-Americans. The patterns of minority student enrollment are complex and at the present time not very optimistic. (pg. 9-10)

Today the total student population continues to become increasingly diverse with a representation of a larger social class base that includes more minorities. The California Postsecondary Education Commission has been tracking ethnic representation in public high school graduations for the last two decades. According to their research ethnic and racial diversity for California public high school graduates is increasing:

The Class of 1996 is the most ethnically diverse group of students to ever graduate from California’s public high schools. Latinos were 30.3 percent, Black 7.5 percent Asians 14.4 percent and Native Americans 1 percent. White students representations has declined by 6 percent, with their numbers at 55 percent in 1990, and 46.8 percent in 1996. The number of Latino graduates increased by 42 percent, Asian graduates expanded by 14 percent, and Black graduates increased by 11 percent. (pg. 12)

Yet, African-Americans, Latinos and Native Americans still remain seriously underrepresented at many colleges and universities. When the California Postsecondary Education Commission conducted their 1996 eligibility study on students meeting the criteria for admission to the University of California they found that underrepresented figures while increasing in high school graduation were still below their Asian and European counterparts. According to the Commission (1996):

2.8 percent of Black graduates and 3.8 percent Latino were eligible to attend the University of California. While 12.7 percent of white students and 30 percent of Asians were also eligible to attend the University. (pg. 55)

The Native American population that participated in the survey was too small to calculate. This reality perpetuates the need for diversity and equity. Addressing to the need for diversity and equity is constitutionally legitimate. With the continued decline in minority representation, it has been noted that homogeneous classrooms will soon become a reality upon college campuses.

Many scholars view a homogeneous student body as a threat to the aspirations of a democratic society. How to resolve the paradoxes between the public perception of quotas and the need to sustain diversity, is perhaps the most complex issue facing California. According to Yates, an educational scholar we must resolve this issue if we are to advance as a society (1996):

Debates about diversity and the bounds of inclusion parallel the evolution of society and our understanding of social relationships and political systems. The lessons of history have made this much clear: diversity, in its myriad forms, is as essential to the university as books and classrooms. Without diversity of people, ideas, perspectives, lifestyles and more, achievement of the university's mission is impossible. Without diversity, the university does not reflect society and thus, cannot relate to society. Without diversity, academic efforts to criticize and judge our world have no foundation. (pg. 60)

Maintaining diversity in admissions should not mean a preference of accepting students who have little chance of succeeding in the institution. As some scholars have pointed out resolving to the need for diversity also means accepting students who demonstrate the probability for success as one of the main criteria in the admissions process. Preferences should not be confused with equity. It can be said, that the current admissions process of the University of California may in fact employ certain criteria which can be viewed as preferences. For example, SP-1 did not prevent the university from giving special consideration and granting admission to athletes, veterans, state residents, and children of alumni. While all of these criteria are still in place the institution should consider race, ethnicity and gender when making decisions regarding admissions. Yates (1996) asserts that:

When it is a matter of choosing among people with comparable strengths and qualifications, many factors should be considered. If one of the qualified candidates can lend a diverse perspective to a department or classroom that lacks such perspective, that is an important contribution and ought to be weighed. We can consider contributions to diversity as a secondary criterion without resorting to a numbers game, but it will require that we restore an element of humanity and common sense to our admission and hiring processes. (pg. 61)

College campuses can embrace diversity by viewing campuses as communities. The classroom should reflect the diverse communities in which Californian students reside. As Dungy asserts diversity on college campuses is a vital tool in helping students understand and appreciate differences we all share. According to Dungy (1996):

Simply sitting in a classroom together is a first step toward understanding as discussing viewpoints influenced by experiences related to culture, race, and economic position increases knowledge. Such dialogue challenges assumptions and stereotypes which is essential to learning and is a major goal of education. (pg. 54)

Supporters of SP-1 have often taken the viewpoint that programs or admissions criteria

which acknowledge race are morally wrong and are virtual acts of reverse discrimination, which stand as a challenge to the moral fiber of our democratic society. This position, however ignores the evidence of people of color within our communities who have been excluded from participating as full citizens in society based on the group to which they belong. Evidence such as the segregation (Jim Crow) laws which implemented “separate but equal,” facilities for people of color for many years in the United States. There are those who feel that the current dialogue on college admissions should not be a discussion of morality but one of sustaining access for all. As Dungy asserts (1996):

Regardless of the different viewpoints on what is moral and what is not, the reality is that universities across the nation will lose significant numbers of underrepresented students without attention to race in admissions decisions. Theodore Spencer director of undergraduate admissions for the University of Michigan, says that if “measures to promote diversity were abandoned, we would lose 30-40 percent of our Hispanics and 60-70 percent of our African American students.” Slamming the door and locking it against students who have been assisted in gaining seats in selective universities and colleges by admission criteria that include attention to race is a knee jerk and visceral reaction, based on short-term thinking that is detrimental to the general interests of society. The fear of loss and the mentality of scarcity on the part of those who would bar the college doors to underrepresented students is unreasonable and undermines the principles of an educated citizenry. (pg 2)

The need for an educated citizenry and the promotion of diversity were reason that prompted boards and commissions within the state of California to establish committees aimed at developing and articulating agency policies on the issue of equity. The California Postsecondary Education Commission established a committee on educational equity designed to advise the Governor and Legislature of its perspective on the issue. The Commission (1995) made the following statement regarding educational equity:

The Commission’s perspective on educational equity flows

directly from the Master Plan for Higher Education, as specified in the Donohoe Act, which states that the public and independent educational systems share three goals that are designed to provide educational opportunity and success for the broadest possible range of citizens. Those goals are: (1) access to education and the opportunity for success for all qualified Californians; (2) quality instruction and excellent programs for all students; (3) and “educational equity not only through a diverse and representative student body and faculty but also through educational environments in which each person, regardless of race, gender, age, disability, or economic circumstances, has a reasonable chance to fully develop his or her potential,” (Education Code 66010.2). (pg. 2)

The Commission further states that one main step towards maintaining diversity on college campuses is to ensure that campus environments are supportive for all students. The Commission continues to advocate that diverse environments enrich educational experiences for all students. Diverse environments allow students from all backgrounds to interact and learn with individuals from different cultures. This heterogeneous environment will prepare graduates to participate in the pluralistic world in which they live. With our population becoming increasingly diverse our educational system has no choice but to start teaching a student body that is equally as diverse if California wants to maintain a leadership role in our global society. Education is the foundation for economic and social mobility. Education in our society today is a vital means to survival. Therefore, it is critical for underrepresented students to gain access to opportunities which will afford them the ability to compete for and achieve economic independence. Diversity is what gives education its value. According to the American Association of Colleges and Universities AACU (1995):

Traditionally, the academy has emphasized the benefit of higher learning both intellectual and economic to each individual learner. But diversity and democracy together press educators to address the communal dimensions and consequences of higher learning. By highlighting the social nexus in which all learning occurs, the linkage

between diversity and democratic society challenges us to think more deeply about what individuals learn from their experience of campus ethos and how that learning in turn constrains or enriches the quality and vitality of American communities. (pg. 10)

The need for diversity in higher education has been acknowledged on a national level. In 1987 the American Council on Education, concerned by the declining pace of campus diversity, developed a Commission on Minority Participation in Education and American Life. The commission was comprised of individuals from government, business and the nonprofit sectors. Former presidents Ford and Carter served as co-chairs of the commission. The commission authored a report, "One-Third of a Nation." One of the findings of that report was that American higher education was not keeping pace with the changing demographics in achieving full participation of minority citizens. The commission developed strategies for success, in which they detailed criteria institutions should employ in an effort to increase diversity. These strategies were detailed in the American Council on Education's Handbook on enhanced diversity (1989):

- Leadership from the top: diversity on the board, on the presidents' staff, the celebration of diversity in all aspects of campus life, and the clear willingness to allocate resources to achieve equity are but a few concrete demonstrations of leadership.
- Leadership from the ranks: while the commitment of the board and president are important, they cannot accomplish real change without support throughout the institution. For example, any individual hiring a new staff member can actively recruit minority candidates by contacting colleagues at other institutions for suggestions rather than simply relying on responses to advertisements.
- Involvement of minority persons: the planning effort will be sound or successful only with the input of affected groups and with their participation in the formulation of the agenda and potential solutions.
- Support of Minority Networks: networks of minority students, faculty, and staff are key to providing them with information and support. Institutional leaders can support these networks by providing resources and recognition.

- Mentoring for students, faculty, and staff: mentoring programs are especially useful to minority individuals to develop relationships with both majority and minority colleagues and to be sure that they have advisors and advocates.
- Allocation of sufficient resources: discussions and decisions regarding allocation of resources to minority concerns must be incorporated into the ongoing institutional planning process.
- Provision of incentives: people need encouragement and rewards to change.
- Explicit and result-oriented efforts: it is important that the main goals be translated at every stage into short-term goals that are easily identified and understood.
- A good complaint system: a formal grievance procedure to handle discrimination or harassment complaints is essential.
- Manageable goals: most would agree that change in the academy is often difficult and slow. Thus, it is helpful to think big, but start small, setting goals that can be reasonably attained.
- Periodic reporting to the president and governing board.

Fostering diversity on college campuses will help prepare students to meet the rigor of the workforce in turn making them more marketable. The theory behind this is that if the campus looks more like the workforce students will encounter upon graduation, they will be better prepared to make the transition. Institutions of higher learning should foster this perspective in better preparing Californians for the new millennium. Some within the education community have viewed the retreat from race in admissions as the starting point of turning back the clock on equality. According to Gladieux (1996):

We cannot afford as a society to turn back the clock.
We are a nation of diverse peoples and becoming more so. America is an ongoing experiment in diversity. And American higher education for two centuries has been a vehicle of democratization, extending the possibility of

a better life to new groups in society. It has represented hope and opportunity. (pg. 5)

Admissions criteria which utilize race-based decision making, to address the need for diversity and equity do not operate to discriminate against individuals unless the criteria violate the equal protection clause. According to Smith (1998):

Equal protection is a personal right which presupposes the possession of property. Before it can come into play, an individual must have secured a property interest in the government benefit in which he claims that he has been deprived of as a result of affirmative action. Without a property interest, there can be no deprivation of property rights. (pg. 1)

The research of J. Owens Smith and Thomas Hobbes supports the idea that the consideration of race in admissions does not violate the equal protection clause. Smith's research on racial discrimination supports this as well as Thomas Hobbes' theory of the principle of justice. Before examining the equal protection clause we must first look at racial discrimination.

In his research on equality, Smith discusses the meaning of racial discrimination. Smith (1998) asserts that racial discrimination was clear cut during the civil rights movement. It was defined as:

Measures, either *de jure* or *de facto*, that operated to systematically exclude African Americans from enjoying the same rights and privileges that were afforded to the majority. The purpose of this exclusion was to maintain African Americans in a position of inferiority to that of the majority both by law and fact.

Reverse discrimination is a phrase often used by those who oppose the use of race in the admissions process. The premise behind the opposition is that race-based admissions grant a government benefit to minorities less qualified than members of the majority. Smith asserts that this theory is inherently flawed when examining the Equal Protection Clause. Thomas Hobbes' principle of justice refutes the assertion that race-based

admission violates the Equal Protection Clause. As Hobbes' (1930) points out in his theory of justice, before an individual can claim a right to a government benefit it must first be provided to them by law. In Hobbes' research he contends that justice is derived from the law of nature. In the state of nature individuals have a right to take necessary steps to preserve themselves and their way of life. When a covenant is formed with others, however, the principle of justice is established. Hobbes asserts that a covenant is the origin of justice. According to Hobbes (1930):

For where no covenant hath preceded, there hath no right been transferred, and man has a right to everything; and consequently, no action can be unjust. But when a covenant is made, then to break it is unjust; and the definition of Injustice, is none other than the not performance of a covenant. And whatsoever is not unjust, is just. (pg. 296)

Under the Hobbesian principle of justice, race-based programs do not infringe upon majority students equal protection rights to gain access to the university because no rights have been transferred to them by law. The basic assumption perpetuated by opponents of race-based decision making is one of meritocracy. The assumption is that meritocracy itself confers more of a right to a government benefit for those in the majority than for underrepresented students. Put specifically, the assumption is made by students in the majority that their credentials provide them with more of a right to attend the university over a minority students credentials which may not be as grand, even though both have met the admissions qualifications. Yet, based on the research of Hobbes, no one under the equal protection clause can claim a right to a government benefit that another individual cannot claim as well, no matter what their ethnicity. Smith's research supports this theory contending that social credentials create eligibility; not civil rights. Put plainly, in order for one student to claim that he has more of a right to a government benefit than another student, there has to be a law that creates this. John Locke's theory

of property offers further evidence that meritocracy does not create a property right to a government benefit. In his essay, “Of Property,” Locke contends that the only way anyone can have a right to anything is through appropriation. The method of appropriation is established by one’s labor with property and by law. When the university denies admission to students who are well-qualified, then admission to the institution is based solely on merit. It is therefore not an equal protection guaranteed right. It is therefore, a privilege. Smith (1998) articulates the issue in this manner:

a privilege is subjectively determined whereas rights are objectively determined by rule of law. A privilege can be given and taken away at will because it is not property. Without a property interest in a government benefit, there can be no equal protection rights violation. (pg. 10)

Under Locke’s theory of property a student’s property interest in gaining admission to the university does not begin until the university sends the student an intent to register form. When the student signs the intent to register form and returns it to the institution the signature constitutes a contract which is recognized in the legal system as property. If the university chose to break the contract with the individual and give the admission slot to someone else only at that time could the student rightfully claim a violation in the equal protection clause.

Summary

The review of the literature discussed the increase in diversity of public high school graduates, the historical policies enacted by the California Legislature and the impact this has made on college admissions. In addition, this chapter examined the establishment of California’s postsecondary educational structure under the guides of the Master Plan for Higher Education, the historical background and function of the University of California and its admissions process, diversity and equity, and college admissions and the courts. The following chapter will define the research design and the methodology.

CHAPTER THREE

METHODOLOGY

Overview

The purpose of this study was to examine and analyze an educational legislative policy and its impact on undergraduate admission within the University of California. A case study design involving contextual analysis was applied based on Robert K. Yin's (1994), Case Study Research and Methods as a research strategy.

Research Design

A qualitative case study was conducted to describe the legislative process in a real-life context by examining educational policy and the role it played upon admissions within the University of California (UC). Yin (1994) contends that researchers deliberately employ a case study when they want to cover contextual conditions believing that they might be pertinent to a phenomenon of study. Examining a phenomenon is the core definition of a case study. As stated earlier a case study is, "an empirical inquiry that investigates a contemporary phenomenon within its real-life context," (pg. 13).

The policy that was analyzed and examined was Senate Constitutional Amendment 7 (SCA 7). This policy was selected because it proposed to redefine university admissions with the goal of providing more geographic and equitable access. SCA 7 redefined the eligibility criteria for students applying to the University of California. SCA 7 changed the definition of admissions by requiring UC to accept students who are eligible and rank in the upper 4 percent of their graduating class at each public high school in the state.

According to the Master Plan for Higher Education, the University of California is encouraged to select first-time freshmen from the top one-eighth (12.5 percent statewide) of all graduates of public high schools in California. The aim of this study was to examine whether SCA 7 would assist in establishing admission policies that would focus

on each individual's capacity to excel above their respective peers under comparable conditions.

SCA 7, introduced by Senator Teresa P. Hughes, proposed that the top percentile of high school graduates eligible to attend the University of California would be defined at each public high school rather than statewide. One of the focal points of the study was to evaluate whether the policy began to provide equity in regard to the institution, so that those students who did well and performed in the top 4 percent of their graduating class had an opportunity to attend the University of California.

Yin (1994) asserted that a case study is an empirical inquiry that investigates issues within a real-life context, especially when the boundaries between one phenomenon and one context are not clearly evident. This was important as the boundaries involving policy and its relation to real-life can at times create phenomena and contexts which are not clear. Case study methodology helps to describe and analyze a situation, event, or process making it amenable to current information. A qualitative case study design was applicable to this study for several reasons: its flexibility to new and current information, its adaptability to a range of contexts, processes, people and foci, and its establishment as the most useful method available in educational research. McMillian and Schumacher (1997) assert that case studies in policy research frequently focus on the information process of policy formulation to explain public policy outcomes or implementation in different settings with diverse cultural values. The goal of the researcher was to conduct a case study of SCA 7, The case examined the admissions structure of the University of California in an effort to identify issues that suggested the need to modify statutes or regulations which pertained to the university. According to Yin (1994) there are at least five different applications to a case study:

- (1). The most important is to explain the causal links in real-life interventions that are too complex for the survey or experimental strategies.
- (2). To describe an intervention and the real-life context

in which it occurred. (3). Case studies can illustrate certain topics within an evaluation, again in a descriptive mode even from a journalistic perspective. (4). The case study strategy may be used to explore those situations in which the intervention being evaluated has no clear, single set of outcomes. (5). The case study may be a “meta-evaluation” a study of an evaluation study. (pg. 15)

Design

A four step case study was designed employing four of the five different applications stated above. The fifth application of a case study according to Yin is a “meta-evaluation,” which is a study of an evaluation study. The examination of SCA 7 as a case study was not a “study of an evaluation study” yet, it was aimed at interpreting policy outcomes which may have impacted real-life interventions. Therefore, the researcher did not employ Yin’s fifth application. The researcher took the following steps: A contextual analysis of SCA 7 was conducted to explain the casual links in real-life interventions in step one. In step two, the interventions are described and explained in the real-life context in which they occurred. The case study illustrated a descriptive mode, which provided a journalistic perspective in step three. In step four the researcher conducted an overview examination of the admission policies within the University of California that developed links between SCA 7 and the current admissions structure, in an effort to solidify the need for increased legislative statute to help resolve the issues of access to higher education. The method employed by the researcher was a single-case study design. According to Yin (1994) a single case study design is appropriate under one of three circumstances:

(1). When it represents the critical case in testing a well formulated theory. (2). One in which the case represents an extreme or unique case. (3). Revelatory case this situation exists when an investigator has an opportunity to observe and analyze a phenomenon previously inaccessible to scientific investigation. (pg. 38)

The single case study method was implemented under circumstances two and three mentioned above. The goal of the researcher was to represent an extreme or “unique”

case in a setting that was previously “inaccessible to scientific investigation.”

