

ACHIEVING DIVERSITY:
RACE-NEUTRAL ALTERNATIVES
IN AMERICAN EDUCATION

2004

U.S. Department of Education
Office for Civil Rights

U.S. Department of Education

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Secretary

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Delegated the Authority of Assistant Secretary for Civil Rights

February 2004

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

OFFICE OF THE ASSISTANT SECRETARY

February 2004

Leaders of the Education Community,

The diversity question in America now is not “Whether?” but “How?” The Supreme Court’s decisions in the Michigan affirmative action litigation affirm that our shared commitment to diversity is both compelling and just when pursued within lawful parameters. In light of these decisions, President George W. Bush has challenged the education community to develop innovative ways to achieve diversity in our schools without falling back upon illegal quotas. Most educational leaders, particularly at the postsecondary level, agree with the importance of this goal. The question before us, then, is not whether we should seek more diverse, inclusive academic communities, but how we can do so while meeting the highest academic and legal standards.

The Department is committed to working with educational leaders to strengthen the diversity of our academic communities, presenting a wide variety of race-neutral approaches. In March 2003, the Office for Civil Rights released a report entitled RACE-NEUTRAL ALTERNATIVES IN POSTSECONDARY EDUCATION: INNOVATIVE APPROACHES TO DIVERSITY, which provided a catalogue of race-neutral options available to educational institutions. The March 2003 report divided these approaches into two categories, “developmental” and “admissions” approaches and emphasized connections between secondary and postsecondary issues. In April 2003, the Department held a conference for over 80 of our country’s postsecondary educational leaders in Miami, Florida, to foster innovative thinking about race-neutral means to achieve diversity in educational institutions. Leaders from the University of Texas, the University of Florida, the University of California system and other institutions spoke about the initial positive results from these programs. Panel discussions provided valuable insight into creating an educational climate for effective use of race-neutral alternatives. Since those early efforts, we have been asked to supplement our initial report with additional information on these programs, as well as new information regarding graduate and professional programs, private institutions and K-12 schools. This new report, which revises and expands the March 2003 report, is intended to satisfy those requests.

This report, like the Department’s previous efforts, has two primary goals. First, we hope to provide institutions with a “toolbox” containing an array of workable race-neutral alternatives. The goal here is not to tell people what they cannot do or where the court-imposed limitations on racial or ethnic considerations may fall. Rather, we hope to highlight several approaches that appear, from early indications, to be promising. This report is all about finding positive, constructive methods for achieving and maintaining diversity. Second, we hope to demonstrate that the range of options available to all

educational institutions is much broader than people typically assume. Educational institutions are using a wide variety of approaches such as class-rank plans, socioeconomic preferences and recruitment and outreach plans to create a diverse student body. Moreover, all of these admissions plans put together represent only one small subset of the available alternatives. The most aggressive plans aim at developing a diverse applicant pool containing excellent candidates of all backgrounds who are equipped, by strong elementary and secondary preparation, not only to apply successfully to postsecondary institutions, but also to succeed. Our hope is to highlight these developmental approaches and to put the range of admissions approaches in a broader context. We hope that this publication will help foster innovative thinking in the use of race-neutral means to produce diversity in institutions across the nation.

Sincerely,

Kenneth L. Marcus
Delegated the Authority of the
Assistant Secretary for Civil Rights
U.S. Department of Education

OVERVIEW AND INTRODUCTION

Only ten months have passed since the Department published the report entitled RACE-NEUTRAL ALTERNATIVES IN POSTSECONDARY EDUCATION: INNOVATIVE APPROACHES TO DIVERSITY. In that time, however, three things have become clear. First, we know that educational leaders are overwhelmingly committed to achieving diversity throughout the American educational system.¹ The president of the United States has encouraged this commitment,² and the Supreme Court has affirmed its importance.³ Second, we understand more clearly the limitations that the U.S. Constitution and Title VI of the Civil Rights Act of 1964 place on the extent to which racial preferences can be used to achieve this goal.⁴ These limitations have received considerable attention lately, but we now know that most institutions that seek student diversity do so without relying upon racial quotas or preferences.⁵ Third, we know that many institutions around the country have developed and are now implementing innovative programs and policies to enhance student diversity that do not depend upon racial considerations. Some institutions use “developmental approaches,” which are designed to diversify student enrollment by enriching the pipeline of applicants equipped to meet entry requirements and achieve academic success. Other institutions use “admissions approaches,” which are designed to diversify student enrollment through admissions policies and procedures. This report, which revises and expands our March 2003 report, discusses examples of both approaches. The report is not intended to be exhaustive.

My administration will continue to promote policies that expand educational opportunities for Americans from all racial, ethnic, and economic backgrounds. There are innovative and proven ways for colleges and universities to reflect our diversity without using racial quotas. The Court has made clear that colleges and universities must engage in a serious, good faith consideration of workable race-neutral alternatives. I agree that we must look first to these race-neutral approaches to make campuses more welcoming for all students.

Statement of President George W. Bush, following the Supreme Court’s decision in the Michigan cases (June 23, 2003)

President George W. Bush has said that diversity is one of America’s greatest strengths and has encouraged the development of race-neutral alternatives to achieve diversity in educational institutions. Diversity, broadly understood, gives students an enriching insight into the lives and worldviews of a wide variety of people. Exposure to students from different backgrounds gives students a larger context within which they may analyze competing views. There is no substitute for allowing young people the opportunity to exchange

¹ See NATIONAL ASSOCIATION OF COLLEGE ADMISSION COUNSELING, DIVERSITY AND COLLEGE ADMISSIONS IN 2003: A SURVEY REPORT, 1 (Sept. 2003), available at <http://www.nacac.com/downloads/diversityreport.pdf> (last visited Oct. 22, 2003).

² See President’s Statement on the Supreme Court Decision on the Michigan Affirmative Action Cases, 06/30/03 WEEKLY COMP. PRES. DOC. 803, 2003 WL 13973408 (Jun. 23, 2003).

³ See *Grutter v. Bollinger*, 123 S. Ct. 2325, 2339 (2003).

⁴ See U.S. CONST. amend. XIV, § 1 (2003) (“[N]or [shall any State] deny to any person within its jurisdiction the equal protection of the laws”); 42 U.S.C. § 2000d (“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”)

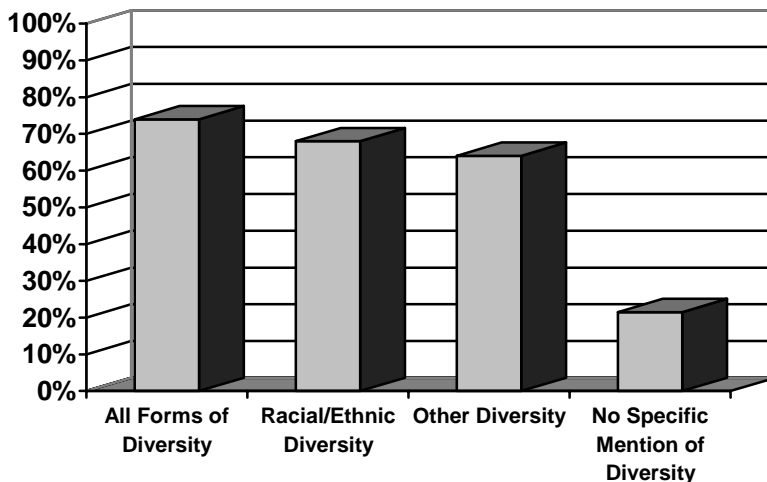
⁵ See NATIONAL ASSOCIATION OF COLLEGE ADMISSIONS COUNSELING, *supra* note 1, at 1.

ideas with others who have talents, backgrounds, viewpoints, experiences and interests different from their own.

Educational institutions at all levels embrace the value of diversity. A recent survey of 451 colleges and universities by the National Association for College Admission Counseling (NACAC) found that the vast majority of responding colleges—74 percent—acknowledge a commitment to diversity of some form in their mission statement.⁶ As demonstrated below in Figure 1, 68 percent of colleges are guided by mission statements that encourage a racial and ethnic mix of students on campus.⁷ Sixty-four percent of those mission statements also included a commitment to increasing other forms of diversity.⁸

Figure 1

Institutional commitment to diversity in mission statement, 2003



Source: NATIONAL ASSOCIATION OF COLLEGE ADMISSION COUNSELING, DIVERSITY AND COLLEGE ADMISSIONS IN 2003: A SURVEY REPORT 2 (Sept. 2003)

Of the institutions responding to NACAC’s survey, most share a commitment to student body diversity, but many choose to pursue it using only race-neutral programs and policies. Only one-third of respondents consider race or ethnicity as a factor in admissions.⁹ Aside from race and ethnicity, colleges and universities have employed

⁶ See *id.* at 1-2.

⁷ See *id.*

⁸ See *id.*

⁹ See *id.* at 9.

definitions of diversity that include geography, socioeconomic status, age, religion, parental educational attainment, citizenship, special talents and academic interests.¹⁰

A greater number of institutions across the nation are adopting race-neutral approaches. The NACAC report indicates, for example, that institutions are increasingly focused on recruitment strategies to enhance diversity: “The focus on recruitment is just one significant indicator that colleges and universities have already begun adopting practices that could be considered ‘race-neutral.’ Indeed, if ‘race-neutral’ means race is not a factor in the admission decision, then this survey shows more than two-thirds of responding colleges and universities already follow ‘race-neutral’ policies and practices.”¹¹

President George W. Bush has emphasized the importance of race-neutral policies that expand educational opportunities for Americans from all racial and economic backgrounds. These policies provide feasible and innovative ways for colleges and universities to reflect the country’s diversity without using race as a factor. The Supreme Court in the Michigan cases agreed that colleges needed to undertake serious, good-faith consideration of workable race-neutral alternatives that will achieve the diversity the university seeks before turning to consideration of race in their admissions decisions.¹² Florida, Texas, California and Washington have already made extensive use of race-neutral alternatives. The programs in these states are serving as models for the implementation of innovative race-neutral solutions across the country.

Universities in California, Florida and Washington State, where racial preferences in admissions are prohibited by state law, are currently engaged in experimenting with a wide variety of alternative approaches. Universities in other States can and should draw on the most promising aspects of these race neutral alternatives as they develop.

Grutter v. Bollinger, majority opinion (Justice O’Connor, 2003)

This report, like its predecessor, illustrates the rich variety of race-neutral alternatives now available. We hope to make clear that postsecondary student body diversity is in many respects a secondary school—and even a primary school—challenge and that the most vigorous approaches to postsecondary diversity begin with a commitment to developing a pool of students equipped not only to attend but to thrive in college, to graduate from college within a reasonable period and to profit from their educational experience. Approaches that focus exclusively on the admissions process, without regard to student development both prior and subsequent to admission, can never provide more than partial remedies.

¹⁰See *id.* at 6-8.

¹¹ See *id.* at xi.

¹² See *Grutter*, 123 S. Ct. at 2345.

Goals of the Report

The goal of the report is to provide a catalogue of both developmental and admissions-oriented race-neutral approaches. Although this report does not describe all race-neutral approaches, it highlights some of the promising strategies. The purpose behind providing this catalogue is to set out as much information as possible for institutions that are considering what best suits their individual circumstances in light of their own goals.

We have expanded this publication to include additional information concerning race-neutral alternatives for K-12, graduate and professional programs, and private colleges and universities. We recognize, however, that additional research is required in these areas and we expect that subsequent reports will elaborate on them. This publication does not endorse any particular program discussed in these pages. Rather, the approaches highlighted should stimulate educators' creativity in creating race-neutral programs that best meet their particular needs. We hope that this publication will help guide educational institutions in developing innovative race-neutral programs for achieving diversity.

Executive Summary

Race-neutral programs can be divided into two categories: "Developmental approaches" are designed to diversify student enrollments by enriching the pipeline of applicants equipped to meet entry requirements and achieve academic success. "Admissions approaches" are designed to diversify student enrollments through admissions policies and procedures.

Developmental Approaches

Even a selective list of developmental approaches will demonstrate the wide range of efforts that can be undertaken to enrich the pipeline of applicants prepared to succeed in any academic setting: accountability systems, teacher education, science-based reading practices, Advanced Placement (AP) initiatives, curriculum enrichment, recruitment and outreach, targeted financial aid, virtual schools, coordination with community colleges, partnerships between universities and low-performing schools and partnerships between the College Board and educational institutions.

The Elementary and Secondary Education Act as reauthorized by the No Child Left Behind Act of 2001 (NCLB) has numerous provisions that may be characterized as developmental approaches, e.g., accountability systems and high standards, annual academic assessment, highly qualified teachers, scientifically based research practices and consequences for schools that fail to educate disadvantaged students.

Recruitment and outreach efforts target underserved student populations. For example, Texas A&M and the University of Texas at Austin have established recruitment centers

in historically underserved areas. States like Florida and Kentucky are providing virtual curricula and encouraging the expansion of AP courses to enrich high school education. Targeted financial aid supports qualified low-income and first generation students in Texas, Florida, Indiana, Illinois and North Carolina.

Partnerships between postsecondary institutions and nearby public schools facilitate mentoring and preparation of students for higher education in California, Texas, Pennsylvania, Vermont and other states. Partnerships between the College Board and various school districts in Washington, Delaware and Maryland are encouraging students to take AP courses and preparing them for Preliminary Scholastic Assessment Test (PSAT) and Scholastic Assessment Test (SAT) examinations. Coordination between community colleges and traditional research institutions encourages students to overcome prior educational disadvantage and transfer into research institutions in California, Florida, Pennsylvania, Maryland and other states. Nonprofits, charitable foundations and for-profit corporations are likewise providing and facilitating effective race-neutral programs.

The federal government sponsors numerous programs including GEAR UP, TRIO and the States Scholars Initiative, designed to help young people of all races excel in college. Educational institutions in Washington, California and other states participate in these programs and use them as models for their own race-neutral efforts. The Department also provides race-neutral financial assistance in the form of grants such as the Pell Grant and loans that are available to qualified students.

Graduate and professional schools are creating race-neutral programs to target promising undergraduate students, including the Doctor's Academy at the University of California at San Francisco (UCSF) School of Medicine, the University of California at Los Angeles (UCLA) Law Fellows Program and the Texas A&M Medical School Partnership for Primary Care. Private colleges and universities have also developed effective pipeline programs. For example, Occidental College in Los Angeles operates a wide range of partnership programs with local schools in northeast Los Angeles, serving more than 900 students at 16 elementary, middle and high schools as part of its outreach to local communities.

Admissions Approaches

Several institutions of higher learning and school districts are using race-neutral policies in their admissions and student assignment processes. These approaches include comprehensive review, socioeconomic preferences, class-rank plans and lottery procedures.

Wake County and Charlotte-Mecklenburg County, North Carolina, for example, are using socioeconomic criteria for student assignments. The University of California also takes into account a variety of socioeconomic factors in its comprehensive review of undergraduate applicants.

California, Texas and Florida employ class-rank plans that guarantee university admission to high school seniors who graduate within a specified percentage of their school's senior class and, in certain cases, fulfill other basic minimum requirements. In addition, Florida and Texas use targeted class-rank approaches. Finally, many K-12 schools, such as the Henry Ford Academy in Dearborn, Michigan, use lottery methods to admit students in a race-neutral manner.

Given the commitment that so many institutions now have to the important goal of student diversity, we expect that new programs will continue to develop. As these alternatives evolve, the Department will continue to provide technical assistance on effective use of race-neutral alternatives.

DEVELOPMENTAL APPROACHES

Introduction

Race-neutral approaches to increasing diversity in education fall into two categories: those that focus exclusively on the process for admitting students into educational institutions and those that focus on the way in which we fill the pipeline into these institutions with students who are well prepared for success. Interestingly, the public has focused almost exclusively on “admissions” approaches and, more narrowly, the percentage plans used in California, Texas and Florida. However, “developmental programs” are more numerous, varied, complex and, in many cases, more ambitious. Developmental approaches are designed to develop the skills, resources and abilities of students who might not otherwise apply to and succeed in college. These approaches seek to improve the educational performance of our nation’s students, particularly those who attend traditionally low-performing schools, so that the admissions process will naturally produce a diverse applicant pool.

These developmental or systemic approaches to the problem attempt to meet two goals: first, to build skills in students who would not otherwise be competitive in the admissions process, and, second, to provide support throughout the postsecondary educational experience that will enable these students to succeed. State and federal initiatives also reach out to students from traditionally low-performing schools to encourage them to attend and graduate from colleges and universities through recruitment and financial aid strategies.

No Child Left Behind

Most measures of academic preparedness indicate that there is an “achievement gap” based on a number of indicators. For example, the National Assessment of Educational Progress (NAEP) reports that, on average, African-American and Hispanic students in the 12th grade score four years behind white 12th-graders in both reading and mathematics.¹³ The maximum score on the SAT is 800 points on each of its two batteries, with a combined maximum score of 1600. The College Board, which sponsors the SAT, reported gaps of approximately 149 points between the combined verbal and mathematics scores of African-American students and white students and 146 points between Hispanic students and white students. Average verbal scores for Asian American students were 29

¹³See, e.g., NATIONAL CENTER FOR EDUCATION STATISTICS, U.S. DEPARTMENT OF EDUCATION, AVERAGE MATHEMATICS PROFICIENCY BY AGE AND BY SELECTED CHARACTERISTICS OF STUDENTS: 1973-1999 (Nov. 2002), available at <http://nces.ed.gov/programs/digest/d02/tables/dt123.asp> (last visited Dec. 30, 2003); NATIONAL CENTER FOR EDUCATION STATISTICS, U.S. DEPARTMENT OF EDUCATION, AVERAGE PROFICIENCY IN READING, BY AGE AND SELECTED CHARACTERISTICS OF STUDENTS: 1971-1999 (Aug. 2000), available at <http://nces.ed.gov/programs/digest/d02/tables/dt111.asp> (last visited Dec. 30, 2003). (Table 111 prepared in August 2000). For a discussion of these and other NAEP results, see ABIGAIL THERNSTROM AND STEVEN THERNSTROM, NO EXCUSES, CLOSING THE RACIAL GAP IN LEARNING 1-23 (2003).

points below those of white students, but average mathematics scores for Asian American students were on average 32 points higher than those of white students.¹⁴

We are facing an unrecognized educational crisis in this country. Our wide and sometimes growing achievement gap confirms that there is a two-tiered educational system. For the lucky few, their education is the best in the world, virtually ensuring those students have wonderful opportunities for further education, economic security, professional rewards, and personal freedom. For others, there is an under-performing system. Students come to school, but find little education. The vast majority of students left behind are disadvantaged or low-income. Effectively, the education circumstances for these students are not unlike that of a de facto system of apartheid.

Secretary of Education Rod Paige, Back-to-School Address, National Press Club (Sept. 24, 2003).

The achievement gaps in our schools are real and persistent. While 41 percent of white fourth-graders are proficient or above in reading according to the NAEP reading assessment, only

15 percent of their Hispanic peers and 12 percent of their African American peers read at that level.¹⁵ In mathematics, 34 percent of white fourth-graders scored at or above proficiency, while just five percent of African American and ten percent of Hispanic students reached that level.¹⁶ The statistics are similar in science and other areas of study.¹⁷

For low-income students, the story appears to be similar. The achievement gap in this context can be measured by looking at the gap between the academic achievement of students eligible for the federal free and reduced-price lunch program and more economically advantaged students not eligible for the program.¹⁸ While 41 percent of non-eligible fourth-grade children are proficient or above in reading, only 14 percent of

¹⁴ The College Board released 1999 SAT scores, disaggregated by race and ethnic group, in the context of a proposal to compare such scores that included a student's race and economic status. At that time, verbal scores for African American students averaged 434 out of a possible 800 points and mathematics scores averaged 422. For whites, the average scores were 527 on the mathematics portion and 528 on the verbal portion. Average scores for Asian Americans were 560 on the mathematics portion and 498 on the verbal portion. *See, e.g.,* The College Board, *1999 Background Information*, at <http://www.collegeboard.com/sat/cbsenior/yr1999/NAT/natbk299.html> (last visited Oct. 27, 2003); David J. Hoff, *ETS Creating a Demographic Index for the SAT*, EDUCATION WEEK, Sept. 8, 1999, at 12, available at <http://www.edweek.org/ew/vol-19/01sat.h19> (last visited Oct. 27, 2003).

¹⁵ *See* NATIONAL CENTER FOR EDUCATIONAL STATISTICS, U.S. DEPARTMENT OF EDUCATION, THE NATION'S REPORT CARD: READING HIGHLIGHTS 2002 13 (2003), available at <http://nces.ed.gov/nationsreportcard/pdf/main2002/2003524.pdf> (last visited Nov. 6, 2003).

¹⁶ *See* NATIONAL CENTER FOR EDUCATIONAL STATISTICS, U.S. DEPARTMENT OF EDUCATION, THE NATION'S REPORT CARD: MATHEMATICS 2000 60-61 (2001), available at <http://nces.ed.gov/nationsreportcard/pdf/main2000/2001517.pdf> (last visited Nov. 6, 2003).

¹⁷ *See* NATIONAL CENTER FOR EDUCATIONAL STATISTICS, U.S. DEPARTMENT OF EDUCATION, THE NATION'S REPORT CARD: SCIENCE 2000 71 (2003), available at <http://nces.ed.gov/nationsreportcard/pdf/main2000/2003453.pdf> (last visited Nov. 7, 2003). *See also* NATIONAL CENTER FOR EDUCATIONAL STATISTICS, U.S. DEPARTMENT OF EDUCATION, THE NATION'S REPORT CARD: GEOGRAPHY 2001 30 (2002), available at <http://nces.ed.gov/nationsreportcard/pdf/main2001/2002484.pdf> (last visited Nov. 7, 2003).

¹⁸ *But cf.* JOHN OGBU, BLACK AMERICAN STUDENTS IN AN AFFLUENT SUBURB: A STUDY OF ACADEMIC DISENGAGEMENT (2003).

President Bush recognizes the importance of education and of making sure every child counts. On his fourth day in office, he proposed the No Child Left Behind Act—an act to close the achievement gap. With bipartisan support, it became the law of the land. It is a tough law, but it is a good law. It focuses attention on the children who most need our help, but it benefits all children. I know it can be done. It will be done. We must not be satisfied until every child receives a quality education.

Secretary of Education Rod Paige

Press Release, U.S. Department of Education, Paige Cites Progress in Black Education But Notes Achievement Gap Has Widened Over Past Two Decades (*Oct. 10, 2003*), available at <http://www.ed.gov/news/pressreleases/2003/10/10102003a.html> (last visited Oct. 21, 2003).

their low-income peers read at that level.¹⁹ In mathematics, 33 percent of economically advantaged fourth-graders in public schools are proficient or above, while just nine percent of low-income students performed at this level.²⁰ These K-12 performance figures are not acceptable for any race or socioeconomic group.

Diversifying the pool of students capable of succeeding in college is fundamentally a matter of elementary and secondary education reform. The most important recent approach to reform in this area is the No Child Left Behind Act of 2001 (NCLB).²¹

NCLB seeks to close the achievement gap by ensuring that all students receive a quality education.²² This in turn will give every child an opportunity to achieve the level of preparation necessary for success in college and beyond. Important provisions of the Elementary and Secondary Education Act as reauthorized by NCLB that support this goal include:

Accountability and High Standards States, school districts and schools are now being held accountable for ensuring that all students, including minority, disadvantaged, disabled and limited English proficient students, meet high academic standards. They are required to implement academic standards that reflect what all children are expected to know and be able to do.

Annual Academic Assessments Annual data are a vital diagnostic tool for schools to achieve continuous improvement. Annual reading and mathematics assessments provide parents with the information they need to know about how well their child is doing in school and how well the school is educating their child. Under NCLB, each state will test, annually, its students in grades three through eight (and its high school students at

¹⁹ See NATIONAL CENTER FOR EDUCATIONAL STATISTICS, U.S. DEPARTMENT OF EDUCATION, THE NATION'S REPORT CARD: FOURTH-GRADE READING 2000 40-41 (2001), available at <http://nces.ed.gov/nationsreportcard/pdf/main2000/2001499.pdf> (last visited Nov. 7, 2003).

²⁰ NATIONAL CENTER FOR EDUCATIONAL STATISTICS, *supra* note 16, at 287.

²¹ 20 U.S.C. 6301 *et. seq.*

²² For more information on No Child Left Behind, please go to: <http://www.ed.gov/nclb/landing.jhtml?src=fb> (last visited Nov. 22, 2003).

one grade level) in at least reading or language arts and in mathematics. A sample of students in fourth and eighth grade in each state will be assessed annually with the National Assessment of Educational Progress in reading and mathematics.

