



June 16, 2020

To: All Universities and Colleges Relying on the SAT/ACT for Admissions

RE: Education and civil rights community call on colleges to immediately eliminate the consideration of SAT and ACT scores for the upcoming admissions cycle and commit to the most equity-based admissions approach going forward.

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We write at a moment when our nation's colleges must reckon with the hardship, pain, and calls-to-action arising from episodes of anti-Black police brutality, which have been piled onto a public health crisis disproportionately ravaging communities of color. Recent events have shone a bright light on the systemic inequality and corrosive racism that has long existed in our country. Unsurprisingly, the students hardest hit by recent events have been those historically marginalized in higher education—including racial minority students, low-income students, first-generation students, students with disabilities, and English learner students.

We know that your institution cares deeply about the physical, mental, and social well-being of your students and our country. As education and civil rights advocates and stakeholders committed to equal opportunity in higher education, the Lawyers' Committee for Civil Rights Under Law and the undersigned 10 parties call upon you to stand up against practices that institutionalize racial inequity and take action to ensure your institution promotes the type of inclusive diversity that is critical for generating sustainable solutions and a better future for all. Among other measures, **the undersigned parties call on colleges to immediately eliminate the consideration of SAT and ACT scores for the upcoming admissions cycle and commit to evaluating the most equity-based admissions approach going forward.**

Eliminating the consideration of the SAT/ACT is consistent with our shared core principle of ensuring underrepresented students of color¹ and other groups traditionally excluded from higher education have equal access to a quality education and do not face inequitable barriers to college matriculation, retention, persistence, and graduation. This has assumed heightened importance since the onset of COVID-19. Prior to the pandemic, the power of a college education for promoting socioeconomic mobility was already well-documented, particularly for marginalized communities.² The ruinous economic consequences of COVID-19 will likely only increase the value of a college credential and amplify the already urgent need to improve college access and completion rates for underrepresented students.³

The college admission process is already a time-intensive, complicated, and expensive endeavor that advantages those with higher incomes and greater social capital and disadvantages those with fewer resources but equal talent.⁴ The SAT and ACT testing requirements substantially worsen this uneven playing field,⁵ and the current crises exacerbate these inequities. Indeed, the College Board, which administers the SAT, has *itself* urged colleges to “be flexible toward students who can't submit scores” for the upcoming year.⁶ As discussed below, research shows SAT/ACT testing contributes no

compelling, meaningful information to the admission process; but it does adversely impact admission rates for already marginalized students. Furthermore, removing this metric for admission will not sacrifice the quality of your student enrollment, but can instead improve the diversity and talent of your learning community.

The SAT has no meaningful value in admissions given the ample information already in a student's application file. Colleges undoubtedly want to ensure students admitted are prepared to succeed. But the SAT and ACT undermine this goal. Research shows that performance on the SAT/ACT does not strongly predict college success and instead unfairly undervalues the potential of less advantaged students. For example, a study commissioned by the University of California found that the SAT only minimally predicted first-year college grades.⁷ When controlled for socioeconomic factors, high school grades—not the SAT—are more predictive of first-year college grades, second-year persistence, and five-year graduation rates.⁸ Test scores also do not accurately predict success after college. As one study showed, Black, Latinx, and Native American graduates with lower standardized test scores than white classmates were just as successful in terms of income, career satisfaction, and civic contributions.⁹ While SAT and ACT scores do not provide meaningful information beyond what is already in a student's file, the tests unnecessarily hurt the admissions chances of underrepresented minority students, students with disabilities, and students with less wealth who, on aggregate, score lower on these tests despite equal capacity to thrive in college.¹⁰

The SAT does not measure a student's aptitude or achievement, but rather a student's demographics and socioeconomic status. Research demonstrates that SAT scores are more highly correlated with race, socioeconomic status, and parents' income and education-level than high school grades.¹¹ Sadly, the gaps between demographic groups continue to grow larger, reflecting the overall wealth gap that is rooted in the legacy of racial inequity.¹²

