

**Dispelling the Myths: Providing Opportunity for All Through Prop 16**  
**Higher Education Issues**  
**May 2020**

Proposition 209 and affirmative action are hot-button issues in California. After decades of intense debate about affirmative action or race-conscious policies, it can be challenging to separate fact from fiction. As you consider your vote on Prop 16, we hope the clarity below about commonly-held myths will be helpful.

**MYTH #1: Affirmative Action will establish unfair quotas based on race in college admissions, limiting opportunities for some students.**

**The Facts: Quotas are no longer legal. The Supreme Court found quotas unconstitutional in 1978 in the case, *Regents of the University of California v. Bakke*.<sup>i</sup>** Repealing Prop 209 won't affect the prohibition on quotas in college admissions. However, reinstating affirmative action will permit universities to implement race-conscious strategies such as targeted recruitment and enhanced outreach to communities of color.

**MYTH #2: Strategies to improve campus diversity should only focus on socioeconomic status rather than race.**

**Facts: The state has made significant investments in race-neutral policies that have failed to level the playing field and facilitate equitable opportunities to all Californians.** Despite over 20 years of income-focused programming and diversity initiatives, such as creation of the Early Academic Outreach Program (EAOP), the Math, Engineering and Science Achievement (MESA) program, and the Punte Project, the UC system still has work to do to improve diversity and representation. Proposition 209 would enable education institutions to move away from race-blind strategies that have not worked and move toward race-conscious strategies that could bolster educational equity.

**MYTH #3: Enrollment rates of underrepresented students of color at the UCs have improved since Prop 209 passed, so repealing this law is unnecessary.**

**The Facts: While enrollment rates have increased, Latinx and Black students are woefully underrepresented.**

Underrepresentation of graduating high school students of color at UC is evident as early as the year Prop 209 went into effect. The high school senior class of 1998-99 was 33 percent Latinx and 8 percent Black, yet Latinx and Black students comprised 12 percent and 3 percent of the UC first-year students for that year. Most recently, among the high school class of 2019, 53 percent of students were Latinx, and 6 percent were Black. In the UC freshman class of the same year, only 25 percent were Latinx, and 4 percent were Black. (*Figure 1.*) If institutions could be race-conscious in their recruitment efforts, they could move closer to reflecting the ethnic make-up of the state by being more intentional about outreach and targeted support.

**MYTH #4: Admissions and graduation rates for underrepresented students of color have improved, so repealing Prop 209 isn't necessary.**

**The Facts: Despite improvements in admission and graduation rates, equity gaps negatively affecting Black and Latinx students remain.** While admissions rates for underrepresented groups have slightly improved in the last two years, the differences between overall admissions rates and those for Black and Latinx students have grown significantly since Prop 209. In 1994, before Prop 209, the admissions rate for Black applicants was only 6 percentage points under the overall admissions rate, whereas Latinx applicants were admitted at a higher than average rate. (See *Figure 2.*) In contrast, in 2019, the UCs admitted Black and Latinx students at a rate 16 percentage points and 6 percentage points lower than the overall rate, respectively. Latinx and Black students continue to face unacceptably low admissions rates, despite the

gains in the number of college-ready students – (i.e., a-g course completion, high school graduation) –from these groups.<sup>ii</sup>

We see similar issues with increases in graduation rates. While graduation rates have steadily improved over time, a gap remains between the overall UC graduation rate and the rates for Latinx and Black students. *Figure 3* shows 6 and 8 percentage point gaps between the overall graduation rate and that of Latinx and Black students, respectively. If California repeals Prop 209, the UC can better address the unique needs of Latinx and Black students to ensure they graduate at the same rates as their peers.

**MYTH #5: Affirmative Action discriminates against Asian American students.**

**The Facts: If Prop 16 passes, it merely allows universities to take race and gender into account as one of several factors in recruitment and admissions.** Notably, following the passage of Prop 209 ban on affirmative action, Asian American admission rates went down, particularly at the most competitive campuses, and have not returned to previous levels. (*Figure 4*). For example, before Prop 209 in 1996, the Asian American admissions rate at UC Berkeley was 37 percent. After Prop 209 in 1998, it was 30 percent. Currently, it is 21 percent.