Highly Qualified Teachers Being taught by highly qualified teachers is a critical aspect of a high-quality education program, yet all too often students with the greatest needs do not have access to highly qualified teachers. NCLB requires that highly qualified teachers teach all classes in the core academic subjects by no later than the end of the 2005-2006 school year.

Scientifically Based Research Practices Title I school-wide and targeted assistance programs, as well as activities carried out under the new Reading First program, are required to use effective methods and instructional strategies that are grounded in scientifically based research. School improvement plans, professional development and technical assistance that districts provide to low-performing schools must be based on strategies that have a proven record of effectiveness.

Consequences for Schools that Fail to Educate Disadvantaged Students Schools that fail to make adequate yearly progress for disadvantaged and other students will first receive assistance. If a school fails to make adequate yearly progress (AYP) for two consecutive years, students in that school may transfer to a higher-performing public or private school. If the school does not make AYP for a third year, disadvantaged students in that school may receive supplemental educational services from a provider of choice.

NCLB focuses on the essential elements school districts must address in closing achievement gaps at elementary and secondary schools around the nation.

Also important is increasing the representation of historically underrepresented groups at colleges and universities. The Department coordinates efforts at the secondary school level to further this goal. On October 8, 2003, Secretary Rod Paige brought together experts to tackle the nation's "unrecognized educational crisis."²³ The Secretary unveiled a series of measures to promote educational excellence at the high school level. These measures include the creation of a new leadership initiative for high schools called "Preparing America's Future," which seeks to build "the next generation of high schools" by working together with parents, teachers, principals and education policy makers, elected leaders and foundations. Preparing America's Future will focus on four goals: setting high expectations and accountability for results, creating options and engaging students, fostering world quality teaching and school leadership and facilitating a smooth transition into postsecondary education, training and careers. To help launch the effort, a series of regional summits on high school improvement will be held across the country.²⁴

²³ See Secretary Rod Paige, Remarks at the U.S. Department of Education High School Leadership Summit (Oct. 8, 2003), available at <http://www.ed.gov/news/speeches/2003/10/10082003.html> (last visited Dec. 30, 2003). See also Office of Vocational and Adult Education, U.S. Department of Education, *Preparing America's Future: The Secretary's High School Initiative*, at <http://www.ed.gov/about/offices/list/ovae/pi/hsinit/index.html> (last visited Dec. 30, 2003) (provides agenda of High School Leadership Summit).

²⁴ See Paige, *supra* note 23.

School Choice

There are many schools fulfilling the goals of NCLB by giving a high-quality education in a school or program selected by students and their parents. Students are benefiting from a rigorous academic environment and are consequently excelling and competing with students from the best schools, garnering admission to prestigious preparatory schools and entering some of the nation's top colleges and universities. These schools are serving as a race-neutral pipeline to higher education for students who might not otherwise attend college. Some of these schools are highlighted below.

Strategies and Programs

- KIPP Academies—Charter middle schools in Houston, Brooklyn, the Bronx and Washington, D.C.
- Trey Whitfield School—Private elementary school in Brooklyn, New York

KIPP Academies

The Knowledge Is Power Program (KIPP) Academies are small, charter middle schools serving fifth through eighth-grade students. The first one began in Houston about 10 years ago; there are now more than 30 across the country, including Brooklyn and the Bronx in New York and in Washington, D.C. They have had considerable success in teaching children from areas where traditionally test scores have been low.

A foundation for this success is not selection of students by the school administration, but self-selection by the applicant families themselves. This self-selection process is critical, according to the founders of the schools, and forms one of the schools' governing principles: choice and commitment. Students and their families choose to be at the school and choose to submit to a demanding behavioral code. The code includes a promise to do homework, behave safely, take responsibility for their behavior and do whatever it takes to really learn. The school day and school year are longer than usual, the latter involving three to four weeks of attendance in the summer.²⁵

KIPP Academy New York in South Bronx has 250 students, of which 45 percent are African American and 55 percent are Hispanic, and is located in one of the most concentrated high-poverty neighborhoods in New York.²⁶ The Houston KIPP Academy has 340 low-income children (76 percent Hispanic and 20 percent African American).²⁷

²⁵ See, e.g., Knowledge Is Power Program (KIPP), *Introduction*, at http://www.kipp.org/KIPP_schools/index.html (last visited Nov. 20, 2003); Knowledge Is Power Program (KIPP), *The Five Pillars*, at http://www.kipp.org/KIPP_schools/pillars.html (last visited Nov. 20, 2003).

²⁶ See American Youth Policy Forum, *The KIPP Academies*, at <http://www.aypf.org/publications/nomoreisle/PDF/119-122.pdf> (last visited Nov 20, 2003).

²⁷ See KIPP: Houston, *About Us*, at http://www.kipp-houston.org/aboutus_general.htm (last visited Nov. 24, 2003).

In Washington, D.C., KIPP is called the Key Academy. It draws students from a low-income African American community and, according to standardized assessments, produces promising academic results.²⁸

The New York State Senate has recognized KIPP Academy New York as the highest-performing public middle school in the Bronx in reading, mathematics and attendance each year since the 1997-1998 school year. Over 80 percent of students in mathematics and 73 percent of students in reading performed at or above grade level on the spring 2003 city and state tests. KIPP Academy New York now ranks in the top 10 percent of all New York City elementary and middle schools in mathematics and reading achievement.²⁹

Trey Whitfield School

Private schools can also serve to assist in diversifying the applicant pool for colleges and universities. For example, the Trey Whitfield School, which has been operating since 1983, provides a high-quality elementary education (nursery through eighth grade) to 500 children in Brooklyn, New York. The private school, which costs roughly \$3,000 per year, has an open admissions policy and fills spaces on a first-come, first-served basis. The student population includes students from traditionally underserved backgrounds, and some are on scholarship.³⁰

Trey Whitfield students wear uniforms and are expected to follow a behavioral code or face discipline and even expulsion. Teachers emphasize reading, writing and the development of verbal and analytical skills through daily recitation and demanding assignments.³¹

Trey Whitfield students are accepted to some of New England's prestigious preparatory schools including New Hampton, St. Mark's, Dublin and Brewster. In one year, Trey Whitfield students held the top student leadership positions at Brewster—four class presidents and student body president. With their solid academic foundation, students from Trey Whitfield have gone on to attend colleges and universities that include Georgetown, Villanova, Syracuse and Pepperdine.³²

²⁸ See Key Academy at <http://www.keyacademy.org> (last visited Nov. 25, 2003).

²⁹ See Knowledge is Power Program (KIPP), *Results: The Founding Schools*, at <http://www.kipp.org/Results/founding.html> (last visited Nov. 20, 2003).

³⁰ See Jane Gross, *A Private School That Thrives On Rules*, N.Y. TIMES, Sept. 24, 2003, at B1 and B6.

³¹ See *id.*

³² See *id.*

Alignment of K-12 Requirements with College Admissions Requirements

Elementary and secondary schools increasingly see the need for a curriculum that equips students for higher education. A March 2003 report from Stanford University's Bridge Project, based on research in six states, found that there exists a misalignment between colleges' expectations of entering students and K-12 requirements.³³ The report noted that today, 90 percent of high school students express a desire to attend college, but only 70 percent actually matriculate within two years of graduating high school.³⁴ Institutions are responding to this problem with strategies to align K-12 requirements with college admissions requirements. Some of these strategies are highlighted below.

Strategies and Programs

- California— "A-G" Curriculum
- Indiana—"Core 40" Curriculum
- San Diego, California schools—Eighth-Grade Algebra

California

The Stanford report found that California high schools require one fewer year each of mathematics and English to graduate than the state's public four-year colleges and universities do to matriculate. In California, admission to public four-year colleges and universities requires particular coursework, otherwise known as the "A-G curriculum." About 64 percent of California's high school graduates enroll immediately in some type of postsecondary education, often community colleges, yet only 35 percent successfully complete the A-G coursework required for admission to the state's public four-year colleges and universities. Since there is evidence that a large majority of high school graduates want to go on to college, the report urges that schools equip all of them with the curriculum necessary for admission to (and success at) the state's public four-year colleges and universities.³⁵

Indiana

Many states have embarked on curriculum reform to ensure a better transition for students from secondary to postsecondary education. For example, the state of Indiana implemented a curriculum where education, business, labor and government leaders in Indiana have agreed on education expectations for high school students called "Core 40." Except for elective courses, Core 40 is a single, flexible high school curriculum that is based upon a single set of agreed-upon competencies that direct the content of both

³³ See ANDREA VENEZIA ET AL., BETRAYING THE COLLEGE DREAM: HOW DISCONNECTED K-12 AND POSTSECONDARY EDUCATION SYSTEMS UNDERMINE STUDENT ASPIRATIONS (Stanford University's Bridge Project 2003), available at <http://www.stanford.edu/group/bridgeproject/betrayingthecollegedream.pdf> (last visited Nov. 11, 2003).

³⁴ See *id.* at 6.

³⁵ See *id.*

college preparation and technical preparation courses. The college preparation and technical preparation courses differ in instructional and learning approaches, not in course content.³⁶

Since 1998, the state of Indiana has required that students complete the “Core 40” as a prerequisite for admissions to Indiana’s state colleges and universities. In addition, the state requires that students work with their parents or guardians and guidance counselors to develop a career and course plan before the end of the ninth grade.³⁷

San Diego

School districts are also emphasizing advanced course work to help students get an “early edge” on meeting college requirements. San Diego Unified School District is strongly encouraging students to take algebra in the eighth grade, because it is often seen as a “gatekeeper” course to college.³⁸ According to the National Center for Education Statistics, the chance that a student will complete a bachelor’s degree roughly doubles if he or she finishes a high school course beyond the level of Algebra II.³⁹

Similarly, community colleges are placing greater emphasis on aligning community college degree requirements with entrance requirements to four-year institutions. Alignment is seen as a way to help students move on to complete a four-year degree. Alignment may also increase educational opportunities for students or members of groups historically underrepresented at four-year colleges and universities. Community college students are, as a group, more likely to be low-income and minority than those who enter a four-year institution directly from high school.⁴⁰ The broader the opportunity for community college students to eventually complete a four-year degree, the more diverse enrollments at four-year institutions will become.

³⁶ See Indiana School Counselors Association, *Core 40 Questions and Answers*, at <http://isca.indiana.edu/core40faq.html> (last visited Nov. 5, 2003).

³⁷ See *id.*; see also Sue Reynolds and Peggy Hines, *When Grades Don’t Reflect Achievement*, INDIANAGRAM, Mar. 2002, available at <http://isca.indiana.edu/c40grades.html> (discussing additional efforts needed for students to meet heightened expectations) (last visited Dec. 30, 2003).

³⁸ See Chris Moran, *Teaching Algebra in Eighth Grade Has Advocates and Opponents*, SIGN ON SAN DIEGO, Aug. 3, 2003, at http://www.signonsandiego.com/news/education/20030803-9999_1m3algebra.html (last visited Nov. 5, 2003).

³⁹ See CLIFF ADELMAN, ANSWERS IN THE TOOLBOX: ACADEMIC INTENSITY, ATTENDANCE PATTERNS, AND BACHELOR’S DEGREE ATTAINMENT (U.S. Department of Education 1999), available at <http://www.ed.gov/pubs/Toolbox/Exec.html> (last visited Nov. 5, 2003).

⁴⁰ See, e.g., ERIC Clearinghouse for Community Colleges, UCLA Graduate School of Education and Information Studies, *Access, Diversity, and Inclusion in the Community College: Topical Bibliography* (Dec. 2002), available at <http://www.gseis.ucla.edu/ERIC/bibs/neaccess2002.htm> (last visited Nov. 6, 2003); OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION, RACE-NEUTRAL ALTERNATIVES IN POSTSECONDARY EDUCATION 31-32 (Mar. 2003) (discussion of transfer of Community College of Philadelphia); AMERICAN ASSOCIATION OF COMMUNITY COLLEGES, UNDERGRADUATE FALL HEADCOUNT ENROLLMENT BY RACIAL/ETHNIC BACKGROUND AND TYPE OF INSTITUTION, 1992-1997 (1999), available at <http://www.aacc.nche.edu/Content/ContentGroups/Statistics/np36-37.pdf> (last visited Dec. 30, 2003).

Expansion of Advanced Placement (AP) Courses

Many state systems have also embarked on integrating and expanding advanced courses into curricular reform efforts, based on the common-sense observation that students who have taken challenging courses are going to be better prepared for college than those who have not. A 1999 study for the Department concluded that students who had taken an advanced course in high school were more likely to graduate from college and that the student's success in the advanced course was a better predictor of college admission than economic status, grade-point average or SAT scores.⁴¹

As the College Board has found, AP courses are valuable to any student planning to attend college, but are of even more importance to students without family experience of college attendance, among peer groups who do not consider education a promising option for the future, or in schools not emphasizing college preparation.⁴² Nevertheless, about half of American high schools offer no AP courses.⁴³ Students in rural and inner-city schools are most likely to be handicapped by the lack of AP courses. The federal government and institutions are responding to this problem with innovative AP strategies and programs. Some of these strategies and programs are highlighted below.

Strategies and Programs

- U.S. Department of Education—Advanced Placement Incentives Program
- Texas—AP examinations and expansion of AP teacher training
- Florida—AP teacher performance bonuses
- Kentucky—Special high school diplomas earned by AP course completion

U.S. Department of Education

The Department's Advanced Placement Incentives program, a component of No Child Left Behind, supports expansion of opportunities for students to challenge themselves with AP courses through awards to national non-profit organizations, states, school districts and charter schools. The Department spent \$22.3 million in fiscal year 2003 on these AP initiatives.⁴⁴ Additionally, the Department's Advanced Placement Test Fee program makes awards to state education agencies to cover part or all of the cost of test fees for low-income students who are enrolled in an AP course and plan to take the exam. These programs pay for courses and fees for both the AP program and for the highly demanding International Baccalaureate (IB) program.

⁴¹ See ADELMAN, *supra* note 39.

⁴² See N.W. BURTON ET AL., MINORITY STUDENT SUCCESS: THE ROLE OF TEACHERS IN ADVANCED PLACEMENT PROGRAMS 1 (College Board Research Report 58) (2002).

⁴³ See *id.*

⁴⁴ See Office of Innovation and Improvement, U.S. Department of Education, *Advanced Placement Incentive Program, Funding Status*, available at <http://www.ed.gov/programs/apincent/funding.html> (last visited Nov. 20, 2003).

The Department announced on October 10, 2003, that it will spend \$11 million on 22 grants for promising activities in grades 6-12 to increase the number of low-income students who are ready to succeed in advanced courses. In announcing these grants, Secretary Paige noted that, “with the rapidly changing world, our high schools must prepare students to compete in a new and complex world. At the high school level, nothing exemplifies this need better than Advanced Placement programs. In recent years, our nation has made solid progress in making sure our low-income students have access to these kinds of classes and assessments. In just the past four years, the number of AP tests taken by low-income students has risen 64 percent.” As Secretary Paige pointed out, “We should take great pride in that progress. But access is not enough. Now we need to make sure that more of our students are prepared to succeed in these rigorous courses.”⁴⁵

Texas

In 1999, University of Texas Regent Raul Romero proposed a multifaceted Advanced Placement program. Mr. Romero raised \$500,000 in private funds to pay for AP examination fees for low-income and underrepresented students for whom this was difficult and on training teachers in summer institutes to teach AP courses in high schools without such courses. The Texas AP Initiative is now a line item in the University of Texas (UT) budget.

The growth in AP participation since the creation of the Texas AP initiative has been substantial.⁴⁶ Since 1999, AP participation in Texas has increased 57 percent or by 29,012 students. The number of “fee reduced” Texas students taking AP examinations has increased from 13,504 (15.3 percent of all examinees) in 1999 to 24,525 (17 percent of all examinees) in 2002. Minority AP candidates in Texas have increased by 74 percent for the same period. Hispanic AP candidates in Texas now comprise 24.4 percent of the total AP examinees statewide, while African American candidates make up 4.9 percent of total AP examinees statewide.⁴⁷ Within the UT System components, the number of teachers participating in AP summer institutes has grown from 1,882 in the first year of the initiative to 2,584 in 2002, an increase of 37 percent.⁴⁸

⁴⁵ See Press Release, U.S. Department of Education, \$11 Million In Grants Awarded To Raise The Numbers Of Low-Income Students Succeeding In Advanced Courses (Oct. 10, 2003), *available at* <http://www.ed.gov/news/pressreleases/2003/10/10102003a.html> (last visited Oct. 21, 2003); *see also* Perry Bacon Jr., *Urban Kids Struggle With AP*, TIME ONLINE EDITION, June 25, 2003, *available at* <http://www.time.com/time/nation/article/0,8599,460610,00.html> (last visited Oct. 21, 2003).

⁴⁶ Growth in AP participation had been rising in Texas, as it has in the rest of the country, so not all increases in Texas should be attributed to the Initiative. Nevertheless, the Initiative appears to have dramatically accelerated AP participation with a modest budgetary cost.

⁴⁷ See THE COLLEGE BOARD, AP EXAM GRADES: TEXAS STATE SUMMARY REPORT 2003, *available at* http://www.collegeboard.com/prod_downloads/student/testing/ap/sumrpts/2003/xls/tx_2003.xls (last visited Nov. 24, 2003).

⁴⁸ See Dr. Barbara Breier, Presentation to the College Board AP Summer Institute Directors Meeting, Austin, Texas (Sept. 19, 2002).

Participation in AP classes has grown steadily in all counties surrounding the UT system but most notably in the border regions, which have a majority Hispanic population. For example, in Brownsville the number of AP examinees has increased by 11 percent from 1999.⁴⁹ In the area served by UT Pan American, that number has increased by 15.7 percent for Jim Hogg County and 12.6 percent for Brooks County.⁵⁰ Several UT components have collaborated with the public schools to establish AP incentive programs in their local communities. These programs provide incentives to students and teachers based on their performance on the AP exams. This past year Tyler, Texas initiated a similar program in collaboration with UT Tyler, Tyler Junior College, the Tyler Independent School District (ISD) and local supporters. The number of students passing AP examinations with a score of 3 or better increased by 40 percent.⁵¹

Florida

Florida created a similar initiative in 2001. The state found that AP courses were rarely offered in schools serving low-income populations.⁵² Florida, working closely with the College Board, offered incentives similar to those in Texas. State law provides that for each student who scores a 3, 4 or 5 on an AP exam, teachers receive a \$50 bonus. The law also provides that AP teachers in a low-performing school (categorized as a “D” or “F” school) who have at least one student scoring a 3 or higher receive a \$500 bonus.

Again, the results are significant. Prior to the new initiative, just over 4,000 students in low-performing schools were enrolled in AP courses. By 2002, over 7,000 students were enrolled—an increase of more than 3,000 students in traditionally low-performing high schools who are now able to take these more challenging courses. Gaston Caperton, the president of the College Board, has stated that, “Florida is now the leader in the number of black students taking advanced placement courses.”⁵³ In 2003, there were 5,596 African American public school AP examinees (up 53 percent since 2001 and up 116 percent since 1999) and 12,455 Hispanic public school AP examinees (up 57 percent since 2001 and up 102 percent since 1999). African American students comprise 9.2 percent of all Florida public school AP examinees, up from 8.7 percent in 2002. Hispanics comprise 20.4 percent of all Florida AP examinees, up from 19.4 percent in 2002.⁵⁴

⁴⁹ *See id.*

⁵⁰ *See id.*

⁵¹ *See id.*

⁵² *See* THE ONE FLORIDA ACCOUNTABILITY COMMISSION, AN INDEPENDENT REVIEW OF EQUITY IN EDUCATION AND EQUITY IN CONTRACTS COMPONENTS OF ONE FLORIDA 4 (June 2002), *available at* http://www.myflorida.com/myflorida/government/otherinfo/documents/executive_summary.doc (last visited Oct. 20, 2003).

⁵³ *See* Press Release, One Florida, Bush: Data Shows Increase in Black Students Taking Advanced Placement Tests, (Oct. 23, 2002), *available at* http://www.oneflorida.org/myflorida/government/governorinitiatives/one_florida/articles/test.html (last visited Oct. 20, 2003).

⁵⁴ *See* FLORIDA DEPARTMENT OF EDUCATION, INFORMATION ON ADVANCED PLACEMENT PROGRAM: FLORIDA AND PUBLIC SCHOOLS ONLY 1987-2003 3-4 (2003), *available at* <http://www.firn.edu/doe/opri/pdf/ap.pdf> (last visited Nov. 18, 2003).

Kentucky

In 1987, the Kentucky Board of Education established the Commonwealth Diploma Program to encourage Kentucky's high school students to take demanding and rigorous courses that would prepare them for college. To earn the Commonwealth Diploma, students must successfully complete at least four AP courses. Students who achieve a requisite minimum score on three of the required examinations are eligible for reimbursement of their AP exam fees. Since 1987, Kentucky schools have substantially expanded AP course offerings and an estimated 9,000 Kentucky students have been awarded the Commonwealth Diploma at school graduation. In 2002, the Kentucky legislature directed the Kentucky Department of Education to establish the Kentucky Virtual Advanced Placement Academy to increase the availability of AP courses. Many students are now taking advantage of this opportunity to take and study for AP courses online.⁵⁵

High School Curriculum Enrichment and Academic Preparation

Many colleges and universities have reached out to assist local high schools with curriculum enrichment and preparation of students for college. These developmental approaches enable students within the college and university feeder population to compete for admission spots outside the context of race-based preferences. The University of California (UC) campuses offer a variety of programs for individual students who are disadvantaged or attend low performing schools.⁵⁶ Participation in these programs helps students in seeking UC admissions. Some of these programs are highlighted below.

Strategies and Programs

- Early Academic Outreach Programs (EAOP)—Identify promising low-income, first generation college students and point them toward college
- Mathematics, Engineering, and Science Achievement (MESA)—Middle school curriculum in mathematics, science and engineering to increase university admissions eligibility
- Puente—Latino literature curriculum to increase university admissions eligibility
- Fast Forward to the University of California at Berkeley (FFWD)—UC Berkeley-funded newsletter on college preparation

⁵⁵ See Kentucky Virtual High School, *Kentucky Virtual Advanced Placement Academy*, at <http://kvhs.org/kvapa> (last visited Oct. 28, 2003).

⁵⁶ See, e.g., BOARD OF ADMISSIONS AND RELATIONS WITH SCHOOLS, UNIVERSITY OF CALIFORNIA, COMPREHENSIVE REVIEW IN FRESHMAN ADMISSIONS - FALL 2003 E-6 (2003), available at <http://www.universityofcalifornia.edu/senate/committees/boars/yr2compreview.pdf> (last visited Nov. 20, 2003).

Early Academic Outreach Programs

Early Academic Outreach Programs (EAOP) identify promising low-income, first generation college students in middle school and point them toward college.⁵⁷ Services provided range from a middle school algebra academy and writing programs to campus tours. Parental advising and financial aid workshops are provided in later years. Some students are selected to take part in Community College Concurrent Enrollment programs where UC-transferable courses are taken. An SAT Academy is offered on campus and at school sites to prepare students for that exam. Santa Cruz and Berkeley offer Saturday College to provide students with test-taking strategies and parents with college-related advocacy skills. UC Berkeley also sponsors a program in urban high schools that seeks to enhance critical thinking, public speaking and research skills.⁵⁸ Berkeley also has created a Pre-College Academy in mathematics, writing, science and social science offering honors work in a six-week, four-day intensive non-residential program.⁵⁹

The statewide budget for EAOP was \$16.9 million for the 80,947 students served or \$210 per student served. Results of the EAOP programs are encouraging. There has been a significant increase (51 percent in three years) of UC-eligible students overall among EAOP participants. UC-eligible underrepresented minorities make up 39 percent of EAOP students, far above the statewide high school percentage (7 percent) for minorities.⁶⁰

Mathematics, Engineering, and Science Achievement and Puente Programs

The MESA (Mathematics, Engineering, and Science Achievement) program begins in middle school grades.⁶¹ The Puente program that focuses on Latino literature is open to all students but features mixed achievement level groups.⁶² These smaller programs (\$376 per student) have likely had even more impact. Since their inception, UC-eligibility has increased by 84 percent and underrepresented minority admission by 68 percent for program participants.⁶³ In both the EAOP and MESA/Puente programs, the growth in the percentage of actual UC admits, particularly for underrepresented minorities, was even higher than the growth in the percentage of UC-eligible students. As of 2002, UC enrolled the largest number (5,382) of underrepresented minorities in 25 years (see Figure 2).

⁵⁷ See University of California, *Early Academic Outreach Program*, at <http://www.eaop.org> (last visited Nov. 5, 2003).