Validity

Yin (1994) asserts that construct validity is essential to any research design. The researcher established construct validity through the use of multiple sources of evidence. The draft case study report was reviewed by a senior educational consultant within the legislature. This case study involves legislation, hence it is appropriate to provide a brief overview of the legislative process in California.

Legislative Process

There is an extensive process that a bill must follow in the California Legislature before it becomes law. The Legislative process was established by the Constitution of 1849 affirming Government as an institution for the protection, security, and benefit of the people. “Under the Constitution of 1849 the legislative process is a body designed to regulate the state based upon laws, which are enacted by bills,” (Wilson, 1994, California Legislature, pg. 89). According to Wilson (1994):

In California all laws are enacted through the medium of bills. A bill is a draft of a proposed law. It either proposes a new law, or amends or repeals the existing law. A bill becomes a statute upon being signed by the Governor and being given a chapter number by the Secretary of the State. (pg. 89)

A law can also be enacted through a legislative constitutional amendment and the initiative process (through the gathering of signatures) by ballots. Constitutional amendments are bills designed for the state constitution. As stated earlier in the study constitutional amendments must receive two-thirds vote from the members of each house (Senate and Assembly), be signed by the Governor, then must be submitted to a vote by the people (adopted by majority vote of voters), prior to becoming an addition to the state constitution.

Essentially, each piece of legislation must go through four steps in both houses of the Legislature (Senate and Assembly) before it goes to the Governor’s desk. Each piece

of legislation will go to a policy committee, a fiscal committee (if it contains fiscal implementation), and then to the floor (Senate and Assembly). A policy committee is a committee within the legislature comprised to review and vote upon bills which affect certain policy issues within the state. For example, if a piece of legislation is directed toward the education code, then it would be assigned to the education committee. The same is true for fiscal committees. Any piece of legislation that allocates funding will be assigned to the appropriations committee. The third step that legislation takes is a vote by the entire house of the legislature (Senate and Assembly). The final step is if the bill receives approval from both houses of the legislature, is to go to the Governor for signature. The Governor has a specified period of time (usually thirty days) to sign or veto legislation. If he does not sign the legislation within the specified period of time the bill automatically becomes law. When the Governor vetoes legislation he must provide a reason which is referred to as a veto message.

Sampling Design for the Study

The sample in this study was derived from a California legislative constitutional amendment that dealt with postsecondary education. Senate Constitutional Amendment 7 was the sample design utilized in the case study. The sample design consisted of five different versions of SCA 7. Specifically, the researcher conducted a contextual analysis of the five different versions of SCA 7 as the bill was amended five different times in the legislature during the 1997-98 legislative session. SCA 7 was selected as it was the only constitutional amendment proposed after the UC Regents passed SP-1, which targeted undergraduate admissions at the University of California. As the University of California has constitutional autonomy as discussed earlier in this study, a constitutional amendment is the only statutory vehicle outside of the state budget that the legislature can propose which requires UC to implement a policy.

Data Collection Process

Data collection was conducted throughout the 1997-98 academic year. The

researcher as a consultant within the legislature had obtained a working knowledge of the legislative process. Quantitative and qualitative approaches to obtaining data were employed in the study. Quantitative approaches were implemented through the use of a computer search of all relevant educational legislation dealing with higher education. A result of the search produced SCA 7 (Hughes). The researcher also examined documents and reports on college admissions from the University of California (UC), the California Postsecondary Education Commission (CPEC), legislative analysis and data from the state archives. The researcher also attended UC Regents and CPEC meetings as a non-participant observer (when the issue of admissions was discussed). The focus of the observation during these meetings was the discussion and discourse regarding new admission policies and their impact on in-coming students.

The Instrument

The instrument employed within the case study was modeled after legislative worksheets utilized within the legislature to conduct bill analysis. The worksheet consisted of three main sections: summary (brief overview of the bill, who introduced the measure) background (what the current law is), and analysis (what the proposed bill will do). The researcher utilized this same model in conducting a contextual analysis of SCA 7.

Data Analysis

The researcher implemented the following action plan in conducting an analysis of the data. First, answering the research questions, the establishment of any propositions through the analysis of the legislation, its unit of analysis, the logic linking the data to the propositions and the real-life contexts mentioned earlier, and finally the criteria for interpreting the findings. The method and findings were guided by the following research questions:

Research Questions

1. What factors and challenges exist that make it difficult for African-American,

Latino and Native American students to gain access to the University of California?

2. What are the current admission requirements and policies that govern the selection of a student body at the University of California?
3. What types of statutory provisions and retention efforts can be established to resolve the stagnant growth of underrepresented students in higher education?
4. What proportion of high school graduates within the state are currently eligible to attend the University of California?
5. What are the current differences in eligibility rates across demographic categories for students eligible to attend the University of California?
6. What are some alternatives toward increasing diversity of student enrollment that the University of California can implement in its admissions process other than race?

The researcher analyzed the data collected in print as well as at the University of California and California Postsecondary Education Commission meetings to answer the research questions. The text of SCA 7 along with reports, studies, and observations taken from commission meetings were all analyzed in examining phenomenon within the real-contexts of the legislature.

Limitations to the Study

The testing instrument employed within this study while reliable is limited in the fact that it was established by the Legislature which can impose some bias in its interpretation of legislation. The study deals with only one legislative policy, SCA 7 (five different versions of the bill) in discussing the issue of race and college admissions. One legislative policy may not be generalizable and can be limiting in adhering to the scope of this issue. In addition, SCA 7 was not successful in moving through the entire legislative process. The bill died in Senate Constitutional Amendment Committee. Therefore, the full spectrum of its impact is limited to the legislative process.

This study is discussing the issue of race and admissions at the University of California and is limited to that discussion. As stated earlier, this study does not include the issue of affirmative action. Even though it has been proposed that the issue of admissions and race in the 90s is an issue of affirmative action, this study discussed solely the new admissions policy at the University of California and its impact on underrepresented students under SP-1. SP-1 bans “preferences” but the University does not define the term. SP-1 prohibits the University from using race, religion, sex, color, ethnicity, or national origin as criteria for admission to the institution. Admissions based upon these factors do not establish affirmative action therefore limiting the discussion.

Summary

This chapter provided information regarding the research design and methodology of this study. This chapter discussed the plan the researcher used to complete the study. The researcher provided information regarding the construction of policy analysis modeled after Robert Yin’s (1994) Case Study Methodology. The researcher conducted a qualitative case study designed to examine the legislative process in a real-life context. This case study included the analysis of SCA 7 (legislative policy). Chapter four will provide the findings and explain the units of analysis which have impacted the college admissions and the University of California. Multiple sources of evidence were used to obtain legislative documents, agency reports, and archival records which were all analyzed.

Biographical Sketch of the Researcher

My educational and professional background serve as my qualifications to conduct this research. I have worked in the area of educational policy within the California Legislature for the past six years. Working within the Legislature I was able to realize early on that the system was not designed to help the most needy of our citizens, who are the poor and of color. Policy which is designed to increase access to resources and provide services which will improve skills, is viewed through xenophobic eyes, cast

in a shadow of economic uncertainty and labeled as a burden upon the state's most precious resources. After watching countless debates upon the floor of the California State Senate regarding welfare, health, immigration, education and the issue of merit, I was made all too aware of how the status quo addresses alternative types of policy designed to assist the poor. I understand and believe with all certainty that if we truly want to eradicate racism and provide equity we must establish quality education that is accessible to all who desire or need it.

Currently, as a consultant to the Senate Select Committee on Higher Education Admissions and Outreach, I have researched, analyzed and tracked legislation in the area of education, outreach policies and civil rights. In addition, with a Masters in Intercultural Communication and Public Policy Issues, I was successful in conducting a content analysis of multicultural educational policy within the Legislature. My work has also included voluntary participation in educational programs serving underrepresented students. I have had a myriad of experiences which I believe provide me with the qualifications, motivation and perseverance to conduct this type of study.

CHAPTER FOUR

FINDINGS OF DATA

Introduction

This study examined a proposed educational legislative policy (Senate Constitutional Amendment 7) and the role it played upon undergraduate admissions within the University of California (UC). The main purpose of this study was to explain Senate Constitutional Amendment 7 (SCA 7), the real-life context of policy development in the legislative process, and its impact on the admissions process at the University of California.

This chapter includes the discussion of research findings and interpretation of the data. The research data were gathered from the California Legislature, the California Postsecondary Education Commission (CPEC), the University of California (UC), and the Master Plan for Higher Education. A case study of SCA 7 was designed to describe the legislative process in a real-life context through the examination of educational policy development.

This chapter presents the findings for the following research questions as presented in Chapter 1.

1. What factors and challenges exist that make it difficult for African-American, Latino and Native American students to gain access to the University of California?
2. What are the current admission requirements and policies that govern the selection of a student body at the University of California?
3. What types of statutory provisions and retention efforts can be established to resolve the stagnant growth of underrepresented students in higher education?
4. What proportion of high school graduates within the state are currently eligible to attend the University of California?
5. What are the current differences in eligibility rates across demographic categories

for students eligible to attend the University of California?

6. What are some alternatives toward increasing diversity of student enrollment that the University of California can implement in its admissions process other than race?

Design

The researcher conducted a contextual analysis of SCA 7 to explain the casual links in real-life interventions. Second, the interventions were described and explained in the real-life context in which they occurred. The researcher found in the conclusion of the study the casual link in policy to real-life was evident in the lack of equitable funding in the K-12 level. The case study illustrated a descriptive mode, which provided a journalistic perspective in step three. Step three is depicted at the end of this chapter with a descriptive/journalistic analysis of SCA 7. In step four the researcher conducted an overview examination of the admission policies within the University of California that developed links between SCA 7 and the current admissions structure, in an effort to solidify the need for increased legislative statute to help resolve the issues of access to higher education.

Findings

The researcher conducted a contextual analysis of SCA 7 relative to real-life issues which helped formulate the answers to the research questions. She reviewed the terms and language of SCA 7, the committee analysis of the bill and apportioned the information into several categories. From the information, the researcher was able to establish common themes.

The following topics/themes emerged from an analysis of SCA 7 in addressing the research questions.

The issue of Academic Preparation

- The issue of Access
- The issue of Diversity

- The issue of Quality
- The issue of Equity

Research Question 1: What factors and challenges exist that make it difficult for African-American, Latino and Native American students to gain access to the University of California?

When considering the factors and challenges that existed which made it difficult for African-American, Latino and Native American students to gain access to the University of California the topics mentioned above were relevant when addressing this question. According to research conducted by the California Postsecondary Education Commission (CPEC) and the University of California, for students who are considered underrepresented, the common challenge that exists to gaining access to the University of California is that of being “fully eligible” for admission. As mentioned earlier “eligible” is defined as courses completed, college entrance exams taken, including three SAT II exams, and grades earned. For underrepresented students the main challenge they faced was gaining full eligibility for admission.

The California Postsecondary Education Commission has conducted a series of eligibility studies since it was created in 1974. These studies examined the population of high school graduates in the state and their eligibility for admission to our public universities. The California Postsecondary Education Commission under the Master Plan for Higher Education is charged with the mission of providing the Legislature and the Governor with information on public colleges and universities and the student population. According to CPEC (1997) eligibility studies are vital:

The academic background of California’s high school graduates are an essential ingredient in planning the future of higher education in the State because approximately 95 percent of all freshmen in the State’s public university are California high school graduates. Their preparation for, and choices among, California postsecondary institutions

have broad implications not only for higher education but also the economic and social development of the state. (pg. 1)

For this reason CPEC's research is most appropriate in addressing this question. In accordance with the admission structure outlined in SCA 7 that would admit the top ranking 4 percent of all high school graduates at each comprehensive public high school and the research conducted by CPEC, the issue of academic preparation is the main challenge that exists for underrepresented students seeking access to the University of California. Academic preparation is the foundation to eligibility. The University's "A-F" course pattern, taking standardized exams and advanced placement courses were three factors that inhibit African-American, Latino and Native American students' ability to attain eligibility for admission to the University of California. CPEC identified a proportion of "ineligible," students who were ineligible due to minor deficiencies. In completing the full pattern of college preparatory courses or tests required by the university. According to CPEC's (1997) eligibility study:

The proportion of Black and Latino graduates ineligible due to minor academic deficiencies increased while the portion of Asian graduates with this level of academic achievement decreased. The proportion of Black graduates with minor deficiencies in course requirements grew from 8.1 percent to 13.6 percent over this time period (1990-1996). At the same time, a small decline from 2.7 percent to 2.2 percent was evident in the proportion of Black graduates whose college admission test scores were insufficient for them to qualify on the University's Eligibility Index. (pg. 58)

Because the Native American population is so small at the University of California, the eligibility study did not collect enough data to provide reliable information on the Native American population in this category. According to CPEC (1997):

The pool of Latino graduates with minor subject deficiencies jumped from 9.6 percent in 1990 to 16.8 percent in 1996. The proportion of Latino graduates ineligible due to insufficient college admission test scores was unchanged at 1.5 percent. (pg. 58)

The text of SCA 7 states that students who “meet eligibility requirements based on sound educational measures,” shall be eligible for admission to the University of California. Eligibility requirements and sound educational measures are met through the completion of a college preparatory curriculum. In the challenges faced by underrepresented groups gaining admission to the University of California the issue of completion of college preparatory course work is pertinent to this discussion. To have a clear picture of the disparity in the percentage of underrepresented students completing college preparatory course curriculum let us compare their percentage to that of Asian students. In 1996, 53.6 percent, over half, of all Asian public high school graduates completed the A-F UC preparatory course pattern curriculum. According to CPEC (1997):

The proportion of Black graduates completing such a curriculum increased from 25.4 percent in 1990 to 27.9 percent in 1996. For Latinos in 1996 22.3 percent completed a university preparatory Curriculum; in 1990 that percentage was 19.4. (pg. 15)

The largest gain in college preparatory curriculum completion was obtained by Native American students. According to CPEC (1997), completion of UC preparatory courses by Native American students increased:

From 16.5 percent in 1986 to 19.5 percent in 1990 to 24.0 percent in 1996; however their participation also dropped substantially from that of 1995 when it was 26.7 percent. (pg. 15)

In contrast, 53.6 percent of Asian and 39.7 percent of White high school graduates, completed the UC “A-F” course pattern, leaving underrepresented students behind their Asian and White counterparts.

Schools operate programs geared towards students who are considered college bound. The most prominent of these programs are the Gifted and Talented Education (GATE) and Advanced Placement Programs (AP). GATE is operated in the elementary schools and AP in the high schools. Both the GATE and AP program placements are

based upon a testing process and teacher recommendation. GATE is a prescribed program for students with academic potential beyond the average learner. In examining GATE program participation, underrepresented students are already at a disadvantage beginning in elementary school. According to the California Department of Education (1994):

The Gate Program is comprised primarily of Asian and White students: the proportion of Asian participants in the GATE Program is over 50 percent greater than in the general student population and nearly the same is true for White students. The situation is reversed for Black, Latino and Native American students; their proportional representation in the GATE Program is approximately 50 percent less than in the general student body. (pg. 1)

Advanced placement programs are offered in high school for students on a college bound track who are considered “highly skilled learners.” AP programs offer exams which allow students to earn college graduation credits. The ethnic-racial composition of students with access to AP programs is similar to that of students participating in GATE programs. According to the California Department of Education (CDE) and CPEC (1994) Asian students outnumber Native American, Black and Latino students by 50 percent in their participation in AP programs.

The University of California offers additional grade points for Advanced

Placement courses (AP) that students complete with a “C” grade or better. This is relevant in the discussion of challenges that exist for underrepresented students in the area of access. Students who complete AP courses are given an advantage in the area of GPA over students who do not because of the extra grade point UC assigns to these courses. According to CPEC (1997) Black students and Latino students taking AP exams increased but, the trend once again, is that these students still lag behind Asian and White pupils. According to the College Board and CPEC (1997):

Approximately 26 percent of Asian graduates and 11.5 percent

of White graduates took AP examinations during their senior year compared to 4.8 percent of Black graduates and 8.1 percent of Latino graduates. (pg. 16)

In 1998 CPEC conducted a statistical analysis of K-12 enrollment data on AP test participation. CPEC's data was a combination of the 11th and 12th graders taking AP tests in public schools and the population of Black, Latino and Native American students enrolled. The data are as follows (CPEC, 1998):

Number of public Schools	11TH and 12TH grade pct. Taking AP tests	Black, Latino, and Native Amer. Students enrolled in 11TH and 12TH grade
827	No AP Participants	48.0%
322	0 to pt. 10%	44.2%
305	10 to pt 20%	39.4%
105	20 to pt 30%	33.0%
46	30 to pt 50%	23.0%
5	50 percent or more	20.0%

For example, what the statistics revealed was within 827 public schools there was no participation by 11th or 12 graders in AP exams. Of those 827 public schools there was the highest enrollment of Black, Latino and Native American students with a population percentage of 48. Access to AP exams was not the only challenge underrepresented students face.