**Myth #6: Admissions should be based solely on merit, i.e., GPA and test scores.**

**The Facts: GPA and test scores don't accurately reflect an applicant's ability.** These measures are commonly considered an objective reflection of innate “smarts” or ability. Unfortunately, a student's GPA and test scores are also influenced by policies and practices that limit a student's academic competitiveness, disproportionately impacting Black and Latinx students. For example, in 2019, a California-based study found otherwise competitive Black and Latinx students are less likely to be placed in advanced science courses. This is often due to inadequate counseling, misaligned grading policies, and scheduling conflicts rather than due to academic preparedness.<sup>iii</sup> Similarly, Black and Latinx high school students are underrepresented in rigorous STEM and college preparatory courses (i.e., a-g) required for UC admissions. Latinx and Black students often lack access to these courses because they tend to attend schools with fewer course offerings.<sup>iv</sup>

**Myth #7: Only students of color receive an advantage from affirmative action in college admissions.**

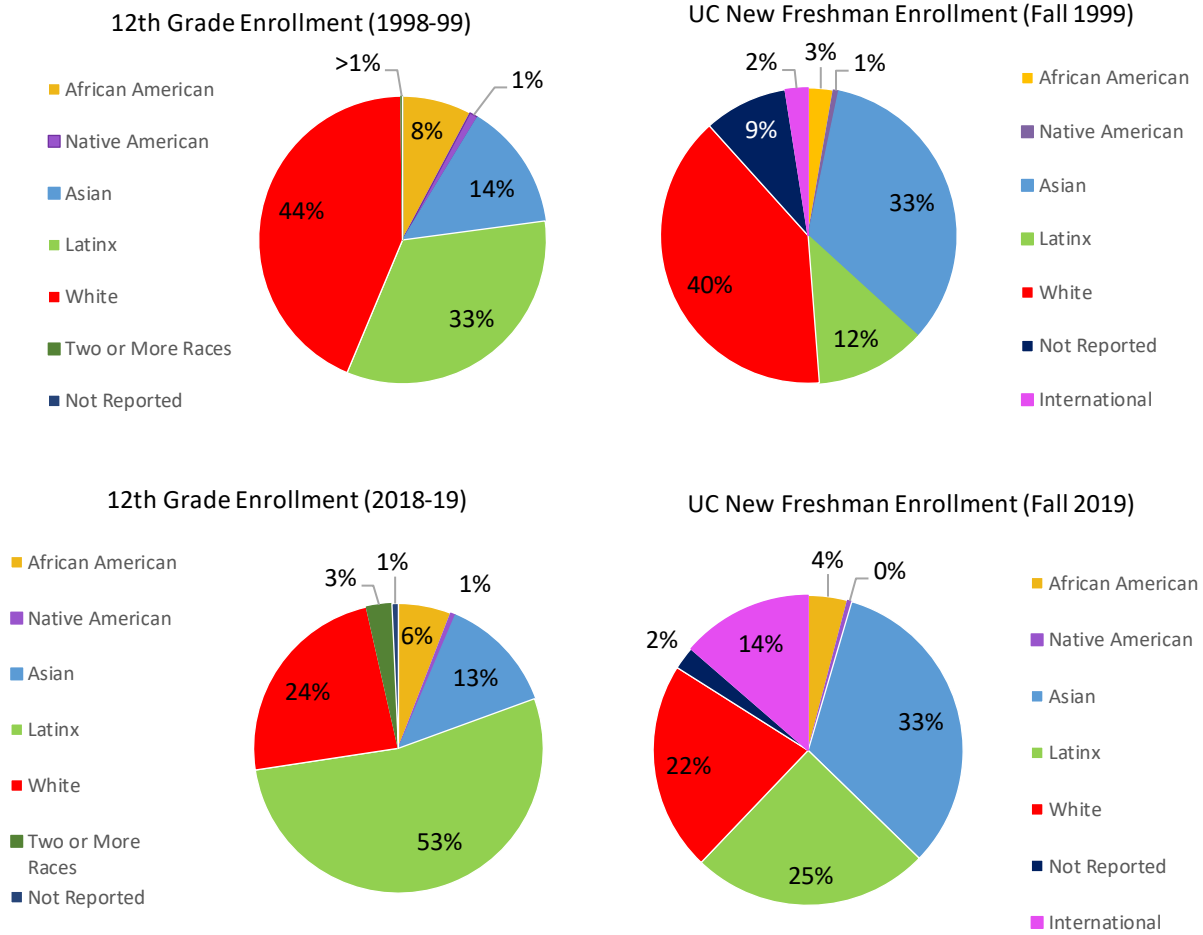
**The Facts: In California, privileged students benefit from affirmative action.** Legacy admissions—giving preference to relatives of alumni—is a common form of affirmative action. For example, the University of Southern California admitted nearly 20 percent of its first-year students as legacy admits just last year.<sup>v</sup> This form of affirmative action, which is legal in California, reinforces systemic inequities because it provides a leg up for applicants who already benefit from systemic advantages, like wealth and parental education. Repealing Prop 209 would allow California's institutions to address inequities, not reinforce them as legacy admissions do.