⁵⁸ See University of California at Berkeley, *Cal In The Community, Bay Area Urban Debate*, at http://calinthecommunity.berkeley.edu/programs/CIC_2002_03_01_12.htm (last visited Nov. 20, 2003).

⁵⁹ See University of California at Berkeley, *Berkeley Summer Sessions*, at http://summer.berkeley.edu/summer2003/type_hs_asa.html (last visited Nov. 20, 2003).

⁶⁰ See DENISE QUIGLEY & SETH LEON, EAOP AND ITS IMPACT ON HIGH SCHOOL STUDENTS' COMPLETION OF THE UC PREPARATORY COURSEWORK (2003), available at <http://www.cse.ucla.edu/reports/TR589.pdf> (last visited Nov. 5, 2003). See also UNIVERSITY OF CALIFORNIA, EAOP: WHEN PREPARATION MEETS OPPORTUNITY (2002).

⁶¹ See Office of the President, University of California, *MESA*, at <http://mesa.ucop.edu/home.html> (last visited Nov. 5, 2003).

⁶² See The Puente Project at <http://www.puente.net> (last visited Nov. 5, 2003).

⁶³ See UNIVERSITY OF CALIFORNIA, *supra* note 60.

Figure 2

Number and Proportion of Underrepresented Freshman Enrollments and Underrepresented Minority Enrollment Rates* 1995, 1998 and 2002									
	1995			1998			2002		
	Number	% of Total	Enroll Rate	Number	% of Total	Enroll Rate	Number	% of Total	Enroll Rate
Berkeley	807	24.3%	35.9%	412	11.2%	44.6%	558	15.6%	39.7%
Davis	575	17.9%	25.4%	511	14.2%	28.4%	555	12.1%	22.1%
Irvine	450	15.8%	20.9%	430	13.9%	25.0%	513	12.9%	19.6%
Los Angeles	1,108	30.1%	39.1%	597	14.3%	44.0%	806	19.3%	46.8%
Riverside	446	30.0%	24.2%	573	25.8%	27.9%	1,095	31.7%	24.0%
San Diego	335	11.3%	18.5%	346	10.5%	26.8%	524	12.4%	22.0%
Santa Barbara	581	17.5%	22.2%	656	18.5%	28.8%	783	20.5%	24.9%
Santa Cruz	391	22.0%	18.5%	378	16.4%	21.6%	548	17.3%	15.8%
UC Total	4,693	20.8%	55.8%	3,903	15.1%	52.8%	5,382	17.4%	50.8%

* Enrollment rate = enrollments/admits.

Source: OFFICE OF THE PRESIDENT, UNIVERSITY OF CALIFORNIA, UNDERGRADUATE ACCESS TO THE UNIVERSITY OF CALIFORNIA AFTER THE ELIMINATION OF RACE-CONSCIOUS POLICIES 22 (Mar. 2003), available at http://www.ucop.edu/outreach/aa_finalcxpercent202.pdf (last visited Oct. 31, 2003).

Fast Forward

UC Berkeley publishes a foundation-funded newsletter called FFWD (Fast Forward to the University of California at Berkeley) aimed at motivating students toward college and clarifying the process of getting there.⁶⁴ Berkeley instructors team-teach courses in environmental science at East Bay and San Francisco high schools. Many Advanced Placement students from these high schools have later applied to Berkeley.

Teacher Education

Teacher training and education can have a strong impact on student performance. NCLB recognizes that many poor and minority students need high-quality teachers to achieve their full potential. Administrative support and strong leadership in schools are also essential to sustaining a high-quality teaching force.⁶⁵ Federal and state efforts on teacher education are highlighted below.

Strategies and Programs

- Federal Efforts—Teacher quality standards for state grant programs and promotion of alternative certification programs
- Texas A&M University—Increasing number of teachers in mathematics, science, technology and foreign languages

⁶⁴ See University of California at Berkeley, *Fast Forward to University of California at Berkeley*, at http://students.berkeley.edu/outreach/Documents/FWD3.FALL_03.pdf (last visited Nov. 22, 2003).

⁶⁵ For more information, see, e.g., Office of Vocational and Adult Education, *supra* note 23.

Federal Efforts

The Department has issued non-regulatory guidance on teacher quality for ESEA Title II state grant programs, which focus on preparing, training and recruiting high-quality teachers and principals. The grant programs require states to develop plans to ensure that all teachers of core academic subjects are highly qualified by the end of the 2005-2006 school year. The Department is also encouraging states to create alternative certification programs, which may help identify individuals who are not currently certified but have strengths in the core academic subjects.⁶⁶

Texas A&M University

The higher education community is looking for ways to assist with teacher shortages. Colleges and universities may set goals for producing increased numbers of high-quality new teachers in needed subject areas. Likewise, colleges and universities may set goals for geographic areas, such as school districts and schools that are underserved or have lower percentages of highly qualified teachers, often schools with high numbers of disadvantaged and minority students.

For example, in 2000, Texas A&M University System officials announced a commitment to significantly increase the number of public school teachers, especially in high-need fields, over the next five years. The A&M System pledged to increase annual graduation rates of mathematics, science, technology and foreign language teachers by more than 250 percent in each category, as well as the number of bilingual and special education teachers by over 170 percent.⁶⁷ To achieve these goals, the A&M System universities pledged to work on seven fronts simultaneously, including:

- Creating regional partnership councils, comprised of leaders from community colleges, public schools and businesses, as well as other key stakeholders;
- Aggressively recruiting prospective teachers by collaborating with secondary schools and community colleges;
- Developing teacher leaders who can serve as clinical faculty at the A&M System universities;
- Encouraging arts and science faculties to become more actively involved in the preparation of teacher candidates;
- Engaging more high school and middle school campuses as partners in student preparation;

⁶⁶See Press Release, U.S. Department of Education, Paige Announces Grant to Expand Offerings of Alternative Certification Board (Oct. 1, 2003), available at <http://www.ed.gov/news/pressreleases/2003/10/10012003.html> (last visited Nov. 5, 2003).

⁶⁷See Office of University Relations, Texas A&M University, *A&M System Announces Commitment to Significantly Increase Production of Public School Teachers*, AGGIEDAILY, Apr. 12, 2000, available at <http://www.tamu.edu/univrel/aggiedaily/news/stories/00/041200-8.html> (last visited Nov. 5, 2003).

- Assisting with the successful induction of new teachers into their careers as classroom teachers; and
- Expanding its work with public schools and community colleges on educational research and development.

The Initiative is funded for five years with \$14 million in grants from the Department, the Pew Charitable Trusts,⁶⁸ the Sid W. Richardson Foundation of Fort Worth and the Meadows Foundation of Dallas.

Recruitment and Outreach

Making college a real option for underserved students requires the efforts of colleges and universities to reach out to these students. Most postsecondary educational institutions undertake active recruitment and outreach efforts. Below are examples of effective race-neutral efforts aimed at reaching underserved students.

Strategies and Programs

- Texas Higher Education System
 - University of Texas at Austin—Longhorn Scholars scholarships and curriculum for students from low-yield high schools; regional recruitment and campus visits
 - Texas A&M University—Century Scholars program for non-feeder schools; regional recruitment
- Florida Postsecondary Institutions—Student test preparation, regional recruitment, alumni outreach
- University of Nebraska, Lincoln—Breakfast for Champions program for outstanding students

Texas Higher Education System

The University of Texas (UT) at Austin has greatly increased its outreach efforts through the establishment of recruitment centers in Dallas, Austin and satellite offices in smaller communities. In 1999, UT reorganized its outreach efforts to better focus on historically underrepresented students. The Longhorn Scholars Program, a program with curriculum and scholarship components, was initiated to better serve the top 10 percent of students from 70 high schools with no substantial history of sending students to UT. Based on academic merit and financial need, graduating students from these high schools are awarded scholarships.⁶⁹

⁶⁸ Some foundations are also examining teacher education as well. See, e.g., The Carnegie Corporation, *The Corporation's Program, Teachers for a New Era: Executive Summary* at http://www.carnegie.org/sub/program/teachers_execsum.html (last visited Nov. 5, 2003).

⁶⁹ See, e.g., University of Texas, *Longhorn Scholars Program*, at <http://www.utexas.edu/student/connexus/scholars/index.html> (last visited Nov. 5, 2003); University of

Texas A&M's outreach plan for students from underrepresented high schools includes aggressive outreach programs and scholarships. Texas A&M's counterpart to the Longhorn Scholars Program, the Century Scholars Program, is regarded as an important pipeline approach. The Century Scholars Program focuses on 20 high schools in Houston and 15 in Dallas that have no history of sending students to A&M. The program encourages underserved students to apply for scholarships to attend A&M. Approximately 20 to 25 scholarships are given annually to students in Houston and Dallas, respectively.⁷⁰

Texas A&M has established regional recruiting centers in Houston, Corpus Christi and San Antonio to reach out to first generation college students. A&M has targeted the top 10 percent and top 25 percent of students in 250 schools in these regions and brought these students to campus on Recognition Achievement trips. These students are also put in contact with A&M colleges and given application fee waivers. There are also summer programs connected to the three centers. About 150 10th- and 12th-grade students participate in leadership seminars. In San Antonio, the center coordinates with the annual career day to expose fifth-graders to various careers.

Florida Postsecondary Institutions

The University of Florida (UF) has employed a variety of race-neutral recruitment strategies. UF has hired four new admissions officers and has allocated funding for another three to four new officers in future years.⁷¹ After Florida Governor Jeb Bush instituted the One Florida Initiative in 1999 to increase opportunity and diversity in the state's universities and in state contracting without using policies that discriminate, UF created new recruitment materials emphasizing diversity and provided scholarships for disadvantaged students. UF increased race-neutral outreach by hosting workshops with the College Summit, an organization that assists high school students taking national achievement examinations. Student and parent receptions were held in Florida's major cities. UF also instituted a student ambassador program where university students speak about UF at their home high schools.⁷²

The Florida College Reach Out Program (CROP) is a summer on-campus college preparation program for educationally disadvantaged, low-income students in grades six through 12.⁷³ Started in 1983, CROP currently serves about 8,000 students, of whom 72

Texas, *Longhorn Opportunity Scholarship: Participating Texas High Schools*, at <http://www.utexas.edu/student/finaid/scholarships/los/hschools.html> (last visited Nov. 5, 2003).

⁷⁰ See Texas A&M University, *Overview and History of the Century Scholar Program*, at <http://honors.tamu.edu/cs/overview.html> (last visited Nov. 5, 2003); *Century Scholar Schools*, at <http://honors.tamu.edu/cs/currentschools.html> <http://honors.tamu.edu> (last visited Nov. 5, 2003).

⁷¹ See ONE FLORIDA ACCOUNTABILITY COMMISSION, *supra* note 52, at 18.

⁷² See College of Agricultural and Life Sciences, University of Florida, *Ambassadors*, at <http://cals.ufl.edu/Ambassadors> (last visited Jan. 5, 2003).

⁷³ See Office of Equity and Access, Florida Department of Education, *College Reach-Out Program*, at <http://www.firn.edu/doe/eeop/crop.htm> (last visited Nov. 10, 2003).

percent are African American, 13 percent are white, 10 percent are Hispanic and one percent is Asian American and Native American. Ten state universities, 26 community colleges and five independent institutions participate. The annual evaluation of the program found that 83 percent of seniors served by CROP received a standard diploma compared to 67 percent in a random sample. Of those CROP graduates, 78 percent went on to higher education compared to 42 percent in the random sample.⁷⁴

University of Nebraska, Lincoln

The University of Nebraska at Lincoln's Office of Alumni Outreach started the Breakfast for Champions Program in 1998. The privately funded program brings one to two eighth grade students from every middle school in Nebraska to campus each year for a breakfast event. Students sit at tables chaired by faculty members. The event features a keynote speaker and awards ceremony where students are given a gold medal of achievement. School principals or counselors select student participants based on excellence in scholarship, leadership and service. Faculty members and speakers send follow up letters to students encouraging them to apply to the University. The Office of Admissions also sends annual recruitment letters to participants.⁷⁵

Partnerships Between Colleges and Low-Performing Schools

Many colleges and universities around the country are partnering with elementary and secondary schools, recognizing that these partnerships expand their educational mission by giving them an opportunity to put into practice education theory. Moreover, institutions recognize that helping to better educate young people who attend traditionally low-performing schools will broaden the pool of students who can qualify for admission to college. Some of the more innovative partnership strategies are highlighted below.

Strategies and Programs

- California
 - UC Irvine—Partnerships with middle and high schools to provide counseling, tutoring and transfers between community colleges and UC
 - UC Berkeley—Partnerships with four local school districts to encourage college readiness
 - UC medical schools—Partnerships with public high schools, including a Doctors' Academy for students interested in health careers
 - Orange County Transfer Consortium (OCTC)—Partnership among UC Irvine and four community colleges to increase UC transfers
- Florida—Partnerships with low-performing schools

⁷⁴ See *id.*

⁷⁵ See University of Nebraska Alumni Association, *Breakfast for Champions: Frequently Asked Questions*, at <http://www.unl.edu/alumni/events/bfc/faqs.htm> (last visited Nov. 10, 2003)

- Texas—Teacher training and funding to help low-performing schools prepare students for college
- Pennsylvania
 - University of Pennsylvania—Partnerships with community service organizations and partnerships for teaching
 - Partnerships between six universities and local school district to provide training, college-level courses, classrooms and volunteers
- University of Vermont—Partnership with Bronx, New York high school
- University of Chicago—Education partnership with public school teachers and students; operation of charter school

California Higher Education System

Each UC campus has a variety of relationships with middle and high schools, usually located in proximity to its campus. For these schools, which generally send few students to college, UC administrators, faculty and students provide many types of services. Some schools need help with college counseling or tutoring; others need assistance with curriculum development or administrative change.

UC Irvine has created the Humanities Out There (HOT) program⁷⁶ based on its philosophy that, “In order to be able to maintain a diverse and well-prepared enrollment of students capable of graduating with distinction ... UC Irvine must take a proactive role in outreach to those schools that normally do not send many students to the University of California.”⁷⁷ The core of the HOT programs is weekly workshops that run for five weeks in local schools taught by graduate students and undergraduate teams in collaboration with host teachers. Irvine also operates Faculty Outreach Collaborations Uniting Scientists, Students and Schools (FOCUS).⁷⁸

UC Berkeley formed partnerships with four local school districts. The goal was to encourage students to attend college by providing counseling and campus information.⁷⁹

All five UC medical schools have partnerships with local public schools. One of the most distinctive is the Doctors’ Academy operated by the UCSF Medical School and the Fresno Unified School District.⁸⁰ The academy seeks to interest students in health

⁷⁶ See University of California at Irvine, *Humanities Out There*, at <http://hot.hnet.uci.edu/program/menu.html> (last visited Nov. 22, 2003).

⁷⁷ See Ralph J. Cicerone, *A Message From The Chancellor*, in HUMANIFEST (University of California at Irvine), available at <http://yoda.hnet.uci.edu/hot/pdf/humanifest1Body.pdf> (last visited Nov. 22, 2003).

⁷⁸ See UNIVERSITY OF CALIFORNIA AT IRVINE, OUTREACH, RECRUITMENT AND RETENTION PROGRAMS 4-5 (2003), available at http://www.cfep.uci.edu/About/Inventory_Outreach_progs_03.pdf (last visited Nov. 5, 2003).

⁷⁹ See School/University Partnerships, University of California at Berkeley, *Partner Districts and Schools*, at <http://students.berkeley.edu/outreach/sup/partners.htm> (last visited Jan. 5, 2004).

⁸⁰ See Michael G. Malloy, *Filling the Pipeline: A ‘Doctors’ Academy High School Program in California Graduates its First Class*, AAMC REPORTER, June 2003, at <http://www.aamc.org/newsroom/reporter/june03/pipeline.htm> (last visited Jan. 5, 2004).

careers and to provide the support services and curriculum to encourage students to become successful. The academy enrolls about 40 students in a class.⁸¹

Several regional consortiums exist in the UC system. In Orange County, where a majority of the high school students are Hispanic, UC Irvine and four community colleges have formed the Orange County Transfer Consortium (OCTC) to increase UC transfers by recruitment, better academic planning and conducting research.⁸² Between 1999 and 2000, OCTC increased its UC transfer rate by 5.7 percent, the largest in the system, and Irvine increased its OCTC admits by 11 percent.⁸³

Florida Higher Education System

As a part of the One Florida Initiative, Governor Jeb Bush has encouraged Florida's universities to form partnerships with low-performing high schools. The goal was to help more students at underrepresented high schools matriculate to universities, to assist the principals and teachers in the areas they identify as most crucial to the academic success of their students and their schools and to raise student commitment to academics. Postsecondary Opportunity Alliance partnerships, a component of One Florida, are now in place at all 11 universities and all 28 community colleges.

University of Florida's Partnership with Miami Senior High School

The following provides an example of the range of programs UF developed at one of its partner schools, Miami Senior High School:

1. UF worked with teachers and staff in developing a school-wide reading program called Reading Rocks, which has been so successful that it has been selected for presentation at several national meetings.
2. UF involved Miami Senior High in programs led by UF faculty. For example, a professor in social studies education developed a partnership with UF's social studies department to prepare Miami students for the new FCAT exam in social studies.
3. UF integrated the state-funded cross-age tutoring project in ESOL/reading with Miami High.
4. UF involved several Miami High teachers with a professor on UF's staff in an international global learning project in science, mathematics and technology.

⁸¹ See *id.*

⁸² See Center for Educational Partnerships, University of California at Irvine, *The Orange County Transfer Consortium*, at <http://www.cfep.uci.edu/CommCollege/octc/Index.html> (last visited Nov. 6, 2003).

⁸³ See, e.g., *id.*; Santana Ruiz, *The Orange County Transfer Consortium: Strategies for Transfer Student 3* (Aug. 1998).

The University of Florida Alliance Program is an extensive partnership program in the state that began with three high schools, but has since expanded to six and a middle school to be added shortly. All partner schools are in urban areas (two each in Jacksonville, Orlando and Miami), and school partnerships in the Alliance Program are bilateral arrangements.⁸⁴

Twice a year, UF holds a workshop with eight to 10 teachers and administrators from each partnership school on jointly chosen topics. UF has worked to assist teachers and guidance counselors in helping students become good college consumers. Honors ninth-graders are selected for campus visits focusing on science, a subject that is especially important for first-generation college students. UF also provides full four-year scholarships in the amount of \$12,500 each to the top five students from the partnership schools.⁸⁵ UF has provided computers and assisted in wiring school buildings to create Internet access. The goal is to facilitate video conferencing with teachers and student interns at the partner schools and to videoconference selected course or lab sessions at UF with ongoing high school class sessions.⁸⁶

Texas

In Texas, recent legislation (H.B. 400⁸⁷) requires identification of high schools sending less than 10 percent of their graduates to college and requires state universities to interact with the schools located in their region to improve those rates. Consequently, the University of Texas has identified several Austin high schools, among others, as partners and engaged them in a number of programs. One such program is Bridging Algebra, a summer school pre-algebra readiness program offered to students prior to entering their first high school freshman algebra course. The initiative provides teachers with resources that can be adapted to meet their curricular needs in order to strengthen students' understandings of introductory algebraic concepts and procedures.⁸⁸

In 1987, UT and Texas A&M created a cooperative University Outreach program, composed of six different urban centers, to increase the number of Texas high school graduates who enroll in college. To that end, the program offers college preparation activities such as assistance in career choices, test taking, information about college admissions procedures and financial aid. Students attend special summer camps to develop math and science skills and follow college preparatory classes during the school year. Early indications point to encouraging results—95 percent of the students who

⁸⁴ See Board of Trustees, University of Florida, *University of Florida's Alliance Program*, at http://www.trustees.ufl.edu/schedule/agendas/20030906/report6_0.html (last visited Nov. 22, 2003).

⁸⁵ See University of Florida Alliance, *History*, at <http://www.coe.ufl.edu/Alliance/alliancehistory.html> (last visited Jan. 30, 2004).

⁸⁶ See Board of Trustees, *supra* note 84.

⁸⁷ TEX. EDUC. CODE ANN. § 29.904 (b)-(c) (Vernon 2003).

⁸⁸ See Office of School Relations, University of Texas at Austin, *Initiatives*, at <http://www.utexas.edu/vp/csr/osr/page16.html> (last visited Nov. 21, 2003).

participate in the program graduate from high school, and more than 80 percent of these graduates enroll in colleges and universities.⁸⁹

Texas Longhorn Prep (Partners Responding to an Educational Priority) is an educational partnership designed to support Texas Ten Percent students (described in greater detail below) from 20 underserved schools. The program, created with funding from the Bank of America and UT, trains English teachers from participating high schools through staff development sessions. Teachers help the top 10 percent of students to critically read prose, improve writing skills, develop critical reasoning skills and understand college prep requirements. The program has helped improve student and educator performance at participating high schools. UT Austin has found that student participants are academically prepared to succeed at the collegiate level.⁹⁰

Pennsylvania

The University of Pennsylvania has made a major commitment to the neighborhoods that surround its campus. The university established a Center for Community Partnerships to help build bridges between the university and the community of West Philadelphia.⁹¹ The Center seeks to use the university's vast resources to help reform West Philadelphia's schools and community organizations. For example, the university offers approximately 130 courses that require community service. One product of this community involvement is the West Philadelphia Improvement Corps (WEPIC), a growing organization created by undergraduates in an honors history course that works with approximately 10,000 children and family members. Through WEPIC, the center has invested in university-assisted community schools, in an effort to help reform the local schools.⁹² The center sponsors an Urban Nutrition Initiative, involving approximately 1,000 young people in classes that promote health and nutrition studies in mathematics and language arts courses.⁹³ The university also leads an effort to coordinate with other colleges and universities in the Philadelphia area to expand the work (The Philadelphia Higher Education Network for Neighborhood Development) and is part of a national and international effort to encourage colleges and universities to invest in local communities (the WEPIC Replication Project).⁹⁴

⁸⁹ See University of Texas at Austin, *University Outreach Center*, at <http://www.utexas.edu/admin/outreach> (last visited Nov. 21, 2003).

⁹⁰ See James L. Hill, *New Program Helps Students Get Ready for College*, June 19, 2003, available at http://www.utwatch.org/oldnews/aas_PREP_06_19_03.html (last visited Nov. 6, 2003).

⁹¹ See University of Pennsylvania, *The Center for Community Partnerships*, at <http://www.upenn.edu/ccp> (last visited Nov. 6, 2003).

⁹² See Center for Community Partnerships, University of Philadelphia, *West Philadelphia Improvement Corps*, at http://www.upenn.edu/ccp/wepic_hist.shtml (last visited Nov. 6, 2003).

⁹³ See The Urban Nutrition Initiative at <http://www.urbannutrition.org/main.html> (last visited Nov. 6, 2003).

⁹⁴ See, e.g., Center for Community Partnerships, University of Pennsylvania, *Philadelphia Higher Education Network for Neighborhood Development*, at <http://www.upenn.edu/ccp/PHENND.html> (last visited Nov. 6, 2003); Center for Community Partnerships, University of Pennsylvania, *WEPIC Replication Project*, at <http://www.upenn.edu/ccp/WEPIC/replication/index.html> (last visited Nov. 6, 2003).

The other partners with the district—Eastern University, Holy Family College, Lock Haven University, St. Joseph's University and the University of the Sciences in Philadelphia—will provide services, including mentors, college-level courses for students, classroom space, special education expertise, in-school medical support and teacher-recruitment strategies.⁹⁵

University of Vermont

The University of Vermont has created a partnership with Christopher Columbus High School in the Bronx, New York.⁹⁶ The university recognized that it receives few applicants from students in urban schools like Christopher Columbus. The admissions department from the university holds workshops for students and parents to demonstrate that college is a viable option for the graduates. The workshops initially focused on freshmen and sophomores, emphasizing early awareness of the option of attending college. University of Vermont education students teach at the high school as part of their course fieldwork experience, and numerous professors have spent time teaching classes at the school or helping train teachers. The university also directly recruits from Christopher Columbus High School. It works closely with promising students from the school, flying them to the university for recruitment trips and attempting to secure financial aid to make tuition more affordable. A *New York Times* article on the Vermont-Christopher Columbus partnership noted, “In putting down roots in the Bronx, the University of Vermont joins a growing list of institutions in rural areas—including Colgate University, Skidmore College and St. Michael's and other Vermont colleges—that have created similar partnerships in recent years with public schools in New York or Boston. The University makes a direct pitch to students who might not otherwise have Vermont on their radar. (Many of the students from Columbus are immigrants or the children of immigrants from Africa and the Dominican Republic). And the students get an inside track on how to apply to a highly regarded public institution, with advising sessions conducted in their school by the very admissions officers who would soon be reading the students' submissions.”⁹⁷ The University of Vermont accepted 30 students from Christopher Columbus High School in 2003, and 17 chose to attend.⁹⁸

⁹⁵ See Susan Snyder, *Phila. District Names 8 Partners To Adopt 16 Schools*, PHILA. INQUIRER, Aug. 12, 2003, available at <http://www.philly.com/mld/inquirer/living/education/6511292.htm> (last visited Nov. 6, 2003)

⁹⁶ See Christopher Columbus High School, *University of Vermont Connection*, at <http://www.columbushs.org/vermont.html> (last visited Nov. 5, 2003).