Bias is built into the test development process. The SAT was initially created by eugenicist Carl Brigham through a testing method that subscribed to his flawed notion of an intellectual racial hierarchy and Nordic, white supremacy.¹³ While the College Board has tried to distance itself from this history, research indicates how racial biases continue to be built into the development of the exams. Such practices include omitting questions on which minority students perform well but keeping questions on which they do not do well.¹⁴ Researchers at the University of California found that up to 12 percent of test questions are biased against Black students, and up to 10 percent of items are biased against Latinx students.¹⁵ Exam conditions also present barriers for students with disabilities since not all test sites permit accommodations.¹⁶

The use of test prep courses makes an already flawed exam even less credible. The multi-billion-dollar test prep business further exposes the inaccuracies and inequities inherent in the tests. While many wealthy families spend several thousand dollars for their children to receive artificial boosts by test-prep techniques, the high cost of test-prep courses make them inaccessible to less advantaged, underrepresented students.¹⁷

As evidence of the ineffectiveness and inequities of standardized testing mounts, more than 1,200 colleges have chosen to no longer require the SAT/ACT.¹⁸ In the current health

crisis, dozens more have realized the fundamental unfairness of requiring the SAT/ACT with over 75 colleges—from state flagships, to Ivy League schools, to liberal arts colleges—announcing they eliminated the SAT/ACT requirement for the coming admissions cycle.¹⁹ Most recently, the University of California system announced it will no longer require the test for in-state applicants and will eliminate any consideration of the SAT or ACT in admissions by 2023; and CalTech issued a moratorium “on both the requirement and consideration of SAT and/or ACT test scores.”²⁰

Importantly, eliminating the SAT/ACT requirement can help to increase the share of underrepresented students at colleges while maintaining academic quality.²¹ Studies indicate that when colleges no longer require the SAT/ACT, they generally experience an increase in applications from underrepresented students.²² Further, a sizable majority of those institutions have achieved increases in underrepresented student enrollment.²³

As stated earlier, the College Board, which administers the SAT, has *itself* urged colleges to “be flexible toward students who can’t submit scores” for the upcoming year.²⁴ The College Board has also rightly foregone its attempt to offer an at-home, online exam and admitted such an exam would be neither feasible this year, nor equitable.²⁵ This conclusion was clear from the outset: beyond the software security and proctoring challenges,²⁶ an at-home exam exacerbates existing inequities like the digital divide by penalizing students without reliable internet, those whose home environments are not conducive to administering such an exam, and those students with disabilities who may require accommodations.²⁷ These reliability defects further invalidate an already flawed test.²⁸

These converging considerations compel sensible, immediate action. There is no compelling justification for continuing to require the test, and the test should not be considered unless a college can guarantee applicants who do not submit tests face no structural disadvantage compared to those that do. High school and college student coalitions, professional associations, advocacy groups, and the civil rights community stand together²⁹ to urge colleges to do the right thing and immediately suspend the SAT/ACT requirement and consideration for the upcoming admissions cycle and commit to evaluating the most equity-based approach going forward.

As the fall admissions cycle quickly approaches, we respectfully ask that you respond to our request by July 10th by emailing Genevieve Bonadies Torres (gbonadies@lawyerscommittee.org) and Ivanley Noisette (inoisette@lawyerscommittee.org). We recognize that colleges are most successful at achieving the goals of diversity, inclusion, and equal opportunity when the elimination of the SAT/ACT requirement is paired with other well-established strategies for recruiting and retaining underrepresented students.³⁰ We would welcome the opportunity to consult with you in designing your admissions program to best promote the principles of equal opportunity. We hope that you join us—and the more than 1,000 colleges and universities who have already dropped the SAT/ACT requirement—to build a more equitable higher education landscape. Thank you for your commitment to cultivating a learning community that will move us through this challenging time and ensure that when we emerge, our

higher education institutions will serve as engines for opportunity, and not barriers to equality.