For college preparatory course enrollments the racial-ethnic composition trend is similar to GATE and AP participation. According to the CDE and CPEC (1996), an examination of college preparatory course enrollment:

The percentages of Asian and White students are significantly higher than in the general student body, while the reverse situation is true for Black and Latino students. In the most selective courses, advanced mathematics and physics, the percentage of Asian students is double their presence in the

total student population and the percentages of Black and Latino students are half of their respective proportions in the general student body. (pg. 1)

SCA 7, in its April 23 amended version, eliminated all reference to standardized exams. When examining the issue of challenges once again, this is an area where underrepresented students also experienced higher rates of deficiencies. The number of students overall taking the SAT I has increased. Specifically, “ the proportion of public high school graduates taking the SAT I grew from 38 percent in 1990 to 41 percent in 1996,” (Eligibility of California’s 1996 High School Graduates for Admission to the State’s Public Universities, CPEC, December 15, 1997). According to CPEC (1997):

The number of graduates taking the SAT I examination increased by approximately 18 percent from 112,577 to 132,711. Asian students taking the test grew by 20 percent; 29 percent more Black students took the test; the number of Latino students taking the test increased by 42 percent; 15 percent more Native American students took the test; and 1.5 percent more White students sat for this examination. (pg. 17)

Data developed by the University of California Outreach Task Force indicate there is a correlation between SAT scores and family income which has a negative impact on underrepresented students. The data show that students who come from low-income families score lower on the SAT than students with families from high income categories. However, across racial and ethnic lines the disparity still exists for underrepresented students as their scores are lower than those of Asians and Whites. According to the New Directions for Outreach (1997):

As the data indicate, there are substantial differences in college preparation across different racial and ethnic groups even for students at the same income levels. Within every income category from lowest to highest, African American and Latino students average substantially lower on the SAT than Asian Americans and Whites. In fact, the differences are so large that the average SAT score for African Americans in the highest income category is actually below that of Whites and Asian Americans from families

with the poorest incomes. (pg. 11)

Cross and Slater (1997) contend that standardized exams in a race-neutral world will still have a negative impact on underrepresented students. According to Cross and Slater (1997):

In a race-neutral admissions environment, it is possible that standardized tests will take on an even more important role in determining who is, and who is not, awarded places in the first-year classes at the nation's highest-ranked undergraduate colleges as well as in the country's leading graduate and professional schools. Our calculations suggest that if standardized tests become the determining factor in admissions decisions at these schools, black enrollments at these institutions will drop by at least one half and in many cases by as much as 80 percent. (pg. 8)

The University of California further supports CPEC's research in their establishment of the Black and Latino Eligibility Task Forces. These task forces, which will be mentioned in greater detail later in this chapter in addressing research question five, were charged with identifying factors which contribute to the low rates at which Black and Latino students become eligible for admission to the UC. The Black Student Eligibility Task Force was established in 1986. The Latino Eligibility Task Force was established in 1992. Both chairs of the task forces Dr. Troy Duster and Dr. Eugene Garcia, attribute the challenges to poor academic preparation. They view the challenges as being multi-faceted involving that of a societal issue towards educating students of color as well as the families, communities, and backgrounds of these students. In addition, Duster and Garcia point out the lack of resources and funding provided to elementary and secondary schools with a large proportion of underrepresented students as also being an impediment to gaining access to the University of California. The fundamental concern is the extent to which public schools provide equitable educational opportunities for not only underrepresented students, but all students who are seeking a college education.

Overall, African-American, Latino and Native American students are experiencing challenges in gaining equitable access to college-bound programs, a

complete set of college preparatory courses (A-F course pattern), standardized tests, and advanced placement exams. These four main factors as a whole contribute to the inadequate K-12 academic preparation that these students are receiving, their low rates of eligibility and access to the University, and the lack of diversity on many UC campuses.

Research Question 2: What are the current admission requirements and policies that govern the selection of a student body at the University of California?

The Master Plan for Higher Education set guidelines which encourage the University of California to select its first time freshmen from the top one-eighth (12.5 percent) of all public high school graduates. Current statutes also encourage the University of California to “seek to enroll a student body that meets high academic standards and reflects the cultural, racial, geographic, economic, and social diversity of California.” (California Education Code 66205) The Master Plan gave public universities the authority to set their own admission standards in an effort to meet the guidelines statewide. Specifically, for the University of California the admission requirements are set under three main criteria: course pattern, grade point average, and college entrance exams. First, students applying for admission to UC must complete a 15 unit college preparatory course pattern known as the “A-F,” pattern. Second, grade point average is important. The University of California sets a minimum grade point average which students must attain in order to gain eligibility to the system. The UC’s minimum GPA for eligibility is 2.82. Students with a GPA of 3.3 or above are not required to obtain a specific score on their entrance exams. In addition, the University of California provides additional grade points for students who complete honors and advanced placement (AP) courses. Third, students are required to take college entrance exams. For the University of California, scores earned by students on these exams are combined with high school GPA in “A-F” courses to provide the UC’s eligibility index. The University of California

is unique in that it is the only public university in the nation that requires students to take two college entrance exams. In addition, to students taking either the SAT I or ACT they are also required to take three SAT II Subject examinations for admission.

In addition to the three objective criteria that the University of California utilizes in admitting eligible students, they also have the flexibility to consider personal characteristics as factors in final admission decisions. However, use of the characteristic of race has been held under a close microscope in recent years. In an effort to shed light on the discussion of race, we first examine the University's policy on undergraduate admissions prior to 1995. According to Douglass (1997):

The formal adoption of race and ethnicity as factors in the admission process by the University of California followed the 1964 Civil Rights Act. But perhaps more importantly, the impetus of the University's significant expansion of affirmative action programs came from another external source. In 1974, the California State Legislature passed a statute providing the seventh and final principle for guiding admissions and endorsed by the Regents and the university community: that the undergraduate admissions of the university "reflect" the general ethnic, sexual and economic composition of California high school graduates. (pg. 8)

As stated earlier in chapter two, in 1988 the University of California Board of Regents reaffirmed their commitment to diversity and adopted the following policy on undergraduate admissions:

Mindful of its mission as a public institution, the University of California seeks to enroll, on each of its campuses, a student body that beyond meeting the University's eligibility requirements, demonstrates high academic achievement or exceptional talent, and that encompasses the broad diversity of cultural, racial, geographical, and socioeconomic backgrounds characteristic of California. (University of California Board of Regents)

Personal characteristics considered in addition to academic factors included race or ethnicity, gender, extra-curricular activities, family economic background, special talents,

and geographical location. Shortly, after issuance of Governor Wilson's executive order W-124-95 to, "end preferential treatment and to promote individual opportunity based on merit," the Board of Regents passed SP-1 (Special Proposal) in August 1995. This resolution removed the consideration of race/ethnicity, gender, national origin, and color as factors for consideration in all admissions criteria.

Thus, the university could no longer consider race/ethnicity and gender under personal characteristics for purposes of admission decisions. This decision by the Regents had a devastating impact on underrepresented students seeking admission at the most selective campuses of UC. According to the Senate Select Committee on Higher Education Admission and Outreach (1998), "at the Berkeley campus, African Americans and Latinos compose a mere 10 percent of the 1998 incoming applications, which represented a 55 percent drop from the previous year. This returns the percentage of matriculants of underrepresented students to 1983 levels," (The New Face of the University of California: Undergraduate Admissions in the Aftermath of SP-1, Background Paper, May, 1998, pg. 2). This decision by the Regents exacerbated concern regarding the issue of diversity and access for students in the state. This decision focused the discussion of the need for the university to increase access for all students. According to former UC Regent Roy Brophy (1998):

If California is to preserve its heritage of opportunity for all, we must improve the chances for all young people to gain admission to the University of California. That means not only those from racial and ethnic minorities, but also those from all races who come from disadvantaged circumstances. (The Sacramento Bee, pg. B-7)

SCA 7 further extends the discussion of access and opportunity. By proposing to alter admission to that of school class rank based upon "educationally sound measures of performance and subject to reasonable eligibility requirements," SCA 7 focused the discussion of admission based upon issues of demand, quality and geographic equity.

SCA 7 would have guaranteed students admission who fall within the top 4 percent of their school's graduating class. This would alter the structure of admissions and could have an impact in the area of demand. SCA 7 may have changed the behavior of students if they began to believe that they were guaranteed admission if they simply applied. With California's increasing population, the provisions of SCA 7 would add to the need and credibility for a tenth UC campus, which has been approved by the Regents and designated for the city of Merced.

Assuring quality among students seeking admission to the university has always been based upon GPA and test scores. The provisions of SCA 7 extended the discussion of quality to incorporate other factors. The shift of college admissions on a per school basis focuses the discussion on the variation in academic courses offered at each public high school. Not every high school may offer the same range of courses nor at the same level of rigor as that of other schools.

Finally, the issue of access and geographic equity is also pertinent in this discussion. SCA 7, in its simple form, would have increased geographic access. By offering admission on a per school basis for the top 4 percent, automatically more students would become eligible for UC from the 858 comprehensive public high schools. Focusing admission on a per school basis forces the university to select the top percentile of students from similar backgrounds, resources and socioeconomic environments in which their classmates engage. In some respects, SCA 7 was about defining how our public institutions of higher learning might better fulfill their obligation to meet the California State Legislature's decree that those accepted into their institutions should reflect the ethnic, gender, and economic characteristics of the state's high school graduates. Those youngsters in the rural part of the state as well as those within the inner cities should have the same opportunities that have been afforded to students graduating from high schools with greater resources in suburban areas of the state.

Research Question 3: What types of statutory provisions and retention efforts can be established to resolve the stagnant growth of under-represented students in higher education?

The evidence shows that the most effective way to help resolve the stagnant growth of underrepresented students in higher education is through “support.” The most effective type of support in the state currently is the full-scale development of “Student Academic Development Programs.” Establishing these programs through funding on a statewide basis for all students especially those who are underrepresented on the University of California campuses is the main statutory provision the California Legislature can implement. Penny Edgert (Assistant Director of Academic Programs and Policy for the California Postsecondary Education Commission) pointed out that educational resources and the opportunities for those to benefit from them is inequitably distributed throughout California. It is this inequity of resources that continues the stagnant growth of underrepresented students at the University of California. As Edgert (1997) stated in her paper presented before the Senate Select Committee on Higher Education Admissions and Outreach:

The Achievement Council, a Los Angeles-based organization dedicated to reducing those differential achievements; summed up the situation well: Into the education of poor and minority children, we put less of everything we believe makes a difference. Less experienced and well-trained teachers. Less instructional time. Less rich and well-balanced curriculum. Less well-equipped facilities. And less of what may be most important of all: a belief that these youngsters can really learn. This situation is compounded by the fact that some communities have less, too. Less knowledge about how the educational system works. Less ability to help with homework. Less money to finance educational extras. Less stability in the neighborhood. Fewer models of success. (pg. 2)

Listed below is a brief summary of the Student Academic Development Programs

currently assisting underrepresented students in making the transition to college. These programs have been identified by the University of California and the California Postsecondary Education Commission as effective in helping to reduce the stagnant enrollment growth of underrepresented students.

- California Student Opportunity and Access Program (Cal SOAP): Designed to improve the flow of information and to increase student enrollment in postsecondary education.
- Advancement Via Individual Determination (AVID): AVID is a program which targets educationally disadvantaged students in college preparatory classes to help prepare them academically to make the transition to college.
- California Academic Partnership Program (CAPP): Designed to foster partnerships between schools and colleges with the intent to improve academic preparation for middle and high school students seeking to earn baccalaureate degrees.
- Electronic a-f: Established by the University of California, this is designed to increase the amount of UC “A-F” courses offered in disadvantaged schools. Through distance learning technology the UC proposes to implement these courses on-line.
- College Readiness Program (CRP): The aim of the program is to increase the number of first generation and low-income students enrolling in college. The program works to improve the academic preparation of middle school students so they are better prepared to complete college preparatory high school curriculum.
- Early Academic Outreach Program (EAOP): The aim of the program is to increase the eligibility of groups with low college-going rates. The program assists students in completing college preparatory courses that lead to eligibility for the University.
- Break the Cycle Program: through the use of UC, Berkeley students this program provides instruction in math to underrepresented and disadvantaged students.
- Center X: this program is located in the Graduate School of Education and Information Studies at UCLA. This center conducts research and practice involving urban education. Through a combination of theory and education reform they work with teachers and various academic and non-academic development programs in collaborative efforts with low-income and urban schools to improve students academic levels.
- Community Teaching Fellowships (CFT): Recruits mathematics teachers for low-

income and urban schools. In addition they recruit college math majors to tutor K-12 pupils in these schools.

- The Puente Project Training Institute: This program provides support and training to teachers and counselors on ways to work effectively with students from families who have no college experience. One of their main methodologies is the integration of cultural literature into the core curriculum so that teachers can better communicate with their diverse classrooms.
- The Berkeley Pledge: This program was established in 1995 by former UC, Berkeley Chancellor Tien. The Berkeley pledge is designed to maintain student diversity specifically on the Berkeley campus through four primary goals: “1) expand recruiting efforts targeted at disadvantaged students; 2) make Berkeley affordable for every student; 3) renew and expand commitment to working with K-14 schools and teachers; and 4) enhance academic support/enrichment programs designed to help undergraduates succeed at Berkeley,” (New Directions for Outreach: Report of the UC Outreach Task Force, July, 1997, appendix C).
- Urban Community-School Collaborative: This program is designed to develop a collaborative effort between the nine UC campuses with local communities, school districts and agencies throughout California as school partnerships to increase college enrollment.
- Upward Bound College Prep Academy: Is an academic enrichment program which provides high school students of all cultural backgrounds with the motivation and academic skills necessary to successfully complete secondary education and to enter post-secondary education.

According to Edgert (1997) while these programs are effective:

The bad news is that these programs can not significantly impact the overall eligibility or college-going rates in the State because they serve only a small portion of the population. Taken together, these programs served only 3.8 percent of students in grades 7-12 in the 1994-95 year; only 8.6 percent of the students statewide from groups with low eligibility and college-going rates; and only 7.5 percent of the schools in the state. Given our state's changing demographics and the fact that program funding has, at best, been stable recently, the proportion of students who are receiving the support they need to be academically prepared for higher education has, undoubtedly, decreased in the last couple of years. (pg. 4)

Next, let's examine retention efforts that the UC Board of Regents could implement. First, without reducing university admission standards, the University should change policies that may "negatively affect" underrepresented student eligibility, admission, and enrollment. The SAT should be eliminated in establishing eligibility. The university could suggest and encourage campuses throughout the system to create admission alternatives. The university could also expand relevant admission information printed in other languages, such as Spanish, Chinese and Russian, to high school personnel, students and parents. The Following recommendations were put forth by the Black Student Eligibility Task Force, but they have been altered to apply to all underrepresented students. These provisions can be put forth by both the Legislature and the UC Regents, though would likely be more effective if voluntarily adopted by the UC Regents:

- Improve the coordination and effectiveness of all University of California precollege programs to expand the pool of eligible underrepresented students.
- Recruit and hire more faculty of color.
- Ensure that the University's schools of education are oriented toward the state's increasingly multicultural classrooms, and produce well-trained teachers and administrators thoroughly informed about the varied educational needs of underrepresented students.
- Establish a multi-campus research unit (MRU) to conduct further research and disseminate information on issues relating to underrepresented students, particularly academic achievement and eligibility for higher education.
- Create a mechanism to support independent community-based programs designed to improve the academic performance of underrepresented children.
- Establish a mechanism, in collaboration with private industries and corporations and with state and federal agencies, to support community development, particularly economic and health service development in underrepresented communities.
- Collaborate with the State Department of Education, the Commission on Teacher

Credentialing, and other state and local educational agencies to improve teacher preparation and to advance the development of a curriculum sensitive to student diversity at both the K-12 and postsecondary levels.

- Sponsor and promote legislation and other initiatives calling for a state-supported scholarship program that would supplement other educational assistance programs and provide comprehensive financial and out-of-school academic support as incentives for educationally “at-risk” /underrepresented students to attend college. (Report of the Task Force on Black Student Eligibility, 1990, University of California, pg. 17-45)

All of these recommendations can assist in improving the stagnant enrollment growth of underrepresented students, but they must be supported statewide academically, administratively, and financially in order to really improve the low-eligibility rate of underrepresented students at the University of California.

Research Question 4: What proportion of high school graduates within the state are currently eligible to attend the University of California?

The California Postsecondary Education Commission as directed by the Master Plan for Higher Education, is the only agency in the State which reviews the academic preparation of public high school graduates and provides statistical estimates of the proportion eligible for freshmen admission at the state’s public universities. The most current eligibility study was conducted on the 1996 public high school graduating class. According to CPEC (1997) this graduating class of 1996 entered high school in 1992, a tough time. In 1992 the state of California was undergoing a recession, university requirements were increasing, costs for higher education rising, and resources for counselors and other support services for high schools were not only being cut but eliminated. Between 1990 and 1996, the University of California made some additional changes to their admission requirements which may have had an impact on student eligibility. The University of California increased the minimum required grade point average from 2.79 to 2.82 and the university added an extra year of laboratory science and

history. According to CPEC (1997):

Statewide of 1996 public high school graduates, 11.1 percent were fully eligible for freshman admission at the University of California. This rate is 1.4 percentage points below the Master Plan guideline of 12.5 percent for this system and 1.2 percentage points below their 1990 eligibility rate of 12.3 percent. (pg. 4)

These results represent the average eligibility of all public high school graduates estimated through a sample of graduates' transcripts. The most alarming finding of this study is the huge decline in eligibility that has occurred from 1990 to 1996. In 1990, eligibility of public high school graduates to UC was at its highest with 12.3 percent of public high school graduates eligible to attend the University of California. In 1996, the percentage of public high school graduates eligible for UC admission dropped down to 11.1 percent. There are many factors to which this decline can be attributed. CPEC (1997) interprets this decline based primarily on two issues: (1) the decline of academic preparation of high school students; and (2) the expansion of admission requirements put forth by the university. According to CPEC (1997):

The proportion of high school students who were ineligible for the University because of minor deficiencies in courses or achievement expanded. Also growing was the proportion of graduates who completed all of the required course work with sufficiently high grades but were determined ineligible because they were missing one or more of the required college admission tests- the "potentially" eligible pool. (pg. 4)

Research Question 5: What are the current differences in eligibility rates across demographic categories for students eligible to attend the University of California?