⁹⁷ See Jacques Steinberg, *University of Vermont Builds Pool of Recruits in the Bronx*, N.Y. TIMES, Dec. 26, 2001, at A26.

⁹⁸ Telephone Interview with Joy Gralnick, College Advisor, Christopher Columbus High School (Nov. 20, 2003).

University of Chicago

The University of Chicago Collegiate Scholars Program is a new program that will expand the links between the university and public schools. Members of the University's faculty work with Chicago public school students and their teachers to provide additional learning opportunities. The university also operates a charter school and provides extensive technology support to 29 local schools.⁹⁹

In a partnership with the Chicago Public Schools, the University of Chicago's Collegiate Scholars Program will bring to campus each year a group of talented students from public high schools across the city.¹⁰⁰ The first set of students, ninth-graders, were chosen for their intellectual promise as well as their records of service to their schools and neighborhoods. Once the program is fully implemented, approximately 150 to 200 Chicago public school students from 10th through 12th grades will be engaged each year in academic enrichment activities, cultural events, college counseling and, ultimately, courses in the College of the University of Chicago, while still attending their public high schools.¹⁰¹

The students in the program will discuss with professors topics including algebra, geometry, probability theory and "the economic way of thinking," with special emphasis on how individuals, families, communities, business firms and governments make decisions with regard to important economic, social and political issues. In addition to taking classes, students selected for the program will receive academic support and mentoring to help prepare them to succeed at the nation's top universities.¹⁰²

Partnerships Between the College Board and Educational Institutions

The College Board, the nonprofit education services association that seeks to prepare students for postsecondary education, has also partnered with states and their educational institutions to create a diverse and academically prepared college-bound student population. These partnerships usually entail an agreed-upon set of standards and proficiencies that reflect the content areas that students need to master in reading, writing, and mathematics; a set of diagnostic progress assessments for students and classes to identify areas of improvement needed in academic performance; and a wide range of teacher professional development experiences, both on-site and Web-based, that align with the content and expectations of the standards and proficiencies. Some of these partnerships are highlighted below.

⁹⁹ See Press Release, University of Chicago, University of Chicago Creates Scholarship, Enrichment Programs for Chicago Public School Students (Mar. 15, 2003), available at <http://www-news.uchicago.edu/releases/03/030306.cps.shtml> (last visited on Nov. 5, 2003).

¹⁰⁰ See *id.*

¹⁰¹ See *id.*

¹⁰² See Collegiate Scholars Program, University of Chicago, *Classes*, at <http://phoenix.uchicago.edu/csp/courses.asp> (last visited Jan. 5, 2004).

Strategies and Programs

- Florida—Partnership with College Board to prepare students for the PSAT
- Charlotte-Mecklenburg, North Carolina—Agreement to offer 30 AP courses
- Bellevue, Washington—Agreement to offer AP and IB courses

Florida

In 2000, the state of Florida entered into a partnership with the College Board. The state provides the College Board with resources and provides it with access to Florida's students and teachers.¹⁰³ The College Board offers a number of different services to Florida's schools and attempts to concentrate its work in the low-performing school districts.

The partnership helps support students in a number of ways. For one, it helps to prepare students for the PSAT, a standardized test given to 10th-graders, providing the test free of charge. Concerned that students from low-income families were not taking advantage of test preparation programs like those offered by the College Board and similar organizations because of financial constraints, the state has paid for all Florida public school 10th-grade students to take the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT). By providing the test for free, the state seeks to attract students who might not have had the opportunity to attend college. The PSAT is helpful in guiding secondary students to college. The PSAT produces diagnostic information that helps the student and the student's family understand how to best prepare for college. The information is also given to the school, helping to identify strengths and weaknesses in the student body and helping to identify students that should be targeted for advanced classes. The College Board produces data for colleges and universities as well, helping them to identify promising students. Florida's policies have led to a 191 percent increase in the number of minority PSAT examinees.¹⁰⁴

The partnership helps students in other ways. For example, it offers free tutoring to interested students at local high schools. In cooperation with Florida's community colleges, tutoring opportunities have been offered at 62 of the lowest-performing schools in the state, in which 107,000 students are served. The partnership also emphasizes SAT test preparation courses. More than 2,000 students have taken these courses through partnerships among the state of Florida, the College Board, the Urban League of Miami and the Urban League of Broward County. The College Board has provided free college

¹⁰³ See The College Board, *Florida Partnership*, at

<http://www.collegeboard.com/floridapartnership/about/index000.html> (last visited Oct. 20, 2003).

¹⁰⁴ See Press Release, One Florida, Governor Bush Applauds Increase in Students Taking and Passing Advanced Placement Courses (Oct. 23, 2002), *available at*

http://www.oneflorida.org/myflorida/government/governorinitiatives/one_florida/placement.courses_10-23-02.html (last visited Oct. 23, 2003).

planning and readiness materials, in English, Spanish and other languages, to more than 275,000 public schools.¹⁰⁵

The partnership also provides support for teachers. The College Board offers professional development workshops, primarily targeting those who work in low-performing school districts. Teachers employed at the low-performing schools are given priority for any workshop they desire to attend, and the state government pays the registration fees. Workshops are offered to train teachers in a number of areas, including how to prepare students to successfully complete standardized tests. The College Board provides teachers with strategies for integrating materials into their daily routine that will allow them to teach their typical curriculum as well as prepare the students to be successful in critical tests, such as the PSAT, SAT and the Florida Comprehensive Assessment Test (FCAT). The workshops also certify teachers in administering AP courses. More than 1,000 teachers and administrators have enrolled in these professional development workshops.¹⁰⁶

The partnership between Florida and the College Board has been an enormous success. As noted under our discussion of expansion of AP courses, the number of students taking AP examinations in Florida has increased dramatically. More students are also taking SAT and PSAT/NMSQT exams. In 2003, 83,397 (61 percent) Florida high school graduates took the SAT, up from 75,664 (58 percent) in 2002.¹⁰⁷ African Americans comprise 15.3 percent of Florida's SAT test-takers, up from 14.6 percent in 2002,¹⁰⁸ and 17.9 percent of Florida's SAT test-takers are Hispanic, up from 17.4 percent in 2002.¹⁰⁹ From 1999 to 2002, Floridians have seen a 222 percent increase in African American public school 10th-graders taking the PSAT/NMSQT and a 370.3 percent increase in Hispanic PSAT/NMQST examinees.¹¹⁰

School districts in many other states are using College Board programs and services to raise AP participation. Two of these districts are highlighted below.

¹⁰⁵ See ONE FLORIDA ACCOUNTABILITY COMMISSION, *supra* note 52, at 21.

¹⁰⁶ See *id.* at 21.

¹⁰⁷ The 2003 national average was 48 percent.

¹⁰⁸ The 2003 national average is 12.0 percent.

¹⁰⁹ The 2003 national average is 10.2 percent.

¹¹⁰ See, e.g., FLORIDA DEPARTMENT OF EDUCATION, SAT TRENDS: FLORIDA AND THE NATION (2003), available at <http://www.firn.edu/doe/opri/pdf/sat.pdf> (last visited Nov. 18, 2003); One Florida, *Equity in Education*, at http://www.oneflorida.org/myflorida/government/governorinitiatives/one_florida/equity_education.html (last visited Nov. 18, 2003).

Charlotte-Mecklenburg School District, North Carolina

In 1995, the College Board entered into an agreement with the Charlotte-Mecklenburg School (CMS) District, which serves more than 100,000 students.¹¹¹ CMS schools currently offer 30 AP courses, from art history to U.S. history, calculus to statistics, biology to physics and English language to Latin literature. CMS schools offer more AP courses than any independent or private school in the Charlotte-Mecklenburg area.

The district has more than doubled the number of students taking AP examinations over the last four years, and the percentage of scores of 3, 4, or 5 on AP examinations has held firm. Since 1995-1996, AP enrollment increased by 157 percent, from 4,079 students to 11,095 students in 2002-2003. There also has been an increase in the enrollment of African American students, from 431 students in 1995-1996 to 1,879 students in 2002-2003.¹¹² The gains cut across race and income levels with 24 percent of African American students in the class of 2001 enrolled in at least one AP or IB course, up from just 14 percent in 1996. In 2001, 46 percent of CMS graduates completed at least one AP or IB course, up from 44 percent in 2000 and 31 percent in 1996. Since 1995-96, the number of AP examinations taken in the CMS has increased by 25 percent.¹¹³

Bellevue School District, Washington

The Bellevue School District in the state of Washington has also partnered with the College Board to expand access to rigorous academic work and encourage students to consider enrollment in one or more advanced level courses before graduation through the College Success Initiative. At the heart of this initiative is a set of statements and expectations for the skills in mathematics, reading and writing that enable a student to be successful in first-year college work. The initiative also offers progressive, on-demand diagnostics that enable teachers to readily assess student progress. The initiative includes content-specific professional development for teachers in the three aforementioned subject areas. The professional development also includes pedagogical strategies emphasizing critical thinking and problem solving.¹¹⁴

Bellevue offers students a choice of AP or IB courses during 10th, 11th and 12th grades. Bellevue encourages students in AP and IB courses to earn college credit by performing well on rigorous national AP and IB tests.

¹¹¹ See THE COLLEGE BOARD, *OPENING CLASSROOM DOORS: STRATEGIES FOR EXPANDING ACCESS TO AP 7* (2002).

¹¹² See Charlotte-Mecklenburg Schools, *Fact Sheet on Advanced Placement Program*, available at <http://www.cms.k12.nc.us/discover/pdf/AP%20fact%201002.pdf> (last visited Nov. 20, 2003).

¹¹³ See Charlotte-Mecklenburg Schools, *CMS Achievement*, available at <http://www.cms.k12.nc.us/discover/studentAchievement.asp> (last visited Nov. 22, 2003).

¹¹⁴ See Bellevue School District, *Details on Partnership*, at <http://www.bsd405.org/partnership.html> (last visited Jan. 5, 2004).

In 2003, 77 percent of Bellevue students completed one or more AP classes.¹¹⁵ Nearly 1,750 Bellevue students took 2,919 AP examinations in May 2003, up from 875 students taking 1,675 examinations in 2001 and substantially increased from 1996, when 174 students took fewer than 300 exams. In seven years, Bellevue has seen more than a 1,000 percent increase in AP exams.¹¹⁶

Community College Outreach and Transfer Options

Partnerships to increase diversity are also growing between postsecondary educational institutions and community colleges. Around the country, community colleges play an important role in diversifying higher education, not only for the training they provide but also in providing transfer opportunities. Nationally, community colleges enroll 46 percent of all African American college students, 55 percent of all Hispanic college students and 46 percent of all Asian American college students.¹¹⁷ Thus, when community college students transfer to four-year institutions, they add to many forms of diversity on university campuses. Moreover, as the number of full-time freshman slots remains limited, the importance of transfers for creating equality of opportunity will increase.

To encourage these transfers, states and academic institutions have created a number of programs. At least 30 states have formal articulation agreements, so that community college students know exactly what will be needed to transfer and what courses will count toward the four-year degree. Other states have guaranteed admissions plans as part of existing or past articulation agreements, so that eligible students will know from the beginning of their studies that continued success will lead to transfer to a four-year campus. Originally, these plans were limited to the public sector, but private institutions also now participate, even offering students financial assistance to offset their higher tuitions. Some community college transfer and outreach options are highlighted below.

Strategies and Programs

- California— Increased recruitment, financial aid, outreach and guaranteed admission to a UC campus upon completion of community college courses
- Florida—Enhanced community college curriculum
- Maryland—Honors Academy for qualified students

¹¹⁵ See Bellevue School District, *District Profile: AP Course Taking and Test Taking*, at <http://www.bsd405.org/profile/aptest.html> (last visited Nov. 24, 2003).

¹¹⁶ See Bellevue School District, *Advanced Placement/IB Emphasis*, available at <http://www.bsd405.org/ap.html> (last visited Nov. 21, 2003).

¹¹⁷ See Mary Beth Marklein, *Two-year Schools Aim High: They're Giving Honors Students A Boost To Big-name Colleges*, USA TODAY, June 10, 2003, at 10D.

California

California has the largest community college system in the nation. It offers a very low-cost education to students who are low-income or older, who need to or desire to mix work and study and live at home, or who need remediation. According to UC System documents, “With the passage of Proposition 209,¹¹⁸ the university has intensified its efforts to recruit community college transfer students, a population that potentially includes the greatest proportion of minority and educationally disadvantaged students in the nation.”¹¹⁹ Data showed that 80 percent of all California Hispanic students began postsecondary education in community colleges, but only about 11 percent of those full-time students who expressed the desire to transfer had done so four years later. Similar results existed for African American students.¹²⁰

Consequently, UC reached an agreement with then-Governor Gray Davis and the community college system to increase transfers by six percent per year. The agreement involved creating more part-time options for community college transfers on UC campuses; developing a “Baccalaureate” financial aid package covering four years; tracking students who participate in UC outreach programs; increasing joint data collection on potential students; and enhancing cooperative admissions programs that guarantee admission to a UC campus upon completing a required number of credit hours at a community college.¹²¹ Currently the percentage of underrepresented minorities among community college-UC transfers has returned to what it was before UC Regents adopted the resolution known as SP-1,¹²² which has since been repealed. SP-1 banned preferences based on race, religion, sex, color, ethnicity, or national origin in the university system statewide.¹²³

UC campuses admitted 14,665 transfer students from California community colleges for fall 2003, an increase of 7.6 percent from 2002. Underrepresented students—African Americans, Native Americans and Hispanics—increased modestly as a proportion of the total admitted transfer class from 17.8 percent in 2002 to 18.5 percent in 2003.

¹¹⁸ California voters passed Proposition 209 in 1996 to require that the state “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.” Proposition 209 was upheld by the Ninth Circuit and is still in effect.

¹¹⁹ See Proceedings, Conference on Reinventing Transfer: Strategies for Transfer Student Success, University of California at Los Angeles (June 12, 2000) and University of California at Irvine (Sept. 13, 2000), at ii.

¹²⁰ See *id.* at 10.

¹²¹ See Office of the President, University of California, *UC and Community Colleges: The Partnership Agreement With Governor Davis*, at <http://www.ucop.edu/ucophome/commserv/partnership092100.htm> (last visited Nov. 7, 2003),

¹²² See Affirmative Action Office, University of California at Santa Barbara, *AA Policies, Laws, Regulations: Regents Policy Ensuring Equal Treatment in Admissions (SP-1)*, available at <http://www.aa.ucsb.edu/SP1.html> (last visited Nov. 7, 2003).

¹²³ See *id.* SP-1 also provided that “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.”

Underrepresented students also increased as a proportion of California resident transfers, up from 19.4 percent in 2002 to 20.4 percent in 2003.¹²⁴

In addition to system-wide initiatives, individual campuses have their own programs to increase transfers. UC Irvine has created a University Link program with Santa Ana Community College aimed at motivating students to transfer and giving them proper guidance. Further collaborating with the college, UC Irvine brings 100 students to spend 13 days taking accelerated courses on the university's campus. For some students, it is the first time they have lived away from home. Irvine also works with San Joaquin Community College some 280 miles away to provide six-week courses to students in this underserved Delta region of California.¹²⁵

Partly as a consequence of these various community college programs, Irvine admitted 4,352 community college students in 2003. Their acceptance rate was significantly higher than for first-time freshman admits, even though they had lower GPAs. UC officials concluded that, because of their maturity and motivation, their subsequent grade and graduation performance is about the same as four-year admits. It is clear that the community college path increases the diversity on UC campuses.¹²⁶

Florida

In some instances, community colleges have taken the initiative to create challenging academic environments to prepare their students for transfer to four-year institutions. About 200 of the 1,200 community colleges in the country are members of the National Collegiate Honors Council, which in 1989 had only a few dozen members. Many of these honors programs are at colleges with large numbers of minority students. For example, Miami-Dade, one of the largest community colleges in the country, whose student body is 65 percent Hispanic and 22 percent African American,¹²⁷ has created an Honors College. Honors College students have campus leadership roles, special seminars, faculty and corporate mentors and scholarships.¹²⁸

¹²⁴ See, e.g., Press Release, University of California, Community College Transfers Continue Strong Five-Year Upward Trend at UC (June 17, 2003), available at <http://www.universityofcalifornia.edu/admissions/transferpress.html> (last visited Nov. 21, 2003); University of California, *University of California Distribution of All New Admitted California Community College Students: Fall 1997 through 2003*, available at http://www.ucop.edu/news/factsheets/2003/ccctrans_table1.pdf (last visited Nov. 21, 2003).

¹²⁵ See Center for Educational Partnerships, University of California at Irvine, *Outreach Program Inventory*, at http://www.cfep.uci.edu/About/Inventory_Outreach_progs_03.pdf (last visited Nov. 21, 2003).

¹²⁶ See University of California, *University of California Distribution of All New Admitted California Community College Students: Fall 1997 through 2003*, available at http://www.ucop.edu/news/factsheets/2003/ccctrans_table1.pdf (last visited Nov. 21, 2003).

¹²⁷ See Miami-Dade Community College, *Facts In Brief*, at http://www.mdc.edu/about_mdcc/pages/facts_in_brief.asp (last visited Jan. 5, 2004).

¹²⁸ See Miami-Dade Community College, *The Honors College*, at <http://www.mdc.edu/honorscollege> (last visited Jan. 5, 2004).

Maryland

At Prince George's Community College in Maryland, an institution with a predominantly African American student body, students can be admitted into the Honors Academy. Incoming students must have a 3.25 GPA and 1050 SAT minimum or 12 college credits with grades of 3.5 or better. These students receive financial support and, upon graduation, can transfer into several local public and private colleges.¹²⁹

Virtual Schools

Students attending low-performing schools have less opportunity to take courses that will challenge them and help them to reach their full potential. Several states and schools have supplemented school curricula by creating virtual schools that provide online curricula. Some of these strategies and programs are highlighted below.

Strategies and Programs

- Florida Virtual School—Online courses
- Texas Virtual School—Statewide initiative to provide online courses for credit
- Kentucky Virtual AP Academy—Online exam review
- Michigan Virtual High School—A three-year initiative to provide online courses
- Utah Electronic High School—Online courses

Florida

The Florida Virtual School (FLVS) is a statewide, Internet-based public high school online curriculum. In 1997, the Florida legislature created the program to provide students access to courses not always available in their schools, especially in rural schools where AP courses are not typically offered. FLVS is open to all students, but priority is given to serving Florida students in rural and low-performing schools. FLVS students achieve enormous success in AP courses. Over 70 percent of FLVS AP examinees achieve a score of at least 3, with over 50 percent earning a score of 4 or 5.¹³⁰

¹²⁹See Prince George's Community College, *Honors Academy*, at http://academic.pg.cc.md.us/honorsprogram/hp_academyinfo.htm (last visited Oct. 22, 2003). Information about additional Maryland private college transfer programs can be obtained at <http://www.micua.org/sup6.htm>.

¹³⁰See Florida Virtual School, *About Us*, at http://www.flvs.net/_about_us/facts.htm (last visited Nov. 11, 2003).

Texas

The Texas Virtual School is a statewide initiative partnered with 11 of the state's Education Service Centers to better serve Texas students in low-performing schools. Students from partner schools may enroll in for-credit and not-for-credit courses in a variety of areas. The program gives students access to learning new and possibly otherwise unavailable content and skills. Educators can also participate in Web-based programs on a variety of topics and in a variety of roles within the school setting.¹³¹

Kentucky

In 2002, the Kentucky legislature directed the Kentucky Department of Education to establish the Kentucky Virtual Advanced Placement Academy as part of the Kentucky Virtual High School. The academy offers a core curriculum of AP courses taught by highly qualified Kentucky teachers. The program features online exam reviews which include diagnostic pre-tests to figure out how much students know, individualized study plans, practice questions and review materials. The resource is available to schools for the price of \$15 per student per course.¹³²

Michigan

In July 2000, the Michigan legislature funded the Michigan Virtual High School (MVHS) for a three-year period to be operated by the Michigan Virtual University, a private, not-for-profit Michigan corporation. MVHS is an online resource that enables Michigan high schools to provide courses (all taught by certified teachers) and other learning tools to which students may not otherwise have access. Through MVHS, Michigan high school students can prepare for the Michigan Educational Assessment Program (MEAP) test and AP Exams and take a variety of courses.¹³³

Utah

Since 1994, Utah's Electronic High School (EHS) has provided a wide variety of courses to students all over the world. Additional courses are added each year as resources and funding permit. Students can enroll in courses and work at their own pace until the course is completed, although EHS expects students to complete courses within 12 months. Master teachers develop the courses and correlate them to the Utah State Core standards and objectives. Courses are free for Utah students.¹³⁴

¹³¹ See Texas Virtual School, *Overview*, at <http://www.texasvirtualschool.org/overview.asp> (last visited Nov. 11, 2003).

¹³² See Kentucky Virtual High School, *supra* note 55.

¹³³ See Michigan Virtual High School, *About Us*, at <http://www.mivhs.org/aboutus> (last visited Nov. 11, 2003).

¹³⁴ See EHS-Utah's Electronic High School, *About Utah's Electronic High School*, at <http://www.ehs.uen.org/about.html> (last visited Nov. 11, 2003).

Expanded Financial Aid

For many students, paying for college is a daunting challenge; for those from traditionally underserved populations, this challenge may seem an insurmountable barrier. Studies show that the cost of college is rising, making it increasingly difficult for low-income families. Nationally, the average student loan debt has nearly doubled to \$17,000 over the past decade. Approximately 20 percent of full-time students work 35 or more hours a week. As a result, many low-income youth abandon plans for college—or drop out—because of the burden of debt and workload. Experts state that such patterns are even stronger among minority students. Research also shows that low-income families need more information and greater predictability about the availability of financial aid resources.¹³⁵ Some of the race-neutral federal and state financial aid programs are highlighted below.

Strategies and Programs

- Federal Student Aid Programs—Need-based grants and loans
- State and Institutional Programs
 - University of Texas Longhorn Scholarships—Scholarships for low-income students from partner schools
 - Indiana Twenty-first Century Scholars—Scholarships for low-income students fulfilling good citizenship pledge
 - University of North Carolina—Grants for low-income students through work-study
 - Princeton—Need-based awards of grants, eliminating loans as burdensome
 - University of Chicago—Full tuition scholarships to Chicago public school graduates
 - Philadelphia and the state of Pennsylvania—“Last dollar” scholarships to Philadelphia School District public and charter school graduates

Federal Student Aid Programs

The Department’s student aid programs are the largest source of direct aid to students in the United States, providing nearly 70 percent of all student financial aid. Help is available to make education beyond high school financially possible for all students.

The student aid programs provide financial help for students enrolled in eligible programs at participating schools to cover school (a four-year or two-year public or private educational institution, a career school or trade school) expenses, including tuition and fees, room and board, books, supplies and transportation. Most federal aid is need-based. The three most common types of aid are grants, loans and work-study.

¹³⁵ See, e.g., Office of University Development, University of North Carolina, *Carolina Covenant*, at <http://carolinafirst.unc.edu/carolinacovenant/#top> (last visited Nov. 5, 2003).

