USE OF SAT/ACT IN ADMISSIONS IS DISCRIMINATORY, ADVOCATES SAY:
UNIVERSITY OF CALIFORNIA MUST CEASE PRACTICES OR FACE LAWSUIT
Students, community groups demand that UC Board of Regents cease use of SAT/ACT for admissions—cite practice as meaningless barrier to higher education for underrepresented minority students and students with disabilities.

LOS ANGELES, CALIFORNIA – October 29, 2019 – Today, lawyers representing three students, five nonprofits and the Compton Unified School District announced their formal request to the University of California Board of Regents that the UC system cease use of SAT and ACT test scores in admissions decisions. The Board of Regents will have ten days to respond, and if the practice is not stopped, the lawyers will file a civil rights lawsuit against the UC for knowingly creating barriers to higher education for students of color and students with disabilities.

Earlier this month, Governor Newsom acknowledged that the use of the SAT and ACT “exacerbates the inequities for underrepresented students, given that performance on these tests is highly correlated with race and parental income, and is not the best predictor for college success.” The UC has long been aware of the scores’ lack of meaning and their discriminatory effect, but it has continued to require them of prospective applicants.

“Today’s legal action finally changes the conversation from a policy one to a legal one,” said Mark Rosenbaum, Directing Attorney at Public Counsel, a nonprofit law firm. “Use of the SAT/ACT is not merely bad policy; it violates the California Constitution and anti-discrimination statutes, and is therefore legally and morally impermissible. Students should not have to endure the stress and expense of preparing for and taking the SAT, and the admissions process should no longer be contaminated by this discriminatory metric.”

Plaintiffs allege that basing college admissions decisions on SAT and ACT scores amounts to deciding students’ future based on their race and socioeconomic status and not on individual merit. They also point to disparities in access to effective test preparation classes and to bias in test design and test-taking conditions that discriminate against students on the basis of their wealth, race, and disability.
“The SAT has built-in biases that ultimately derail the college aspirations of thousands of hardworking students of color who would thrive in college and make important contributions to the UC community and beyond,” said Lisa Holder, Of Counsel at the Equal Justice Society. “The test serves no purpose other than to act as a barrier to higher education for historically disadvantaged students. The UC Regents have a duty to end this discriminatory practice.”

The Academic Senate is currently considering its use of the SAT and ACT in admissions decisions, as it has done several times in the past two decades, and may offer a recommendation to the Regents next year. “We don’t need to wait for yet another study to prove that the SAT and ACT are meaningless and unjust,” said Gregory Ellis of Schepers Kim & Harris, co-counsel on the case. “This is urgent. Right now, students are being asked to take a test that has no real value, but will determine their futures. These students have no time to lose.”

Due to the discriminatory nature of the exams, the SAT and ACT tests have resulted in starkly disparate student outcomes. According to College Board’s 2018 data for students taking the SAT in California, 44% of White students scored 1200 or above, compared to only 10% of Black students and 12% of Latinx students. Although Asian students have the highest scores when grouped together by the College Board, such a grouping masks the demographic diversity of Asian American and Pacific Islander populations and obscures the fact that certain subgroups score much lower than average.

“We’ve seen firsthand how SAT and ACT scores act as a discriminatory barrier to college access for students from historically disenfranchised communities through our college prep programs,” said Dillon Delvo, Executive Director of Little Manila Rising, one of the organizational plaintiffs in the case. “Eliminating these discriminatory practices will help Filipino/a students and students from other marginalized communities access higher education and achieve personal success.”

The growing number and diversity of schools that no longer require SAT and ACT scores—from large research universities like the University of Chicago to liberal arts colleges like Bowdoin and Smith—demonstrates that such scores are not the lynchpin of college admissions decisions.

“It is time for us to pivot — to stop ignoring the research and the harmful impact of not changing what has obviously unequally impacted students who otherwise would excel in college,” said Micah Ali, President of Compton Unified School District and President of California Association of Black School Educators. “I have seen it happen to countless students…their dreams deferred. No more. Not again. To not make a change is to be complicit in intentional harm that is being perpetrated against our most vulnerable students.”

“The SAT score does nothing for people like me,” said Kawika Smith, a senior at Verbum Dei High School, and one of the plaintiffs in the case. “The SAT doesn’t account for all the ways I’m stepping up as a leader in my community or how I’m healing from trauma and growing from my lived experiences. And it doesn’t say anything about how well I can do in college or whether I can achieve my dreams.”

As part of the request, the group demands that the Regents instruct all admissions offices in the University of California system to stop requiring SAT and ACT scores from prospective applicants and to place the demand on the agenda of the November 13-14, 2019, Regents Meeting.
Plaintiffs include three individual students and organizations including College Access Plan, Compton Unified School District, Little Manila, Dolores Huerta Foundation, College Seekers, and Community Coalition South Los Angeles.

Plaintiffs are represented by the law firms Public Counsel, Scheper Kim & Harris, Equal Justice Society, Olivarez Madruga Lemieux O’Neill, LLP, and Miller Advocacy Group.

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**About Scheper Kim & Harris:**
Formed in 2004, Scheper Kim & Harris LLP has become one of the leading litigation boutique firms on the West Coast. The authoritative Chambers USA guide has called our firm “A boutique that has quickly grown into a formidable player in the region.” We are proud that our lawyers have distinguished credentials, proven records of success, solid backgrounds in public service, high level prosecutorial and defense experience in public agencies, and remain active in teaching law students and other attorneys.

**About Equal Justice Society:**
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.

**About Miller Advocacy Group:**
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.

**About Olivarez Madruga Lemieux O’Neill, LLP:**
The attorneys of Olivarez Madruga Lemieux O’Neill have provided unparalleled large firm legal counseling in the fields of contract law, labor and employment, litigation, real estate development, environmental compliance, redevelopment, public agency law, construction law, premises liability, tort law, and legislative advocacy. With over 100 years of collective experience, the firm offers broad based services to meet client needs.