

**THE UNIVERSITY OF CALIFORNIA VERSUS THE SAT:
A Brief History and Contemporary Critique**

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ABSTRACT

On May 21, 2020, the University of California (UC) Board of Regents unanimously approved the suspension of the standardized test requirement (ACT/SAT) for all California freshman applicants until fall 2024. UC plans to create a new test that better aligns with the content the University expects students to have mastered for college readiness. However, if a new test does not meet specified criteria in time for fall 2025 admission, UC will eliminate the standardized testing requirement for California students. The Board's decision is the seeming culmination of a 19 year debate over the role of standardized test scores at UC. Opponents of the widespread use of the SAT have long claimed that the SAT promotes needless socioeconomic stratification: The test favors students from upper income families and communities, in part because they can afford a growing range of expensive commercially available test preparation courses and counseling. The Regents' 2020 decision echoes this view. Yet UC has an even longer history of concern with the standardized testing. In fact, and as discussed in this essay, UC was relatively slow in adopting the SAT as a requirement in admissions when compared to other selective universities, public or private. This provides the basis for a brief discussion of the current politics related to admissions at UC. Setting admission policy is not simply the result of rational policy solutions; they are, in some form, a reflection of the internal and external politics that shape the policy behaviors of a university – particularly at highly selective public institutions with greater levels of expected accountability and expectations than their private counterparts. Another axiom that is largely lost in the debates over the usage of test scores and a growing array of admissions requirements: selective public universities may attempt to create relatively transparent admissions criteria, but in the end much of the decision-making is arbitrary when choosing among a large pool of highly qualified candidates. I then offer a number of observations: First, that changes in admissions policies focused, to some extent, on equity and greater access to underrepresented groups means redistribution of what is essentially a zero sum, access to a selective public university. Second, that the path to the Regents' 2020 vote ignored the recommendations of UC's Academic Senate, designated by the Regents to set admissions policies. The Senate, UC's representative body of the faculty, recommended retaining the SAT and ACT in setting UC eligibility policies and for campus selection of students for admission. This raises internal questions of the purpose and future of shared governance.

Keywords: University Admissions, SAT, Equity, Underrepresented Minorities, Higher Education Politics, Shared Governance

In a shot heard around the country, on May 21, 2020, UC's Board of Regents suspended the requirement and use of standardized tests, including the SAT and ACT, for freshman applicants. UC will be test optional for campus selection of freshman in fall 2021 and 2022, and "beginning with fall 2023 applicants and ending with fall 2024 applicants, campuses will not consider test scores for admissions selection at all, and will practice test-blind admissions selection."¹ The Regents, along with some 1,200 other universities and colleges, had already dropped the requirement for 2021 following the College Board's and ACT's cancelling of testing due to the COVID-19 pandemic.

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The Regents also requested that the Academic Senate and the universities administration attempt to develop a new test or adopt the existing Smarter Balance test of high school students in time for the fall 2025 entering class that better aligns with college readiness. But if they fail in this endeavor, UC will eliminate the standardized testing requirement for California students.

"Today's decision by the Board marks a significant change for the University's undergraduate admissions," announced UC President Janet Napolitano. "We are removing the ACT/SAT requirement for California students and developing a new test that more closely aligns with what we expect incoming students to know to demonstrate their preparedness for UC."²

The Board's vote is the seeming culmination of a 19 year debate over the role of standardized test scores for determining eligibility to apply to the multi-campus UC system and in the process campuses use to admit students.³ In an initial act of provocation in 2001, UC President Richard Atkinson, a psychometrician, asked why California's premier multi-campus research university should require the SAT for freshman admissions. The SAT dominates the market and its purveyors, the Educational Testing Service (ETS) and the College Board, claim that it is an important predictor of a student's success in America's colleges and universities. That's what it is all about, right?

