After **Fisher***: What the Supreme Court's Ruling*
Means for Students, Colleges, and the Country

Demography, Data, and Policies Beyond Admissions

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Ensuring that educational policies and practices are well grounded in rigorous educational research and social context, particularly for our most vulnerable students in the nation, is of utmost importance. Demography, data quality, and the continuing need for equity policies, in addition to effective diversity policies, are key messages we need to move forward with as educators and stakeholders in the educational and economic progress of the nation.

I. The Aftermath of *Fisher V. Texas II* Compels Us To Consider Three Facts:

1. *Race neutral programming is not as effective as the use of race in college admissions.* The university's deliberation that race-neutral programs had not achieved their goals was supported by significant statistical and anecdotal evidence. These alternative admissions plans have not worked as forecasted, and today's decision given by Justice Kennedy affirms the strong research evidence on this matter (Backes, 2012; Flores & Horn, 2015; Hinrichs, 2012; Long & Tienda, 2008).
2. *Institutional autonomy has been supported but also balanced by the need for accountability to monitor use of race-conscious methods.* Universities have the obligation to periodically reassess their admissions programming using data to ensure that a plan is narrowly tailored so that race plays no greater role than is necessary to meet its compelling interests.
3. *Affirmative action bans continue in eight states and many other institutions and their effects have crossed state boundaries.* Eight states, some of which are the most demographically diverse in the nation, are unaffected by this ruling in that state bans on affirmative action will remain common practice without additional legislative action (Flores & Horn, 2015). Declines in minority enrollment are no longer relegated to a state jurisdiction. A drop in race and ethnic diversity of a student body transcends state policy boundaries given the interdependent market of college admissions (Blume & Long, 2014).

II. We Have Three Key Context and Research Forces to Guide Policy Development:

1. *The demographic transformation pipeline*: Texas is a microcosm of US race relations in the midst of the most demographically dynamic period this country has ever experienced due to factors such as immigration, a surge in minority births, and the combination of more deaths and fewer births from the White population (Frey, 2013).
- A majority of new births in the nation are non-White. Five states (including Washington, D.C.) now have majority minority populations (California, Hawaii, New Mexico, Texas, and Washington, D.C.) and 14 have majority minority child populations under the age of 5 (Arizona, California, Delaware, Florida, Georgia, Hawaii, Maryland, Mississippi, New Jersey, New Mexico, New York, Nevada, Texas, and Washington, D.C.).

- Foreign-born individuals accounted for 13 percent of the U.S. population by 2010, or about 40 million people (Grieco et al., 2012). More than half of the 40 million were from Latin America (53 percent), and Asian-origin individuals comprised 28 percent of the foreign-born U.S. population in 2010. Over half of the foreign-born population in the United States resided primarily in four states—California, Texas, New York, and Florida—although 14 states and Washington, D.C. had immigrant populations that exceeded the 13 percent national average. In sum, a growing number of states exceed the average percentage of individuals living there who are immigrants.

2. *Developments in data quality and evaluation methods can allow for better construction of educational equity policies.* Development in data and methods give us a better picture of whether we are truly making progress as a nation on demographic representation as well as whether policies are as effective as they appear.

- Advances include updated methodologies beyond trend analyses to assess the success of a policy. Better data systems that connect a student's educational trajectory from K through college completion can provide more information on effective long-term solutions. While these efforts might make the work more difficult, it is also more precise and likely to produce more effective solutions.
- Research on race-neutral programming serves as an example that is useful to calls for periodic assessment and accountability for employing race-conscious methods. In particular, methods can show us whether effects are occurring due to demography or actual power of a policy or program.

3. *The need for additional equity policies to reduce inequality in US schools should still be a national priority.* The use of race in college admissions as a factor of consideration will not, on its own, dramatically reduce all inequalities based on race, class, or immigration status. However, retracting the use of race nationally would have been a step toward increasing racial and ethnic inequality in schools and society.

- This ruling does not indemnify us from continuing to create, implement, and sustain additional effective policies to address the disconnect between the demography of the nation and its public K-12 schools and who is represented at selective colleges and universities.
- Racially segregated schools in which racial minorities are the majority of the student population remain a microcosm of poverty and other forms of concentrated disadvantage. Our research shows that the factor most likely to negatively contribute to the racial gap in college completion is high school segregation (Flores, Park, & Baker, forthcoming)

III. Recommendations for the Next Frontier of Educational Equity Moving Forward (Flores & Horn, 2015):

1. Understand and forecast your state and institutional context
- It is essential to acknowledge the demographic, economic, political, and broader context in which the discussion of race-conscious admissions is occurring and to carefully consider the implications of that context on potential success of an admissions plan. Further, such information may prove useful in creating essential, targeted related outreach, recruitment, and scholarship efforts. Finally, careful attention to context reflects the dynamic rather than static nature of the nation's college-age student population, and

reinforces a commitment to regularly review our outreach and recruitment efforts in particular.

- There are very different racial and ethnic compositions both between and within states that shape the possible kinds of diversity that colleges can achieve and with whom they must be prepared to support effectively.

2. Create stakeholders teams for data assessment and college success within a state

- Legal demands will continue to put a strain on already limited university resources. Universities might seek to leverage current and ongoing efforts, particularly with regard to high-quality data collection at the state and national level, as well as to consider the formation of K-20 multi-stakeholder partnerships to take on these tasks.
- Understanding how to capitalize on a state's data capacity to create stronger K-12 and higher education policy through such innovative data systems could lead to stronger and more creative policy development within a state and institution environment.

3. Recognize that strategies for reducing inequality will vary across state contexts due to the environment of state and local policies and will require multi-jurisdiction solutions to make substantive change.

- States with affirmative action bans will require more creative strategies to regain losses in student-body diversity and general reduction of inequality in schools.
- States with particularly large immigrant and children of immigrant populations will be hit particularly hard with rulings such as *US v. Texas* in regard to the educational and economic development of this large population in US schools and the labor market.

Finally, the great debate on income versus race should be more transparent. A focus on income is important and warranted, but it should not be our only concern in such a racially stratified society and education system. Education researchers Sean Reardon and Prudence Carter argue that focusing on the equalization of material resources alone as a method for resolving inequality is seductive because it simplifies this one problem of equity and removes the need to change social structures and networks that promote other forms of inequality (Carter & Reardon, 2013). In this case, focusing alone on class may resolve some problems but not other deeply important inequalities related to race such as who is likely to be poor, arrested, in prison, and deported.

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