Grants are a type of financial aid that does not require repayment. Generally, grants are for undergraduate students and the grant amount is based on need, cost of attendance and enrollment status. Federal Pell Grants for the 2002-2003 school year ranged from \$400 to \$4,000. Generally, Pell Grants are awarded only to undergraduate students who have not earned a bachelor's or professional degree. In some cases, students may receive a Pell Grant for attending a post-baccalaureate teacher certification program. Pell Grants are the foundation of most financial aid packages, to which aid from other federal and nonfederal sources might be added. Federal Supplemental Educational Opportunity Grants (FSEOGs) range from \$100 to \$4,000. An FSEOG is for undergraduates with exceptional financial need and gives priority to students who receive federal Pell Grants.¹³⁶

President Bush announced in his proposed budget for 2004 a record \$1.4 billion increase for Pell Grants, taking the funding to a record level of \$12.7 billion. This would result in an increase of \$5 billion over the amount available for Pell Grants in 2000. President Bush estimates that 4.9 million students would be able to take advantage of Pell Grants, nearly one million more than two years ago.¹³⁷

Loans are borrowed money that must be repaid with interest. Both undergraduate and graduate students may borrow money. Parents may also borrow to pay education expenses for dependent undergraduate students. Maximum loan amounts depend on the student's year in school.¹³⁸ A federal Perkins Loan, to which a student's school contributes a share of the funding, is a low-interest (five percent) loan for both undergraduate and graduate students with financial need. The Department administers the Federal Family Education Loan (FFEL) Program and the William D. Ford Federal Direct Loan (Direct Loan) Program. Both the FFEL and Direct Loan programs consist of unsubsidized and subsidized Stafford Loans (for undergraduate and graduate students) and PLUS Loans, for the parents of dependent undergraduates.¹³⁹

Work-study allows students to earn money while enrolled in school to help pay for education expenses. The Federal Work-Study Program provides jobs for undergraduate and graduate students with financial need, allowing them to earn money to help pay education expenses. The program encourages community service work and work related to each student's course of study.¹⁴⁰

¹³⁶ See OFFICE OF FEDERAL STUDENT AID, U.S. DEPARTMENT OF EDUCATION, THE STUDENT GUIDE: FINANCIAL AID FROM THE U.S. DEPARTMENT OF EDUCATION 2003-2004 13-14, *available at* http://studentaid.ed.gov/students/attachments/siteresources/StudentGuideEnglish2003_04.pdf (last visited Nov. 5, 2003).

¹³⁷ See Press Release, U.S. Department of Education, President Bush Requests \$53.1 Billion—A 5.6 Percent Increase— For Education Department in 2004 (Feb. 3, 2003), *available at* <http://www.ed.gov/news/pressreleases/2003/02/02032003.html> (last visited Jan. 5, 2004).

¹³⁸ See OFFICE OF FEDERAL STUDENT AID, *supra* note 136, at 1.

¹³⁹ See *id.* at 18.

¹⁴⁰ See *id.* at 14.

State and Institutional Programs

State, local and college-funded programs also provide a valuable source of funding for postsecondary education. Many of these programs offer scholarships to target populations, such as students attending public high school within the state or city. Several of these programs are system-wide, providing scholarships to most public colleges in the state, while others are offered for particular colleges and universities. Some of these programs further target specific populations by offering scholarships to low-income students or students attending high schools that are underrepresented at the college or university.

University of Texas Longhorn Scholarships

Texas's Ten Percent Plan made it clear to UT Austin that a new group of students would be automatically admitted who might not be academically or financially prepared to succeed. The university then created a coordinated strategy, the Longhorn Opportunity Schools and Scholarship Program, to work with many schools and students that previously had little relationship to the university.¹⁴¹

While the Longhorn Opportunity Schools and Scholars more often benefit minority students, the program does not use race as a factor.¹⁴² In the fall of 2003, the 294 Longhorn Scholars were 61 percent Hispanic, 24 percent African American, 7 percent white and 6 percent Asian American.¹⁴³ The Longhorn Scholars program provided support to 13 percent of all first-generation college-going Hispanic freshmen entering UT Austin from Texas high schools since summer/fall 1999 and 23 percent of all African Americans. Nearly half of the Longhorn Scholars (45 percent) come from families where the parents were, at most, high school graduates.¹⁴⁴

Three criteria were used for selecting the participating 70 Longhorn Opportunity Schools. The high schools had to have at least 25 percent of the seniors taking the SAT to ensure a sufficient number of college-motivated students to compete for the scholarship. About 35 percent of all Texas SAT test takers had scores sent to UT Austin. The Longhorn program focused on those schools where historically less than 35 percent of the students sent their scores to UT Austin. Finally, the schools had to enroll students who on average had family incomes of less than \$35,000.

¹⁴¹ For a comprehensive report on the Longhorn program, please see L. SUZANNE DANCER & VICE PROVOST LUCIA ALBINO GILBERT, *THE LONGHORN SCHOLARS PROGRAM AT THE UNIVERSITY OF TEXAS AT AUSTIN: A SNAPSHOT OF THE FIRST FOUR YEARS* (2003).

¹⁴² See ROSE GUTFIELD, *TEN PERCENT IN TEXAS* 19 (Ford Foundation 2002).

¹⁴³ See Press Release, University of Texas at Austin, Longhorn Scholars To Be Honored Wednesday at The University of Texas at Austin (Sept. 23, 2003), *available at* http://www.utexas.edu/opa/news/03newsreleases/nr_200309/nr_longhorn030923.html (last visited Nov. 20, 2003).

¹⁴⁴ See GUTFIELD, *supra* note 142.

Typically the Longhorn schools, representing 22 school districts covering the entire state, were small rural schools or larger inner city schools. Some of the cost of these scholarships comes from redirecting previously race-based scholarships, but UT Austin also adds \$250,000-\$400,000 in new money. The Longhorn Scholarship program encompasses several tiers of possible dollar awards. Many students receive \$4,000 annually, but most Longhorn students are also eligible for Pell Grants, so the combination pays for all expenses.

Once admitted, Longhorn Scholars receive more intense advising and preferred access to competitive programs and majors. The Scholars take freshman seminars and writing courses limited to 15 students, attend interdisciplinary forums and seminars aimed at developing research relationships with faculty, enroll in smaller sections of large lecture classes and have their own advisors.

Longhorn Scholars are also entering academically demanding fields, and their academic performance is solid. According to a Ford Foundation study, the academic performance of Longhorn Scholars is on par with that of other graduates of Texas high schools attending UT Austin in fields such as engineering, natural sciences, business administration, liberal arts and communication, despite differences of nearly 200 points in mean SAT total scores.¹⁴⁵

Indiana Twenty-first Century Scholars Program

Indiana started the Twenty-first Century Scholars Program in 1990 as a way of raising the educational aspirations of low- and moderate-income families. The program's goal is to ensure that all Indiana families can afford a college education for their children.¹⁴⁶

Low-income seventh- and eighth-graders that enroll in the program and fulfill a pledge of good citizenship to the state are guaranteed the cost of four years of college tuition at any participating public college or university in Indiana. If the student attends a private institution, the state will award an amount comparable to what a student would receive at a public institution. If the student attends a participating proprietary school, the state will award a tuition scholarship equal to that of one of its technical colleges.¹⁴⁷

Evaluations of this program found that the grant substantially improved the odds that young people would enroll in both public and private colleges, and it improved their persistence in public colleges (there was no way to evaluate private schools). Students receiving scholarships had better chances of graduating high school and attending college than otherwise average eighth-grade students in their cohorts and were more likely to apply for student aid.¹⁴⁸

¹⁴⁵ See *id.*

¹⁴⁶ See Indiana University, *Twenty-first Century Scholars*, at <http://scholars.indiana.edu/program.xml> (last visited Nov. 5, 2003).

¹⁴⁷ See *id.*

¹⁴⁸ EDWARD P. ST. JOHN ET AL., *MEETING THE ACCESS CHALLENGE-INDIANA'S TWENTY-FIRST CENTURY SCHOLARS PROGRAM* (Lumina Foundation for Education Aug. 2002).

In addition, graduates of Indiana's Core 40 curriculum who can demonstrate financial need and achieve a 2.0 grade point average on a 4-point scale may receive up to 90 percent of tuition and fees through the Indiana state grant program. Regular high school graduates who demonstrate financial need but do not meet Core 40 or other requirements are eligible for state grants that meet up to 80 percent of tuition and required fees.¹⁴⁹

University of North Carolina, Carolina Covenant

The University of North Carolina at Chapel Hill recently announced an initiative to give the children of low-income families an opportunity to attend college without borrowing. The Carolina Covenant will enable low-income students to graduate debt-free if they work on campus 10 to 12 hours weekly in a federal work-study job throughout their four years there.¹⁵⁰ The university will meet the rest of students' needs through a combination of federal, state, university and private grants and scholarships.

According to its Web site, Carolina meets 100 percent of the documented financial need of all students who apply for aid on time, but about a third of that need is met through loans. To fund the Carolina Covenant, the university plans to reallocate some existing funds in the Office of Scholarships and Student Aid to increase private gifts dedicated to low-income students.¹⁵¹

The initiative is expected to cost about \$1.38 million annually when fully phased. Eligible students must be at or below 150 percent of the federal poverty level. Under current federal poverty levels, a family of four with an annual income of about \$28,000 would qualify. For a single parent with one child, the eligible income would be about \$18,000. According to its Web site, the university is believed to be the first public university in America to launch such an initiative to make college more accessible.¹⁵²

Princeton University

In 2001-2002, Princeton University changed its aid policy by eliminating student loans from initial aid awards. This "no loan" package, previously only available to students from low-income families, is now the starting point for need-based awards, regardless of family income level. Students may still request a student loan if needed to either replace a shortfall in expected student earnings or to cover expenses not included in the standard student budget. In other words, Princeton will no longer require undergraduates on financial aid to obtain loans to help pay for their education. In eliminating required loans, Princeton now runs counter to a national trend in which loans make up an

¹⁴⁹ See Indiana University, *Indiana Academic Honors Diploma and Core 40*, at <http://isca.indiana.edu/aid.html> (last visited Oct. 28, 2003).

¹⁵⁰ See University of North Carolina, *supra* note 135.

¹⁵¹ See *id.*

¹⁵² See *id.*

increasing portion of student aid packages. Nationally, loans now account for 60 percent of all student aid.¹⁵³

University of Chicago

In recognition of the outstanding students who attend public school in the city of Chicago, the University of Chicago is establishing the Chicago Public Schools Scholarship program, which will offer twenty full-tuition scholarships to Chicago Public Schools graduates. The Chicago Public Schools students, who will be chosen on the basis of their academic talent, extracurricular accomplishments and other factors, will receive full-tuition scholarships (tuition at the University of Chicago is nearing \$30,000) for each year of their enrollment.¹⁵⁴

Philadelphia and the State of Pennsylvania

CORE (College Opportunity Resources for Education) is a not-for-profit organization that combines funding from the city of Philadelphia and the School District of Philadelphia to provide “last dollar” scholarships to eligible high school seniors in the city’s public schools, including charter schools. The amount of scholarship to be provided will be determined after taking into account all other financial and scholarship aid awarded (i.e. “last dollar”). The scholarships will be funded with contributions of up to \$4 million from the city of Philadelphia for the next four years and up to \$6 million from the School District of Philadelphia for the next four years (for an overall total of \$40 million).¹⁵⁵

Both sources of public funding are intended to jump-start the CORE program. A member of Congress is heading an endowment campaign that intends to raise \$150 million in private contributions from individuals and organizations that will be structured to provide last dollar scholarships starting in 2008 and beyond. In addition to these funds, Sallie Mae announced that they would underwrite all administrative costs associated with operating this program to ensure that all the monies raised go directly to student scholarships.¹⁵⁶

¹⁵³ See Press Release, Princeton University, Grants To Replace Loans for All Students on Financial Aid (Jan. 27, 2001), available at <http://www.princeton.edu/pr/news/01/q1/0127-aid.htm> (last visited Oct. 27, 2003).

¹⁵⁴ See Press Release, University of Chicago, University of Chicago Creates Scholarship, Enrichment Programs For Chicago Public School Students (Mar. 15, 2003), available at <http://www-news.uchicago.edu/releases/03/030306.cps.shtml> (last visited Oct. 27, 2003).

¹⁵⁵ See Press Release, Office of Congressman Chaka Fattah, ‘Last Dollar Scholarships’ Being Made Available to Seniors Graduating from Every Public School in Philadelphia (Sep. 30, 2003), available at http://www.house.gov/apps/list/press/pa02_fattah/LAST_DOLLAR.html (last visited Oct. 27, 2003) (“The School District contribution must be approved by the School Reform Commission and is contingent upon the availability of federal grant funding -- particularly the extension of the GEAR UP program -- for this purpose. The City of Philadelphia’s contribution is contingent upon approval by City Council.”)

¹⁵⁶ See *id.*

According to the chancellor of the state system, the Pennsylvania State System of Higher Education, which comprises 14 universities throughout the commonwealth, has agreed to work with the scholarship program so that any “last dollar” scholarship monies received by the students will not adversely affect their eligibility for other financial aid. The Pennsylvania Higher Education Assistance Administration has also pledged to provide training for the coordinators of existing outreach programs to increase student awareness of financial aid options available after graduation.¹⁵⁷

Nonprofits, Charitable Foundations and For-Profit Corporation Programs

Nonprofits, charitable foundations and for-profit corporations are also providing and facilitating effective race-neutral programs that prepare students for higher education. Institutions may solicit the help of these organizations in establishing college preparatory programs. Institutions may use these programs as models for developing their own race-neutral strategies. Some of these programs are highlighted below.

Strategies and Programs

- College Summit—Provides intensive, residential four-day summer workshop to help low-income students apply to college
- Gates Foundation—Funds “early college” high schools to help low-income students succeed in rigorous curricula
- General Electric (GE) Foundation—Funds \$30 million program to double rate of college attendance from low-income GE communities

College Summit

College Summit is a national nonprofit organization, increasing enrollment of low-income students by ensuring that every student who can make it *in* college makes it *to* college.¹⁵⁸ College Summit believes that many college-ready, low-income students do not attend college because they do not know their options and cannot successfully navigate the process of applying to college. The organization argues that the highest performing low-income students are identified and then recruited by colleges and universities, but the “mid-performing” low-income students are left behind. Mid-performing students in suburban schools enroll in college in part because they benefit from having parents and neighbors who are college graduates themselves and school systems that are very familiar with the college enrollment process. However, low-income students who are not at the top of their classes, but who are capable of success in postsecondary education, do not enroll because they lack information and step-by-step

¹⁵⁷ See *id.*

¹⁵⁸ See, e.g., College Summit, *Mission*, at <http://www.collegesummit.org/whomis.html> (last visited Nov. 21, 2003); College Summit, *The College Summit Story*, at <http://www.collegesummit.org/whosto.html> (last visited Nov. 21, 2003).

guidance through the college application process. College Summit empowers principals, teachers and students to view college as a viable option.¹⁵⁹

The organization works directly with rising high school seniors. It offers them an intensive, residential, four-day summer workshops across the country. During the workshop, students are educated about the options for financial aid and the process of applying to college. A professional college counselor also works with each student to help identify colleges that match their interests and abilities. The workshop focuses heavily on teaching writing skills through a methodology developed specifically for College Summit—the “Writing Team Method.” While the short-term goal is to produce an effective essay to accompany an application to college, the writing skills help the student over the long term as well. The workshop also teaches the students how to fill out an application for college through a specialized software package. The students are also trained as Peer Leaders so that they can influence other students in their home school to work through the process of applying to college.¹⁶⁰

High school guidance counselors can't possibly track the individual paths of every student, especially when their average caseload is 400+ students. But in low-income communities, where most parents have not been to college, the students lack an adult who can “manage” them through the college application process.

But high schools can make sure that more of their students make it to college, by equipping their teachers to play the application management role that parents in higher-income communities play for their children. Through a partnership with College Summit, schools send their teachers for training in the college application process, and receive a straightforward curriculum and on-line tools to make the process easy.

Remarks of J.B. Schramm, Founder and CEO of College Summit, at Race-Neutral Conference held by the Department of Education, Miami, Florida (May 1, 2003)

College Summit works with high schools to improve their ability to help students as well. According to the organization, “What makes the college transition work for middle-class students is the presence of college-experienced parents who keep students on track through the maze of college essays, forms and choices. College Summit trains teachers to play this management role at school.”¹⁶¹ With the assistance of Peer Leaders, College Summit trains teachers to fulfill the college application “manager” role for all seniors during the school year and provides them with the curricula and online tools they need to guide their students through the college application process. The organization helps develop the capacity of high school teachers who work in schools with high concentrations of low-income students.

¹⁵⁹ See *The College Summit Story*, *supra* note 158.

¹⁶⁰ See College Summit, *The College Summit Workshop*, at <http://www.collegesummit.org/whawor.html> (last visited Nov. 21, 2003).

¹⁶¹ College Summit, *Strengthening High School Guidance*, at www.collegesummit.org/whadis.html (last visited Mar. 10, 2003).

The organizations partners with more than two-dozen colleges that host the workshops and provide other services to students. Colleges and universities that have partnered with College Summit have seen their student bodies enriched by the enrollment of low-income students who likely would not have come to their attention except for this innovative program.¹⁶² College Summit argues that, “Colleges need a larger pool of diverse talent. And they need a way to distinguish who—among the masses of mid-performing applicants—is most likely to succeed. Institutions receive a cost-effective way for colleges to look at the whole student. In exchange for hosting a College Summit workshop on their campus, College Summit provides Preview Portfolios—application materials, teacher recommendations, high school transcripts, etc.—on pre-screened, low-income students, early in the admissions process.”¹⁶³

Since 1993, 79 percent of College Summit’s low-income students have enrolled in college, compared to 46 percent of low-income high schools graduates nationwide.¹⁶⁴ Moreover, 80 percent of College Summit students stay in college. In recognition of its success, College Summit has received the highest national award in the field of college access from NACAC and was invited by former President Clinton to serve as an Education Partner at his first annual National Youth Conference in February 2003. In addition, College Summit has won the highest national awards in social entrepreneurship from The Manhattan Institute for Policy Research, Ashoka, Innovators for the Public, the John S. and James L. Knight Foundation National Venture Fund, New Profit, Inc. and the Skoll Foundation.¹⁶⁵

Gates Foundation “Early College” High Schools

A relatively new concept that colleges use to increase opportunities for disadvantaged and minority youth is “early college” high schools. In general, these early college schools aim to make a rigorous curriculum the norm for all students, not just the handful at the top. The concept is based on the notion that all students—including less accomplished students and those in danger of dropping out—are capable of handling challenging work and will more likely graduate if challenged.

The early college high school idea is still relatively experimental. The Bard High School Early College, founded in 2001 by the New York Board of Education and Bard College with support from the Gates Foundation, graduated its first class of 93 students—mostly average students who wanted a faster and more rigorous education. Unlike most early college high schools, in which students may expect some college credit, the Bard High School students expect to leave with an associate's degree. Moreover, about 90 percent move on to four-year colleges, mostly as upperclassmen.¹⁶⁶

¹⁶² *See id.*

¹⁶³ *Id.*

¹⁶⁴ *See id.*

¹⁶⁵ *See id.*

¹⁶⁶ *See* Karen W. Arenson, ‘Early College’ Gains Ground in Education, N.Y. TIMES, July 14, 2003.

The Gates Foundation announced last year that it would sponsor 70 new early college high schools nationally in order to broaden options available to students. However, because there was such great interest, the foundation now plans to sponsor 150, according to Jobs for the Future, a nonprofit group in Boston that administers the program for the Gates Foundation.¹⁶⁷

General Electric (GE) Foundation's College Bound Program

The GE Foundation's College Bound 15-year, \$30 million program, in partnership with selected schools and GE businesses, seeks to double the rate of college attendance from low-income and inner-city schools in GE communities. Each school creates its own project, with the assistance of GE volunteers, staff development, curriculum changes and enrichment activities for the students. The program attributes its success to providing schools with the funding to adopt community-appropriate strategies to improve college access.¹⁶⁸

According to its Web site, the GE Foundation's College Bound program has supported its goal in 20 communities. Evaluations by RAND in 1994 and a team from Brandeis University in 2000 have confirmed the program's success (e.g., participating students are more likely to go to college), and the program and its schools have received extensive recognition. *U.S. News & World Report* recognized two GE Foundation College Bound sites, Lynn Classical High School and the Manhattan Center for Science and Mathematics, as "outstanding schools" in a 1999 report on secondary education.¹⁶⁹

In Cincinnati, Ohio, GE volunteers worked with students at Aiken High School where, in 1985, fewer than one in 10 students went on to college. The volunteers served as mentors, tutors and friends, giving the students a chance to interact with successful professionals. With the help of a GE Foundation grant that provided professional development for teachers, curriculum development and career education, the program grew. 60 percent of Aiken's 2003 graduating class went on to college.¹⁷⁰

Federal Programs

The federal government has for many years sponsored a number of race-neutral programs designed to help young people excel in college. Educational institutions should be aware of these programs because they could make better use of these opportunities. In addition, these programs could serve as models for state and local governments that want to expand their own race-neutral efforts. The following is a brief description of three federal programs.

¹⁶⁷ See *id.*

¹⁶⁸ See The GE Foundation, General Electric Company, *Education Initiative—College Bound*, at http://www.ge.com/community/fund/grant_initiatives/education/collegebound.html (last visited Oct. 28, 2003).

¹⁶⁹ See *id.*

¹⁷⁰ See *id.*

Strategies and Programs

- GEAR UP—A discretionary grant program of the Department aimed at increasing college-readiness of low-income students
- TRIO Programs—Outreach programs directed to students from disadvantaged backgrounds which provide academic-readiness help
- State Scholars Initiative—Department project to encourage students to take more challenging high school curricula

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

GEAR UP is a competitive grant program administered by the Department.¹⁷¹ It is designed to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. GEAR UP provides five-year grants to states and partnerships to provide services at high-poverty middle and high schools. GEAR UP grantees serve an entire cohort of students beginning no later than the seventh grade and follow the cohort through high school. GEAR UP funds are also used to provide college scholarships to low-income students.

GEAR UP partnerships are committed to serving and accelerating the academic achievement of students through their high school graduation. GEAR UP partnerships supplement (not supplant) existing reform efforts, offer services that promote academic preparation and the understanding of necessary costs to attend college, provide professional development and continuously build capacity so that projects can be sustained beyond the term of the grant.

The Department invested \$293 million in fiscal year 2003 in the GEAR UP program, and the Department estimates that more than 1.2 million students benefited from the 324 grants awarded.¹⁷² For example, in Massachusetts, the Brookline Housing Authority received a GEAR UP grant to work with students and families who live in public housing in that city. It later received the National Association of Housing and Redevelopment Officials' Award of Excellence for the outstanding results of its GEAR UP project.¹⁷³

The GEAR UP project in Oklahoma has been credited with vastly increasing the number of students who receive college tuition assistance. Prior to 1999-2000, the average number of students enrolled in Oklahoma's college tuition scholarship program was about

¹⁷¹ See Office of Post Secondary Education, U.S. Department of Education, *Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)*, at <http://www.ed.gov/programs/gearup/index.html> (last visited Oct. 21, 2003).

¹⁷² See *Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)*, Office of Post Secondary Education, U.S. Department of Education, *Funding Status*, at <http://www.ed.gov/programs/gearup/funding.html>, (last visited Oct. 21, 2003).

¹⁷³ See *Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)*, Office of Post Secondary Education, U.S. Department of Education, *Success Stories*, at <http://www.ed.gov/programs/gearup/performance.html#success> (last visited Oct. 21, 2003).

1,350 each year. Because of the GEAR UP initiative and other measures to make the tuition scholarship program more accessible, enrollment increased by 9,735 students in 2000-2001. Nearly as many students enrolled in the program in 2000-2001 as in the first eight years of the program combined. The college tuition scholarship program pays tuition at any Oklahoma public two-year or four-year university for all students who successfully complete the program.¹⁷⁴

California schools have seen similar results from GEAR UP. Under the Salinas GEAR UP project, Academic Performance Index scores for mathematics and language arts have increased from 17 points to 47 points, and the number of students performing under a "C" average has decreased by 32 percent. The Palomar College GEAR UP Partnership Program and the staff of San Marcos High School collaborated to double the number of students registered to take the PSAT this year. The Academic Performance Index at El Sausal Middle School was 43 percent, well above the school's goal of 17 percent, as a result of the new initiatives, curriculum alignment, professional development workshops, additional instruction and other resources GEAR UP brought to the school.¹⁷⁵

Eighth-graders at New York's Westbury Middle School posted a gain of 20 percent, the highest of any other middle school in surrounding Nassau County, on the Spring 2003 New York State English/Language Arts Assessment, and the school cited GEAR UP as a contributing factor to this increase. The East Texas GEAR UP project saw the number of students taking algebra in eighth or ninth grade increase from 69.3 percent of the student population to 90.4 percent since its inception.¹⁷⁶

Vermont's Richford Junior High School implemented a GEAR UP-funded Teacher Advisorship Program for seventh- and eighth-grade students to develop a relationship with an adult at the school who would become their advocate. In two years, this program cut suspendable offenses in half, decreased retentions from 13 to 8 percent and cut in half the percentage of students absent 10 or more times over the course of the year. Taylor County Middle School in West Virginia reported elimination of eighth-grade retentions and a nearly 50 percent drop in seventh-grade retentions as a result of a summer school program offered using GEAR UP funds.¹⁷⁷

TRIO Programs

The federal TRIO Programs are educational opportunity outreach programs designed to motivate and support students from disadvantaged backgrounds.¹⁷⁸ The TRIO Programs, originally a combination of three programs, are now eight and include six outreach and support programs targeted to serve and assist low-income, first-generation college and

¹⁷⁴ See *id.*

¹⁷⁵ See *id.*

¹⁷⁶ See *id.*

¹⁷⁷ See *id.*

¹⁷⁸ See Office of Postsecondary Education, U.S. Department of Education, *Federal TRIO Programs*, at <http://www.ed.gov/about/offices/list/ope/trio> (last visited Jan. 5, 2004).

disabled students to progress through the academic pipeline from middle school to post-baccalaureate programs. TRIO also includes a training program for directors and staff of TRIO projects and a dissemination partnership program to encourage the replication or adaptation of successful practices of TRIO projects at institutions and agencies that do not have TRIO grants.