A university study initiated by Atkinson and completed by Saul Geiser rebutted the claims of the College Board. At least within the University of California, with some 150,000 undergraduates scattered among then eight undergraduate campuses, the SAT was not a very good predictor of academic performance based on the grades of students during their freshmen year – when the curriculum is more uniform than the sophomore and later years as students enter their major. Grades in high school, along with some evaluation of a student's socioeconomic circumstance and achievements in that environment, proved to be a better predictor of academic performance and persistence to a degree.⁴

A follow-up study by Geiser and colleagues at UC's Office of the President also demonstrated that subject tests, like the SAT II, were only marginally better than the SAT in predicting college success among UC's large pool of entering students. That meant that subject based tests are only philosophically better to require for admission to the premier public university system in the United States. (Geiser has since authored many other studies with similar results.)

By requiring the SAT for admissions, the University of California long sent a powerful message to schools and students to prepare for the test. In a speech before the American Council on Education at their 2001 meeting in Washington, Atkinson, armed with analysis of UC undergraduates, announced that he saw little reason for the University of California to require the SAT I test. He favored subject based tests, such as the SAT II, that revealed "mastery of subject matter rather than test preparation." For Atkinson, the focus on subject tests, and abandonment of the SAT I, would "help all students, especially low-income and minority students, determine their own educational destinies. And they will lead to greater public confidence in the fairness of the University of California's admissions process."⁵

Simply put, among an already relatively selective group of students who apply to a selective UC, evidence of a student's drive to learn and to be both academically and civically engaged in the years leading up to university, were the better indicators of a student's future academic achievement top-ranked universities like Berkeley or UCLA. As the largest multi-campus research universities in the nation, and one of the most prestigious and selective public institutions, the loss of UC would have large market implications for ETS – many other major universities might follow, and California alone represents ETS's largest single market.

In the end, however, Atkinson's threat to drop the SAT I prompted ETS to revise elements of the test, and to add a new writing component. With those changes, many critics of ETS's mainstay test, including University of California officials, were essentially forced into an extended period of reevaluating the worth of the revised SAT I – a process of reevaluation that culminated in the 2020 vote by the Regents.

Opponents of the widespread use of the SAT have long claimed that the SAT promotes needless socioeconomic stratification: The test favors students from upper income families and communities, in part because they can afford a growing range of expensive commercially available test preparation courses and counseling. The Regents' 2020 decision echoes this conclusion.

Yet UC has an even longer history of concern with the standardized testing. In fact, UC was relatively slow in adopting the SAT as a requirement in admissions when compared to other universities with selective admissions, public or private.

The following provides a brief history of UC and the SAT, concluding with an analysis of the path and politics to the Regents momentous vote. To help frame this story, four factors about the history of UC admissions need to be noted – some of which are peculiar to California but have their roots in a common understanding of the role of public universities in society:

- UC admissions policies have the goal of creating requirements that guide students in the academic preparation for higher education, and providing access to all segments of society.
- UC policies have historically stated that admission requirements are calibrated to predict that admits, and those who subsequently enroll, will have a reasonable chance to succeed academically at the university and graduate. Before 1960, and under this rubric, UC admitted approximately the top 15 percent of all state high school graduates. After the 1960 Master Plan for Higher Education, that figure was reduced to the top 12.5 percent – a mandate that remains today.
- As part of a compact with the people of California, UC has historically admitted all “UC Eligible” students who meet stated requirements (which today include GPA in required courses and a sliding scale of test scores) – although not necessarily to the campus of their choice.
- An ancillary part of this Social Contract is that admissions requirements must be relatively clear and transparent – creating a set of standards and goals for prospective students – although this goal has been seemingly lost in a growing array of ways to become UC Eligible, and in the selection process of the individual UC campuses.

A Tough Sell

In the late 1950s and extending into 1960s, the University of California began a lengthy debate regarding the use of standardized tests. Many of the same issues discussed by supporters and opponents of testing today were vetted in this era – the socioeconomic biases of tests, their predictive value of collegiate success, and, most importantly, their proper use in the admissions process. Why did public universities adopt standardized testing? And how did their adoption influence the social contract of universities?