**MYTH #8: State leaders should focus on COVID-19 recovery, not Prop 16.**

**The Facts: Repealing Prop 209 will help to mitigate the disproportionate harm experienced by communities of color during the pandemic.** People of color have borne the brunt of both the economic and public health effects of COVID-19. California is going to need every tool in its toolbox to restore the economy in ways that support all Californians. Employment trends consistently show college degrees protect against unemployment, when compared to holding a high school diploma.<sup>vi</sup> As California's unemployment rates continue to skyrocket, growing an educated workforce will be essential to future recovery and resiliency. Further diversifying who can access and succeed in higher education, will position California to remain the 5th largest economy in the world.

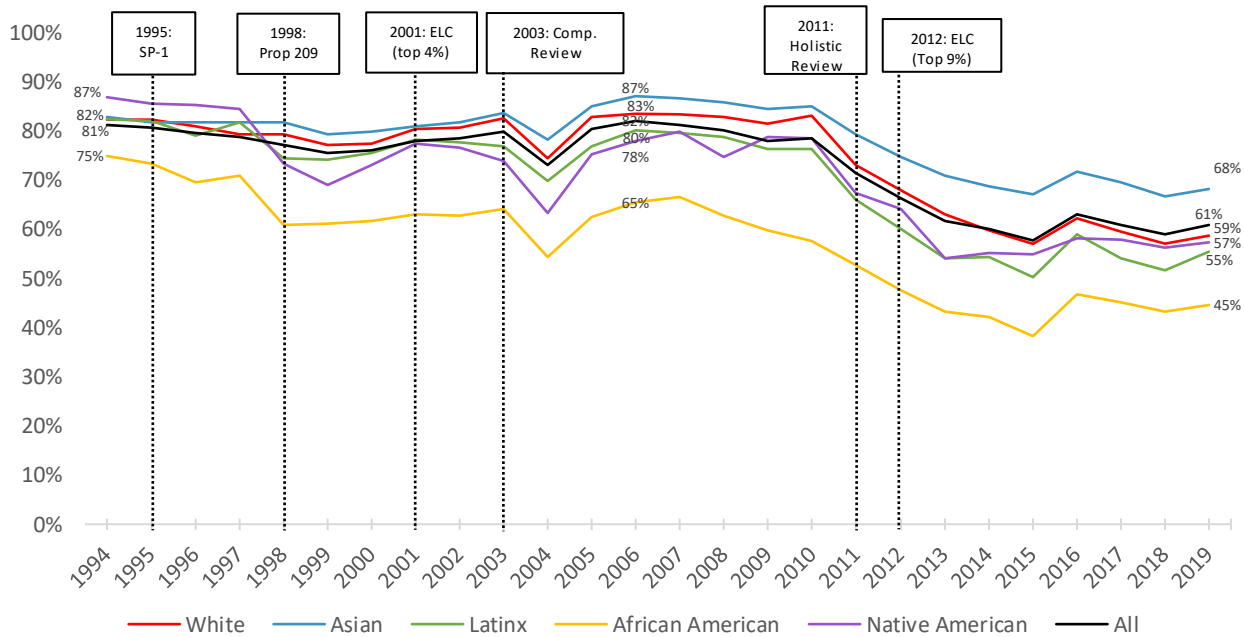
\*These answers have been truncated for readability. To access full answers visit our [Affirmative Action Frequently Asked Questions](#) page and for additional information, please contact Yvonne Muñoz ([ymunoz@edtrustwest.org](mailto:ymunoz@edtrustwest.org)) or Manny Rodriguez ([mrodriguez@edtrustwest.org](mailto:mrodriguez@edtrustwest.org)).

Figure 1. Recent 12<sup>th</sup> Grade Enrollment and UC New Freshman Enrollment (1999 and 2019)



Source: California Department of Education. (2020). Retrieved from <https://data1.cde.ca.gov/dataquest/>; University of California. (2020). Data retrieved from <https://www.universityofcalifornia.edu/infocenter/fall-enrollment-glance>

Figure 2. University of California Admission Rates by Ethnicity (1994-2019)



Source: University of California. 2020. Data retrieved from <https://www.universityofcalifornia.edu/infocenter/admissions-residency-and-ethnicity>

\*The 1994 admissions rate for both Latinx and White students was 82% and 83% for Asian students.

