



Office of Government Relations

COMMUNITY COLLEGE LEAGUE OF CALIFORNIA

July 2016 Newsletter

Upcoming Events:

Curriculum Institute
July 7-9, 2016
DoubleTree Anaheim

Board of Governors
July 18, 2016
Sacramento, CA

Consultation Council
July 21, 2016
Sacramento, CA

Chancellor's Office Budget Workshop
August 2, 2016
American River College
August 4, 2016
Chaffey College

Basic Skills and Student Outcomes Transformation Program Kick-Off
August 2-3, 2016
DoubleTree Sacramento

CTE Leadership Summit
August 5-6, 2016
Oakland, CA

Follow Bills Tracked at:
www.ccleague.org/bills

Follow news related to Budget and Policy at:
<http://www.ccleague.org/policy>

Landmark Supreme Court Decision Defends Consideration of Race and Ethnicity

On June 23, 2016, the U.S. Supreme Court ruled that a race-conscious admissions program was constitutional - a decision that defends the notion that public colleges and universities can use race to create diverse learning environments. The Supreme Court's ruling recognizes that demography, economics and diversity are key issues facing the nation's colleges and universities and should also be a part of their policy approach.

The case was brought forth when Abigail Fisher, a student who was not in the top 10% of her high school class, was denied admission in 2008 to the University of Texas at Austin's (UT Austin) freshman class. She filed suit, alleging that the University's consideration of race as part of its holistic-review process disadvantaged her and other Caucasian applicants, in violation of the Equal Protection Clause. UT Austin uses an undergraduate admissions system containing two components. First, as required by the State's Top Ten Percent Law, it offers admission to any students who graduate from a Texas high school in the top 10% of their class. Second, the remaining 25% of students are selected by combining an applicant's "Academic Index"—the student's SAT score and high school academic performance—with the applicant's "Personal Achievement Index," a holistic review containing numerous factors, including race. UT Austin adopted its current admissions process in 2004, after a year-long study of its admissions process—undertaken in the wake of *Grutter v. Bollinger* (2003)—led it to conclude that its prior race-neutral system did not reach its goal of providing the educational benefits of diversity to undergraduate students. In a decision of 5-3, the Supreme Court ruled that the race-conscious admissions program in use at the time of the petitioner's application was lawful under the Equal Protection Clause (*Fisher v. University of Texas at Austin*, 2016).

Historical Perspective

The University of Texas at Austin is no stranger to legal decisions about race in higher education, with *Sweatt v. Painter* (1950), a case that successfully challenged the "separate but equal" doctrine pronounced in *Plessy v. Ferguson* (1898). *Sweatt v. Painter* became a landmark case that helped pave the way for *Brown v. Board of Education* (1954) which banned racial segregation in education. Affirmative action however has a more extensive history that dates back to efforts to eliminate widespread racial

discrimination. In 1943, Franklin D. Roosevelt was the first president to issue an Executive Order prohibiting racial discrimination in hiring defense contractors. Through another Executive Order, President John F. Kennedy coined the term “affirmative action” to stop racial discrimination by government contractors. Many state and local governments, including universities, soon after began introducing similar programs to promote equal opportunity (The Week, June 2013).

However, it was not until the Supreme Court decision in *Regents of the University of California v. Bakke* (1978) that race was formally recognized as an aspect of educational diversity. *Regents of the University of California v. Bakke* (1978) was a landmark decision by the Supreme Court. It upheld affirmative action, allowing race to be one of several factors in college admission policies. However, the Supreme Court ruled that specific racial quotas - such as a certain number of seats set aside for minority students, as the University of California, Davis was doing - was impermissible.

For Texas, the next test was *Hopwood v. Texas* (1996). Similar to Fisher, Cheryl Hopwood was a white applicant who was denied admission. She challenged UT Austin’s use of race in its admissions decisions as unconstitutional. This resulted in the Fifth Federal Circuit Court of Appeals eliminating the consideration of affirmative action in universities and colleges in Texas. This decision was overruled in 2003 when *Grutter v. Bollinger* (2003), became another key case in which the U.S. Supreme Court ruled that the University of Michigan Law School had a compelling interest in promoting class diversity and therefore upheld its affirmative action admission’s policy. The court held that a race-conscious admissions process that may favor "underrepresented minority groups," but that also took into account many other factors evaluated on an individual basis for every applicant, did not amount to a quota system that would have been unconstitutional under *Regents of the University of California v. Bakke*.

A Case for Equity

Admissions policies play an important role in the ability to diversify growing fields and areas of study so that they can reflect demographic changes in America. Opponents of affirmative action often argue that metrics, such as test scores and class rank, that appear to be neutral, should be the method by which to admit students. In contrast, Richard J. Reddick, associate professor in educational administration at University of Texas at Austin, believes that these arguments fail to consider the real impact that racial and socioeconomic discrimination has on educational opportunity (NPR, June 2016). Reddick adds that the most selective institutions of higher education in the nation don’t rely exclusively on test score and class rank to determine aptitude. More and more they are seeking students with broader experiences.