In reviewing the 1996 eligibility study, where only 11.1 percent of the public high school graduates met admission requirements for the University of California, differences among demographic categories show a historical trend. Since 1983 the Commission has

reported the eligibility rates among four major racial-ethnic groups: Asian, Black, Latino, and White. Native Americans are not reported as their numbers were too small to generate valid estimates. Overall, CPEC's data shows that the eligibility rate for underrepresented students declined. This would be consistent with the challenges, obstacles and factors pointed-out in research question one and throughout this study.

According to CPEC (1997):

In 1996, 30.0 percent of Asian students graduating from the State's public high schools were fully eligible, a 6.8 percent decline from their 1990 eligibility rate of 32.2 percent. The steepest drop in eligible graduates occurred among Black graduates, whose fully eligible rate of 2.8 %, was 45 percent below their 1990 rate of 5.1 percent. The fully eligible rate of Latino graduates of 3.8 percent changed only slightly from their 1990 rate of 3.9 percent. This change in estimated rates for Latino public high school graduates was not statistically significant. The proportion of White public high school graduates who were fully eligible for the University of California in 1996, 12.7 percent, was the same as in 1990. (pg. 55)

According to CPEC these changes depict the historical trend that underrepresented groups have not gained eligibility status at the rate of Asian and White students. In addition, Asian graduates are three or more times as likely to gain eligibility status for the University in comparison to other groups. CPEC's 1996 eligibility study indicated that suburban students outnumbered urban and rural students in obtaining eligibility for the University. Thirteen percent of suburban public high school graduates were eligible to attend the University in comparison to 7.1 percent of rural graduates and 10.3 percent of urban graduates. According to CPEC (1997):

If our campuses are to encompass the broad diversity of California's population, then differences in eligibility rates among students from specific racial-ethnic groups, geographic regions, and types of communities pose challenges for our public universities in assembling a student body reflective of our varied backgrounds and experiences. (pg. 3)

Research Question 6: What are some alternatives toward increasing diversity of student enrollment that the University of California can implement in its admissions process other than race?

There are other factors that the University of California can implement to increase diversity in their undergraduate admission process. The state of Texas provides one example of an admission process which excludes race. With the passage of HB 588 (House Bill) the state of Texas implemented the “ten percent plan.” HB 588 grants automatic admission at general academic teaching institutions to students who graduate in the top ten percent of their high school class. Specifically, HB 588 mandated that institutions automatically admit each student who graduated up to two years prior to the academic year to which they are applying for admissions from a public or private high school with a grade point average (GPA) in the top ten percent of the student’s class. The ten percent plan relied solely on students GPA as a race neutral factor for admission consideration. The Texas plan outlined other criteria they identified as race neutral that institutions could consider in admitting applicants. According to section 51.805 of HB 588 (1997), institutions were allowed to consider eighteen race neutral factors in making admissions decisions:

- (1) academic record; (2) socioeconomic background, including the family’s poverty level status, household income and parent’s level of education; (3) whether the applicant would be the first generation in their family to attend or graduate from an institution of higher education; (4) bilingual proficiency; (5) financial status of the applicant’s school district; (6) Texas Education Agency performance rating of the applicant’s school;
- (7) responsibilities while attending school, including whether the applicant has been employed, helped raise children or others;
- (8) region of residence; (9) applicant’s residence is rural, urban, central city or suburban; (10) standardized test performance;
- (11) standardized test performance in comparisons with others with similar socioeconomic background; (12) applicant’s attendance at a school under court-ordered desegregation plan; (13) community

involvement; (14) extracurricular activities; (15) commitment to a particular field of study; (16) personal interview; (17) admission to a comparable accredited out-of-state institution; (18) other criteria the institutions deem necessary. (pg. 2)

Under the “ten percent plan,” it was estimated that a “minimum” floor of diversity at the state colleges in Texas would be maintained. According to Texas State Data Center at Texas A&M University (1997), data on the graduating seniors in the state for the 1995-96 academic year included 16,828 graduates who took the SATs and fell within the top ten percent. The demographic of that 16,828 breakdown (1997) included:

11,106 white (66%); 2,725 Hispanic (16.2%); 2,019 Other (12%); 976 Black (5.8). Compared this with the 1995-96 enrollment figures at the University of Texas at Austin, where 12.7 percent Hispanics enrolled and only 3.9 percent Black. (pg. 1)

The ten percent plan was presented as a need for students in the state of Texas. With the potential impact of the Hopwood case, admission officers at the University of Texas and Texas A&M contend that diversity was in jeopardy and student applications were declining. The ten percent plan was presented as an alternative to the use of race with the idea of providing statewide equity, “stability and uniformity” in admissions.

Another alternative to increasing diversity in admissions was presented by two University of California professors. Rodolfo Alvarez, of UCLA, and Richard Flacks, of UC, Santa Barbara (mentioned briefly in chapter two), developed the “six percent” plan in examining admissions on a per school basis. In their proposal, “Toward Increasing Fairness in UC Admissions,” both researchers provide a detailed description of admitting the top six percent of public high school graduates to the University of California. Alvarez and Flacks (1997) contend that the University of California has not ever really adhered to its mandate under the Master Plan to provide access for the top 12.5 of all public high school graduates, but has focused more on the “privileged,” applicants. Alvarez and Flacks believe that this has always been the case for the University.

However, in the aftermath of SP-1, Alvarez and Flacks contend that there would still be more of a focus on the selective campuses of UCLA and UC Berkeley and the entire UC admissions process would be shaped unfairly based upon these two campuses. This assumption would be a mistake. According to Alvarez and Flacks (1997):

High demand for admission to UC Berkeley and UCLA has created a dilemma with broad ramifications for both educational and social policies. While UCB and UCLA have many more eligible applicants than can be accommodated with existing capacity, to varying degrees the other six campuses have had more capacity than can be utilized by existing demand from eligible applicants. For their own reasons, some groups have misleadingly charged unfairness in all UC admission, when in fact their displeasure has been fueled by failure to obtain coveted admissions to UCB and UCLA. Thus, it is important to consider the educational and social policies that guide current admissions practices. (pg. 7)

Alvarez and Flacks' six percent proposal is an attempt to add equity to the University of California's system of admissions making it more amenable to working and lower class students. Alvarez and Flacks' insist that the University of California has focused its admissions policy on privileged applicants. Offering admission on a per school basis is a step towards removing the layer of elitism that prevails within the University of California system. Alvarez and Flacks' six percent proposal was designed on a pilot study basis to be established as a ten year experiment. According to Alvarez and Flacks (1997):

Annually the top 6 percent of graduates from each and every individual public high school in the State of California would be directly offered admission by the University of California, without the graduate even making application. At each public high school, the top 6 percent would be determined solely on their academic performance in courses previously certified by UC as prerequisite for admission. Each campus of the University of California would draw up a catchment area and/or a catchment list of public high schools in the state for which it declares itself to have particular responsibility and from which it seeks applicants. (pg. 12)

Students admitted under this six percent would be awarded certificates for admission to any campus of the University of California which listed their high school on the catchment list. Students would then have a specified period of time to declare their intent to enroll at a specific campus. If students did not identify a campus by the expiration of the certificate they would automatically forfeit their slot at the University. The second tier of the Alvarez and Flacks proposal states that upon expiration of the certificates, the University could assess the number of slots they have available and offer admission to the remaining eligible applicants within the pool.

Alvarez and Flacks (1997) contend that their proposal was established with the intent to “inspire,” students. It is this inspiration that will build confidence and access for privileged as well as disadvantaged youth applying to the University of California.

Senate Bill 1807 (Hughes 1997-98) was a legislative policy designed to implement alternative admissions criteria. SB 1807 strongly requests the Regents of the University of California and requires the Trustees of the California State University to establish a five-year pilot project that would create pools of talented students to which alternative admissions criteria may be applied. Under SB 1807, UC and CSU are required to monitor the academic progress and success of all students granted alternative admission through the pilot study. Further, the two systems are required to compare them with a control group of regularly admitted students. Alternative admission criteria were based on the following: (1) Waiver of SAT I test scores and SAT II subject matter test scores, provided that a college preparatory sequence of courses has been completed and earned GPAs are above the minimum GPA specified by the University.

(2) Waiver of the ACT/SAT I score of an applicant if the score earned does not fall more than one half standard deviation below the score needed to attain regular eligibility and all other requirements have been met. In addition, consideration is to be given to the use of an oral evaluation component relative to an alternative admissions program.

The goal of the bill was to develop a study of relative student success in college

having been admitted without the use of standardized tests. The need for the bill was to provide information that currently does not exist in the area of special admissions.

According to the Senate Floor Analysis (1998), while the UC and CSU already conduct special admissions, they only provide information on the percentage of students admitted under the “special admit” pool, but they cannot provide information on the “specific criteria” by which the student was admitted. In addition, there is no tracking information regarding the graduation rates of these students compared to those of regularly admissible students. SB 1807 was vetoed by Governor Wilson. The Governor saw the bill as unnecessary and an invasion upon existing university policy regarding special admissions. According to Wilson (1998):

This bill is worse than unnecessary. It is an invitation to the University of California and California State University to reject valid academic standards and testing based upon nothing more than hostility to them presented as findings. (pg. 1)

Ronald Takaki a professor of ethnic studies at the University of California, Berkeley asserted that the University should devise a lottery for admission to the most competitive campuses. Takaki (1998) contended that the most overlooked statistic in the admissions numbers to UC, Berkeley were the 800 underrepresented students with 4.0 GPA’s who were rejected. According to Takaki these students were not admitted because they could not “compete,” with the students with higher GPAs and SATs. With the UC’s method of awarding extra points for advanced placement courses, students can obtain GPAs beyond 4.0. This method of merit “favors” students who attend affluent schools with greater resources to offer an abundance of college preparatory courses for their students. In the area of the SAT, students from wealthy families once again have an advantage over low-income or disadvantaged students. These students can afford to take test prep courses as well as take the SAT several times to improve their scores. As the University of California based its admissions criteria primarily in these two areas (GPA

and SAT) it presents unfair conditions for poor students to compete successfully with their more affluent peers. According to Takaki (1998) “these two unfair ways of evaluating applicants undermines equality of educational opportunity for minorities,” (set Up a Lottery for UC’s Top Applicants, The Los Angeles Times, April 2, 1998).

Takaki asserts that one way to implement some fairness in the admissions process for the most competitive UC campuses and adhere to diversity is through the use of a lottery. According to Takaki (1998):

UC’s most competitive campuses have such an immense and eminently excellent pool of applicants that they can simply take the top third, for example, give numbers to those students and let a lottery do the choosing. This admission procedure would be blind to race, but would open equal educational opportunity to African American and Latino students with a 4.0 GPA. These academically outstanding minority students would be selected randomly along with students who are advantaged by high family incomes and wealthy school districts. (pg. A1)

In February, 1999 the University of California Regents discussed their UC Merit Scholars Program. The Merit Scholars Program would allow admission on a per school basis for students who graduate in the top 4 percent of their senior class. The University of California has expanded their current eligibility plan to include UC eligibility in the local context. Excluding the consideration of race the University of California will establish eligibility on a per school basis. Under the Merits Scholar Program the University of California will select the students in the top 4 percent of their class from each public high school in California. These students will be identified in their junior year who are on track to graduate from high school. On track in the sense that these students must complete 11 of the 15 required courses by the end of their junior year. Students will be selected through ranking based on their GPA obtained in 11 of the 15 required courses. Students must then apply for admission and complete the remaining eligibility requirements such as completion of the academic courses, and standardized exams prior

to enrolling in the University. The goal of this alternative admission policy is to bring the current statewide eligibility of 11.1 percent up to the 12.5 percent required by the Master plan. The University of California estimates that altering admissions on a per school basis will qualify 3,600 more students for the University. The University of California (1999) estimates that the ethnic make-up of students under the 4 percent proposal is as follows: Asian 11.4%, Black 4.5 %, Latino 20 %, White 56.5 %, Other 7.6 %.

Case Study Analysis of SCA 7

SCA 7 introduced by Senator Hughes, was designed to redefine admissions at the University of California. Specifically, Senate Constitutional Amendment 7 in its current form would change current law by providing that students who rank in the upper 4 percent of their high school graduating class are: eligible for admission to UC, if they meet “educationally sound measures of performance, including grade point average and reasonable eligibility requirements.” The remainder of the students who fall into the 12.5 percent (8.5 percent) would compete for admission on a statewide basis. So, out of the 12.5 % Master Plan guideline for admission, SCA 7 would require the UC to admit all students who rank in the upper 4 percent from each comprehensive public high school first, and the remainder would compete on a statewide basis. SCA 7 was amended five times during the 1997-98 legislative session. The following is a summary of the different versions of the bill during the legislative process.

SCA 7 as introduced (February 28, 1997):

The version of SCA 7 introduced into the California State Senate on February 28, 1997, would have required that students who rank in the upper 12.5 percent and the upper 1/3 of their graduating high school class at their particular high school, based on grade point average and statewide administered aptitude test scores among the students in that graduating class would be eligible for admission to the University of California and to the California State University.

April 23, 1997 version: This measure would require that students who rank in the

upper 12.5 percent and the upper 1/3 of their graduating high school class at their particular high school, based on educationally sound measures of performance, including grade point average, be eligible for admission to the University of California and the California State University, respectively, and be entitled to admission, subject to reasonable eligibility requirements.

In this version of the bill reference to statewide administered test scores was eliminated and “admission subject to reasonable eligibility requirements,” was added. This was done at the recommendation of legislative counsel who suggested the danger of placing specifics within the text of statute that would become apart of the constitution. If there were any changes that needed to be made after passage of the bill an elected official within the legislature would have to introduce another constitutional amendment to make or correct any changes.

April 29, 1998 version: This measure would, commencing January 1, 2000, require that students who rank in the upper 12.5 percent of their graduating high school class at their particular high school, based on educationally sound measures of performance, including grade point average, be eligible for admission to the University of California. They would be entitled to admission, subject to reasonable eligibility requirements. At this stage the bill is given an effective date of January 1, 2000 for enactment and the California State University is removed from the bill. An enactment date was placed in the measure to allow UC ample time to plan for the changes. After several negotiations, the California State University was removed from the bill because it was believed that with the 22 campuses that make-up the CSU accessibility and diversity are not at risk as compared to the University of California, which has nine campuses.

July 8, 1998 version: This measure would, commencing January 1, 2000 require that only students who rank in the upper 4 percent of their graduating high school class at each comprehensive public high school be eligible for admission. This was a major change as the bill lowered its percentage from 12.5 to 4 percent. However, the bill was

drafted incorrectly, limiting the University of California to consider admission for only those students who rank in the upper 4 percent from all schools in the state. Thus, eliminating altogether the 12.5 percent Master Plan guideline, which was not the real intent of the author of the legislation to further tie the hands of the university. This amendment coincided with the University of California's per school admission proposal. In May, of 1998 the UC Academic Senate presented their own 4 percent proposal for consideration by their Board of Regents. The Regents decided to hold the matter over until a later date before making a decision.

August 5, 1998 current version of the bill: This version of the bill would provide that all students in the 12.5 percent group who rank in the upper 4 percent of their graduating high school class are entitled to admission. The admission is subject to their eligibility requirements. The remainder of those students in the 12.5 percentage group (8.5% to be exact) would compete for admission on a statewide basis.

Conclusion

What the data has shown is that providing real opportunities for underrepresented students is not solely an issue of access but is much more complex. This matter goes deeper than that of increasing advanced placement courses for students. The term "access" takes on many meanings in the matter of college admissions. In summary, chapter five will provide a more detailed analysis of the results of the data, recommendations for future research, conclusions and a discussion section which details the researcher's reflections.

CHAPTER FIVE

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary and Reflection

Through an examination of Senate Constitutional Amendment 7 (SCA 7), this case study sought to examine and explain the decline of underrepresented students admitted to the University of California and ways SCA 7 might mitigate some of the observed disparity in outcomes. The findings of the study are consistent with the conclusions. In an examination of the proposed policy the researcher made the following conclusions regarding SCA 7. SCA 7 if enacted into law, would have motivated high school students and faculty to pursue academic excellence at each individual high school. It would ensure that each high school would have provided equitable access to our selective public institutions of higher learning for their most accomplished graduates. It would provide an incentive for high schools to develop stronger academic programs. Important relationships between high schools and UC campuses would be developed as each system strives to prepare their students to meet the academic standards and requirements of our public universities. SCA 7 does not change the academic criteria. Page two of the current version of the bill states, “students will be entitled to admission, subject to reasonable eligibility requirements,” (SCA 7, 1998, page 2). What this means specifically, is that students will still need to fulfill all of the current admission requirements outlined by the University of California, in addition to graduating in the top 4 percent. SCA 7 will only enhance admission decisions with an increase in the diversity, life skills and special background each student will bring to the eligibility pool.

This case study assisted the researcher in linking the data of the policy analysis to certain conclusions regarding the decline in admission of underrepresented students. The decline of underrepresented students gaining admission to the University of California is

attributed to the lack of equitable resources and funding within school districts, lack of proper academic preparation, (which is reflected in the disparities in eligibility rates), lack of access to the University of California's "A-F" course pattern, low standardized college entrance exam scores, differences in completing advanced placement courses, and increased emphasis given to quantifiable measures of achievement in admission decisions.

