



## A Supreme Court Ban on Race-Conscious Admissions Will Force Colleges to Undertake Immediate Reforms and the US to Confront Inequities in K–12 Education

*Selective colleges' enrollments will not reflect the diversity of American society without sweeping measures to equalize college preparation and educational opportunity*

(Washington, DC, June 13, 2023) New analysis from the Georgetown University Center on Education and the Workforce (CEW) details the probable negative impact of an impending US Supreme Court decision expected to ban race-conscious admissions policies at colleges and universities. As a result of the expected ruling, selective higher education institutions almost certainly will become less diverse, reducing the rates of degree attainment among students from historically underrepresented racial/ethnic groups.

The new CEW report, *Race, Elite College Admissions, and the Courts: The Pursuit of Racial Equality in Education Retreats to K–12 Schools*, explores the legal history of racial equity in education, evaluates alternatives to considering race/ethnicity in college admissions, and proposes changes to the K–12 education system that would improve educational opportunity. It identifies the US Supreme Court's 1978 decision in *Regents of the University of California v. Bakke* as a turning point that led to the long-term defeat of race-conscious admissions policies. The *Bakke* decision stripped those policies of a politically appealing and morally compelling social-justice rationale, instead tying their survival to the public's and the courts' acceptance of the much-debated educational benefits of diversity.

“We placed our faith in race-conscious affirmative action as the cure for educational disparities, but it was never an adequate remedy for such a large societal problem,” CEW Director and lead author Anthony P. Carnevale said. “In banning the use of race and ethnicity in college admissions, the Supreme Court will have ripped the Band-Aid off the centuries-old wound, leaving us no choice but to tend to the segregation, inequality, and bias in the US education system and society as a whole. These pervasive issues hinder Black/African American, Hispanic/Latino, and Indigenous students' efforts to compete in the selective college admissions process.”

Only sweeping reforms of the admissions processes at selective colleges and universities can stave off significant losses of talented Black/African American, Hispanic/Latino, and Indigenous students at these institutions. But those reforms would require selective colleges to confront biases, significantly expand access, and provide students much more financial and educational support. Although opposition is likely, such reforms are possible and could provide the most immediate remedies.

The report situates the current court cases within their historical legal context and considers alternatives to race-conscious admissions policies. It examines six admissions models and the impact they would likely have on racial/ethnic and socioeconomic diversity if used consistently across selective colleges. It concludes that class-conscious admission models could result in more racial diversity than the current system, but only if all selective colleges used class-conscious admissions practices, considered a much larger and more diverse pool of applicants for admission, and removed other preferred admissions policies, such as those that favor legacies, the children of big donors, and athletes. Unfortunately, as of now, none of these conditions seems very likely.

CEW's simulations of enrollments under various admissions models, which were summarized in an earlier report titled *Race-Conscious Affirmative Action: What's Next*, found that *expanding* race-conscious admissions is actually the surest means of producing college enrollments that mirror the socioeconomic and racial/ethnic composition of the population graduating from the nation's high schools. That's an approach the Supreme Court has limited in several recent decisions and appears likely to take completely off the table in its forthcoming decision.

Education researchers and policymakers have been trying for years to come up with alternatives to race-conscious admissions. While the strategies have been struck down in some cases by the courts, or deemed unworkable, they have resulted in valuable insights. "Research on class-based affirmative action has demonstrated how economic inequality translates into unequal educational access," said Jeff Strohl, CEW's director of research and report co-author. "Evaluations of percent plans, like the one used in Texas, have highlighted the race- and class-based segregation of high schools. And research focused on how much additional racial diversity can be achieved by eliminating admissions preferences for applicants tied to alumni, donors, faculty members, and college administrators has helped quantify the extent to which diversity and access are compromised by systemic favoritism toward people with power and influence."

While alternatives to race-conscious admissions policies appear unlikely to produce comparable results to the explicit consideration of race and ethnicity, *Race, Elite College Admissions, and the Courts* concludes with a pivot to potential viable solutions. In the long term, the only way to ensure diversity at selective higher education institutions is to confront the segregation and inequity in K–12 education and society at large. In the absence of race-conscious admissions, the fight for educational equity will shift to state legislatures and courts, with inequitable spending on K–12 schools looming as the chief problem that must be solved. The racial and economic segregation of K–12 education is at the root of the gaps in educational opportunity that leave low-income and underrepresented minority students at a clear disadvantage.

"Doing nothing will carry heavy long-term costs, helping to cement in place our nation's divides between races, the rich and poor, and education's haves and have-nots. The result almost surely will be social and political instability, along with the intergenerational perpetuation of wealth in some communities and poverty in others," said Peter Schmidt, report co-author and veteran education writer. "Make no mistake, tackling the problem head-on will have heavy costs as well. It will require substantial new investments in education, grappling with thorny social and educational problems, and weathering resistance and backlash. In the end, however, that hard work will leave us in a better place."

To view the full report, visit: <https://cew.georgetown.edu/cew-reports/after-affirmative-action>

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