



Policy solutions that work for low-income people

**CLASP Statement for the Record**  
**U.S. House of Representatives Committee on Education and the Workforce**  
**Subcommittee on Higher Education and Workforce Development**  
**Hearing on “How SCOTUS’s Decision on Race-Based Admissions is Shaping University Policies”**  
**September 28, 2023**

The Center for Law and Social Policy (CLASP) is grateful for the opportunity to submit this statement for the record to the House Subcommittee on Higher Education and the Workforce. CLASP is a national, nonpartisan, nonprofit advancing anti-poverty policy solutions that disrupt structural and systemic racism and sexism and remove barriers blocking people from economic security and opportunity. We advocate for federal, state, and local policies to strengthen families and create pathways to education and work. CLASP has deep expertise on a wide range of issue areas such as childcare and early education, youth policy, job quality, income and work supports, workforce development, postsecondary education, immigration and cross-cutting issues like mental health, racial equity, and criminal justice. CLASP works to amplify the voices of directly impacted workers and families and help public officials design and implement effective programs.

Through our work in the postsecondary education space, CLASP has found that race-conscious admissions policies offer upward economic mobility for Black and brown communities. The Supreme Court’s majority opinion on affirmative action in its last term was a step backward from true racial equity and justice in postsecondary education, and a continuation of the current Supreme Court’s broader campaign to outlaw public policies that explicitly counter the structural and systemic racism that produces pervasive racial injustice today. Today’s educational and economic landscape is the result of generations of racially discriminatory practices that still impact access to education, jobs, and wealth-building—including through homeownership. Given this starting point, we will not achieve the promise of this nation through racially neutral policy, and those responsible for Fourteenth Amendment’s Equal Protection Clause and its early implementation knew this well. The Supreme Court’s decision to eliminate institutions of higher education’s ability to use race-conscious admissions practices will exacerbate racial inequities in accessing and completing postsecondary education, in turn undermining our nation’s collective potential.

Prohibitions on methods aimed at addressing racial inequities represent a significant policy setback and exacerbates existing college enrollment and completion disparities. The share of Black students enrolling at public four-year institutions and community colleges declined between 2017-2022.<sup>1</sup> In 2021, only 34 percent of Black adults have college degrees compared to the national average of 46 percent.<sup>2</sup> Expanding access to postsecondary education is vital for increasing the likelihood of upward socioeconomic mobility and success for individuals and their families. Policymakers must acknowledge and confront the novel obstacles established by the Supreme Court’s decision as policymakers and institutions work to meaningfully address the race-based inequities within our postsecondary education system and beyond.

Race-conscious admission practices are an effective tool used by institutions of higher education to promote diversity and inclusivity on their campuses. A disproportionate number of our nation’s business and political leaders attended highly selective colleges and universities, where race-conscious admissions has helped diversify these pathways to leadership. Without the tool of race-conscious admission, these institutions will fail to create economic mobility and access to leadership pathways for students of color and, instead, will reproduce the current societal racial imbalance among our nation’s leaders. Removing this approach harms prospective and current students and fails to address the systemic inequities in our postsecondary education system—

unproductively tying one hand behind our back in our nation's struggle for racial progress and justice. Furthermore, it enforces the harmful belief that college admissions are a "zero-sum" competition, instead of urging institutions to increase opportunities for access for Black and brown students as well as for members of other systemically marginalized communities.

CLASP recommends that the Subcommittee consider the following to improve college affordability and accessibility:

1. Increase investments in programs like the Pell Grant that support individuals with lower incomes with paying for college costs. Pell grant awards have not kept pace with the cost of higher education. During the 1970s, Pell Grants covered 70-80 percent of a four-year college degree at a public institution. Today, Pell Grants cover just 30 percent.<sup>3</sup>
2. Reform the Federal Work-Study program to make it more available to students at a diverse range of schools, and more closely connected to students' future careers.<sup>4</sup>
3. Increase investment in supportive services that provide students with resources to help with non-academic needs (i.e. child care, transportation, housing, food). These services play a pivotal role in assisting students in successfully completing their postsecondary education.<sup>5</sup>
4. Expand investments in institutions that focus on educational opportunities for groups that have been historically underserved such as Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs). These organizations have also been systemically underfunded, as recently highlighted by the Departments of Education and Agriculture.<sup>6</sup>
5. Enact a federal-level prohibition on the widespread practice of legacy admissions to give students of color a fair shot in admissions decisions. Legacy admissions can account for 10 to 25 percent of available slots at top universities.<sup>7</sup> Institutions that give preference to legacy students reduce the opportunities that are available to underrepresented students.
6. Increase federal support for students from systemically marginalized communities before they reach college, including programs such as Title I and Head Start.

Without meaningful legislative action from Congress to increase access to postsecondary education for underrepresented students, the racial inequities that arise before, during, and after the admissions process will persist.

Thank you for the opportunity to contribute to the conversation about this important issue.

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<sup>1</sup> Courtney Brown, "Black Learners aren't enrolling or staying in college. A new poll shows why.," The Lumina Foundation, February 2023, <https://www.luminafoundation.org/news-and-views/black-learners-arent-enrolling-or-staying-in-college-a-new-poll-shows-why/#:~:text=New%20numbers%20for%20Black%20Americans,another%2030%2C000%20this%20past%20fall.>

<sup>2</sup> "A Stronger Nation: Learning Beyond High School Builds American Talent," Lumina Foundation, 2023, <https://www.luminafoundation.org/stronger-nation/report/#/progress>.

<sup>3</sup> Jason D. Delisle, "What Better Data Reveal About Pell Grants and College Prices," The Urban Institute, 2021. <https://www.urban.org/urban-wire/what-better-data-reveal-about-pell-grants-and-college-prices>

<sup>4</sup> Elizabeth Kenefick, "Strengthening the Work in Federal Work-Study: Improving Access to Financial Aid and Career-Related Work Experience for Low-Income and Post-Traditional Students," CLASP, January 2015, [https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/CPES\\_FederalWorkstudyFINAL.pdf](https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/CPES_FederalWorkstudyFINAL.pdf).

<sup>5</sup> Rachel Fulcher, et al. "Why Expanded Student Supports Can Improve Community College Outcomes and Boost Skills

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Attainment, Brookings, 2021. <https://www.brookings.edu/articles/why-expanded-student-supports-can-improve-community-college-outcomes-and-boost-skill-attainment/>

<sup>6</sup> “Secretaries of Education, Agriculture Call on Governors to Equitable Fund Land-Grant HBCUs,” U.S. Department of Agriculture, September 2023, <https://www.usda.gov/media/press-releases/2023/09/18/secretaries-education-agriculture-call-governors-equitably-fund>.

<sup>7</sup> Richard Kahlenberg, “The Legacy Racket: The Problem with College Admission Preferences for Children of Alumni,” The Century Foundation, September 2010, [https://production-tcf.imgix.net/app/uploads/2010/09/17185402/tcf-Legacy\\_brief-2.pdf](https://production-tcf.imgix.net/app/uploads/2010/09/17185402/tcf-Legacy_brief-2.pdf)