**Note:** Timeline above specifies the following changes in UC admissions policies:<sup>vi</sup>

(1995) SP-1: UC Regents pass a Special Resolution prohibiting the university from practicing affirmative action

(1998) Proposition 209: Proposition 209, prohibiting affirmative in public education and employment, goes into effect.

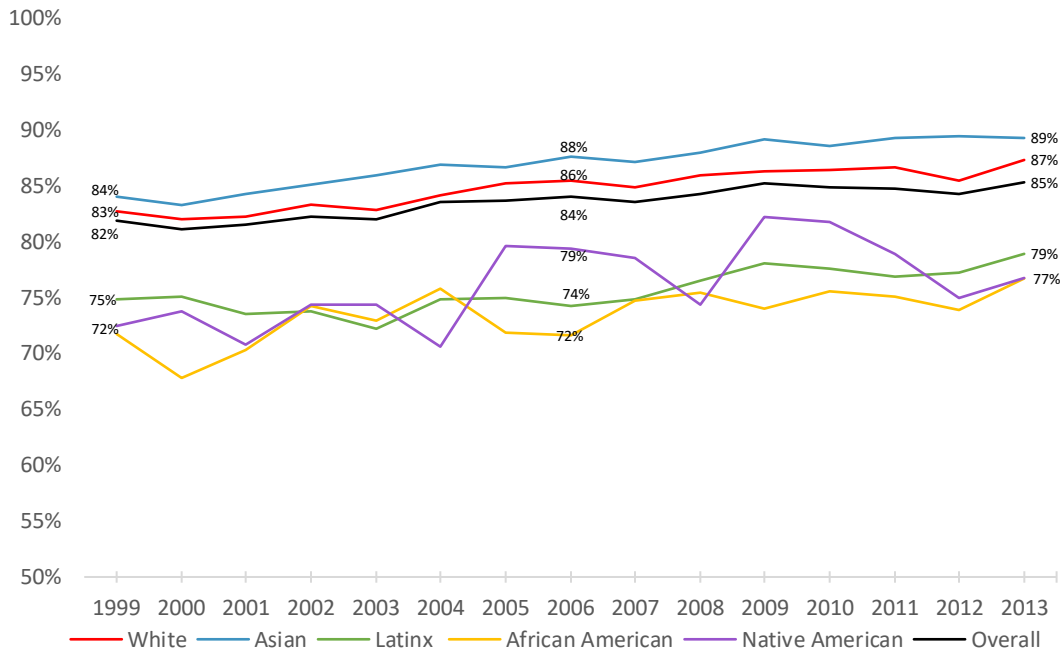
(2001) Eligibility in Local Context Top 4%: UC grants admission to the top 4% of all high school students.

(2003) Comprehensive Review: UC incorporates a comprehensive review of a student’s record-including additional information about individual applicants and their circumstances in addition to the regular application review.

(2011) Holistic Review: Building on Comprehensive Review, UC computes the entirety of a student’s record and assigns it into a single number.

(2012) Eligibility in Local Context Top 9%: UC grants admission to the top 9% of all high school students.