The outreach and support programs include Upward Bound, Upward Bound Math/Science, Talent Search, Educational Opportunity Centers and the Ronald D. McNair Post-baccalaureate Achievement Program. Another large component of TRIO—Student Support Services (SSS)—provides opportunities for academic development, assists students with basic college requirements and serves to motivate students toward the successful completion of their postsecondary education. The goal of the SSS program is to increase the college retention and graduation rates of its participants and facilitate the process of transition from one level of higher education to the next. Low-income students who are first-generation college students and students with disabilities evidencing academic need are eligible to participate in SSS projects. Two-thirds of the participants in any SSS project must be either disabled or first-generation college students from low-income families. One-third of the disabled participants must also be low-income students. The Department spent \$827.1 million on the Trio Programs in fiscal year 2003.¹⁷⁹

State Scholars Initiative

The Department's Office of Vocational and Adult Education (OVAE) administers an innovative project that provides high school graduates with the solid academic foundation that is necessary for their future success. Many argue that students who complete a more rigorous course of study increase their likelihood of postsecondary success—measured in terms of persistence and completion. It is also argued that students who enroll in rigorous courses gain greater proficiency in academic areas. For example, in Texas, where efforts have been under way to increase the number of students who complete a rigorous course of study, students who enroll and succeed in a sequence of challenging mathematics courses score more than 100 points higher on the SAT than those who do not.¹⁸⁰

On August 29, 2002, President Bush launched the State Scholars Initiative to provide support to states that are committed to improving the academic course of study for all students. The initiative is currently under way in about 500 school districts in Arkansas, Indiana, Maryland, Oklahoma, Rhode Island, Tennessee, Texas and Virginia. The program now reaches more than 1.8 million students since being elevated to a national

¹⁷⁹ See Association of Community College Trustees, *Funding Charts*, at <http://www.acct.org/publicpolicy/fundingcharts.htm> (last visited Jan. 5, 2004).

¹⁸⁰ See COLLEGE BOARD, *PROFILES OF COLLEGE 3* (2000).

initiative.¹⁸¹ Additionally, business organizations in Arkansas, Connecticut, Indiana, Kentucky, Maryland, Mississippi, New Jersey, New Mexico, Oklahoma, Rhode Island, Tennessee and Texas have partnered with their state governors and chief state school officers to participate in the initiative in order to increase the number of students completing the Scholars course of study.¹⁸²

The initiative will ensure that schools are given support by local businesses and will coordinate efforts among the education officials in that state. The initiative seeks to encourage high school students to take a more challenging high school curriculum, including:

- 4 credits in English;
- 3 credits in mathematics (algebra I, geometry, algebra II);
- 3 credits in basic lab science (biology, chemistry, physics);
- 3.5 credits in social studies; and
- 2 credits in a foreign language.

The initiative may have helped students excel academically. In Arkansas, the percentage of high school graduates completing algebra II increased from 48 percent to 71 percent and those completing chemistry rose from 33 percent to 63 percent between 1990 and 2000, although it is not clear that these results are solely attributable to the initiative.¹⁸³ The Arkansas State Board of Education increased the minimum course of study for the Arkansas Scholars Initiative, and the business and education coalition is endorsing another increase in requirements. In conjunction with these requirements, some public colleges in Arkansas offer free tuition to students who graduate as Arkansas Scholars.

Texas has had a Texas Scholars program since 1991, encouraging students to complete the challenging curriculum referred to as the Recommended High School Program (RHSP).¹⁸⁴ In fact, RHSP is now the presumed curriculum for all Texas high school students. Students are automatically enrolled in these classes unless a parent opts the student out of that curriculum. Financial incentives are also given to encourage students to accumulate all of these credit hours. In 1999, the state legislature tied \$100 million in

¹⁸¹ See Press Release, Center for State Scholars, Press Release, Six Statewide Coalitions Receive \$1.8 Million, Join Scholars Initiative, *available at* http://www.centerforstatescholars.org/files/press_releases/press_release_08_oct_2003.php (last visited Oct. 21, 2003).

¹⁸² See Center for State Scholars, *Fact Sheet*, at http://www.centerforstatescholars.org/fact_sheet.php (last visited Oct. 21, 2003). The participating organizations are the Arkansas Business & Education Alliance, the Connecticut Business & Industry Association, Indiana's Education Roundtable, the Partnership for Kentucky Schools, the Maryland Business Roundtable for Education, the Public Education Forum of Mississippi/Mississippi Economic Council, the Business Coalition for Educational Excellence at the New Jersey Chamber of Commerce, the New Mexico Business Roundtable for Educational Excellence, the Oklahoma Business & Education Coalition, Rhode Island's Education Partnership, the Tennessee Chamber of Commerce & Industry, the Texas Business and Education Coalition and Washington State's Partnership for Learning.

¹⁸³ See *id.*

¹⁸⁴ See Texas Scholars, *Texas Scholars Program Overview*, at <http://www.texasscholars.org/overview.php> (last visited Dec. 31, 2003).

college financial aid to students who complete the requirements. Most recently, the legislature authorized \$324 million in grants available for 2004-2005 to financially needy Scholars who complete the defined rigorous course of study. As a result of the state's efforts, the percentage of high school graduates completing the Texas Scholars course of study rose from 15 percent in 1999 to 59 percent in 2002.¹⁸⁵

The Center for State Scholars, the nonprofit organization that works with OVAE to administer the initiative, most recently enlisted the efforts of six statewide business organizations in the initiative. The Connecticut Business & Industry Association, the Partnership for Kentucky Schools, the Public Education Forum of Mississippi/Mississippi Economic Council, the Business Coalition for Educational Excellence at the New Jersey Chamber of Commerce, the New Mexico Business Roundtable for Educational Excellence and Washington State's Partnership for Learning will each receive up to \$300,000 from the Center for State Scholars to launch awareness and motivation efforts in at least two communities in their respective states over the next 24 months to encourage students to complete more rigorous courses.¹⁸⁶

Graduate and Professional Schools

Graduate and professional schools have developed their own race-neutral strategies for increasing diversity. For graduate schools in particular, admissions operate differently than admissions to undergraduate institutions. Likewise, some of the standard race-neutral strategies have been modified to meet the particular needs of professional schools. Some of the more innovative strategies and programs are highlighted below.

Strategies and Programs

- Graduate Schools
 - UC Summer Undergraduate Research Fellowships—UC Irvine and Santa Cruz summer programs for undergraduates intending to get doctorates
 - UC Leadership Excellence through Advanced Degrees—Recruits disadvantaged undergraduates interested in science, mathematics or engineering
 - Texas A&M Graduate School Pathways to Doctorate—Links faculty at doctoral institutions
- Professional Schools
 - UC San Francisco Medical School—Sponsors Doctors' Academy for disadvantaged students
 - UCLA Law School—Law Fellows Program

¹⁸⁵ See Center for State Scholars, *supra* note 182.

¹⁸⁶ See Press Release, *supra* note 181.

- UC Berkeley Haas Business School—Sponsors Young Entrepreneurs Program (YEP) and Business, Economics, and Technology Achievement (BETA) training and mentoring
- Texas Medical Schools—Joint Admissions Medical Program (JAMP) recruits economically disadvantaged students

Graduate Schools

Graduate admissions typically operate differently than admissions to undergraduate and professional schools. Potential students at elite graduate programs are worldwide, so that diversity in cultural backgrounds is potentially more readily attainable. Also, the graduate admissions process is more decentralized, with the actual decision made at the department or program level within the department. Each student is considered individually.

University of California

As a result of the nature of the graduate admissions process described above, the percentage of underrepresented minorities in UC graduate schools did not fall after Proposition 209 as it did in the UC professional schools. Several UC programs further increase the pool of students from disadvantaged or underserved backgrounds at the graduate level. One such program is the Summer Undergraduate Research Fellowship (SURF) program at Irvine and Santa Cruz, which enrolls undergraduates and brings them to the campus for the summer to work with faculty mentors.¹⁸⁷ The program is designed for students who plan to eventually pursue PhDs and faculty appointments. The UC Leadership Excellence through Advanced Degrees (LEADS) is a state-funded program that recruits educationally or economically disadvantaged undergraduates interested in sciences, engineering and mathematics.¹⁸⁸ These students can receive a stipend and free on-campus housing in their sophomore and junior summers.

Texas A&M University Graduate School

The Texas A&M Graduate School, which enrolls about 8,000 students, started the Pathways to the Doctorate program in 2001, through which A&M faculty members pair with faculty members at non-research institutions in the A&M system. About 20 students on A&M campuses participate.¹⁸⁹

¹⁸⁷ See University of California at Irvine, *Summer Undergraduate Research Fellowship Program*, at <http://www.rgs.uci.edu/grad/diversity/surf.htm> (last visited Nov. 11, 2003).

¹⁸⁸ See Office of the President, University of California, *Welcome to UC LEADS*, at <http://www.ucop.edu/uclleads> (last visited Nov. 11, 2003).

¹⁸⁹ See Texas A&M University System, *Pathways To The Doctorate: Potential to Succeed*, at http://ogs.tamu.edu/OGS/pathways/potential_to_succeed.htm (last visited Nov. 11, 2003).

Professional Schools

UC San Francisco School of Medicine

The University of California at San Francisco (UCSF) School of Medicine receives about 5,000 applications for about 250 spaces. In addition to academic skills, the school considers socioeconomic factors, whether an applicant will contribute different opinions, has overcome some previous educational disadvantage or will seek different practice patterns after graduation.

To broaden its applicant pool, UCSF sponsors a Doctors' Academy for 15 to 20 disadvantaged students who have overcome a significant handicap and/or whose first language is not English. These students attend seminars on public health, take Medical College Admission Test (MCAT) review courses, take additional academic work and prepare their admissions statements.¹⁹⁰

UCLA School of Law

UCLA Law School (UCLAW) receives approximately 7,000 applications for 300 new admission slots. After SP-1 and Proposition 209, the law school engaged in aggressive race-neutral outreach initiatives designed to increase the number of applicants with highly competitive academic credentials. In the 1997-1998 academic year, UCLAW launched the Law Fellows Program to encourage and prepare participants for a career in law and to increase their academic competitiveness for admission to law school. The Law Fellows Program provides early academic outreach to high-potential undergraduate and graduate students with at least a 3.0 GPA.¹⁹¹

The program format includes a series of Saturday Academies held at the Law School. The academies expose students to a variety of materials used in law school courses such as cases, treatises and law reviews. Faculty instructors teach the process and procedures involved in the study of law, and research librarians conduct legal research sessions. The program has enrolled nearly 360 students from 18 undergraduate institutions. The program is geared towards students who have had limited exposure to postsecondary education, career opportunities, mentoring and social support systems. Consideration is given to applicants who have overcome economic and or educational hardships or who come from, or who have demonstrated leadership experience in economically or educationally underserved communities.¹⁹²

¹⁹⁰ See Malloy, *supra* note 80.

¹⁹¹ See, e.g., University of California at Los Angeles, 2002-2003 UCLA School of Law Fellows Outreach Program Supplemental Application, at http://www.eaop.ucla.edu/fellows/02_03_docs/02_03lawfellowssSupplementalapp.pdf (last visited Nov. 21, 2003); Minutes of Meeting of Committee on Educational Policy, Board of Regents of the University of California 5 (July 18, 2002), available at <http://www.universityofcalifornia.edu/regents/minutes/2002/edpol71802.pdf> (last visited Nov. 21, 2003).

¹⁹² See *id.*

Of the nearly 70 fellows who applied through 2002, approximately 90 percent have been admitted to at least one of their choices of law schools. Including the entering class of 2002, 28 Fellows were admitted to UCLA. .¹⁹³

UC Berkeley Haas School of Business

Haas seeks applicants from diverse institutions, experiences and academic backgrounds, but does not use race in admissions. The business school sponsors two programs through the Young Entrepreneurs at Haas (YEAH) for underserved high school students who may be interested in studying business. YEAH volunteers, who include Haas faculty, MBA students and undergraduate students, play an important role in serving as mentors, shaping the program and curriculum and serving as guest speakers at YEAH programs.¹⁹⁴

The first YEAH program, the Young Entrepreneurs Program (YEP), is a two-year program that encourages students to build business skills and plan for college. Each spring, YEP accepts 40 eighth-graders into the program.¹⁹⁵ Another program—Business, Economics, and Technology Achievement (BETA)—offers training and mentoring support to local public high schools and middle schools in Oakland, Berkeley, San Francisco and West Contra Costa.¹⁹⁶

Texas Medical Schools

In addition, the Texas legislature (Senate Bill 940) established the Joint Admissions Medical Program (JAMP) aimed at recruiting economically disadvantaged students into medical school. There are about 128 JAMP students a year. The JAMP Council, composed of undergraduate institutions and medical schools, chooses the students, awards undergraduate and graduate scholarships, matches JAMP students with participating medical schools for mentoring programs, creates internships and matches students with medical schools for admissions. The public medical schools agree to set aside at least 10 percent of their admission slots for JAMP students.¹⁹⁷

¹⁹³ See Minutes of Meeting of Committee on Education Policy, Regents of the University of California, (Jul. 18, 2002), available at <http://www.universityofcalifornia.edu/regents/minutes/2002/edpol71802.pdf> (last visited Nov. 21, 2003).

¹⁹⁴ See Haas School of Business, University of California at Berkeley, *Young Entrepreneurs At Haas*, at www.haas.berkeley.edu/yeah/index.htm (last visited Nov. 11, 2003).

¹⁹⁵ See Haas School of Business, University of California at Berkeley, *Young Entrepreneurs at HAAS*, at http://calinthecommunity.berkeley.edu/programs/CIC_2002_05_21_9.htm (last visited Jan. 28, 2004).

¹⁹⁶ See Haas School of Business, University of California at Berkeley, *Youth Outreach Program Expands To San Francisco High School*, HAAS NEWSWIRE, Apr. 29, 2002, at <http://www.haas.berkeley.edu/groups/newspubs/haasnews/archives/hn042902.html#Adaptic> (last visited Jan. 28, 2004).

¹⁹⁷ See, e.g., Office of University Relations, Texas A&M University, *Rural Areas And Minority Students To Benefit From A&M System Medical Program*, AGGIEDAILY, Feb. 4, 1998, available at <http://www.tamu.edu/univrel/aggiedaily/news/stories/archive/020498-7.html> (last visited Nov. 11, 2003); Texas A&M University at Galveston, *Joint Admission Medical Program*, at http://www.tamug.edu/jamp/jamp_main.htm (last visited Nov. 11, 2003).

Private Colleges and Universities

Private colleges and universities throughout the nation have forged new race-neutral paths in increasing diversity among the student body. The following are only some examples of the creative alternatives these institutions have designed to meet the interests of achieving an increasingly diverse college student population.

Strategies and Programs

- Hamilton College—College preparatory programs
- Hanover College—Campus visits and outreach
- Marquette University—Science and mathematics assistance and outreach
- Notre Dame—TRIO program participation
- Occidental College—Partnership with local schools in northeast Los Angeles
- Rice—Race-neutral scholarships for students who build interracial communication
- Stanford—Partnerships with primary and secondary schools; SAT tutoring

Hamilton College

Hamilton's Office of Admission offers programs that bring non-traditional students to the Hamilton campus in Clinton, New York. Hamilton's ACCESS Project provides non-traditional, low-income students with children an opportunity to develop the skills and knowledge necessary to succeed in a four-year program at Hamilton or another liberal arts institution. Hamilton's Higher Education Opportunity/Scholars Program (HEOP), mandated and funded by the State Education Department of New York, provides students who demonstrate potential for academic success with the educational supportive services and supplementary financial assistance they need to become successful college students. HEOP applicants must meet both state educational and economic guidelines and be a New York State resident for at least one full year prior to enrollment. Finally, Hamilton has partnered with the Posse Foundation, which selects 10 students from the Boston area to matriculate at Hamilton each year. Posse scholars are selected based on leadership ability, demonstrated ambition, ability to work with people of different backgrounds and a desire to succeed.¹⁹⁸

¹⁹⁸ See Hamilton College, *Diversity in the Admission Process*, at <http://www.hamilton.edu/admission/diversity/multicultural.html> (last visited Oct. 28, 2003). The Posse Foundation uses the Dynamic Assessment Process (DAP) to select Posse Scholars, an innovative approach that identifies exceptional students who might be missed by traditional college admissions processes. DAP taps into the often unseen qualities of high school students using non-traditional forums to evaluate students: "Interactive workshops in which students have the opportunity to work alongside peers to generate and share ideas have proven to be an effective means of identifying an alternative set of qualities that can predict academic success in college. Its primary selection criteria are leadership talent, ability to work in a team with people from diverse backgrounds, and desire to succeed." See The Posse Foundation, *How Posses Are Chosen*, at <http://www.possefoundation.org/main/learn/chosen.cfm> (last visited Nov. 21, 2003)

Hanover College

Hanover College, a selective liberal arts college of about 1,100 students, located in southern Indiana, began a program to work with inner-city high schools in Louisville and Indianapolis several years ago. High school students are brought to the campus for special events during the school year and for a weeklong summer session. For Louisville Central students in the pre-law, medicine and business tracks, summer work has focused on interdisciplinary preparation for mock trials before a judge on the use of genetic testing for employment.¹⁹⁹ Several students from the program are now attending the college.

Marquette University

Marquette's Educational Opportunity Program (EOP) assists first-generation college students, underrepresented students and students from low-income families. EOP manages four major TRIO grants, two of which focus on pre-college students. The Upward Bound program prepares high school students to enter and successfully complete college. The Science and Mathematics at Marquette (SAMM) program, also an Upward Bound program, offers specialized mathematics, science, writing and technology classes, both during the summer and the academic year, to assist and educate low-income students and students whose parents do not have bachelor's degrees. SAMM students are recruited from the Milwaukee area in their freshman year of high school.²⁰⁰ Seven of the 17 SAMM 2003 graduates now attend Marquette University, including four African American students.²⁰¹

University of Notre Dame

Since 1980, Notre Dame has participated in the federally funded Educational Talent Search (a TRIO Program), which assists low-income, first-generation students between the ages of 11 and 27 with secondary school, retention, graduation, re-entry and college placement. The program serves St. Joseph and Elkhart Counties in Indiana and the city of Niles, Michigan. Its target schools are the public high schools and middle schools of South Bend, Indiana and the high schools of Elkhart, Indiana and Niles, Michigan. Today, the program serves 21 low-income and underserved schools and over 800 students per year.²⁰²

¹⁹⁹Holly Coryell, *Students In Mock Genetic Trial Get Real-life Lessons: Hanover College Helps Louisville Program*, LOUISVILLE COURIER JOURNAL, July 10, 2001.

²⁰⁰ See Marquette University, *Educational Opportunity Program*, at <http://www.eop.mu.edu> (last visited Oct. 27, 2003).

²⁰¹ See Marquette University, *SAMM Alumni*, at <http://www.eop.mu.edu/samm/Alumni/2003%20Alumni.html> (last visited Nov. 21, 2003).

²⁰² See University of Notre Dame, *McNair Scholars Program*, at <http://www.nd.edu/~mcnair/about.htm#4> (last visited Oct. 27, 2003).

Occidental College

Occidental College in Los Angeles, California, operates partnership programs with local schools in northeast Los Angeles, serving more than 900 students at 16 elementary, middle and high schools as part of its outreach to the diverse local community. In 2001, the Council for Advancement and Support of Education (CASE) awarded Occidental its silver medal in the Schools and College Partnership category of its Circle of Excellence Awards²⁰³ for this innovative network of partnerships.²⁰⁴ These programs range from Upward Bound and GEAR UP to programs like L.A. Bridges, a city-funded middle school anti-gang program; Teachers + Occidental = Partnership in Science (TOPS), a mobile high school science education and teacher training program; and seven student-run programs funded and coordinated by the college's Center for Volunteerism and Community Service. Eligibility for the Occidental College Upward Bound Project is based on location, income and a demonstrated "academic or personal need for the Project such that a postsecondary education would be an unattainable goal without their participation in the Project."²⁰⁵

Rice University

In response to the *Hopwood* decision,²⁰⁶ in which the Fifth Circuit Court of Appeals ruled that colleges and universities could not use race as a factor in admissions decisions to achieve diversity, Rice University in Houston, Texas, offered race-neutral financial aid in the form of two scholarships that sought to embrace and promote diversity. The Barbara Jordan Scholarship, named in honor of the former Texas representative, awards four-year, half-tuition scholarships to deserving Rice students who distinguish themselves by building bridges within and across racial and cultural divides.²⁰⁷ The Jordan Scholarship is open to all students regardless of race, and the 1998 scholarships went to three African Americans, three Caucasians, and three Hispanics.²⁰⁸ Rice also established the James Byrd Jr. Memorial Scholarship in the wake of the racially motivated 1998 murder of James Byrd to reward interracial communication. The need-based Byrd Scholarship

²⁰³ Medals in this national competition are awarded for outstanding partnership programs between a postsecondary institution and an elementary, middle, or high school that has produced well-documented, conclusive results.

²⁰⁴ See Press Release, Occidental College, Occidental Wins Silver Medal For Its School Outreach Programs (June 19, 2001), available at <http://www.oxy.edu/news/articles/010619-silver.html> (last visited Oct. 23, 2003).

²⁰⁵ OXY Upward Bound Homepage, *Eligibility*, at <http://departments.oxy.edu/ub/UB%20Student/eligibility.htm> (last visited Oct. 22, 2003).

²⁰⁶ *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996).

²⁰⁷ See Rice University, *Diversity At Rice, Scholarship Opportunities*, at <http://www.ruf.rice.edu/~diverse/SchOPPs.html> (last visited Oct. 27, 2003).

²⁰⁸ See Lisa Nutting, *Building Bridges: Barbara Jordan Scholarship Honors Students Displaying Leadership in Bridging Racial, Cultural Gaps*, RICE NEWS, Sept. 10, 1998, available at <http://www.rice.edu/projects/reno/rn/19980910/jordan.html> (last visited Oct. 27, 2003).

provides almost full tuition for four years to a student who actively works to narrow racial and ethnic boundaries, without regard to the race of the applicant.²⁰⁹

Stanford University

Stanford University offers a broad array of partnership programs with primary and secondary schools to expose underrepresented groups to higher education and increase diversity. The East Palo Alto Stanford Academy program brings low-income middle school students from the Ravenswood School District in East Palo Alto, East Menlo Park and the Fair Oaks community of Redwood City for a year-long learning program, where they work with Stanford tutors acting as mentors and role models. Eligible participants must be highly motivated students located in those school districts who submit a letter of recommendation and a personal essay. The SAT Success program provides low-income high school students with quarterly workshops and free one-on-one SAT tutoring. Finally, Stanford also offers an Upward Bound program.²¹⁰

²⁰⁹ See Susan Egeland, *Byrd Scholarship Rewards Interracial Communication*, THE RICE THRESHER, Oct. 16, 1998, available at <http://www.rice.edu/projects/thresher/issues/86/981016/News/Story03.html> (last visited Oct. 27, 2003).

²¹⁰ See Stanford University, *Volunteer Organizations at Stanford*, at <http://www.stanford.edu/dept/news/neighbors/volunteers/haas.html> (last visited Oct. 22, 2003).

ADMISSIONS APPROACHES

Introduction

The second major category of race-neutral alternatives consists of approaches that focus on the admissions process, attempting to diversify the range of students who are admitted into educational institutions. Admissions approaches include comprehensive review, socioeconomic preferences or “economic affirmative action,” and lottery systems.