Sincerely,



The Lawyers' Committee for Civil Rights Under Law

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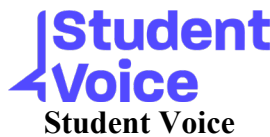
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National Disability Rights Network

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¹ In this letter, we use the term “underrepresented minority group” to mean Black, Latinx, Native American, and Asian American sub-groups with less access to educational and economic resources. Extensive research has documented how the SATs and ACTs are systematically skewed to underpredict the potential of Black and Latinx students. See, e.g., W. Kidder et al., *How the SAT Creates “Built-In Headwinds”: An Educational and Legal Analysis of Disparate Impact*, 43 Santa Clara L. Rev. 131 (2002); Saul Geiser, *Norm-Referenced Tests and Race-Blind Admissions: The Case for Eliminating the SAT and ACT at the University of California* (Dec. 2017), available at https://cshe.berkeley.edu/sites/default/files/publications/2.rops.cshe.15.2017.geiser.testsrace-blind_admissions.12.18.2017.pdf. Although Asian American students have the high test scores when grouped together by the College Board (SAT) and ACT, these groupings obscure socioeconomic differences within Asian American and Pacific Islander populations and the fact that certain subgroups score much lower than average. For example, in 2010, 48.3 percent of California test-takers received a total SAT score greater than 1500, whereas only 7.6 percent of test takers at a predominantly Hmong high school and 12.8 percent of test-takers at a predominantly Filipinx high school received a score in the same range.

² See generally U.S. Department of Education, *Advancing Diversity and Inclusion in Higher Education: Key Data Highlights Focusing on Race and Ethnicity and Promising Practices* 95 (2016), <https://www2.ed.gov/rschstat/resear/pubs/advancing-diversity-inclusion.pdf>.

³ See generally Shaun R Harper & Isaiah Simmons, *Black Students at Public Colleges and Universities: A 50-State Report Card* 44 (2019); Andrew Howard Nichols & J. Oliver Schak, *Broken Mirrors*, The Education Trust, <https://edtrust.org/resource/broken-mirrors-black-representation/> (last visited Mar 13, 2020); J. Oliver Schak et al., *Broken Mirrors*, The Education Trust, <https://edtrust.org/resource/broken-mirrors-latino-representation-english/> (last visited Mar 13, 2020).

⁴ See Gregor Aisch et al., *Some Colleges Have More Students From the Top 1 Percent Than the Bottom 60. Find Yours.*, The New York Times, January 18, 2017, <https://www.nytimes.com/interactive/2017/01/18/upshot/some-colleges-have-more-students-from-the-top-1-percent-than-the-bottom-60.html>, <https://www.nytimes.com/interactive/2017/01/18/upshot/some-colleges-have-more-students-from-the-top-1-percent-than-the-bottom-60.html> (last visited May 20, 2020).

⁵ See Richard V. Reeves & Dimitrios Halikias, *Race gaps in SAT scores highlight inequality and hinder upward mobility*, Brookings (2017), <https://www.brookings.edu/research/race-gaps-in-sat-scores-highlight-inequality-and-hinder-upward-mobility/> (last visited May 20, 2020); Andre M. Perry, *Students need more than an SAT adversity score, they need a boost in wealth*, Brookings (2019), <https://www.brookings.edu/blog/the-avenue/2019/05/17/students-need-more-than-an-sat-adversity-score-they-need-a-boost-in-wealth/> (last visited May 20, 2020).

⁶ Teresa Watanabe, *SAT plans for at-home tests suspended; some students may not have access to exams*, Los Angeles Times (June 2, 2020), <https://www.latimes.com/california/story/2020-06-02/sat-exams-are-in-such-high-demand-that-not-every-student-will-be-able-to-take-it>.

⁷ Saul Geiser & Maria Veronica Santelices, *Validity of High School Grades in Predicting Student Success Beyond the Freshman Year: High-School Record vs. Standardized Tests as Indicators of Four-Year College Outcomes*, UC Berkeley CSHE.6.07 (2007) at 25. Available at <https://cshe.berkeley.edu/publications/validity-high-school-gradespredicting-student-success-beyond-freshman-yearhigh-school>.