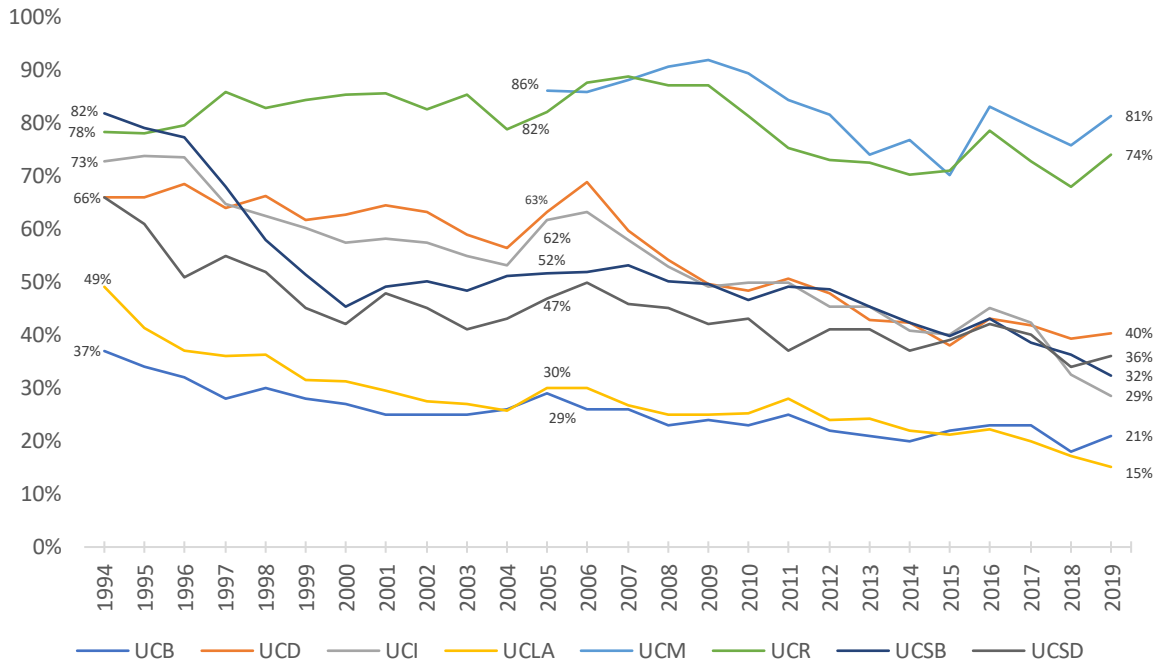
Figure 3. University of California 6-Year Graduation Rates by Ethnicity (1999-2019)



Source: University of California. 2020. Data retrieved from <https://www.universityofcalifornia.edu/infocenter/ug-outcomes>

\*In 1999 and 2013 Black and Native American students had the same graduation rates.

Figure 4. Asian and Pacific Islander Admission Rates by UC Campus (1994-2019)



Source: University of California. 2020. Data retrieved from <https://www.universityofcalifornia.edu/infocenter/admissions-residency-and-ethnicity>

<sup>i</sup> Oyez. *Regents of the University of California v. Bakke*. Retrieved from [https://www.oyez.org/cases/1979/76-811?\\_escaped\\_fragment\\_=&\\_escaped\\_fragment\\_=&\\_escaped\\_fragment\\_="](https://www.oyez.org/cases/1979/76-811?_escaped_fragment_=&_escaped_fragment_=&_escaped_fragment_=)

<sup>ii</sup> The Campaign for College Opportunity. (2019). *State of Higher Education for Black Californians*. Retrieved from: <https://collegecampaign.org/wp-content/uploads/2019/10/2019-State-of-Black-Californians-Full-Report-Final.pdf> and see The Campaign for College Opportunity. (2018). *State of Higher Education for Latinx Californians*. Retrieved from: <https://collegecampaign.org/wp-content/uploads/2019/10/State-of-Higher-Education-Latinx-Report-2018.pdf>

<sup>iii</sup> Gao, N., Johnson, H., Lafortune, J., Dalton, A. (2019). *New Eligibility Rules for the University of California? The Effects of New Science Requirements*. Retrieved from Public Policy Institute of California: <https://www.ppic.org/wp-content/uploads/new-eligibility-rules-for-university-of-california-the-effects-of-new-science-requirements.pdf>.

<sup>iv</sup> The Education Trust-West. (2015). *Black Minds Matter: Supporting the Educational Success of Black Children in California*. Retrieved from <https://west.edtrust.org/resource/black-minds-matter-supporting-the-educational-success-of-black-children-in-california/>.

<sup>v</sup> Bouziane, R. (2017). *The Trojan Family: Legacy Students Applying to USC*. Retrieved from University of Southern California: <https://admissionblog.usc.edu/the-trojan-family-legacy-students-applying-to-usc/>

<sup>vi</sup> National Center for Education Statistics. *Fast Facts Employment rates of college graduates*. Retrieved from <https://nces.ed.gov/fastfacts/display.asp?id=561>.

<sup>vii</sup> Kidder, W. C., & Gándara, P. (2016). *Two decades after the affirmative action ban: Evaluating the University of California's race-neutral efforts*. Retrieved from the Civil Rights Project: [https://civilrightsproject.ucla.edu/research/college-access/affirmative-action/two-decades-after-the-affirmative-action-ban-evaluating-the-university-of-california2019s-race-neutral-efforts/Kidder\\_PIC\\_paper.pdf](https://civilrightsproject.ucla.edu/research/college-access/affirmative-action/two-decades-after-the-affirmative-action-ban-evaluating-the-university-of-california2019s-race-neutral-efforts/Kidder_PIC_paper.pdf)