Socioeconomic Approaches

Over two thirds of the postsecondary institutions surveyed recently by the National Association for College Admissions Counseling, as well as several school districts, see diversity in socioeconomic status, as well as other factors, as an important goal. Several educational institutions have established preferences based on this criterion, using an admissions approach also known as “economic affirmative action.” Under this approach, university admissions committees might favor students who have performed well despite having faced various social and economic obstacles. Advocates of socioeconomic preferences argue that a student from a single-parent family living in a neighborhood with high concentrations of poverty who has a B+ average and a 1100 score on the SAT is likely to be more resourceful and capable than a student from a wealthy suburban home who had access to expensive after-school tutoring programs and achieved an A- average with a higher GPA and SAT score. Some of the factors used and the strategies and programs developed are highlighted below.

Strategies and Programs

- Socioeconomic Factors—Consideration of parents’ education, occupation, and family income
- Postsecondary Institutions
 - Undergraduate
 - Texas Ten Percent Plan
 - Florida Talented 20 Program
 - Graduate
 - Texas A&M College of Medicine—Considers socioeconomic status (SES), limits academic qualifications to 30 percent of total admission requirements
 - University of Florida Law School—Fifty percent admitted considering diversity and other criteria
- Elementary and Secondary
 - Wake County, North Carolina—Incorporates SES as assignment factor for magnet schools
 - La Crosse, Wisconsin—Changed school district boundaries using SES factors
 - San Francisco, California—Assigns students in part on SES

- Charlotte-Mecklenburg, North Carolina—Offers some choice in schools to parents, gives choice preference to low SES students
- Brandywine, Delaware—Keeps all schools between 16 percent and 47 percent low SES
- Cambridge, Massachusetts—Apportions students requiring free lunches throughout schools

Socioeconomic Factors

The definition of socioeconomic disadvantage often encompasses three key factors: parents' education, family income and parents' occupation(s). Other factors are also often considered to define socioeconomic disadvantage, including a family's net worth, family structure, school quality and neighborhood quality. All of these factors are quantifiable and can be made readily available when students complete their applications for college and for financial aid.

While race is not a factor in socioeconomic preference plans, minority students may benefit under these plans because their racial and ethnic groups are disproportionately disadvantaged according to socioeconomic factors. For example, 35 percent of African American female-headed households and 34 percent of their Hispanic counterparts live below the poverty line, compared with 17 percent of non-Hispanic whites in female-headed households. Moreover, 6 percent of married couple households that are African American and 14 percent of Hispanics in married households live below the poverty line, compared with 3 percent of non-Hispanic whites (see Figure 3).²¹¹ Poor African Americans are six times as likely to live in areas of concentrated poverty as poor whites.²¹²

In recent years, there has been significant research on socioeconomic status and its effect on learning. At the K-12 level, evidence exists that “the social composition of a school affects student achievement even after taking into account a student’s own academic and social background.”²¹³ In 2001, one study reported that test scores and economic status of over 50,000 students in the Montgomery County, Maryland school district indicated that poverty was the most influential factor in predicting a student’s academic performance. In addition, the study indicated that performance of individual students depended on the overall level of poverty in the school they attended.²¹⁴

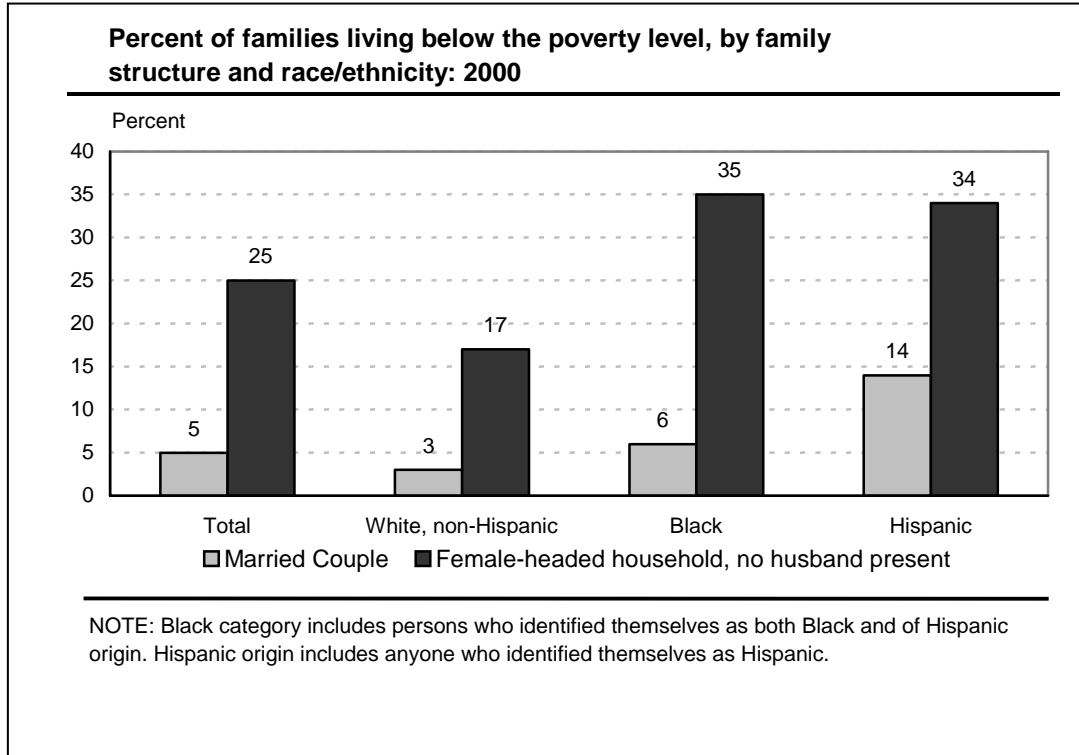
²¹¹ See NATIONAL CENTER. FOR EDUCATIONAL STATISTICS, U.S. DEPARTMENT OF EDUCATION, STATUS AND TRENDS IN THE EDUCATION OF BLACKS 13 (2003).

²¹² See RICHARD D. KAHLBERG, THE REMEDY: CLASS, RACE AND AFFIRMATIVE ACTION at 170 (1996); Richard D. Kahlenberg, *In Search of Fairness*, WASH. MONTHLY, June 1998, at 27 (citing various studies).

²¹³ See RUSSELL W. RUMBERGER & GREGORY J. PALARDY, THE IMPACT OF STUDENT COMPOSITION ON ACADEMIC ACHIEVEMENT IN SOUTHERN HIGH SCHOOLS 2 (Aug., 2002) (prepared for conference at University of North Carolina-Chapel Hill).

²¹⁴ See Brigid Schulte and Dan Keating, *Pupil’s Poverty Drives Achievement Gap*, WASH. POST, Sept. 2, 2001, at A1.

Figure 3



Source: NATIONAL CENTER FOR EDUCATION STATISTICS, U.S. DEPARTMENT OF EDUCATION, STATUS AND TRENDS IN THE EDUCATION OF BLACKS 13 (2003) (citing BUREAU OF THE CENSUS, U.S. DEPARTMENT OF CENSUS, POVERTY IN THE UNITED STATES: 2000 (2000)).

In 2000, the average 12th-grade, low-income student was reading at the same level as the average eighth-grade, middle-class student. Twenty-five percent of the students in the lowest-income quintile drop out of high school compared with 2 percent of students in the highest quintile. Seventy-six percent of high-income students complete bachelors' degrees, while only four percent of low-income students graduate from college with a bachelor's degree.²¹⁵ Therefore, the economic status of a student and his or her family is often a good predictor of a student's academic success.

In recent years, school districts have adopted socioeconomic school assignment plans. These plans seek to reduce concentrations of poverty, based on research suggesting that all students do better when there is a core of middle-class students in the school. The first of these plans appeared in LaCrosse, Wisconsin in the early 1990s. The number of students attending school districts with socioeconomic integration policies has skyrocketed from roughly 20,000 in 1999 to more than 500,000 today.²¹⁶ Richard Kahlenberg, one of the leading experts on the issue of socioeconomic diversity in

²¹⁵ See RICHARD KAHLBERG, ECONOMIC SCHOOL INTEGRATION: AN UPDATE (The Century Foundation 2000), available at <http://www.equaleducation.org/publications/economicschoolintegration.pdf> (last visited Nov. 5, 2003).

²¹⁶ See RICHARD D. KAHLBERG, ALL TOGETHER NOW (paperback forthcoming Dec. 2003).

schools, writes that the use of socioeconomic factors would provide “all students a chance to attend middle-class schools, in which a majority of students set the tone that academic achievement is to be valued and that aspirations should be set high, students learn from one another’s differences, misbehavior is kept under control and does not become contagious, and teachers are not overwhelmed by large numbers of high-need students.”²¹⁷

Advocates for admissions preferences based on socioeconomic status argue that the most glaring opportunity gaps in our educational system are between those from low-income families and those from middle-income and high-income families rather than between racial groups. Even with race-based preferences in place at most selective colleges, low-income students are virtually absent. According to one study that examined the nation’s most selective 146 colleges, only 3 percent of students come from the bottom socioeconomic quartile and only 10 percent from the bottom half, while 74 percent come from the top economic quartile. Thus, economically disadvantaged students are 25 times less likely to be found on selective college campuses than economically advantaged students.²¹⁸

The following examples illustrate how socioeconomic factors are currently being used in postsecondary institutions, graduate schools and elementary and secondary school districts to make decisions about admissions and student assignments.

Postsecondary Institutions

Undergraduate Admissions

Texas

Texas supplemented the Top Ten Percent plan with a flexible set of criteria to determine which students are admitted. The criteria include many that relate to hardship or obstacles overcome, such as: whether the applicant would be in the first generation of his or her family to attend or graduate from college; whether the applicant is bilingual; the financial status of the applicant’s school district; the quality of the applicant’s school (whether it is a low-performing school); and the applicant’s responsibilities while attending school, including whether he or she has been employed and whether he or she has helped to raise children or other similar considerations.

²¹⁷ RICHARD KAHLBERG, *ALL TOGETHER NOW: CREATING MIDDLE CLASS SCHOOLS THROUGH PUBLIC SCHOOL CHOICE* 76 (2001).

²¹⁸ *See* ANTHONY CARNEVALE AND STEPHEN ROSE, *SOCIOECONOMIC STATUS, RACE/ETHNICITY, AND ELECTIVE COLLEGE ADMISSION: A WHITE PAPER* (The Century Foundation 2003).

Florida

Florida, like Texas, is best known for its class-rank alternative to racial preferences—the Talented 20 Program. As in Texas, however, the class-rank approach has been supplemented by consideration of socioeconomic factors. Florida admissions officials look for “holistic information” which allows campuses to admit students on race-neutral grounds. The holistic approach gives an advantage, for example, to students from families with a low gross income, students who attend a low-performing high school or students whose parents did not attend college.²¹⁹

Florida’s College Recruit Outreach Program, discussed above, motivates and prepares educationally disadvantaged, low-income students in grades six through 12 to obtain a college education. State funds go to individual campuses that then provide a match.

At Florida State University, the goal is to obtain a diverse class of about 600 freshmen using a race-neutral admissions process. There is more high school outreach given the admissions parameters, and the admissions application has doubled in size, asking questions that require longer, more detailed answers. All applicants are placed on a grid that awards pluses and minuses for high or low class rank, difficulty of curriculum and grade trends. Pluses are added for being a first generation college student or being from a low socioeconomic background.²²⁰

Graduate Admissions

Texas A&M College of Medicine

The application screening process at the medical school uses academic factors as 30 percent of its total admission requirements and is committed to emphasizing humanistic, altruistic and compassionate characteristics. It has also started considering socioeconomic factors, including parents’ income, parents’ level of education, first generation college status, region of residence during K-12 schooling, employment or child rearing responsibilities and whether (regardless of the race of the student) the high school or college attended by the student was under a court-ordered desegregation plan.²²¹

As mentioned above, the Texas legislature also established the Joint Admissions Medical Program (JAMP) aimed at recruiting economically disadvantaged students into medical school.

²¹⁹ See University of Florida, *Holistic Information*, at <http://www.reg.ufl.edu/pdf/holistic-info-web.pdf> (last visited Mar. 10, 2003).

²²⁰ See Office of Admissions, Florida State University, *Freshman Requirements: Admissions Criteria*, at <http://www.fsu.edu/prospective/admissions/requirements/froshreq.shtml> (last visited Nov. 6, 2003).

²²¹ See Office of Student Affairs and Admissions, Texas A&M College of Medicine, *Screening of Applications*, at <http://medicine.tamu.edu/studentaffairs/admiss01.htm#screening> (last visited Nov. 6, 2003).

University of Florida Law School

The University of Florida Law School admits approximately 50 percent of its incoming class based on LSAT scores and GPA with little additional review. The remainder of the incoming class is admitted by an admissions committee, which reviews both academic record and discretionary criteria. Diversity is important, according to the University of Florida, because legal education is enhanced in a student body composed of people with different backgrounds who contribute a variety of viewpoints to enrich the educational experience. The school believes that this diversity is important because lawyers must be prepared to analyze and interpret the law, understand and appreciate competing arguments, represent diverse clients and constituencies in many different forums and develop policies affecting a broad range of people.²²²

Elementary and Secondary Schools

Wake County, North Carolina

The Wake County Public School System emerged from a history of race-conscious student assignments to adopt a race-neutral assignment process featuring socioeconomic status (SES) as a factor in assigning students to schools. The shift to SES grew from the evolution of the district's core educational strategy for improving its schools and helping every student achieve his or her potential.

One of the fastest growing districts in the nation, the Wake County Schools enroll 104,000 students and operate 125 schools. The district serves urban, suburban and exurban areas, and its residents represent a variety of socioeconomic and racial/ethnic backgrounds.²²³

In 1976, the Wake County School District and the Raleigh City Schools merged to become the Wake County Public School System (WCPSS). The newly formed district used race in student assignments under a court-ordered desegregation plan until the district achieved unitary status in 1982. When compulsory desegregation ended, the district expanded its magnet programs to foster racial integration and to address concerns about declining enrollments in Raleigh by attracting white students to city schools. In the later 1980s, the district began offering a year-round schools program. The district continued voluntarily to use race to achieve "reasonable racial balance," defined as school enrollments of minority students between 15 percent and 45 percent.

In 1997, when school writing scores dropped, the district required school improvement plans. District staff focused on the impact of student poverty on school effectiveness and

²²² See Levin College of Law, University of Florida, *Admissions*, at <http://www.law.ufl.edu/admissions> (last visited Nov. 18, 2003).

²²³ In 2002, District enrollments were 62 percent white, 26 percent African American, 6 percent Hispanic, 4 percent Asian American, and 2 percent American Indian students.

student achievement. In spring 1998, the Board of Education adopted Goal 2003, designed to improve education for all students in all schools. Under Goal 2003, 95 percent of students tested on the state end-of-grade tests in grades three and eight were to be at or above grade level by 2003. After 1998, Goal 2003 drove the district's strategic planning, including heavy emphases on academics and instructional leadership at the school level and the recognition that every child is able to learn.

As part of meeting Goal 2003, the district incorporated SES as one of several assignment factors for magnet schools for the first time in 1998. The district relied heavily on national research in adopting SES and in selecting the 40 percent level to define possibly problematic school enrollments. After introducing SES, the district continued to study the research. District staff believed the research supported SES as an effective means of furthering Goal 2003 based upon key findings from the district's national²²⁴ and regional²²⁵ research.

According to reports, some parents resisted the use of SES to limit enrollments and the board scaled back its initial implementation of the new system.²²⁶ Overall, however, the district maintains a commitment to the continued value of SES as integral to its efforts to improve education.

The district continued to use race to achieve the aforementioned "reasonable racial balance" standard to assign students to schools until the 2000-2001 school year, when it introduced a race-neutral assignment system, retaining the use of SES it had introduced to its system in 1998.

The revised student assignment policy included seven factors: diversity in SES, instructional program (e.g., magnet programs, special education), adherence to grade organization, facility utilization (including crowding and capacity issues), diversity in student achievement, stability and transportation times. The revised policy affirms, "maintaining diverse student populations in each school is critical to ensuring academic success for all students, and this belief is supported by research." Based on educational research, the policy defined socioeconomic diversity as "the percentage of students eligible for free or reduced price lunch will be no higher than 40 percent." The policy did not require a rigid use of SES: "Schools with more than 40 percent of students eligible for free- or reduced-price lunch will receive an instructional review; improvement trends will be considered in deciding whether to address this issue in development of the

²²⁴ See WAKE COUNTY PUBLIC SCHOOLS DEPARTMENT OF EVALUATION AND RESEARCH, THE IMPACT OF POVERTY UPON SCHOOLS, (Rep. No. 99.20) (1999) (digesting results of national research regarding educational issues arising from student socioeconomic status), *available at* http://www.wcpss.net/evaluation-research/reports/1999/9920_poverty.pdf (last visited Nov. 6, 2003).

²²⁵ See WAKE COUNTY PUBLIC SCHOOLS DEPARTMENT OF EVALUATION AND RESEARCH, THE EFFECT OF SCHOOL POVERTY CONCENTRATION IN WCPSS (Rep. No. 01.21) (2001) (analyzing achievement growth of WCPSS students as a function of aggregate poverty levels), *available at* http://www.wcpss.net/evaluation-research/reports/2001/0123_Poverty.pdf (last visited Nov. 6, 2003).

²²⁶ See, e.g., RICHARD D. KAHLENBERG, *supra* note 217, at 254.

assignment plan.”²²⁷ The district’s decision in 2000 to stop using race and to adopt SES as an assignment factor was the product of the district’s evolving efforts to improve education for all students as well as to maintain a diverse student population in each school.

Driven by Goal 2003, the district’s multiple efforts to reach all students have produced steady improvement in student performance, with over 90 percent of students scoring at or above grade level on state testing. In 2001-2002, student end-of-grade test scores were the highest in the district’s history. Progress was made in closing achievement gaps, with all groups making gains. For example, students receiving free or reduced-price lunches who met or exceeded grade-level standards in grades three through eight increased 5.4 percent in reading and 6 percent in mathematics. The percentage of African American students meeting or exceeding grade-level standards increased by 4.5 percent in reading and 4.9 percent in mathematics. Special education students made similar gains. Under the state accountability program, there were 55 schools of excellence, 37 schools of distinction and no low-performing schools under state standards.²²⁸

In November 2003, the District adopted Goal 2008, which extends the previous commitment: “WCPSS is committed to academic excellence. By 2008, 95 percent of students in grades three through 12 will be at or above grade level as measured by the State of North Carolina End-of-Grade or Course tests, and all student groups will demonstrate high growth.”²²⁹

La Crosse, Wisconsin

Faced with a need to rebuild one of its two high schools, the La Crosse school board decided to change the boundaries of the high schools to ameliorate overcrowding in one of them. To accomplish this, the school board used socioeconomic status as one factor to determine the school boundaries. Traditionally, one of the schools, Logan, was considered the vocational school serving the predominately blue-collar population that surrounded the school. The other high school, Central, was considered the college preparatory school. Logan did not offer the ACT or SAT to its students. The change resulted in both high schools paralleling each other in academic performance. Both schools now perform as well as Central did prior to the reorganization. For example, in 1979-1980, before the boundary change, standardized test scores by 11th-graders in Logan were only in the 49th percentile, while Central 11th-graders scored in the 65th percentile. As of 1991, both schools were in the 62nd percentile or above in terms of standardized test scores. Before the boundary change the economic composition of the

²²⁷ See Wake County Public Schools, *Student Assignment Policy*, at <http://www.wcpss.net/policy-files/series/policies/6200-bp.html> (last visited Jan. 5, 2004).

²²⁸ See Wake County Public School System, *WCPSS Overview*, at <http://www.wcpss.net/overview.html> (last visited Jan. 5, 2004).

²²⁹ Press Release, Wake County Public School System, Wake County Board of Education Approves Goal 2008 (Nov. 6, 2003), available at http://www.wcpss.net/news/goal_2008 (last visited Jan. 5, 2004).

two schools differed widely. As of 1997, the free-lunch participation rate at both schools was within one percentage point of each other.²³⁰

The school board was urged to socioeconomically integrate the schools by both principals and teachers, who recognized the inherent difficulties in teaching large numbers of poor children in the same class and the need to accommodate overcrowding in one of the schools. The board took this approach largely because teachers said that in their judgment, the driving educational issue had been concentrations of poverty rather than race. Realizing the need to build two new elementary schools, the board decided to adjust the school boundaries, with one of the goals being that each school would reflect the socioeconomic status of the entire district.²³¹ The plan was very controversial at the time of its implementation. The community was initially divided when it came to supporting the plan, which required schools to be more diverse, based on the student population eligible for free lunch. Much of the controversy was due to the busing the plan would require, although some busing would have been required even if socioeconomic status were not considered. Approving the plan cost a number of school board members their elected posts, but the plan was implemented as scheduled. When the new board members asked the community if they wanted the plan eliminated, they found tremendous resistance to repealing the plan. Even though parents were offered an opportunity to drop out of the plan, less than 200 children changed schools that first year under the parental choice option.²³²

Since the implementation of the plan, La Crosse has experienced a 10 percent increase in the free-lunch population at the elementary level. With this increase, one would expect test scores to decline, but they have not—instead they have increased over time.²³³ The board required that no school have less than 15 percent or more than 45 percent of its students eligible for free lunch (130 percent of the poverty line). Today, despite a relatively high poverty rate, La Crosse reports that it has a low dropout rate and rising test scores among its more than 7,000 students.²³⁴

Community support for creating socioeconomic balance in the schools has remained strong throughout the years as well. In 1994, 60 percent of La Crosse residents supported the concept with 29 percent opposing it. In 2001, 64 percent favored socioeconomic balance while 21 percent opposed it.²³⁵ In La Crosse, the use of socioeconomic factors as a way to manage school assignments has created a stronger school system, one that is supported by parents, teachers and administrators and one that gives all of its students an opportunity to succeed.

²³⁰ See KAHLBERG, *supra* note 217, at 231.

²³¹ *See id.*

²³² See Richard Mial, *La Crosse: One School District's Drive to Create Socioeconomic Balance*, background paper for THE NEW CENTURY FOUNDATION TASK FORCE ON THE COMMON SCHOOL, DIVIDED WE FALL: COMING TOGETHER THROUGH PUBLIC SCHOOL CHOICE (Century Foundation Press, 2002).

²³³ See KAHLBERG, *supra* note 217, at 246.

²³⁴ See KAHLBERG, *supra* note 215 (citing KAHLBERG, *supra* note 217, at 246-48).

²³⁵ *See id.*

San Francisco, California

Beginning with the 2001-2002 school year, the San Francisco Unified School District, which is implementing a federal desegregation decree, changed its student assignment plan to focus on improving socioeconomic diversity among its 60,000 students. The plan, “Excellence for All,” strives to create a diverse educational experience and uses a number of factors to consider student assignments. Some factors considered are socioeconomic status, including the student’s participation in a free or reduced lunch program or a program such as CalWORKs,²³⁶ and the educational background of the student’s mother.²³⁷

Charlotte-Mecklenburg, North Carolina

In August 2001, after a court ended legally required desegregation as well as questioned the use of race in student assignment in a non-remedial context, the Charlotte-Mecklenburg Board of Education implemented a choice plan. The plan allows parents to rank preferences among schools, giving a preference to students who are eligible for free and reduced-price lunch and whose home school has free and reduced-price lunch numbers that are 30 percentage points above the district average. A priority is also given for low-income students where their choice would enhance the free and reduced-price lunch status but not create a concentration of free-reduced lunch status above 50 percent in the receiving school.²³⁸ Beginning in 2004, priority will also be given where the student reads below his or her grade level and the home school performs 10 percentage points below the district average for reading. The goal is to ensure that there are “options for low-performing students assigned to home schools with high concentrations of low-performing students and for students of low socioeconomic status who are assigned to home schools with high concentrations of low socioeconomic status students....”²³⁹ As of the 2002-2003 academic year, the Charlotte-Mecklenburg student population of 108,805 was 42.6 percent African American, 43.0 percent white, 8.0 percent Hispanic, 4.3 percent Asian American, 1.4 percent multiracial and 0.6 percent Native American.²⁴⁰

²³⁶ California Work Opportunity and Responsibility to Kids (CalWORKs) is a welfare program that gives cash aid and services to eligible needy California families. See California Department of Social Services, *CalWORKs*, at http://www.dss.cahwnet.gov/cdssweb/california_169.htm (last visited Nov. 22, 2003).

²³⁷ See KAHLBERG, *supra* note 217.

²³⁸ See Charlotte-Mecklenburg Schools, *The 2003-2004 Adopted Student Assignment Plan*, at http://www.cms.k12.nc.us/studentAssignment03-04/section4_Priorities.asp (last visited Nov. 10, 2003).

²³⁹ See *id.*

²⁴⁰ See Charlotte-Mecklenburg Schools, *2002-2003 District Profile* (2003), at <http://www.cms.k12.nc.us/departments/instrAccountability/distprof/DP2003.pdf> (last visited Nov. 18, 2003).