In this study, the most important issue discovered was not the negative impact the UC Regents' passage of SP-1 had on underrepresented student admissions, but the continued inequities that exist within California schools. As the figures pointed out in chapters two and four, since the UC Regents' passage of SP-1 in July of 1995, admission for underrepresented students has dropped at all campuses in the system except that of UC, Riverside where admission numbers increased. For the University of California, Riverside they admitted 33, Native Americans in 1997 and 54 in 1998. For Latinos they admitted 309 in 1997 and 342 in 1998. For Black students they admitted 342 in 1997 and 372 in 1998. The inequities that currently exist are based upon a lack of access to quality education: inadequate funding within school districts in the State, unequal access to college-preparatory courses, and poor academic preparation of both students and teachers. In the past, universities attempted to "level the playing field" of these inequities that underrepresented students had no control over with their implementation of affirmative action programs. In the book, "Shape of the River," William Bowen, former President of Princeton University, and Derek Bok, former President of Harvard University, discuss the positive outcomes of affirmative action in increasing the number of underrepresented students who enter professional fields. Bowen and Bok assert that Black students who gained admission to colleges and universities with the consideration of race in 1976 and 1989, who otherwise may not have been admitted, showed higher graduation rates, higher aspirations to obtain advanced degrees, and a greater willingness to contribute back to their own communities when compared to their White counterparts. According to Bowen

and Bok (1998):

Black Americans who entered four-year colleges in 1989-90 aspired to earn an advanced degree of some kind, compared with 61 percent of white students. Of the black matriculants in the 89 cohorts at the college and beyond schools 87 percent hoped to earn a master's or other type of advanced degree, compared with 83 percent of white matriculants. (pg. 94)

Ultimately what Bowen and Bok assert is that race-neutral admission policies would be devastating to American colleges and society and they confirm this belief in their study. They compiled a profile of 700 black students admitted in 1976 under race-conscious policies. Of the 700, more than 220 obtained professional degrees or doctorates; 70 are doctors, 60 are lawyers, 125 are business executives. All earn an average salary of \$71,000 the results of the data says it all. The success of the Black students used in the study is testimony to the need to sustain race as a factor in college admissions.

The justification for race-conscious admissions historically has been the university's attempt at leveling the playing field for students coming from schools with less resources and predominantly those students have been of color. What has become a reality is that schools in low-socioeconomic communities where a predominance of Black, Latino, and Native American students reside often have inadequate facilities, laboratories, supplies and materials. They also have teachers providing instruction in academic areas where they have no credential, curriculum that is unchallenging, high turnover rate of instructors, and lack of professional training and development opportunities to improve instructional strategies of those teachers who remain. In the suburban and affluent communities which are highly populated by Whites the story is exactly the opposite. Schools are better preserved with new facilities, well maintained laboratories, abundant supplies, and state of the art equipment. In addition, teachers providing instruction are credentialed in the appropriate areas, teachers and administrators instill motivation and communicate the expectation that all students will

succeed. These inequities must improve for underrepresented students if they are to improve their college-going rate to postsecondary education. K-12 education in highly populated minority communities must provide a demanding and challenging curriculum, adequate learning environments, support that assists students in reaching their fullest academic potential, well-trained teachers and administrators who can motivate students, and hold an expectation and commitment that all students can and will learn.

Implementation of these elements can help to reduce some of the inequities noted above and provide greater access to quality education for underrepresented students.

Discussion

When discussing the realities of these inequities the prevalent themes perceived by the researcher are the societal issues of racism and prejudice surrounding education. For example, this country has experienced four centuries of colonization, segregation, slavery and racism, all of which have established sophisticated structures of oppression. It is these sophisticated structures of oppression which have established a political and economic mindset that operates against the poor, people of color, and other disadvantaged students. It is this mindset which allows the University of California to be comfortable with offering extra grade points for successful completion of advanced placement courses while knowing not all students have access to them. It is this mindset which also allows high schools in the state that offer very few college preparatory courses and AP courses, or tutoring for the SAT, to continue to operate and graduate students inadequately prepared for college entry and success. These same students must compete for admission with students who attended a school with a wealth of resources, college preparatory and AP courses and tutoring for the SAT. It is this mindset that allows the University of California to continue to operate as a separate governing body, yet allows the state of California to appropriate almost 2 billion dollars a year to the UC budget from a Legislature that has no statutory authority over the institution. It is this mindset which has allowed the University of California to operate in direct contradiction to their policies

on diversity in violation of SP-1, the constitution and education statute. SP-1, section 9 requires the university to view California's diversity as an asset and to achieve a UC population, "that reflects this state's diversity through preparation and empowerment of all students in this state to succeed rather than through a system of artificial preferences," (UC Regents, SP-1, section 9, July, 1995, pg. 3). As mentioned earlier in chapter one Article I, Section 31 of the California Constitution prohibits discrimination or preferential treatment based on race, sex, color, ethnicity or national origin. Also, as mentioned in chapter one, Education Code section 66205 requires UC to enroll a student body that reflects the state's diversity. When Asian and European students make-up the majority of the 1998 incoming freshmen class accepted to the University of California, the need to adhere to diversity and equity in enrollment seems to be lacking.

The University of California seems to be operating from the "majority rule" concept. To have a better understanding of the university's ability to accept a majority of students that do not make-up the true diversity of the state we can look to Lani Guinier's theory of majority rules which seem to govern fundamental fairness in a representative democracy. Guinier, an attorney and civil rights advocate who has studied and researched our democratic structure of government, provides insight to what she has termed, "the tyranny of the majority." Guinier (1994) asserts that operating based upon a majority rule system is not a stable structure to establish in a democracy which is racially divided. Guinier's discussion of the tyranny of the majority provides a perspective theory on democracy and the superiority of idealism which has given birth to the inequities we as a State employ when dealing with underrepresented students. According to Guinier (1994) the problem of majority tyranny arises when the self interested majority does not need to worry about "defectors". When the majority is fixed and permanent, there are no checks on its ability to be overbearing. A majority that does not worry about "defectors" is a majority with total power. In such a case, in a heterogeneous community, any faction with total power might subject the minority to the caprice and arbitrary decisions of the

majority, who instead of consulting the interest of the whole community collectively, attend sometimes to partial and local advantages. The University of California operates as that of a majority because they are viewed as being one of the premier institutions providing postsecondary education and they expend considerable resources to preserve and reinforce that view. Coupled with their constitutional autonomy they operate and employ their decisions as that of a majority with total power and no need to seek or heed any advice from the outside community, forcing students in the minority to comply with their decisions.

The current UC admissions structure has become so selective it can be viewed as a highly elitist system. When education becomes an elitist structure it can be detrimental to our economy and extremely oppressive. Paulo Freire a well-known philosopher of education who studied themes of oppression has always warned about the oppressive nature of education when run by elitists. According to Freire, “education is seen as another strategy used by elites in an effort to maintain the status quo,” (Education of the Oppressed, 1994, pg. 15)

When we discuss the continued inequities for underrepresented students it becomes parallel to the lack of equity in this country. Six months before he died, on the 4th of July, Justice Thurgood Marshall had this to say about liberty and equality (1992):

I wish I could say that racism and prejudice were only distant memories and that liberty and equality were just around the bend. I wish I could say that America has come to appreciate diversity and to see and accept similarity. But as I look around, I see not a nation of unity but of division Afro and white, indigenous and immigrant, rich and poor, educated and illiterate. But there is a price to be paid for division and isolation. (pg. xxxi)

The ivory towers of higher education are not immune to the inequities expressed within our society. As stated earlier in chapter two, if our student bodies are to encompass the broad diversity of the state’s population, then the small and declining percentages of

students from certain racial and ethnic groups who are currently represented on UC campuses, pose some obvious challenges to the state as well as to its public universities if we are to ensure equitable access to higher education.

Equitable access to higher education will not begin until the State of California corrects the disparities that exist in schools at the elementary and secondary level. In the State these disparities are consistent with the socioeconomic and racial-ethnic makeup of students in schools as well as their geographic location. Under proposition 98 at least 40 percent of our state budget should be appropriated to public schools. Yet, discrepancies continue to exist among school districts. According to the California Department of Education (1997) our gap in revenues consumed per student which fall between the highest and lowest spending districts is beyond \$4,000. In 1996-97 the state of New York spent close to \$8,000 per student compared to California which only spent \$4,287. According to CPEC (1997) California was 43 of 51 for financial investment in elementary and secondary schools. For every \$1,000 of personal income in 1991-92, Californians only spent \$35 on elementary and secondary schools. In 1996, that figure had only risen to \$36. Across these economic disparities it becomes evident that not all our schools are equal. There are substantial differences. Not all schools offer a sufficient number of the A-F courses and at least twenty percent or more do not offer any AP courses. There are certain inferences which can be drawn from these results. Resources to maximize a students potential to gain access to postsecondary education is unavailable to all students in California. Put simply, if a student attends a school in an affluent community they stand a better chance to have access to educational resources designed to prepare them for college. However, if it is a student from a Black, Native American, and Latino family or from a rural community, chances are much greater that they will not have access to appropriate resources nor will they be enrolled in college preparatory classes designed to prepare them for postsecondary education. The disparities which exist in our schools also parallel family and community resources. Students who come

from affluent neighborhoods and families are more likely to have access to resources which will increase their educational opportunities. Students from less affluent neighborhoods where college attendance is not a tradition may not find stable encouragement, access to resources or role models that can assist them. These are challenges that most underrepresented students encounter on a daily basis. The Achievement Council (1990) said it best:

Into the education of poor and minority children, we put less of everything we believe makes a difference. Less experienced and well-trained teachers. Less instructional time. Less rich and well-balanced curricula. Less well-equipped facilities. And less of what may be most important for all: a belief that these youngsters can really learn. This is compounded by the fact that some communities have less, too. Less knowledge about how the educational system works. Less ability to help with homework. Less money to finance educational extras. Less stability in the neighborhood. Fewer models of success. And hopes and dreams that are too often crushed by harsh economic conditions. (pg. 18)

There is a commonality when discussing disadvantaged students and merit which is consistent with Leon Higginbotham's theory of inferiority, as Miller (1996) pointed out so eloquently in her definition of merit. The discussion of merit is really about the "most meritorious" who are classified as academically prepared. In Miller's interpretation of the word academic merit becomes a biased subjective word when it was intended to be unbiased. For students whose mental capabilities are viewed as less "adept," "limited due to prejudice," or unmeritorious their academic preparation, while sometimes consistent with university subject area requirements, is often considered inappropriate and not fully preparatory for college success. Thus this subjective way of thinking by those in the institution is how access to education becomes "restricted," based upon subjective interpretation of "academic merit." Terms like merit which are not operationally defined by the university can be interpreted and implemented similar to Miller's own

interpretation of its use. Like merit the term inferior also plays a role. If students are classified as the less meritorious by the university, then in a sense they are considered inferior to those students who are labeled as most meritorious. Higginbotham defines inferiority as an idea to protect superiority. Higginbotham asserts that the concept of inferiority is designed to, “presume, protect, and defend the ideal of superiority of Whites and the inferiority of Blacks,” (Shades of Freedom, Leon Higginbotham, 1996, pg. xxv.). In the discussion of admissions you simply replace the terms White, Asian or suburban with “meritorious,” or academically prepared, and underrepresented, low-income or urban and rural with umeritorious or disadvantaged. The mindset and interpretation according to Higginbotham would be similar as would the result. According to Higginbotham in his theory of inferiority (1996):

Throughout the eighteenth and nineteenth centuries until 1865, the social and color ladder was reinforced by slaveholders, legislators, and judges who articulated and perfected the rationale of black inferiority and white superiority. People of color for reasons of physiology, culture, behavior and even religion were something less than fully human and were therefore inferior to whites. As such, they could be enslaved by whites, not only because of the economic benefits that the raw physical attributes they would bring whites in their efforts to turn the primitive American land into a civilized nation. (pg. 14)

Higginbotham’s theory of inferiority is important in this discussion because it adds validity to the university’s practice of admitting more students from suburban area schools and those of European and Asian descent over any other type of student. Students who attend the “right” school, are European or Asian and live in the right neighborhood, in Higginbotham’s discussion, fall in the superiority category. Everyone and anything other than that is in the inferiority category. This is evident in UC’s admission practices. Suburban public high school students are largely the highest attendees on UC campuses. The University of California admits 20-50 percent of high school graduates from such outstanding suburban schools as Lowell, in San Francisco;

Arcadia High School, Arcadia; University High School, Irvine; and Palos Verdes High School in Rolling Hills. These high schools in 1997 each sent over 100 students in their graduating classes to the University of California; Lowell sent 238, Arcadia sent 206, University sent 170, and Palos Verdes sent 165. There are schools within the state that do not send any students to the University of California. In 1997, there were 69 California High Schools that did not send any students to the University of California.

Geographically, most of these schools were located in urban and rural communities.

While these data indicate that there is a growing number of underrepresented students declining admission to the University of California, it does not necessarily mean they are all unqualified or ineligible to attend. Some fully eligible underrepresented students do not even bother to apply. Today, those who are eligible may not apply because they do not believe they will be admitted. Most often these students have suffered so many defeats already that the thought of being denied admission to the University is too great a barrier to their own self-esteem and ambition. This is one of the main reasons why some schools do not send their students to the University of California nor do they encourage them to even pursue it. The researcher has concluded that part of those declining numbers of underrepresented students can be attributed to the superiority vs. inferiority theory.

Postsecondary education is dependent upon the success of our secondary schools to prepare students for college. If California is to provide a strong social and economic future for its youth, then it must ensure that equitable educational opportunities are available for all students.

Demographics

The high school population is changing which has provided an increased focus on diversity on college campuses. According to CPEC (1997), “between 1995 and 2005, the number of public high school graduates is expected to increase by 24 percent. The proportion of White public high school graduates decreased from 61 percent in 1985 to

47.2 percent in 1995 and is expected to be 39.4 percent by 2005,” (California’s Changing Demography More Faces, New Faces, CPEC, April, 1997). Ultimately, what this means is that California will need to increase its focus on public educational equities for underrepresented students. Education offers opportunities for students to learn the skills and knowledge which will prepare them to become leaders in their communities and our state. Now more than ever the focus must be on education. With the past 1998 state elections education has once again become the forefront issue. Recently, the State of California elected a Governor who has made his top priority education. Governor Gray Davis is the first democratic Governor in California in twenty years. In his state-of-the-state address before the California Legislature he declared (1999):

My first priority in fact, my first second, and third priority is education. And my goal is to set higher expectations for everyone involved in education: students and parents, teachers and administrators. California invests nearly \$43 billion from all funds in the education of 5.5 million pupils. And too many young people graduate high school without the basic skills necessary to begin a college education or master the high-paying jobs of tomorrow. (pg. 2)

SCA 7 by Senator Hughes was widely successful in focusing the need to alter admission on a per school basis. Since its introduction in the Legislature the University of California has developed their own 4 percent proposal under the “merit scholars program.” Even the new Governor is promoting admissions on a per school basis. In his educational initiatives he has pledged to urge the UC Regents to admit students who graduate in the top 4 percent of every high school in California. In the area of case studies SCA 7 was successful in linking policy to real-life outcomes.

The current structure of disparities within school districts cannot be allowed to continue to exist. Students who are not given all the tools to compete adequately cannot be judged at the same level against students who are. What we must ultimately embrace and understand is that California’s educational system was designed to provide students

with the necessary skills and abilities to enter the workforce of tomorrow. If we want to adhere to this mission as outlined by the Master Plan for Higher Education we must improve our educational system to ensure that all students especially our underrepresented youth are able to succeed. If California is to provide a strong social and economic future for its youth, then it must ensure that equitable educational opportunities are available for all students.

After conducting a year long case study on SCA 7 and its potential impact on university admission, the following conclusions are noted:

Conclusions

- Because of the unique administrative structure of University of California under the State Constitution, generalizations towards these conclusions cannot be uniformly applied to other colleges and universities.
- Not all schools are created equal. Students who attend suburban areas schools in higher tax base communities have a better chance of gaining admission to the university then students from urban or rural areas.
- Not all schools offer an adequate amount of college preparatory “A-F “courses, making it difficult for students to adequately compete for admission to the University of California.
- As mentioned in the findings, inequities exist within schools: Inequities associated with demographic factors of students, family socioeconomic situation, race, and ethnicity, and geographic location.
- With the elimination of the consideration of race, ethnicity and gender as factors in admissions under SP-1 effective student Academic Development and Outreach Programs have become a necessity towards achieving a demographically diverse student body.
- There is an inadequate amount of research regarding Native American students and college admissions. Because they are in small numbers research and statistics on

Native American students and college admissions are not consistently tabulated along with data for Black and Latino students.

- There is a lack of comprehensive and concise dissemination of information on academic requirements for college admissions available for parents and students.
- Advanced placement courses are not evenly distributed across public high schools in the state, making it impossible for students who attend schools with less resources to compete effectively for access to the campus of first choice.
- The selection of UC Regents over the past ten years has been individuals with limited education background and experience.
- Too much weight is placed on standardized exam scores.
- Grade point average and college admissions test scores as sole measures of merit have a negative impact on educational equity.

Recommendations for Further Academic Research

- Further research should be conducted to review SP-1's impact on underrepresented students seeking admission to the University of California.
- Further research should be conducted to review the implementation of UC's 4 percent proposal (Merit Scholars Program) on the geographic and demographic impact of incoming freshmen to the institution.
- Further research should be conducted to review the effect of the SAT I and SAT II on underrepresented students seeking admission to the University of California.
- Further research should be conducted to review UC's eligibility criteria and its impact on underrepresented students.
- Further research should be conducted to review the Master Plan for Higher Education and its impact on admissions in public universities.
- Further research should be conducted to review education policy within the California Legislature and its impact on higher education.

Recommendations for Agency Research

- The need for the University of California to select students from the full-range of those who meet the eligibility requirements, instead of selecting only those at the higher end of the eligibility scale.
- The University of California should begin to employ alternatives to the traditional quantifiable roles placed on admissions.
- With the University of California's autonomy for over 100 years serious consideration should be given to restructuring the institution.
- Admission on a per school basis should be implemented immediately.
- The University of California should eliminate the practice of providing extra grade points to AP courses. It is unfair and discriminatory to students who do not have access to AP courses.
- The Legislature should re-introduce a measure like that of SCA 7 which will promote the need for admission on a per school basis.
- The California Postsecondary Education Commission in conjunction with the California Department of Education should compile data which outline the availability and access of college preparatory curriculum offered in all public high schools in the state.
- To ensure students are academically prepared for college the University of California Board of Regents, California Department of Education and the State Board of Education should develop an accountability proposal for school districts designed to reduce the need for remediation for students.
- The Black and Latino Caucuses of the State Legislature should develop policy proposals aimed at increasing the enrollment of underrepresented students to the University of California.
- The California Education Roundtable, California Department of Education and the University of California Board of Regents should launch a statewide campaign aimed

at increasing the dissemination of information regarding academic and financial planning for college to families and students.