⁸ Michael Kurlaender & Kramer Cohen, *Predicting College Success: How Do Different High School Assessments Measure Up?* (2019), <https://edpolicyinca.org/publications/predicting-college-success-how-do-different-high-school-assessments-measure-2019> (last visited May 10, 2020). Other studies show that high school grades are a much more statistically significant predictor of 6-year graduation rates, while the SAT and ACT are not statistically significant after accounting for high school grades. See William G. Bowen, Matthew M. Chingos & Michael S. McPherson, *Crossing the Finish Line: Completing College at America’s Public Universities* (First Edition edition ed. 2009); Steven T. Syverson, Valerie W. Franks & William C. Hiss, *Defining Access: How Test-Optional Works* (2018).

⁹ Richard O. Lempert et al., *Michigan’s Minority Graduates in Practice: The River Runs Through Law School*, 25 L. & SOC. INQUIRY 395, 468-79, 485-90 (2000); see also David B. Wilkins & Elizabeth Chambliss, *Harvard Law School Report on the State of Black Alumni: 1896-2000*, Harvard Law School Program on the Legal Profession (2002).

¹⁰ See Scott Jaschik, *Faulty Predictions?* (2016), <https://www.insidehighered.com/news/2016/01/26/new-research-suggests-sat-under-or-overpredicts-first-year-grades-hundreds-thousands> (last visited May 18, 2020).

¹¹ See Ezekiel Dixon-Roman, Howard Everson & John Mcardle, *Race, Poverty and SAT Scores: Modeling the Influences of Family Income on Black and White High School Students’ SAT Performance*, 115 Teachers College Record (2013).

¹² Bob Schaeffer, *2019 SAT Scores: Gaps Between Demographic Groups Grows Larger*, FairTest: The National Center for Fair and Open Testing (2019), <https://www.fairtest.org/2019-sat-scores-gaps-between-demographic-groups-gr> (last visited May 29, 2020).

¹³ See Nicholas Lemann, *The Big Test: The Secret History of American Meritocracy* 29–31, 34 (2000); Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* 311-12 (2016).

¹⁴ See Saul Geiser, *Norm-Referenced Tests and Race-Blind Admissions: The Case for Eliminating the SAT and ACT at the University of California* (Dec. 2017) at 10-11, available at https://cshe.berkeley.edu/sites/default/files/publications/2.rops.cshe.15.2017.geiser.testsrace-blind_admissions.12.18.2017.pdf (citing William C. Kidder and Jay Rosner, *How the SAT Creates Built-in-Headwinds: An Educational and Legal Analysis of Disparate Impact*, 43 Santa Clara L. Rev. 131, 159 (2002)).

¹⁵ Maria Veronica Santelices & Mark Wilson, *On the Relationship Between Differential Item Functioning and Item Difficulty: An Issue of Methods? Item Response Theory Approach to Differential Item Functioning*, 72 Educ. & Psychol. Measurement 5, 24 (2012).

¹⁶ See, e.g., Complaint, *Smith et al. v. Regents of the University of California*, No. RG19046222 (Cal. Super. Ct.) (2019) at 48-57, available at <http://www.publiccounsel.org/tools/assets/files/1250.pdf>.

¹⁷ James Wellemeyer, *Wealthy parents spend up to \$10,000 on SAT prep for their kids*, MarketWatch, <https://www.marketwatch.com/story/some-wealthy-parents-are-dropping-up-to-10000-on-sat-test-prep-for-their-kids-2019-06-21> (last visited May 14, 2020); Abigail Hess, *Rich students get better SAT scores—here’s why*, CNBC (2019), <https://www.cnn.com/2019/10/03/rich-students-get-better-sat-scores-heres-why.html> (last visited May 21, 2020).

¹⁸ 1,200+ Accredited, Four-Year Colleges and Universities with ACT/SAT-Optional Policies, FairTest: The National Center for Fair and Open Testing (2020), <https://www.fairtest.org/university/optional> (last visited May 18, 2020).