Brandywine, Delaware

In November 2001, the 10,000-student Brandywine school district backed a flexible student assignment plan that would keep all schools between 16 to 47 percent low-income, as opposed to a neighborhood assignment plan that would have increased ranges from 6 to 73 percent low-income. The district cited extensive research that students would have suffered under the neighborhood school plan with its elevated levels of concentrated poverty. In March 2002, the Delaware State Board of Education approved Brandywine's non-neighborhood assignment plan as a justified exception to a state law generally favoring neighborhood schools.²⁴¹

Comprehensive Review-UC System

One of the recent trends in postsecondary admissions, particularly in light of the Michigan litigation, has been the development of highly individualized processes for reviewing student applications. Among state university systems, the state of California's Comprehensive Review is perhaps the best-known individualized process for reviewing student applications.

In November 2001, the University of California Board of Regents adopted Comprehensive Review to supplement the Four Percent Plan (which is discussed in a later section of this report). Comprehensive Review requires UC campuses to assess applicants on the basis of more than grades and test scores. Admissions officers now look at a number of factors, including, "[a]cademic accomplishments in light of an applicant's life experiences and special circumstances, such as disabilities, low family income, first generation to attend college, need to work, disadvantaged social or educational environment, difficult personal and family situations, refugee status or veteran status."²⁴² An excerpt (Figure 4) from the UC application illustrates how such information is gathered.

In recent years, UC has received approximately 280,000 applications for the 33,000 available undergraduate places on its eight campuses each year. Four UC Schools—UC Berkeley, UCLA, UC Irvine and UC San Diego—each receive more than 40,000 applications annually. Under the California state master plan, students with appropriate curricula and who are in the top 12.5 percent of their graduating class are UC-eligible and are guaranteed admission to a UC campus. But as applications increase, the standards at the most competitive campuses rise, and underrepresented minorities are most often found at campuses with relatively fewer applicants.

²⁴¹ See KAHLBERG, *supra* note 215.

²⁴² See Office of the President, University of California, *Comprehensive Review*, at <http://www.ucop.edu/news/comprev/welcome.html> (last visited Jan. 5, 2004).

Figure 4: Excerpt From University of California Application for Admission

2

NAME — LAST FIRST

III. FAMILY INFORMATION — ALL APPLICANTS

20 STATE OF LEGAL RESIDENCE OF YOUR PARENT, SPOUSE OR LEGAL GUARDIAN
Answer only if your parent, spouse or legal guardian is a legal resident or U.S. citizen. STATE _____ SINCE _____ MONTH _____ DAY _____ YEAR _____

PARENTS' GROSS ANNUAL INCOME*		STUDENT GROSS ANNUAL INCOME*		FAMILY SIZE*			
<small>Estimate for 2003 if necessary.</small>		<small>Include your spouse's income, if married. Estimate for 2003 if necessary.</small>		<small>DEPENDENT STUDENTS ONLY Include yourself, parents and other dependents.</small>		<small>INDEPENDENT STUDENTS ONLY Include yourself, spouse and other dependents.</small>	
*21 2003 \$ _____, _____ .00	*23 2003 \$ _____, _____ .00	*25 2003 _____	*28 2003 _____				
*22 2002 \$ _____, _____ .00	*24 2002 \$ _____, _____ .00	*26 2002 _____	*29 2002 _____				
				*27 <input type="checkbox"/> Check the box if this is a single-parent family.		*30 <input type="checkbox"/> Check the box if this is a single-parent family.	

31 PARENTS' HIGHEST LEVEL OF FORMAL EDUCATION*		32 PARENTS' CURRENT AND PRIOR OCCUPATIONS*			
<small>Check one box for each parent.</small>		<small>See instructions on page 13 of booklet for occupational codes.</small>			
FATHER	MOTHER	FATHER	MOTHER		
(1) <input type="checkbox"/> NO HIGH SCHOOL	(1) <input type="checkbox"/>	CURRENT OCCUPATION	CODE	NO. OF YRS.	CURRENT OCCUPATION
(2) <input type="checkbox"/> SOME HIGH SCHOOL	(2) <input type="checkbox"/>	_____	(a)	(b)	_____
(3) <input type="checkbox"/> HIGH SCHOOL GRADUATE	(3) <input type="checkbox"/>	PRIOR OCCUPATION	CODE	NO. OF YRS.	PRIOR OCCUPATION
(4) <input type="checkbox"/> SOME COLLEGE/UNIVERSITY	(4) <input type="checkbox"/>	_____	(c)	(d)	_____
(5) <input type="checkbox"/> TWO-YEAR COLLEGE GRADUATE	(5) <input type="checkbox"/>				_____
(6) <input type="checkbox"/> FOUR-YEAR COLLEGE/UNIVERSITY GRADUATE	(6) <input type="checkbox"/>				_____
(7) <input type="checkbox"/> POSTGRADUATE STUDY	(7) <input type="checkbox"/>				_____
		33 <input type="checkbox"/> CHECK THE BOX IF YOUR MOTHER, FATHER OR SPOUSE IS AN EMPLOYEE OF THE UNIVERSITY OF CALIFORNIA.		SPECIFY CAMPUS OR FACILITY _____	

Source: University of California, *Application For Undergraduate Admission and Scholarships: 2004-2005*, at <http://www.universityofcalifornia.edu/admissions/undergradapp/application.pdf> (last visited Jan. 5, 2004).

The current admissions process incorporates long-standing UC traditions, newer refinements and, of course, some necessary accommodations to the increasing influx of applicants. For example, as recently as 20 years ago, UCLA could admit all UC-eligible applicants; now it admits less than 25 percent. With some variation, this trend exists at all UC campuses²⁴³

Responding to these difficulties, UCLA and Berkeley began to use non-formulaic comprehensive review of applications in 1990-1991. Shortly thereafter, UC adopted system-wide non-racial criteria for all campuses. In December 1995, the UC President convened a task force to examine existing UC admissions guidelines and to reduce more formulaic admissions criteria in favor of comprehensive review. By 2001, all campuses were asked to adopt comprehensive review, already in use at Berkeley and UCLA. No UC-eligible student could be denied admission without having his or her whole application file read and a decision rendered based on individual circumstances.

UC's basic principle is that the faculty should determine admissions criteria and participate in and monitor the process pursuant to a delegation of authority from UC Regents. There are active faculty committees on each campus accountable to faculty senates and a UC system-wide Board Of Admissions and Relations with Schools (BOARS) that regularly examines the admissions process and results for each campus and seeks to ensure consistency with the eight guiding principles for comprehensive

²⁴³ See Judy Lin-Efekhar and Karen Mack, *Demystifying Admissions*, UCLA MAGAZINE (Summer 2003).

review of students and the 14 admissions criteria, which BOARS established.²⁴⁴ The goal is to maintain UC's tradition of academic excellence, while serving the needs of the state and reflecting its enormous diversity.

Within the general UC framework and the specific BOARS principles, the actual admissions process works somewhat differently on each campus. Each campus uses faculty and admissions personnel to read folders. But in the short 10-week window when these files must be evaluated and decisions made, it is also necessary to hire large numbers of part-time readers from the ranks of graduate students and alumni, as well as retired faculty and high school administrators. UCLA uses more than 150 readers who receive 12 hours of intensive training. To ensure consistency and reliability in reading files, the campuses engage in extensive pre-evaluation instruction, practice sessions in which scores are normed, interim monitoring of readers and post-admission assessment of readers.

At UC Berkeley, two readers read each of the more than 40,000 application files and render one holistic numerical rating per file. A third reader examines the file to reconcile disagreements between the first two readers, a situation that occurs less than 3 percent of the time. To make the process equitable, all achievement is evaluated in the context of the opportunities and limitations in the student's high school. Thus in a school where it is the norm that most college-bound students take a variety of AP courses, failure to do so would count more against a student than in schools where AP courses are limited. UC provides a considerable amount of information about the academic profile and socioeconomic background of each high school.

At UCLA, multiple readers also read each file, but applicants receive specific scores in three different categories: academic review, personal achievements and life challenges. The academic review looks to GPA, standardized tests, the strength of the high school program, the number of honors, AP and IB courses, the strength of senior year courses, AP courses with scores of three or higher and performance within the context of the school attended. Personal achievement ratings are distinctive honors, extracurricular activities that show distinction, leadership and initiative, volunteer and community service, work and formal schooling outside of high school. Life challenges are defined as residence in a disadvantaged neighborhood in Los Angeles County, rural settings, limited curricular and advising opportunities in the school attended, physical disabilities, serious family illness or challenging behavior, low socioeconomic status, parents' educational level and participation in special academic enhancement UC programs. The admissions decision is based on where students fit in the three dimensional matrix of the above criteria, with academic achievement the weightiest component.²⁴⁵

²⁴⁴ See UNIVERSITY OF CALIFORNIA, GUIDELINES FOR THE IMPLEMENTATION OF UNIVERSITY POLICY ON UNDERGRADUATE ADMISSIONS 3-5 (2001).

²⁴⁵ See generally Lin-Efekhar, *supra* note 243.

Percentage Rank Plans

The best-known recent development in race-neutral approaches to diversity has been the use of “class-rank” or percentage plans in Texas, California and Florida. The central feature of this approach is that all qualified students graduating within a fixed percentage of the top of the graduating class at any state public high school are guaranteed admission into the state university system. The percentages vary from state to state, as do the additional qualifications required of graduating seniors. In some plans, the students are guaranteed admissions into the flagship schools, while in others, they are admitted into the system as a whole and must be separately admitted into particular campuses.

Strategies and Programs

- Texas Ten Percent Plan—Guarantees the top 10 percent of state high school graduates admission to UT campus of their choice
- Florida Talented 20 Program—Guarantees the top 20 percent of public high school graduates admission to the state university system
- Eligibility in the Local Context: California’s Four Percent Plan—Targets top four percent of state’s high school students for UC-eligibility and guarantees admission once they become UC-eligible

Texas Ten Percent Plan

Texas was the first of the three states to adopt class rank percentage plans. President Bush, as Governor of Texas, did so in 1996 as a direct bipartisan response to the aforementioned *Hopwood* decision in which the Fifth Circuit Court of Appeals ruled that colleges and universities could not use race as a factor in admissions decisions to achieve diversity. This Ten Percent Plan is distinctive not only because it uses the 10 percent cutoff, but also because it guarantees admission to any UT campus an eligible student chooses. UT officials make five points about the impact of the Ten Percent Plan:²⁴⁶

First, most students in the top 10 percent would have been admitted anyway. Between 1989 and 1994, all Ten Percenters were admitted, though by the time of the *Hopwood* decision admissions standards had risen. After *Hopwood* and the formal adoption of the Ten Percent Plan, according to UT officials, the Ten Percenters have become the most studied classes in history.

Second, the proportion of the freshman class admitted through the Ten Percent Plan has risen to 75 percent, which officials believe creates too little flexibility to examine other student characteristics. The UT Austin campus would be comfortable with a 50 percent cap, and a bill was introduced in the legislature to achieve a similar cap, but it did not pass. The Ten Percent Plan has generated a constituency, particularly among minority legislators.

²⁴⁶ Interview with Bruce Walker, Director of Admissions, University of Texas at Austin, in Austin, Tex. (Aug. 18, 2003).

Third, the Ten Percenters do as well as other students admitted to UT at Austin. Texas officials argue that, if an institution is picking a group for automatic admission, class rank is the best criterion because it compares four years of accomplishments rather than a three-hour test. After five years of experience, Texas found that the Ten Percenters outperformed non-Ten Percenters at every SAT range. Because the Ten Percenters were better prepared, the Austin campus has been able to scale back remedial courses and increase honors sections. After the freshman year, 92 percent of the Ten Percenters have returned compared to 90 percent of the non-Ten Percenters. It is too soon to determine graduation rates.²⁴⁷

Fourth, the Ten Percent Plan has added substantially to the geographical diversity of the UT Austin campus. There are 200 Texas high schools represented in the 2003 admissions class that were not represented at Austin in 1997 pre-*Hopwood*.

Fifth, the plan has triggered some overdue outreach and educational reform activities. UT officials have realized that making the top 10 percent college-eligible does not mean that those college-eligible will actually enter college. However, the Ten Percent Plan clarifies for inexperienced families what the rules are; symbolic change of this nature, according to Bruce Walker, Director of Admissions at UT Austin, “should not be underestimated.”²⁴⁸

Florida’s Talented 20 Program

Florida has created a similar plan, which guarantees that all public high school seniors who graduate within the top 20 percent of their class will be admitted to the state university system. The rankings are compiled after the student’s seventh semester, but the student must later prove that he or she completed the eighth semester as well. In addition, the student must also complete 19 credits of college preparatory course work required by the state. The student must also take the SAT or American College Test (ACT), although there is no minimum score required.²⁴⁹

Florida supplements the Talented 20 Program with a variety of partnerships and financial incentives designed to assist students and low-performing schools and to prepare the

²⁴⁷ See *id.* (citing GARY M. LAVERGNE & BRUCE WALKER, IMPLEMENTATION AND RESULTS OF THE TEXAS AUTOMATIC ADMISSIONS LAW (HB 588) AT THE UNIVERSITY OF TEXAS AT AUSTIN: DEMOGRAPHIC ANALYSIS (Fall 2002) & ACADEMIC PERFORMANCE OF TOP 10 PERCENT AND NON-TOP 10 PERCENT STUDENTS (ACADEMIC YEARS 1996-2001), available at <http://www.utexas.edu/student/admissions/research/HB588-Report5.pdf> (last visited Nov. 22, 2003); TASK FORCE ON STANDARDIZED COLLEGE ADMISSIONS TESTING, UNIVERSITY OF TEXAS AT AUSTIN, A REVIEW OF THE USE OF STANDARDIZED TEST SCORES IN THE UNDERGRADUATE ADMISSIONS PROCESS AT THE UNIVERSITY OF TEXAS AT AUSTIN (Univ. of Texas at Austin 2002) available at <http://www.utexas.edu/student/admissions/research/taskforce.html> (last visited Nov. 22, 2003).

²⁴⁸ *Id.*

²⁴⁹ FLA. ADMIN. CODE ANN. R.C-6.002(5), (2002). See also Office of Student Financial Assistance, Florida Department of Education, 2003-2004 Talented 20 Program, at <http://www.firm.edu/doe/bin00065/ttfactsh.htm> (last visited Nov. 10, 2003).

students for college. Talented 20 students are given priority for certain state need-based financial assistance grants, which were expanded to accommodate the increased demand that the program has generated.²⁵⁰

While the Texas plan allows the ten percenters to attend any of the state's colleges or universities that they select, Florida's plan only guarantees that the student will be accepted into one of the state's schools. While the student is automatically guaranteed admission into the state system, he or she must still compete to gain a slot at the institution he or she prefers.

All Talented 20 students receive letters from the state in their junior year informing them of their eligibility for admission to a state university system (SUS) institution if they meet other requirements. UF does not specifically recruit Talented 20 because many would not be admissible at that campus. Instead, UF has created a Top Five Percent program for which admission is nearly automatic.²⁵¹

The impact of Talented 20 on minorities is significant. African American applications and Hispanic applications have increased 13 percent and 32 percent, respectively, from 2001 to 2003. More Talented 20 minorities are also being admitted under One Florida. African American and Hispanic admittees have increased 9 percent and 29 percent, respectively, from 2001 to 2003. Finally, more Talented 20 minorities are being enrolled: African American and Hispanic enrollment have increased 43 percent and 13 percent, respectively, from 2001 to 2002.²⁵²

The greatest impact of the Talented 20 program may be in the symbolic message it sends to students, families and school officials. The program offers a clear opportunity to students and families and a clear message to schools that the Talented 20 should be in college.

Eligibility in the Local Context: California's Four Percent Plan

In 2000, California adopted the Eligibility in a Local Context (ELC) policy, otherwise known as the "Four Percent Plan." ELC targets students who are in the top four percent of each California high school for admissions to UC system schools. Four Percent students are identified during their junior year based on GPAs in UC-designated courses. The UC system encourages Four Percent students to take the full battery of course work required for UC eligibility. UC's experience is that once Four Percent students are identified, almost all become eligible regardless of high school. Four Percent students who are UC-eligible students are guaranteed admission to a UC school, although unlike

²⁵⁰ See Office of Student Financial Assistance, *supra* note 249.

²⁵¹ See *id.*

²⁵² See Florida Department of Education, *Fast Facts About The Talented 20 Program* (2003) (on file with the Department).

the Texas Ten Percent Plan, these students are not guaranteed admission to the school of their choice.²⁵³

While the Four Percent Plan functions differently than the Texas Ten Percent Plan or the Florida Talented 20 Program, it also serves to increase various forms of diversity. Underrepresented minorities tend to be in the lowest-performing high schools as measured by SAT scores. SAT scores also correlate to socioeconomic parental status and location in the state; by evaluating students in other ways as described, the Four Percent Plan increases diversity.

The UC system has produced data about the consequences of the Four Percent Plan. The plan added about 3,600 students to the UC-eligible pool, with African Americans and Hispanics accounting for 25 percent as compared to 12 percent in the existing pool. More detailed data showed that the increase for African Americans was from 2.5 percent to 5 percent, while for Hispanics it was from 10 percent to 20 percent. Whites remained the same at about 56 percent, while Asians declined from 29 percent to 11 percent. About 60 percent of the Four Percenters will come from rural and urban high schools.²⁵⁴ Of those made eligible by the ELC plan, roughly 80 percent actually applied to a UC campus in 2002, constituting more than 15 percent of all UC applicants.²⁵⁵

Targeted Class-Rank Approaches

Some states guarantee admissions to students who finish within a certain top percentage of their graduating class from a specified group of high schools. The targeted class-rank approaches of three states are highlighted below.

Strategies and Programs

- Florida—Guaranteed admission to top 20 percent to one of the UF campuses; 2+2 program so community college credit is transferable
- Pennsylvania—Guaranteed admission to community college graduates

Florida

As noted above, the state of Florida guarantees admission to students who finish in the top 20 percent of their graduating class; the state does not, however, guarantee the particular state institution to which the student will be admitted. UF decided to

²⁵³ See, e.g., Office of the President, University of California, *Eligibility in the Local Context Fact Sheet* (“*ELC Fact Sheet*”), at <http://www.ucop.edu/news/cr/factsheet.pdf> (last visited Nov. 11, 2003); OFFICE OF THE PRESIDENT, UNIVERSITY OF CALIFORNIA, UNIVERSITY OF CALIFORNIA ELIGIBILITY IN THE LOCAL CONTEXT PROGRAM EVALUATION REPORT (“*ELC EVALUATION REPORT*”) (2002), available at <http://www.ucop.edu/news/cr/report02.pdf> (last visited Nov. 11, 2003).

²⁵⁴ See, e.g., *ELC Fact Sheet*; *ELC EVALUATION REPORT*.

²⁵⁵ See, e.g., *ELC Fact Sheet*; *ELC EVALUATION REPORT*.

supplement the Talented 20 Plan by offering admission directly to the top five percent of public high school graduates. UF will also provide financial aid to those students.²⁵⁶ The university also announced that it would provide full scholarships to the top five students who graduate from each of the three schools with which it has an Opportunity Alliance partnership.²⁵⁷

Pennsylvania

Pennsylvania instituted the Academic Passport admissions program for graduates of its two-year community colleges that guarantees students who successfully complete an associate degree program at one of the community colleges admission into a state system university. This program is extremely beneficial for minority students because historically, a higher percentage of college-bound minority high school graduates in Pennsylvania attend a community college first rather than a four-year college.²⁵⁸

Lottery Methods in Elementary and Secondary Schools

There are, of course, other race-neutral admissions alternatives beyond comprehensive review, economic affirmative action and percentage plans. Perhaps the simplest approach is the lottery method to admitting students. While not adaptable to all institutions, this approach has been used in some instances with encouraging results. Some of the strategies and approaches are highlighted below.

Strategies and Programs

- Ford Academy—Lottery selection
- North Star and Amistad Academies—Lottery plus affirmations of cooperation from applicant families

Ford Academy

The award-winning Henry Ford Academy in Dearborn, Michigan is an innovative public charter high school that has achieved notable academic results with a diverse student population using a lottery method of admission. The academy is also significant as a unique partnership effort involving a global corporation (Ford Motor Company), a major cultural organization (the Henry Ford Museum & Greenfield Village) and a public school system (Wayne County Regional Educational Service Agency).

The academy has achieved a diverse student body, selecting students randomly based on a lottery open to all Wayne County, Michigan students who are eligible to enter the ninth

²⁵⁶ See ONE FLORIDA ACCOUNTABILITY COMMISSION, *supra* note 52, at 3, 29.

²⁵⁷ *Id.*

²⁵⁸ See COMMONWEALTH OF PENNSYLVANIA/OFFICE OF CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION, STATUS REPORT FOR YEAR ENDING JUNE 30, 2002 13 (on file with the Department).

grade. The academy maintains a student body of approximately 420 students in grades nine through 12. The accounting firm of Plante & Moran, LLP conducts this lottery. Students with lottery numbers from one to 120 are invited to enroll at the academy; all others are put on a waiting list in lottery number order. The only preference afforded is for siblings of current students. This system has produced a student body that is 65 percent African American, 27 percent white, 6 percent Hispanic, 1 percent Asian American and 1 percent Native American.²⁵⁹

Using research-based educational techniques, the academy has achieved impressive results for this diverse, randomly selected student body. The class of 2003 scored above the test averages on the reading and mathematics portions of the Michigan Educational Assessment Program (MEAP) exam. Thirty percent of the class of 2003 received the Michigan Merit Award, a \$2,500 scholarship awarded on the basis of these MEAP scores. In addition, 86 percent of 82 graduates went on to postsecondary options including branches of the military and to a variety of colleges and universities.²⁶⁰

North Star and Amistad Academies

Other charter schools using a lottery system have also shown results. Newark's North Star Academy and the Amistad Academy in New Haven require longer-than-usual school days. Like the KIPP academies, they also discourage applications from families who do not indicate a willingness to cooperate with the school and its strict behavioral code. At the open houses to acquaint new families with the schools, the staff make clear that, by applying, the families accede to the schools' requirements, such as behavior codes, classes in July, school uniforms and long hours of homework.²⁶¹

The results are encouraging. Amistad Academy reported that their African American eighth-graders achieved scores above New Haven city average scores for African American students in mathematics by a factor of nearly two (73.6 percent compared to the city African American average of 38.9).²⁶² North Star, which is nearly all African American and Hispanic, reported that approximately 78 percent of their students passed an English proficiency assessment, compared to a rate of 32 to 40 percent for neighborhood schools and Newark as a whole.²⁶³ In mathematics, 58 percent of North Star students passed the test, as compared with 20 to 27 percent for surrounding neighborhoods and the city as a whole.²⁶⁴

²⁵⁹ See HENRY FORD ACADEMY, ANNUAL REPORT: 2002-2003 SCHOOL YEAR (on file with the Department).

²⁶⁰ See *id.*

²⁶¹ See, e.g., North Star Academy, *Parent-School Covenant*, at <http://www.northstaracademy.org/convenant.html> (last visited Nov. 20, 2003); Amistad Academy, *Overview*, at <http://www.amistadacademy.org/overview2.html> (last visited Nov. 20, 2003).

²⁶² See Amistad Academy, *Test Results*, at <http://www.amistadacademy.org/program1a.html> (last visited Nov. 20, 2003).

²⁶³ See North Star Academy, *Results, GEPA Language Arts*, at <http://www.northstaracademy.org/gepala.html> (last visited Nov. 20, 2003).

²⁶⁴ See North Star Academy, *Results, GEPA Math*, at <http://www.northstaracademy.org/gepamath.html> (last visited Nov. 20, 2003).

CONCLUSION

The American educational community has reached a consensus concerning the importance of student body diversity. From this substantial consensus a number of useful experiments are taking place, including an array of race-neutral means of achieving diversity. Some of these approaches seek to diversify the range of students who are academically prepared to succeed in higher learning by using such methods as enhancing research-based student instruction for all children, establishing standards and accountability systems, promoting parental choice, developing partnerships, targeting financial aid, broadening access to Advanced Placement courses and other preparatory work and increasing recruitment and outreach. Other approaches focus at the point of admission, attempting to diversify the body of admitted students through economic affirmative action, percentage rank plans, lotteries or other devices. Some of the approaches have been around for quite some time, while others continue to emerge. Given the commitment that so many institutions now have to the important goal of student diversity, we expect that new programs will continue to develop. As these alternatives evolve, the Department will continue to provide technical assistance on effective use of race-neutral alternatives.