- The selection of University of California Regents should be limited solely to qualified candidates with an education background.
- Colleges and universities should expand their collaborative contracts with public schools who further enhance their training and development of teachers and counselors.
- The California Postsecondary Education Commission, the Governor and Legislature should develop a plan that will ensure all students are able to enroll in a college that provides academic quality at an affordable cost.
- The California Postsecondary Education Commission should evaluate the University of California's admissions policies to determine their result on access and the sustainment of educational equity.
- Colleges and universities should provide evidence that merit is a valid predictor of educational success.

K-12 Recommendations

- Better preparation and facilities for students at the K-12 level.
- Increased access to resources for deprived school districts.
- The Governor and Legislature should establish full-funding statewide for student academic development programs to serve all students.
- The University of California in conjunction with the California Department of Education and the State Board of Education should develop a proposal designed to reduce the inequities in educational opportunities and resources.
- The issue of fairness and equity must be addressed as a public policy concern in elementary grades if underrepresented students have any chance of becoming

prepared for college by the time they reach high school.

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APPENDIX

Appendix A
Senate Constitutional Amendment 7

Senate Constitutional Amendment**No. 7****Introduced by Senator Hughes**

February 28, 1997

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article IX thereof, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SCA 7, as introduced, Hughes. University of California and the California State University: student eligibility.

Existing law declares that it is the policy of the Legislature that all resident applicants to California institutions of public higher education, who are determined to be qualified by law or by admission standards established by the respective governing boards, should be admitted to either (1) a district of the California Community Colleges, (2) the California State University, or (3) the University of California.

The California Constitution establishes the University of California as a public trust administered by the Regents of the University of California. Existing law authorizes the University of California to provide undergraduate and graduate instruction in the liberal arts and sciences and in the professions, including the teaching professions. Under existing law, the university has exclusive jurisdiction in public higher education over instruction in the profession of law and over graduate instruction in the professions of medicine, dentistry, and veterinary medicine. Under existing law, the University of California is the primary state-supported academic agency for research.

SCA 7

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Existing law requires the California State University to offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education, including teacher education. Existing law authorizes research, scholarship, and creative activity in support of the university's undergraduate and graduate instructional mission.

This measure would require that students who rank in the upper 12.5% and the upper $\frac{1}{3}$ of their graduating high school class at their particular high school, based on grade point average and statewide administered aptitude test scores among the students in that graduating class, be eligible for admission to the University of California and to the California State University, respectively.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring, That*
 2 *the Legislature of the State of California at its 1997-98*
 3 *Regular Session commencing on the second day of*
 4 *December 1996, two-thirds of the membership of each*
 5 *house concurring, hereby proposes to the people of the*
 6 *State of California that the Constitution of the State be*
 7 *amended by adding Section 12 to Article IX thereof, to*
 8 *read:*

9 SEC. 12. (a) Students who rank in the upper 12.5
 10 percent of their graduating high school class at their
 11 particular high school, based on grade point average and
 12 statewide administered aptitude test scores among the
 13 students in that graduating class, are eligible for
 14 admission to the University of California.

15 (b) Students who rank in the upper one-third of their
 16 graduating high school class at their particular high
 17 school, based on grade point average and statewide
 18 administered aptitude test scores among the students in
 19 that graduating class, are eligible for admission to the
 20 California State University.

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SCA 7

1 ~~that graduating class, are eligible for admission to the~~
2 ~~particular high school, based on educationally sound~~
3 ~~measures of high school performance, including grade~~
4 ~~point average, are eligible for admission to the University~~
5 ~~of California. Subject to meeting the reasonable eligibility~~
6 ~~requirements, those students shall be entitled to~~
7 ~~admission to the University of California.~~

8 (b) Students who rank in the upper one-third of their
9 graduating high school class at their particular high
10 school, based on educationally sound measures of high
11 school performance, including grade point average, are
12 eligible for admission to the California State University.
13 Subject to meeting the reasonable eligibility
14 requirements, those students shall be entitled to
15 admission to the California State University.

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AMENDED IN SENATE APRIL 23, 1997

Senate Constitutional Amendment

No. 7

Introduced by Senator Hughes
(Principal coauthor: Assembly Member Murray)

February 28, 1997

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article IX thereof, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SCA 7, as amended, Hughes. University of California and the California State University: student eligibility.

Existing law declares that it is the policy of the Legislature that all resident applicants to California institutions of public higher education, who are determined to be qualified by law or by admission standards established by the respective governing boards, should be admitted to either (1) a district of the California Community Colleges, (2) the California State University, or (3) the University of California.

The California Constitution establishes the University of California as a public trust administered by the Regents of the University of California. Existing law authorizes the University of California to provide undergraduate and graduate instruction in the liberal arts and sciences and in the professions, including the teaching professions. Under existing law, the university has exclusive jurisdiction in public higher education over instruction in the profession of law and over graduate instruction in the professions of medicine,

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dentistry, and veterinary medicine. Under existing law, the University of California is the primary state-supported academic agency for research.

Existing law requires the California State University to offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education, including teacher education. Existing law authorizes research, scholarship, and creative activity in support of the university's undergraduate and graduate instructional mission.

This measure would require that students who rank in the upper 12.5% and the upper $\frac{1}{3}$ of their graduating high school class at their particular high school, based on *educationally sound measures of performance, including grade point average and statewide administered aptitude test scores among the students in that graduating class*, be eligible for admission to the University of California and to the California State University, respectively, *and be entitled to admission, subject to reasonable eligibility requirements.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That
2 the Legislature of the State of California at its 1997-98
3 Regular Session commencing on the second day of
4 December 1996, two-thirds of the membership of each
5 house concurring, hereby proposes to the people of the
6 State of California that the Constitution of the State be
7 amended by adding Section 12 to Article IX thereof, to
8 read:

9 SEC. 12. (a) Students who rank in the upper 12.5
10 percent of their graduating high school class at their
11 ~~particular high school, based on grade point average and~~
12 ~~statewide administered aptitude test scores among the~~
13 ~~students in that graduating class, are eligible for~~
14 ~~admission to the University of California.~~

15 (b) ~~Students who rank in the upper one-third of their~~
16 ~~graduating high school class at their particular high~~
17 ~~school, based on grade point average and statewide~~
18 ~~administered aptitude test scores among the students in~~

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SCA 7

1 ~~that graduating class, are eligible for admission to the~~
2 ~~particular high school, based on educationally sound~~
3 ~~measures of high school performance, including grade~~
4 ~~point average, are eligible for admission to the University~~
5 ~~of California. Subject to meeting the reasonable eligibility~~
6 ~~requirements, those students shall be entitled to~~
7 ~~admission to the University of California.~~
8 (b) Students who rank in the upper one-third of their
9 graduating high school class at their particular high
10 school, based on educationally sound measures of high
11 school performance, including grade point average, are
12 eligible for admission to the California State University.
13 Subject to meeting the reasonable eligibility
14 requirements, those students shall be entitled to
15 admission to the California State University.

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AMENDED IN SENATE APRIL 29, 1998

AMENDED IN SENATE APRIL 23, 1997

Senate Constitutional Amendment

No. 7

Introduced by Senator Hughes
(Principal coauthor: Assembly Member Murray)

February 28, 1997

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article IX thereof, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SCA 7, as amended, Hughes. University of California—~~and the California State University~~: student eligibility.

Existing law declares that it is the policy of the Legislature that all resident applicants to California institutions of public higher education, who are determined to be qualified by law or by admission standards established by the respective governing boards, should be admitted to either (1) a district of the California Community Colleges, (2) the California State University, or (3) the University of California.

The California Constitution establishes the University of California as a public trust administered by the Regents of the University of California. Existing law authorizes the University of California to provide undergraduate and graduate instruction in the liberal arts and sciences and in the professions, including the teaching professions. Under existing law, the university has exclusive jurisdiction in public

SCA 7

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higher education over instruction in the profession of law and over graduate instruction in the professions of medicine, dentistry, and veterinary medicine. Under existing law, the University of California is the primary state-supported academic agency for research.

~~Existing law requires the California State University to offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education, including teacher education. Existing law authorizes research, scholarship, and creative activity in support of the university's undergraduate and graduate instructional mission.~~

This measure would, commencing January 1, 2000, require that students who rank in the upper 12.5% ~~and the upper 1/3~~ of their graduating high school class at their particular high school, based on educationally sound measures of performance, including grade point average, be eligible for admission to the University of California ~~and to the California State University, respectively~~, and be entitled to admission, subject to reasonable eligibility requirements.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring, That*
2 *the Legislature of the State of California at its 1997-98*
3 *Regular Session commencing on the second day of*
4 *December 1996, two-thirds of the membership of each*
5 *house concurring, hereby proposes to the people of the*
6 *State of California that the Constitution of the State be*
7 ~~*amended by adding Section 12 to Article IX thereof, to*~~
8 ~~*read:*~~

9 ~~*SEC. 12. (a) amended as follows:*~~

10 ~~*First—That Section 12 is added to Article IX thereof, to*~~
11 ~~*read:*~~

12 *Sec. 12. Students who rank in the upper 12.5 percent*
13 *of their graduating high school class at their particular*
14 *high school, based on educationally sound measures of*
15 *high school performance, including grade point average,*
16 *are eligible for admission to the University of California.*
17 *Subject to meeting the reasonable eligibility*

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SCA 7

1 requirements, those students shall be entitled to
2 admission to the University of California.

3 ~~(b) Students who rank in the upper one-third of their~~
4 ~~graduating high school class at their particular high~~
5 ~~school, based on educationally sound measures of high~~
6 ~~school performance, including grade point average, are~~
7 ~~eligible for admission to the California State University.~~
8 ~~Subject to meeting the reasonable eligibility~~
9 ~~requirements, those students shall be entitled to~~
10 ~~admission to the California State University.~~

11 *Second—That the amendments to the California*
12 *Constitution made by this measure shall become*
13 *operative on January 1, 2000.*

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AMENDED IN SENATE JULY 8, 1998
 AMENDED IN SENATE APRIL 29, 1998
 AMENDED IN SENATE APRIL 23, 1997

Senate Constitutional Amendment

No. 7

Introduced by Senator Hughes
 (Principal coauthor: Assembly Member Murray)

February 28, 1997

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article IX thereof, relating to postsecondary education.

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The California Constitution establishes the University of California as a public trust administered by the Regents of the University of California. Existing law authorizes the University of California to provide undergraduate and graduate instruction in the liberal arts and sciences and in the professions, including the teaching professions. Under

SCA 7

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existing law, the university has exclusive jurisdiction in public higher education over instruction in the profession of law and over graduate instruction in the professions of medicine, dentistry, and veterinary medicine. Under existing law, the University of California is the primary state-supported academic agency for research.

This measure would, commencing January 1, 2000, require that *only the* students who rank in the upper ~~12.5%~~ 4% of their graduating high school class at their particular high school, based on educationally sound measures of performance, including grade point average, be eligible for admission to the University of California and be entitled to admission, subject to reasonable eligibility requirements.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring.* That
2 the Legislature of the State of California at its 1997-98
3 Regular Session commencing on the second day of
4 December 1996, two-thirds of the membership of each
5 house concurring, hereby proposes to the people of the
6 State of California that the Constitution of the State be
7 amended as follows:

8 First—That Section 12 is added to Article IX thereof, to
9 read:

10 ~~Sec. 12. Students who rank in the upper 12.5 percent~~

11 *SEC. 12. Only the students who rank in the upper 4*
12 *percent of their graduating high school class at their*
13 *particular high school, based on educationally sound*
14 *measures of high school performance, including grade*
15 *point average, are eligible for admission to the University*
16 *of California. Subject to meeting the reasonable eligibility*
17 *requirements, those students shall be entitled to*
18 *admission to the University of California.*

19 Second—That the amendments to the California
20 Constitution made by this measure shall become
21 operative on January 1, 2000.

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SCA 7

1 *who rank in the upper 4 percent of their graduating high*
2 *school class shall be entitled to admission to the University*
3 *of California. The remainder of the students from this*
4 *12.5 percent group shall be eligible to compete, on a*
5 *statewide basis, for available opportunities for admission*
6 *to the University of California.*

7 Second—That the amendments to the California
8 Constitution made by this measure shall become
9 operative on January 1, 2000.

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AMENDED IN SENATE AUGUST 5, 1998

AMENDED IN SENATE JULY 8, 1998

AMENDED IN SENATE APRIL 29, 1998

AMENDED IN SENATE APRIL 23, 1997

Senate Constitutional Amendment

No. 7

Introduced by Senator Hughes
(Principal coauthor: Assembly Member Murray)

February 28, 1997

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article IX thereof, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

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The California Constitution establishes the University of California as a public trust administered by the Regents of the University of California. Existing law authorizes the University of California to provide undergraduate and

SCA 7

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graduate instruction in the liberal arts and sciences and in the professions, including the teaching professions. Under existing law, the university has exclusive jurisdiction in public higher education over instruction in the profession of law and over graduate instruction in the professions of medicine, dentistry, and veterinary medicine. Under existing law, the University of California is the primary state-supported academic agency for research.

This measure would, commencing January 1, 2000, ~~require~~ *provide* that only the students who rank in the upper ~~4%~~ *12.5%* of their graduating high school class at their particular high school, based on educationally sound measures of performance, including grade point average, ~~be~~ *are* eligible for admission to the University of California ~~and be~~. ~~The measure would provide that students in this 12.5% group who rank in the upper 4% of their graduating high school class are entitled to admission, subject to reasonable eligibility requirements.~~ *The measure would provide that the remainder of students from this 12.5% group are eligible to compete, on a statewide basis, for available opportunities for admission.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring, That*
2 *the Legislature of the State of California at its 1997-98*
3 *Regular Session commencing on the second day of*
4 *December 1996, two-thirds of the membership of each*
5 *house concurring, hereby proposes to the people of the*
6 *State of California that the Constitution of the State be*
7 *amended as follows:*

8 *First—That Section 12 is added to Article IX thereof, to*
9 *read:*

10 *SEC. 12. Only the students who rank in the upper 4*
11 *12.5 percent of their graduating high school class at their*
12 *particular high school, based on educationally sound*
13 *measures of high school performance, including grade*
14 *point average, are eligible for admission to the University*
15 *of California. Subject to meeting the reasonable eligibility*
16 *requirements, those students in this 12.5 percent group*

SENATE COMMITTEE ON CONSTITUTIONAL AMENDMENTS

David G. Kelley, Chairman

BACKGROUND INFORMATION REQUEST

Measure: SCA 7

Author : Senator Hughes

1. Origin of the bill:

- a. Who is the source of the bill? What person, organization, or governmental entity requested introduction?

Senator Hughes

- b. Has a similar bill been before either this session or a previous session of the legislature? If so, please identify the session, bill number and disposition of the bill.

No

- c. Has there been an interim committee report on the bill? If so, please identify the report.

No

2. What is the problem or deficiency in the present law which the bill seeks to remedy?

The bill seeks to provide greater access to the University of California. In accepting students who meet the eligibility requirements on a per school basis as oppose to statewide would allow students to compete for admission amongst their peers. This would provide a more equitable representation of students for the State of California.

3. Please attach copies of any background material in explanation of the bill, or state where such material is available for reference by committee staff.

See attachment

4. Please attach copies of letters of support or opposition from any group, organization, or governmental agency who has contacted you either in support or opposition to the bill.

5. If you plan substantive amendments to this bill prior to hearing, please explain briefly the substance of the amendments to be prepared.

No, minor amendments to add clarity to the bill

6. List the witnesses you plan to have testify.

RETURN THIS FORM TO: SENATE COMMITTEE ON CONSTITUTIONAL AMENDMENTS
Phone 445-2802

STAFF PERSON TO CONTACT: Jamillah Moore/ 322-4400

10/1/98

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SENATE COMMITTEE ON EDUCATION
 Leroy F. Greene, Chairman
 1997-98 Regular Session

BILL NO: SCA 7
 AUTHOR: Hughes
 AMENDED: April 29, 1998
 FISCAL COMM.: Yes HEARING DATE: July
 1, 1998
 URGENCY: No CONSULTANT: Nancy Anton

SUMMARY

This constitutional amendment provides that students who rank in the upper 12.5 percent of their high school graduating class, as specified, would be eligible for and, subject to meeting reasonable eligibility requirements, entitled to admission to the University of California (UC).

BACKGROUND

The current admissions process at UC has its origins in the Master Plan for Higher Education which recommended, in part, that UC draw its freshmen student body from the top 12.5 percent of the (statewide) high school graduating class. The adoption of specific admissions requirements is assigned to the Regents. The admissions process that has evolved over time relies heavily on the concept of "merit", as measured by high school grade point average in specific courses deemed to be college preparatory and college admissions tests scores.

ANALYSIS

This constitutional amendment provides that students who rank in the upper 12.5 percent of their high school graduating class are (1) eligible for admission to UC, and (2) subject to meeting "reasonable eligibility requirements", entitled to admission to UC. The measure

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does not define "reasonable eligibility requirements." The measure specifies that "high school class rank" would be based on "educationally sound measures of high school performance, including grade point average."

STAFF COMMENTS

- 1) Clarification Needed. It is not clear if this constitutional amendment is intended to replace the existing UC admissions policy (whereby the top 12.5 percent statewide are admitted to UC) or be in addition to existing policy. Staff recommends that this be clarified.