Implication for Other Colleges and Universities

With a similar case against Harvard University currently making its way through federal courts, colleges and universities throughout the country are left wondering about the implications this decision. UT Austin was in a unique position since at least 75 percent of its students are admitted on the basis of high school class rank without regard to race. Therefore, this case does not completely resolve the broader question of the appropriate use of race in admission policies. Further, state-level laws force some of the nation’s most racially diverse states, like California, to continue to operate under an affirmative action ban. As a result, there is still a clear need for effective policies and efforts that allow higher education institutions to reflect the diversity of the communities they serve.

Budget Makes Key Investments in Workforce and Basic Skills

Two weeks after the Legislature approved the 2016-17 spending plan, Governor Brown signed a budget agreement that invests \$48.2 billion in higher education. The budget recognizes the indispensable role California Community Colleges play in developing the state's workforce, closing achievement gaps, and providing educational access to all Californians. For community colleges, the 2016-17 budget agreement provides just over \$500 million in new ongoing Proposition 98 resources, and approximately \$350 million in one-time funds. The agreement makes two new major investments: 1) Strong Workforce program, and 2) Basic Skills for Student Success. Additionally, the final budget continues to build capacity for professional development and effective-practice sharing through a continued investment in the Institutional Effectiveness Partnership Initiative. In-line with the League's 2016-17 policy focus, the Budget includes a one-time investment in open educational resources expansion through the new Zero-Textbook-Cost Degrees program.

Final Budget Agreement

The \$122.5 billion plan marked victories for the Administration and Legislature, including increases to early education reimbursement rates, an increase in General Fund support to both the California State University and the University of California, and funds for the Homeless Assistance Program. In addition, Governor Brown received his highest priority - putting an additional \$2 billion above the statutory requirement, for a total augmentation of \$3 billion - into the state's Rainy-Day Fund.

Proposition 98

The Governor approved a total 2016-17 Proposition 98 package of \$71.9 billion, up \$2.8 billion from 2015-16. The final agreement assumed the Governor's local property tax estimates, a point of initial disagreement between the Administration and the Legislature. The final budget agreement increases the Proposition 98 Guarantee by a total of \$626 million over the three-year period of 2014-15 to 2016-17.

To ensure colleges have essential information about the 2016-17 Budget for California Community Colleges, the League has made the following documents available at the [Budget and Policy Center](#):

- Chart with the full community college budget agreement.
- Summary of Budget Trailer Bill items affecting community colleges.
- 2016-17 Budget summary PowerPoint.

For more information or questions about the 2016-17 approved budget, please contact Lizette Navarette at lizette@ccleague.org.

Congress Acts on Bipartisan Higher Education Bills

Over the past month, both the United States Senate and the House of Representatives took bipartisan actions regarding legislation that would impact community college districts and their students. While neither of these actions reauthorizes the Higher Education Act (HEA), which expired in 2013, some of the policy proposals contained within these bills could be included in a future, more comprehensive reauthorization of the HEA.

In the U.S. Senate, a bipartisan compromise resulted in the approval of a funding bill that would restore year-round Pell Grants and increase the maximum level of the grant. If implemented, this measure could help more community college students attend full-time, work fewer hours, and ultimately be more academically successful.

In addition to the actions taken in the US Senate, the House Committee on Education and the Workforce passed four bills focused on higher education, also on a bipartisan basis. Specifically they were:

H.R. 3178 (Fox) - Strengthening Transparency in Higher Education Act

This bill would replace the College Navigator on the United States of Department of Education website with a new data and reporting system, deemed the College Dashboard. For every college it would report:

- Disaggregated student graduated rates.
- Student earning utilizing information from the Bureau of Labor Statistics.
- Faculty and employment data.

H.R. 3179 (Guthrie) – Empowering Students Through Enhanced Financial Counseling

This bill increases the responsibility of colleges to provide financial aid and loan counseling. It would require colleges to educate their students on different aspects of the Pell Grant program and provide annual counseling for federal loan recipients.

H.R. 5528 (Heck) – Simplifying the Application for Student Aid Act

This bill makes various changes around the application for financial aid with the goal of making the Free Application for Federal Student Aid (FASFA) simpler to fill out. It would permit the use of “prior-prior” year tax returns and urges the Department of Education to work with the IRS on a system to auto populate relevant information for the form.

H.R. 5529 (Heck) – Accessing Higher Education Opportunities Act

This bill would permit dual enrollment or early college high school programs to be provided through Title V programs for Hispanic Serving Institutions.

For more information, contact the League's Government Relations and Communications staff:

Lizette Navarette, Vice President for Strategy and Policy Development | lizette@ccleague.org
Samantha Demelo, Director, Communications and Marketing | sdemelo@ccleague.org
Ryan McElhinney, Legislative Advocate | ryan@ccleague.org