

## ACA 7 (Jackson) | Narrowing the Scope of Prop 209

### Frequently Asked Questions (FAQ)

#### **WHAT IS ACA 7?**

[ACA 7](#) is a proposed amendment to the California Constitution that would significantly change [Proposition \(Prop\) 209](#) by allowing for public education to consider race, sex, color, ethnicity, or national origin in government actions. The ban would remain in place for higher education admissions and enrollment, public employment, and public contracting. If approved by California voters on the November 2026 General Election ballot, ACA 7 would permit state and local decision-makers to directly address racial disparities in public education through policies that identify student groups by race for support, leaving college and university admissions and enrollment decisions unchanged.

#### **WHAT IS PROP 209?**

[Prop 209](#) was a ballot measure passed by voters in 1996 that banned affirmative action in state and local government decisions on public employment, public education, and public contracts. Prop 209 prohibited California government entities from explicitly using race, sex, color, ethnicity, or national origin in any decisions or policies intended to address systemic disparities experienced by Californians on the basis of these identities. Prop 209 restricted or eliminated affirmative action programs in state or local government that gave targeted support or preferences to underrepresented groups (e.g. scholarships, outreach programs, or hiring goals for underrepresented groups).

#### **HOW HAS PROP 209 AFFECTED RACIAL JUSTICE IN EDUCATION?**

For the TK-12 education system, Prop 209 prevents California from using race-conscious and evidence-based strategies to [direct funding](#) to the students who need it most. Prop 209 has also resulted in [a chilling effect](#) on school district decision-making, with administrators and school boards moving away from using race-conscious remedies and toward race-neutral solutions, based on identifiers like socioeconomic status. These alternatives [are less effective](#) in addressing racial inequities. By eliminating the ability to name student groups by race in policies designed to remove the unfair barriers students of color experience, Prop 209 has contributed to persistent racial inequities in education.

According to a comprehensive [study](#) on the impact of Prop 209 on university student outcomes, after Prop 209 banned affirmative action, fewer students of color enrolled at selective campuses in the University of California (UC) system. Many instead attended less selective colleges or stopped applying to UC campuses altogether. Prop 209 also led to declines in degree attainment—especially in STEM fields—and lower wages later in life for some groups.

#### **WHY IS ACA 7 NECESSARY?**



We need ACA 7 to help California leaders focus resources on the students who have been overlooked. This is how we ensure every student—regardless of their background—has a real chance to succeed. The inability to target the needs of students of color with race-conscious policies brought on by Prop 209 has contributed to [the lack of progress](#) in closing racial equity gaps in educational outcomes. ACA 7 will allow decision-makers to implement targeted, evidence-based interventions to address documented inequities that race-neutral policies alone have failed to close.


## **FACTS VS. MYTHS**

EdTrust-West's recent publication, [Black Minds Matter: Building Bright Black Futures](#), highlights significant racial disparities in opportunity that Black students experience in California's education systems from transitional kindergarten through college. These disparities are rooted in race. ACA 7 recognizes this and would permit race-conscious, research-based policies and practices that would improve educational outcomes. Without ACA 7, we'll continue to struggle to close opportunity and achievement gaps since [no effective proxy](#) for race has been found to address racial inequities.

<b>What Does Change Under ACA 7</b>	<b>What Does NOT Change Under ACA 7</b>
ACA 7 would allow state legislators to pass race-conscious policies to address racial disparities in the education system, except in college and university admissions and enrollment.	ACA 7 would not repeal Prop 209. It only narrows its scope.
ACA 7 would allow local educational agencies to target student racial groups for race-conscious academic interventions to close gaps and support student academic success.	ACA 7 would not result in discriminatory treatment for individuals based on race, sex, gender, ethnicity, or national origin in the operations of public education.
ACA 7 would allow schools, districts, county offices of education, colleges, universities, and the state to invest resources and implement programs, services, and supports specifically for student racial groups disproportionately harmed by persistent underinvestment.	ACA 7 would not change Prop 209 as it applies to public employment or contracting.
Under ACA 7, universities could once again use factors like race or gender to design student support services and campus programs.	ACA 7 would not reinstate race as a factor in admissions or enrollment for California's university systems.

## **IS ACA 7 LEGALLY PERMISSIBLE?**





Yes, ACA 7 is legally permissible as it does [not contradict federal law, the Constitution, or Supreme Court precedent](#). ACA 7 would not violate the U.S. Constitution because it does not create or require any specific race-based policy. Instead, it changes what California's constitution prohibits. Additionally, the changes ACA 7 would make to Prop 209 are within the scope of recent Supreme Court decisions on affirmative action in education. In fact, [Prop 209 restricts affirmative action beyond federal legal requirements](#), and ACA 7 would bring California law in closer alignment with federal requirements for race-conscious policymaking. Moreover, even if ACA 7 is passed by voters, policies must still follow the U.S. Constitution. If a policy or program explicitly discriminates based on race, it could still be struck down under the equal protection clause of 14<sup>th</sup> Amendment.