Staff notes that if it is instead of, this measure would likely have the effect of displacing students from high schools which traditionally have more than 12.5 percent of their graduates qualify for UC (e.g. Lowell High School in San Francisco where approximately 80 percent of graduates qualify or Davis High School where approximately 30 percent of graduates qualify for UC) with students from high schools which have fewer than 12.5 percent of their graduates qualifying for UC (e.g. River City High School in West Sacramento where roughly 2 percent of the graduates qualify.)

If this admission standard is intended to be in addition to accepting the top 12.5 percent statewide, staff notes that there could be a problem with capacity.

- 2) "Does Being in the Top 12.5 percent of a School Mean One Has the Academic Skills to Succeed at UC?." The measure provides that students in the top 12.5 percent of their high school graduating class shall be entitled to admission to UC "subject to meeting reasonable eligibility requirements" and "based on educationally sound measures of performance, including grade point average." The bill does not define either of these two terms nor does it indicate who would be responsible for determining this. Without knowing

10/1/98

Page 3

this, it is possible that students would be admitted to UC who do not have the academic skills necessary to complete university-level coursework. Accordingly, staff recommends that this be clarified.

- 3) Does it belong in the Constitution? Once in the Constitution, the Legislature and the Regents would lose the flexibility to adjust admissions criteria in response to changing budget pressures and enrollment demands. Does this make sense?

- 4) Access to UC. Currently, access to UC varies widely by high school. According to the California Postsecondary Education Commission (CPEC), 9 percent of the state's 858 public high schools -- many of these small and in rural areas -- sent no graduating senior to a UC campus in 1996 (however, those schools may have had UC-eligible students who just chose to go elsewhere.)

- 5) Current Regent's Debate. The Regents of UC are currently reviewing a proposal whereby the top 4 percent at each high school who are UC eligible (emphasis added) would be admitted to UC, with the rest of the eligibility pool filled in on a statewide basis.

- 6) Diversity. Much of the debate over restructuring UC admissions standards is in response to two recent actions -- SP 1 and Proposition 209 -- which effectively eliminated the use of ethnicity as an admissions factor. The result has been a reduction in the number of underrepresented minority students enrolling at UC. The following table highlights what the UC-eligible pool would look like under current practice, this measure and the "4 percent" proposal currently under review by the Regents.

Appendix B
Letters of Support
Senate Constitutional Amendment 7

MARIPOSA COUNTY UNIFIED SCHOOL DISTRICT
Mariposa, California

RESOLUTION #98-26
RESOLUTION IN SUPPORT OF
SENATE CONSTITUTIONAL AMENDMENT 7

WHEREAS, Senate Constitutional Amendment 7 (SCA 7) redefines the criteria for student admission to the University of California and the California State University, and

WHEREAS, SCA 7 would require UC and CSU to accept students who rank in the upper 12.5% and the upper 1/3 of their graduating class at each public high school; and

WHEREAS, the current structure by which students are selected for admission is not a true or equitable representation of the state's top students; and

WHEREAS, students should be selected from the same background, resources and socioeconomic life skills as that of their classmates; and

WHEREAS, SCA 7 would ensure students who wish to attend UC and CSU compete for admission amongst their peers, and

WHEREAS, SCA 7 would be beneficial for students from rural districts as they would not have to compete with inner-city and urban high school students for UC and CSU admission; and

WHEREAS, students from rural districts would be guaranteed equal access even if they do not have a broad curricula at their high school;

NOW THEREFORE BE IS RESOLVED, that the Governing Board of the Mariposa County Unified School District declares its support for the passage of Senate Constitutional Amendment 7.

PASSED AND ADOPTED by the Governing Board of the Mariposa County Unified School District this 19th day of February, 1998 by the following vote:

AYES: Bruun, Ross, Chapman, Collins, Bartholomew
NOES: None
ABSTAIN: None

ATTEST:


William F. Pettus, Executive Secretary



March 4, 1998

The Honorable Teresa Hughes
Member, California State Senate
State Capitol, Room 5114
Sacramento, CA 95814

GOVERNMENTAL
RELATIONS

1016 10th Street
Suite 300
Sacramento, CA
95814-1807

TEL: 916/585-5555
FAX: 916/442-6346

Subject: SCA 7 (Hughes)

Dear Teresa:

I'm pleased to reply to your February 3 letter to CTA Secretary-Treasurer Barbara Kerr on your SCA 7 regarding UC and CSU admissions.

As you know, CTA shares your goal that all students have an equal opportunity to admission to California's postsecondary education institutions.

CTA has not yet taken a position on SCA 7, but we will do so at our State Council convention in Los Angeles on March 24, and we look forward to working with you on the bill.

In the meantime, if I or Bill Collins – the CTA advocate in whose area this bill falls – can be of any help, contact either one of us.

Thanks again for your long-standing and firm support of public education and equal access to public education for all students.

Cordially,

A handwritten signature in black ink that reads "Harold Boyd, Jr." in a cursive, slightly stylized script.

Harold L. Boyd, Jr.
Manager, Legislative Relations

HB/mr

C: Barbara E. Kerr, Secretary-Treasurer
Bill Collins, Legislative Advocate

nea

 The logo for the National Education Association (NEA) consists of the lowercase letters "nea" followed by a circular emblem containing a stylized torch and the letters "NEA".



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March 10, 1998

The Honorable Teresa Hughes
Member, California State Assembly
State Capitol, Room 5114
Sacramento, CA 95814

SENATE CONSTITUTIONAL AMENDMENT 7 (HUGHES) POSITION: SUPPORT

Dear Senator Hughes:

The Small School Districts' Association (SSDA) has adopted a support position on SCA 7. This Constitutional Amendment would assure that students from every high school in the State of California would have an opportunity to attend the University of California and California State University.

Students graduating from small and rural schools, similarly to students graduating from large urban schools, have been under represented in attendance at the University of California and California State University. SCA 7 would ensure that these students would be able to have an equal opportunity to attend the publicly funded four-year institutions in the State of California.

SSDA believes that this opportunity is important and vital for all students in the State of California, should the students be from a rural high school, from an urban high school or a suburban high school. For these reasons SSDA supports SCA 7. Thank you for your consideration.

Sincerely,

David L. Walrath

DLW:ad



LYNWOOD UNIFIED SCHOOL DISTRICT

11321 Bullis Road, Lynwood, CA 90262 (310) 886-1604

AUDREY M. CLARKE, Ed.D.
SUPERINTENDENT OF SCHOOLS

February 23, 1998

The Honorable Teresa P. Hughes
Senator, Twenty-Fifth Senatorial District
California State Senate
State Capitol
Sacramento, CA 90301

Dear Senator Hughes:

I am pleased to support the Senate Constitutional Amendment 7 (SCA 7) which proposes to redefine the method of determining the applicant pool considered for the University of California (UC) and the California State University (CSU). It is critically important that the State University provide equitable access to higher education for all students.

The process for admission of the top students from each high school should provide equal access for all students, including under represented students. Lynwood Unified School District supports this system of geographic outreach which judges students academic background as it relates to peers from their individual high schools.

We are pleased to support this legislation inasmuch as it is extremely important to high school students in Lynwood to have equal access to the state college and university system.

Very truly yours,

Audrey M. Clarke, Ed.D.
Superintendent of Schools

AMC:as

02/23/1998 10:57 FROM

SUFF OFFICE

TO 919163278729

P. 01/02

Montebello Unified School District
 123 South Montebello Boulevard/Montebello, California 90640-4729
 (213) 887-7900

February 23, 1998

The Honorable Teresa P. Hughes
 Chairwoman
 Senate Select Committee on Higher
 Education Admissions and Outreach
 1020 N Street, Room 523
 Sacramento, California 95814


Dear Senator Hughes:

In response to your letter of February 3, 1998 to this district's Business Manager, Glenn J. Sheppard, I hereby advise you that the Board of Education discussed the Senate Constitutional Amendment (SCA) 7 proposal last Thursday evening and unanimously declared that they will support this legislation. I have been directed to notify you that the Board will act on a formal resolution in support of SCA 7 at their March 5 Board meeting.

The resolution will also include a statement that students from socioeconomically disadvantaged high schools should receive State funded supplemental tutoring, counseling and related services at the University of California (UC) and California State University (CSU) level to insure a reasonably successful rate of graduation for disadvantaged students.

We wish you a successful resolution in your quest for a fair allocation of the limited number of UC and CSU vacancies each year.

Sincerely,



Norman J. Kirschenbaum
 Superintendent of Schools

c Senator Charles Calderon
 Assemblywoman Martha Escutia
 Assemblywoman Diane Martinez
 Assemblywoman Grace Napolitano
 Dave Walrath, Murdoch, Walrath and Holmes
 Glenn J. Sheppard, Montebello Unified School District
 Board of Education, Montebello Unified School District

BOARD OF EDUCATION

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 Maggie Carrillo Mejia, Deputy Superintendent
 William E. Erwin, Assistant Superintendent - Personnel
 Glenn J. Sheppard, Business Manager
 Charles W. Norton, Administrative Assistant

Appendix C
The University of California's Special Proposal 1

Admissions Task Force Report

Approved as amended

SP-1

OFFICE OF THE SECRETARY

July 12, 1995

TO THE BOARD OF REGENTS:

ITEM FOR ACTION

For Meeting of July 20, 1995

ADOPTION OF RESOLUTION: POLICY ENSURING EQUAL TREATMENT-- ADMISSIONS

Regent Connerly recommends that the following resolution be adopted:

WHEREAS, Governor Pete Wilson, on June 1, 1995, issued Executive Order W-124-95 to "End Preferential Treatment and to Promote Individual Opportunity Based on Merit"; and

WHEREAS, paragraph seven of that order requests the University of California to "take all necessary action to comply with the intent and the requirements of this executive order"; and

WHEREAS, in January 1995, the University initiated a review of its policies and practices, the results of which support many of the findings and conclusions of Governor Wilson; and

WHEREAS, the University of California Board of Regents believes that it is in the best interest of the University to take relevant actions to develop and support programs which will have the effect of increasing the eligibility rate of groups which are "underrepresented" in the University's pool of applicants as compared to their

Admissions Task Force Report

percentages in California's graduating high school classes and to which reference is made in Section 4;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Chairman of the Board, with consultation of the President, shall appoint a task force representative of the business community, students, the University, other segments of education, and organizations currently engaged in academic "outreach." The responsibility of this group shall be to develop proposals for new directions and increased funding for the Board of Regents to increase the eligibility rate of those currently identified in Section 4. The final report of this task force shall be presented to the Board of Regents within six months after its creation.

Section 2. Effective January 1, 1997, the University of California shall not use race, religion, sex, color ethnicity, or national origin as criteria for admission to the University or to any program of study.

Section 3. Effective January 1, 1997, the University of California shall not use race, religion, sex, color, ethnicity, or national origin as criteria for "admissions in exception" to UC-eligibility requirements.

Section 4. The President shall confer with the Academic Senate of the University of California to develop supplemental criteria for consideration by the Board of Regents which shall be consistent with Section 2. In developing such criteria, which shall provide reasonable assurances that the applicant will successfully complete his or her course of study, consideration shall be given to individuals who, despite having suffered disadvantage economically or in terms of their social environment (such as an abusive or otherwise dysfunctional home or a neighborhood of unwholesome or antisocial influences), have nonetheless demonstrated sufficient character and determination in overcoming obstacles to warrant confidence that the applicant can pursue a course of study to successful completion, provided that any student admitted under this section must be academically eligible for admission.

Section 5. Effective January 1, 1997, not less than fifty (50) percent and not more than seventy-five (75) percent of any entering class on any campus shall be admitted solely on the basis of academic achievement.

Section 6. Nothing in Section 2 shall prohibit any action which is strictly necessary to establish or maintain eligibility for any federal or state program, where ineligibility would result in a loss of federal or state funds to the University.

Admissions Task Force Report

Section 7. Nothing in Section 2 shall prohibit the University from taking appropriate action to remedy specific, documented cases of discrimination by the University, provided that such actions are expressly and specifically approved by the Board of Regents or taken pursuant to a final order of a court or administrative agency of competent jurisdiction. Nothing in this section shall interfere with the customary practices of the University with regard to the settlement of claims against the University related to discrimination.

Section 8. The President of the University shall periodically report to the Board of Regents detailing progress to implement the provisions of this resolution.

Section 9. Believing California's diversity to be an asset, we adopt this statement: Because individual members of all of California's diverse races have the intelligence and capacity to succeed at the University of California, this policy will achieve a UC population that reflects this state's diversity through the preparation and empowerment of all students in this state to succeed rather than through a system of artificial preferences.

Appendix D
The University of California's Policy on Undergraduate Admission

UNIVERSITY OF CALIFORNIA POLICY ON
UNDERGRADUATE ADMISSIONS

The undergraduate admissions policy of the University of California is guided by the University's commitment to serve the people of California and the needs of the state, within the framework of the California Master Plan for Higher Education.

The entrance requirements established by the University follow the guidelines set forth in the Master Plan, which requires that the top one-eighth of the state's high school graduates, as well as those transfer students who have successfully completed specified college work, be eligible for admission to the University of California. These requirements are designed to ensure that all eligible students are adequately prepared for University-level work.

Mindful of its mission as a public institution, the University of California has an historic commitment to provide places within the University for all eligible applicants who are residents of California. The University seeks to enroll, on each of its campuses, a student body that, beyond meeting the University's eligibility requirements, demonstrates high academic achievement or exceptional personal talent, and that encompasses the broad diversity of cultural, racial, geographic, and socio-economic backgrounds characteristic of California.

Because applicant pools differ among the campuses of the University, each campus shall establish procedures for the selection of applicants to be admitted from its pool of eligible candidates. Such procedures shall be consistent with the principles stated above and with other applicable University policies.

Adopted May 25, 1988

Charge to the President's Task Force on Undergraduate Admissions Criteria

The Task Force will recommend to the President and the Academic Senate admissions criteria and guidelines which conform to the requirements of SP-1, adopted by The Regents of the University of California on July 20, 1995. SP-1 prohibits use of race, religion, sex, color, ethnicity, or national origin as criteria for admission and for admission by exception. The resolution also calls for development of supplemental admissions criteria consistent with the above limitations, reframing of the admissions selection guidelines such that no less than 50 percent and no more than 75 percent of the admitted class on any campus shall be admitted solely on the basis of academic achievement. SP-1 also emphasizes that the University enroll a student population that reflects the diversity of California.

The Task Force on Undergraduate Admissions Criteria shall recommend to the President and the Academic Senate specific criteria and guidelines for administering the University's undergraduate admissions programs. These criteria and guidelines shall be informed by the University's mission and responsibilities as defined in the California Master Plan for Higher Education, by the purpose and demands of undergraduate programs which are shaped by the research environment that characterizes the University; by traditions of public service derived from the University's Land Grant status; by the University of California's policies on undergraduate admissions approved on May 25, 1988 and on admission by exception approved on May 18, 1990; and by section 9 of SP-1 which affirms the importance of diversity on the University's campuses.

In formulating its recommendations, the Task Force will consult with faculty and university administrators with expertise in admissions and related subjects. To assure timely notice of prospective applicants and their families, the Task Force will conduct its work and present recommendations to the President and the Academic Senate by December 1, 1995.

POLICY ON UNDERGRADUATE ADMISSIONS BY EXCEPTION

(Note: "bold" denotes proposed revised language)

It is the policy of the University of California that:

- (1) It is essential that its campuses have the flexibility to admit a small proportion of students by exception to the eligibility requirements.
- (2) Students admitted by exception to the eligibility requirements **must** have a reasonable potential for success at the University.
- (3) The proportion of students admitted by exception shall be up to 6 percent of newly enrolled freshmen and up to 6 percent of newly enrolled advanced standing students.
- (4) Within the 6 percent designations, up to 4 percent shall be drawn from disadvantaged students and up to 2 percent from other students.
- (5) Disadvantaged students shall be defined as students from low **socio-economic backgrounds** or **students having experienced** limited educational opportunities.
- (6) The percentages in (3) and (4) above shall be understood as limits within which Chancellors can exercise their initiative to further the goals specified in the University of California Policy on Undergraduate Admissions adopted by The Regents on May 20, 1988 and reaffirmed in Section 9 of SP-1, endorsed by The Regents on July 20, 1995.
- (7) In selecting students for admission by exception it is recommended that campuses utilize the criteria listed in the revised Guidelines for Implementation of University Policy on Undergraduate Admissions, issued on February, 1996.
- (8) The Admissions by Exception program continue to be used systematically to test alternative methods of selecting students for admission.

This policy shall be effective with the Fall 1997 term.

Admissions Task Force Report

Campuses receiving applications in excess of the number required to achieve their enrollment target for a specific term shall select students for admission as follows:

A. Freshman Applicants

At least 50% but not more than 75% of freshmen admitted by each campus shall be selected on the basis of criteria as described in items 1 through 10, below. The remaining percentage of freshmen, exclusive of applicants admitted through admission by exception, shall be selected on the basis of criteria listed in items 1 through 10 plus criteria listed in items 11 through 15 below.

The following criteria provide a comprehensive list of factors campuses may use to select their admitted class. Based on campus-specific institutional goals and needs, individual campuses may choose all or some of the criteria listed below. It is strongly recommended, however, that admissions decisions be based on a broad variety of factors rather than on a restricted number of criteria to ensure attainment of the diversity goals set forth in the University of California Policy on Undergraduate Admissions and in SP-1.

Criteria to Select the First 50%-75% of the Admitted Class:

1. Academic Grade Point Average (GPA) calculated on all academic courses completed in the subject areas specified by the University's eligibility requirements (the a-f subjects), including additional points for completion of University certified honors courses. **It is recommended that the maximum value allowed for the GPA shall be 4.0.**
2. Scores on the following tests: the Scholastic Assessment Test I or the American College Test, and the College Board Scholastic Assessment Test II: Subject Tests.
3. The number and content of courses successfully completed in academic subjects beyond the minimum specified by the University's eligibility requirements.
4. The number of University approved honors courses, College Board Advanced Placement courses, International Baccalaureate courses, and transferable college courses completed or in progress.
5. The quality of the senior year program, as measured by type and number of academic courses in progress or planned.
6. Outstanding performance in one specific academic subject area.
7. Completion of special projects in any academic field of study.

