Co-Counsel Statements

EQUAL JUSTICE SOCIETY

Statement: The Equal Justice Society (equaljusticesociety.org) is transforming the nation’s consciousness on race through law, social science, and the arts. A national legal organization focused on restoring constitutional safeguards against discrimination, EJS’s goal is to help achieve a society where race is no longer a barrier to opportunity.

"Historically, the SAT is a derivative of IQ tests that come out of a tradition of eugenics designed to destabilize communities of color," said Lisa Holder, Of Counsel at the Equal Justice Society. "Accordingly, the SAT has built-in biases that ultimately derail the college aspirations of thousands of hardworking students of color. The test serves no purpose other than to act as a barrier to access for historically disadvantaged students. The U.C. Regents have a duty to end this discriminatory practice."

Scheper Kim & Harris LLP

We are proud to partner with Public Counsel as co-lead counsel in this important case, which will vindicate the ability of tens of thousands of California high school students to obtain equal access to higher education. The University of California, California’s preeminent public university system, has continued to rely on SAT or ACT scores in its admissions process. But years of research and evidence – some of it from within the UC System – show that use of the SAT and ACT has a disproportionate impact on underrepresented minorities, English learners, and students with disabilities. Because the tests do not effectively predict whether students will ultimately succeed in college, the Regents cannot justify using these tests in the admissions process. Indeed, Even the SAT’s developer states that the test is useful for predicting first year GPAs, not whether students will graduate from college.

We hope the Regents will see that UC’s continued use of the SAT and ACT in making admissions decisions is legally untenable, and that they will avoid unnecessary expenditures of taxpayer money to defend a lawsuit that they will lose.

Miller Advocacy Group is participating in this action, because the UC standardized testing requirements are a barrier to fair admissions for California students with disabilities. Lower
academic expectations of students with disabilities based on their standardized test scores contributes to the ongoing gap between students with and without disabilities who enroll in college. Californians with disabilities are far less likely to find employment than the general population, but higher education is proven to significantly narrow this employment gap.

Testing accommodations are not accessible to all students and are ineffective for others. There has also been an alarming rise in societal and institutional discrimination against disabled students who dare to request and use the very accommodations they need to succeed.

Until testing accommodations can be proven effective and equally accessible to all students who need them, and until students with legitimate disabilities are no longer treated with suspicion and skepticism, the best way to evaluate students in the admissions process without bias is to eliminate the current testing requirements.

**Miller Advocacy Group is a special education and disabilities rights law firm whose mission is to improve the access of disabled students to post-secondary education and employment. As a hearing-impaired attorney and a parent of children with disabilities, Marci Miller is dedicated to advancing the rights of students with disabilities and learning differences in education, employment and standardized testing.**