¹⁹ Colleges And Universities Temporarily Waiving ACT/SAT Requirements For 2020 Admissions Only, FairTest: The National Center for Fair and Open Testing, <https://www.fairtest.org/colleges-and-universities-temporarily-waiving-acts> (last visited May 18, 2020).

²⁰ Shawn Hubler, *University of California Will End Use of SAT and ACT in Admissions*, The New York Times, May 21, 2020, <https://www.nytimes.com/2020/05/21/us/university-california-sat-act.html> (last visited May 22, 2020); *First-Year Application Requirements*, Caltech Undergraduate Admissions, <http://admissions.divisions.caltech.edu/apply/first-yearfreshman-applicants/first-year-application-requirements> (last visited June 8, 2020).

²¹ Syverson, Franks, and Hiss, *supra* note 8.

²² *Id.* at 18.

²³ *Id.* at 20.

²⁴ Teresa Watanabe, *SAT plans for at-home tests suspended; some students may not have access to exams*, Los Angeles Times (June 2, 2020), <https://www.latimes.com/california/story/2020-06-02/sat-exams-are-in-such-high-demand-that-not-every-student-will-be-able-to-take-it>.

²⁵ *Id.*

²⁶ Valerie Strauss, *College Board says it can give valid, secure online SAT at home. Critics and some colleges disagree.*, The Washington Post, April 16, 2020, <https://www.washingtonpost.com/education/2020/04/16/college-board-says-it-can-give-valid-secure-online-sat-home-critics-some-colleges-disagree/> (last visited May 26, 2020).

²⁷ Scott Jaschik, *Taking On the Testing Organizations*, Inside Higher Ed (2020), <https://www.insidehighered.com/admissions/article/2020/05/04/nacac-statement-criticizes-college-board-and-act> (last visited May 26, 2020).

²⁸ *Id.*

²⁹ See Jenna Yuan, *Thousands of Students and University Representatives Join Together to Call for Test-Optional Admissions Policies*, Student Voice (2020), <https://www.stuvoice.org/updates/thousands-of-students-and-university-representatives-join-together-to-call-for-test-optional-admissions-policies> (last visited May 14, 2020); Jayne Fonash Caflin, *Is It Time to Rethink Standardized Testing in College Admission?*, <https://www.nacacnet.org/news-publications/newsroom/updates-from-nacacs-president/is-it-time-to-rethink-standardized-testing-in-college-admission/> (last visited May 15, 2020); Valerie Strauss, *High school junior: It’s ridiculous for colleges to require SAT/ACT scores during the pandemic*, The Washington Post, May 11, 2020, <https://www.washingtonpost.com/education/2020/05/11/high-school-junior-its-ridiculous-any-college-require-satact-score-admissions-during-covid-19-outbreak/> (last visited May 13, 2020).

³⁰ See, e.g., William C. Hiss & Kate M. Doria, *Defining Promise: Twenty-five Years of Optional Testing at Bates College, 1984-2009* (outlining Bates College’s successful implementation of its test-optional program launched in 1984, and highlighting the importance of a comprehensive admissions strategy and evaluation in order to

successfully maintain a test-optional program while increasing diversity, and raising academic outcomes.); Syverson, Franks, and Hiss, *supra* note 8 at 4 (arguing that because non-test submitters generally have greater financial need than test submitters, greater financial investments from institutions in low income underrepresented students are required to successfully implement a test-optional policy and ensure student success.); Jennifer Glynn, *Opening Doors: How Selective Colleges and Universities Are Expanding Access for High-Achieving, Low-Income Students*, <https://www.jkcf.org/research/opening-doors-how-selective-colleges-and-universities-are-expanding-access-for-high-achieving-low-income-students/> (last visited Jun 12, 2020) (identifying 14 best practices--including "removing admissions practices that disadvantage low-income applicants" and "critically assessing the use of standardized test scores"--that colleges can pursue in order to increase access and opportunity for low-income students. Other measures include: reducing application costs, partnering with high schools and community organizations to recruit low-income youth, creating summer programs on campus for low-income high school students and programs in the high schools, expanding transfer access for community college students, increasing need-based aid, and facilitating travel for campus visits for those students prior to enrollment).