Admissions Task Force Report

8. Special, outstanding endorsement of the school regarding the candidate's academic potential and promise.
9. Recent, marked improvement in academic performance, as demonstrated by academic grade point average and quality of coursework completed and in progress.
10. Quality of performance relative to the educational opportunities available in the candidate's school of origin.

Criteria to Select the Remainder 50% to 25% of the Admitted Class

Criteria 1 through 10 listed above PLUS criteria
11 through 15 listed below:

11. Special talents, interests, or experiences that demonstrate unusual promise for leadership, achievement, and services in a particular field such as civic life or the arts.
12. Special circumstances adversely affecting applicants' life experiences. **Overcoming these challenges are evidence of unusual persistence and determination.** These circumstances may include, for example, disabilities, personal difficulties, low family income, need to work, disadvantaged social or educational environment, difficult family situations or circumstances, re-entry status, refugee status, or veteran status.
13. Completion of special projects undertaken either in the context of the high school curriculum or in conjunction with special school events or projects co-sponsored by the school, community organizations, postsecondary educational institutions, other agencies, or private firms, that demonstrate special effort and determination or that may indicate special suitability to an academic program on a specific campus.
14. Participation in special cross-cultural programs offered by the high school or community organizations, demonstrated, outstanding individual effort to experience other cultures, or proficiency in other languages. These factors shall be considered to further the goal of diversity in the student population.
15. Location of the educational institution of origin and of the applicant's residence. These factors shall be considered in order to provide for geographic diversity in the student population and also to account for the wide variety of educational environments existing in California.

Admissions Task Force Report

B. Advanced Standing Applicants

Advanced standing applicants shall be selected by each campus using the criteria listed below. Primary emphasis shall be given to criteria as described in items 1 through 4, below. However, in order to assess applicants' overall promise of success and to achieve strength and diversity in the campuses' advanced standing student body, consideration shall also be given to the criteria as described in items 11 through 15, above.

Priority consideration for admission of advanced standing applicants shall be given to upper division junior transfers from California Community Colleges.

Criteria to Select Advanced Standing Applicants

1. Completion of a specified pattern or number of courses that meet breadth or general education requirements.
2. Completion of a specified pattern or number of courses that provide continuity with upper division courses in the major.
3. Grade point average in all transferable courses.
4. Participation in academically selective honors courses or programs.

(Refer to items 1 through ¹⁰~~5~~ above for additional criteria to consider.)

II. APPLICATION PROCEDURES

A common filing period for submission of applications shall be established by the Office of the President in consultation with the campuses. These dates shall be observed by all campuses and may be extended only if a campus determines that additional applications are required to meet enrollment targets. All applications submitted during the prescribed dates shall receive equal consideration for admission.

Applicants shall file one application on which they shall indicate all the campuses where they wish to be considered for admission.

Campuses shall observe and publish a common date for notifying applicants of their admission status.

III. ACCOMMODATION OF APPLICANTS

Admissions Task Force Report

When applicants cannot be accommodated in their selected programs, campuses may offer enrollment alternatives. Examples of such alternatives are:

1. Fall term admission to a different major;
2. Deferred admission to another term; or,
3. Enrollment at a community college with provision for admission at a later time, if a stated level of academic achievement is maintained (for freshman applicants only).

GUIDELINES FOR IMPLEMENTATION OF UNIVERSITY POLICY ON
UNDERGRADUATE ADMISSIONS

(Note: "bold" denotes proposed revised language)

On May 20, 1988, The Regents of the University of California adopted a University of California Policy on Undergraduate Admissions. **The Policy states in part that:**

"Mindful of its mission as a public institution, the University of California ...seeks to enroll, on each of its campuses, a student body that, beyond meeting the University's eligibility requirements, demonstrates high academic achievement or exceptional personal talent, and that encompasses the broad diversity of cultural, racial, geographic, and socio-economic backgrounds characteristics of California."

The fundamental goals of the 1988 Policy were reaffirmed by The Regents on July 20, 1995 in Section 9 of SP-1. SP-1 also directed the President in consultation with the Academic Senate to revise the guidelines for implementation of the policy, specifically to remove consideration for race, ethnicity and gender in admission decisions.

Effective with the fall term 1997, the following revised guidelines and procedures shall be followed for implementation of the University of California Policy on Undergraduate Admission and of SP-1.

I. SELECTION GUIDELINES

Students applying for admission must have met the University's established eligibility requirements. These selection guidelines apply to campuses that have to select from a pool of eligible applicants, and to students who have met the established eligibility requirements¹.

These guidelines provide the framework within which campuses shall establish specific criteria and procedures for the selection of undergraduate applicants to be admitted when the number of eligible applicants exceeds the places available.

¹ These guidelines apply only to those regularly eligible for admission. Up to 6% of new enrolled freshmen and 6% of new enrolled advanced standing students can be admitted by exception, as authorized by The Regents. Refer to Policy on Undergraduate Admissions by Exception.

Appendix E
Admission Figures for the University of California

University of California
Application, Admission and Statement of Intent to Register (SIRs) of New Freshmen
Fall 1998 and Fall 1997

		Am Indian			Afr Am			Chicano			Latino			Underrep Grps			Asian Am			White/ Other			Decl to State			Total		
		Appl	Adm	SIRs	Appl	Adm	SIRs	Appl	Adm	SIRs	Appl	Adm	SIRs	Appl	Adm	SIRs	Appl	Adm	SIRs	Appl	Adm	SIRs	Appl	Adm	SIRs	Appl	Adm	SIRs
BK	F98	175	20	14	1,241	224	88	2,284	459	185	855	178	79	4,568	888	378	10,322	3,000	1,527	9,316	2,848	1,131	5,829	1,483	826	30,022	8,300	3,860
	F97	139	87	24	1,151	547	260	2,033	1,037	411	818	214	81	4,141	1,868	778	10,321	2,804	1,476	9,780	2,864	1,095	2,810	708	280	27,132	8,328	3,839
DV	F98	172	106	38	685	354	104	1,429	978	288	583	383	108	2,869	1,801	638	8,972	4,581	1,384	7,798	3,380	1,375	3,071	1,952	518	20,710	13,894	3,788
	F97	138	117	38	672	504	107	1,274	1,120	260	551	484	148	2,833	2,225	553	7,117	4,483	1,298	6,754	6,118	1,878	882	717	152	19,488	13,821	3,878
IR	F98	104	59	22	602	283	71	1,789	1,028	279	808	345	86	3,081	1,713	468	9,527	5,881	1,702	4,503	3,098	704	2,478	1,487	372	19,588	12,177	3,328
	F97	89	66	9	652	298	55	1,548	1,008	202	568	303	100	2,758	1,783	388	8,184	5,833	1,803	4,848	3,258	737	838	439	105	17,224	11,284	3,011
LA	F98	195	49	15	1,353	304	131	3,028	748	329	1,040	282	120	8,818	1,383	804	11,489	4,251	1,700	10,074	3,480	1,351	5,589	1,727	612	32,788	10,821	4,287
	F97	160	88	40	1,338	518	219	2,836	1,182	452	1,008	358	151	8,228	2,122	882	12,348	4,205	1,544	10,314	3,585	1,291	1,387	785	254	28,859	10,857	3,861
RV	F98	69	54	14	821	372	123	1,718	1,284	405	483	342	85	2,871	2,052	837	5,305	4,298	1,053	2,805	2,185	483	1,181	883	180	11,842	9,618	2,388
	F97	48	33	7	517	342	88	1,280	1,025	283	400	308	74	2,253	1,708	432	5,190	4,298	1,038	2,821	2,181	481	269	228	53	10,333	8,422	2,004
SD	F98	179	88	22	808	228	61	2,008	735	224	732	300	76	3,818	1,328	343	9,709	4,933	1,320	10,344	6,150	1,378	4,165	2,041	518	28,038	13,453	3,800
	F97	160	117	28	692	374	80	1,828	1,187	314	605	271	67	3,373	1,848	488	8,426	5,035	1,310	11,024	6,583	1,610	1,285	771	190	25,108	13,338	3,508
SR	F98	212	112	44	705	374	100	2,241	1,300	438	785	418	137	3,843	2,202	728	4,959	2,780	534	11,138	6,741	2,080	3,878	2,098	555	23,719	13,819	3,876
	F97	193	151	41	823	442	137	2,085	1,847	410	811	633	172	3,712	2,873	788	4,474	3,018	881	11,531	8,264	2,584	973	730	50	20,590	14,883	4,884
SC	F98	125	98	27	407	265	61	1,377	1,019	251	489	374	80	2,408	1,757	438	3,201	2,434	421	5,818	4,848	1,187	2,284	1,804	478	13,808	10,841	2,832
	F97	108	89	20	385	277	52	1,182	857	198	473	374	81	2,148	1,887	352	2,703	1,879	388	8,287	5,188	1,396	887	587	140	11,805	8,438	2,257

NOTES

(1) Asian Americans include Chinese, East Indian/Pakistani, Filipino, Japanese, Korean, Vietnamese and Other Asians, with the exception of Santa Barbara, which lists East Indian/Pakistani students under White/Other.

(2) Berkeley and Los Angeles report International counts separately. For the purposes of this report, these counts are included in the decline to state category.

(3) Decline to state include students who did not provide information on their ethnic identity in the admission application.

SOURCE UC Office of the President, Student Academic Services, Admissions - Management Reports, SIRs - Campus Admissions Offices May 1998

98041810m 5/7/98 11:00am

**All New Freshmen Admissions - Stage One and Stage Two Admission Take Rates
Fall 1998**

	Applicants	Stage One(1)		Stage Two(2)		Total Admits	Admit Rate (Adm/AppI)	Fall 1997(3)	
		Fall Admits	Admit Rate: (Adm/AppI)	Referral Admits	Admit Rate: (Adm/AppI)			Total Fall Admits	Admit Rate (Adm/AppI)
Universitywide									
Amer Ind	459	318	69.3%	6	1.3%	324	70.6%	334	84.3%
Afr Amer	2,296	1,259	54.8%	80	3.5%	1,339	58.3%	1,633	70.9%
Chicano	5,604	3,956	70.6%	151	2.7%	4,107	73.3%	4,306	83.1%
Latino	1,916	1,313	68.5%	64	3.3%	1,377	71.9%	1,570	78.0%
Asian Amer	16,132	12,564	77.9%	450	2.8%	13,014	80.7%	13,360	81.6%
White/Other	23,934	17,845	74.6%	605	2.5%	18,450	77.1%	21,104	79.4%
Decl to St	8,458	6,231	73.7%	215	2.5%	6,446	76.2%	1,630	82.7%
Foreign	2,137	876	41.0%	0	0.0%	876	41.0%	803	39.6%
Tot	60,936	44,362	72.8%	1,571	2.6%	45,933	75.4%	44,740	78.7%
Berkeley (4)									
Amer Ind	175	28	16.0%	Berkeley admitted 250 Fall additional applicants to the spring term, during Stage One admissions.		28	16.0%	66	47.8%
Afr Amer	1,235	191	15.5%			191	15.5%	562	47.8%
Chicano	2,279	434	19.0%			434	19.0%	1,048	51.3%
Latino	858	167	19.5%			167	19.5%	228	27.3%
Asian Amer	9,436	2,687	28.5%			2,687	28.5%	2,660	27.7%
White/Other	10,339	3,095	29.9%			3,095	29.9%	3,337	30.5%
Decl to St	4,170	1,236	29.6%			1,236	29.6%	460	41.3%
Foreign	1,484	184	12.4%			184	12.4%	203	14.2%
Tot	29,976	8,022	26.8%		8,022	26.8%	8,564	31.4%	
Davis									
Amer Ind	169	104	61.5%	Davis admitted 417 Fall applicants to the winter term.		104	61.5%	116	84.7%
Afr Amer	650	342	52.6%			342	52.6%	506	74.1%
Chicano	1,363	963	70.7%			963	70.7%	1,118	87.4%
Latino	564	350	62.1%			350	62.1%	486	87.6%
Asian Amer	5,986	4,034	67.4%			4,034	67.4%	4,021	63.6%
White/Other	8,206	5,662	69.0%			5,662	69.0%	6,686	70.5%
Decl to St	2,959	1,902	64.3%			1,902	64.3%	534	75.7%
Foreign	473	174	36.8%			174	36.8%	162	40.8%
Tot	20,370	13,531	66.4%		13,531	66.4%	13,629	69.6%	

NOTES:

(1) Stage One Admissions counts are for all new freshmen. Data include California residents, out-of-state, and international freshmen as well as freshmen whose residency is unknown. These counts also include admissions by exception.

(2) In an effort to maintain the University's commitment to admit all eligible California high school graduates, Stage Two admission offers are given only to eligible California resident freshmen.

(3) Data for Fall 1997 are included for comparison. Counts, however, reflect final admission data, including all offers of admission for Fall 1997.

(4) The additional 250 admission offers were made by Berkeley to contribute to the overall accommodation of UC eligible students. These students, however, are not technically referral students as some of them may have been offered admission at other campuses of UC. Additionally, during Stage One admissions, Berkeley offered admission to the spring term to 2,226 Fall applicants as part of their yearly admission/enrollment plan.

(5) During Stage One admissions, UCLA offered admission to the spring term to 681 Fall applicants as part of their yearly admission/enrollment plan.

(6) An additional 336 Stage Two offers were made by the Santa Cruz campus for the spring term.

SOURCE: UC Office of the President, Student Academic Services, Management Report of 4/8/98 (Fall 1998) and Management Report of 4/2/97 (Fall 1997)
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Appendix F
California High Schools Sending No Students
To The University Of California

California High Schools Sending No Students to the University of California in 1997¹

1. Biggs HS. Oroville	46. Borrego Springs HS. Borrego Springs
2. Learning Community Charter. Colusa	47. Eastlake HS. Chula Vista
3. Williams HS. Williams	48. La Costa Canyon HS. Encinitas
4. Firebaugh HS. Firebaugh	49. Guajome Park Academy. Vista
5. Central High East Campus. Fresno	50. Warner HS. Warner Springs
6. Duncan Polytechnical HS. Fresno	51. School of the Arts. San Francisco
7. Elk Creek Junior-Senior HS. Elk Creek	52. Shandon HS. Shandon
8. Hamilton Union HS. Hamilton City	53. Cuyama Valley HS. New Cuyama
9. Princeton Junior-Senior HS. Princeton	54. Leigh HS. San Jose
10. Ferndale HS. Ferndale	55. Delta Charter. Santa Cruz
11. Mattole Triple Junction HS. Ferndale	56. Burney Junior-Senior HS. Cassel
12. Southwest HS. El Centro	57. Pliocene Ridge Junior-Senior HS. N. San Juan
13. San Pasqual Valley HS. Winterhaven	58. Butte Valley HS. Dorris
14. Owens Valley HS. Independence	59. Dunsmuir HS. Dunsmuir
15. Ridgeview HS. Bakersfield	60. Etna Junior Senior HS. Etna
16. Kern Valley HS. Lake Isabella	61. McCloud HS. McCloud
17. Frazier Mountain HS. Lebec	62. Hughson HS. Hughson
18. Intermountain HS. Kelseyville	63. Live Oak HS. Live Oak
19. Big Valley HS. Bieber	64. East Nicolaus HS. Nicolaus
20. Herlong HS. Herlong	65. Southern Tracy HS. Bridgeville
21. Westwood HS. Westwood	66. Alpaugh Junior-Senior HS. Alpaugh
22. Avalon School. Avalon	67. Tioga HS. Groveland
23. Options for Youth-Long Beach. La Crescenta	68. Pedro HS. La Grange
24. Malibu HS. Malibu	69. Esparto HS. Yolo
25. International Polytechnic HS. Pomona	
26. Coulterville HS. Mariposa	
27. Yosemite Park HS. Yosemite	
28. Leggett Valley HS. Leggett	
29. Potter Valley HS. Potter Valley	
30. Dos Palos HS. Dos Palos	
31. Modoc HS. Alturas	
32. Surprise Valley HS. Cedarville	
33. Tulelake HS. Tulelake	
34. High Desert Academy. Benton	
35. Coleville HS. Coleville	
36. Aliso Niguel HS. Aliso Viejo	
37. Greenville Junior-Senior HS. Greenville	
38. Quincy Junior-Senior HS. Quincy	
39. Hamilton School. Anza	
40. West Shores HS. Salton City	
41. Rancho Vista HS. Temecula	
42. Baker HS. Baker	
43. Rancho Cucamonga HS. Etiwanda	
44. Options For Youth-Upland. Upland	
45. Silver Valley HS. Yermo	

High Schools Sending Over 100 Students to UC

1. Lowell HS. San Francisco	238
2. Arcadia HS. Arcadia	206
3. University HS. Irvine	170
4. Palos Verdes HS. Rolling Hills	165
5. Diamond Bar HS. Diamond Bar	154
6. Van Nuys HS. Van Nuys	128
7. Monta Vista HS. Cupertino	121
8. Mission San Jose HS. Fremont	120
9. Davis Senior HS. Davis	118
10. Alhambra HS. Alhambra	116
11. Long Beach Polytech.. Long Beach	114
12. Torrey Pines HS. Del Mar	111
13. Sunny Hills HS. Fullerton	110
14. Irvine HS. Irvine	106
15. Berkeley HS. Berkeley	101
16. Cerritos HS. Cerritos	100
17. La Jolla HS. La Jolla	100
18. Saint Ignatius. San Francisco	100

¹Based upon 1997 information compiled by CPEC and UC Freshman Resident Data for Fall 1996