Up until the 1920s, UC admitted students who either graduated from a UC accredited high school, passed a set of faculty generated examinations, or were recommended by their high school principal. A number of other alternative admissions routes were offered to students from non-accredited high schools or from out-of-state schools. These alternative paths recognized the tremendous variation in the quality of high schools and were specifically provided to insure access to students with varied socioeconomic backgrounds.⁶

High school accreditation by UC faculty, under the aegis of the Academic Senate, dated back to 1884 and extended to 1963 -- although the process of accreditation and its use in admissions practices changed significantly over that time. Similarly, graduation from a UC accredited junior college with an Associate of Arts degree also insured admissions at the junior year. The A.A. degree dated back to 1910 in California and was formulated by faculty at UC Berkeley as part of a general design to establish the nation’s first network of public junior colleges. Beyond accreditation, a set of alternative admissions paths to UC were also offered to junior year transfers.

By the 1930s, the Academic Senate established a set of course requirements that form, with modifications, our current set of courses in seven subject – the so-called A-G requirements that today include History, English, Math, Science, a language besides English, a visual or performing arts, and college-prep elective.⁷ The Senate considered the use of standardized testing as early as the late 1920s but rejected its use.

By the 1950s, however, the University was confronting serious problems associated with enrollment and program growth. The GI Bill increased enrollments significantly and the baby boom generation had already entered the school system. A 1955 state-wide planning study suggested that UC experiment with standardized tests to evaluate the admissions process.

Up to that time, few public universities required the SAT or other commercially available tests. Beginning in the 1930s and up to the 1960s, interest in the SAT by public institutions tended to focus on two rather narrow uses. Standardized tests were embraced as an alternative admission criterion for out-of-state students and others who graduated from non-university accredited high schools; by the 1950s, testing of a sample group of students after they enrolled in a university served as an occasional analytical tool for assessing their admission criteria.

The vast majority of clients for ETS remained along the Eastern Seaboard. ETS opened a West Coast office in Berkeley in 1947 with the ambition to get the University of California and other public and private colleges and universities to adopt the test. ETS president Henry Chauncey successfully persuaded the College Board to establish the Western outpost *and* to persuade the University of California to join the board as an institutional member – the first public university with a member on the board.

Normally, usage of the SAT by an institution was a prerequisite for membership on the board. Chauncey made an exception in the hope of enticing California's state university into the fold, and hence a potentially influential expansion of the market for standardized testing. Chauncey aggressively marketed the tests, with an eye on the progress of its rival, the purveyors of the ACT. ETS was beginning to make inroads in Michigan, Texas, and Colorado; state universities in Illinois and Ohio were more interested in subject-oriented tests offered by ACT.

Chauncey's strategy was not very successful, in California and elsewhere – at least initially. In 1951, for example, some 81,100 students took the SAT in the United States. The vast majority of these students were located in the Northeast. Ten years later the number taking the test nationally jumped to 805,000. Yet the vast majority of test takers were still students from the Northeast with some growth in the South and to a lesser degree the Midwest. After a more than ten-year campaign, few students in the Western states took the test.

One ETS official noted why California was reluctant. The "big problem," he noted, was that "UC was already selective and really with no need to adopt standardized tests."⁸ UC already had what university faculty and academic leaders thought was a highly successful admissions process. University officials assessed this success largely by the high rates of academic success of students, both freshmen admits and transfer students. In 1955, an estimated that 62 percent of students who entered the Berkeley campus as freshmen completed their eighth semester and usually graduated. When including those who took a ninth semester, the rate climbed to around 80 percent.

Even in the 1950s, UC students often worked part-time and many did not attend the university for four solid years. Considering these variables, "this is a good record," noted a university report, matched by few other selective institutions at the time – public or private. Transfer students, who at that time represented nearly 45 percent of enrollments at campuses such as Berkeley and UCLA, had similar graduation rates.⁹ When accounting for transfers into UC and students who temporarily drop out of the university, a later study showed that some 73 percent of those entering UC gained a baccalaureate degree in a four-year period of actual enrollment.¹⁰

Concerns Over Grade Inflation

Nevertheless, by the late 1950s, a number of University of California faculty and administrators showed new interest in the SAT and achievement tests, particularly for freshman entrants. Grade inflation within the state's secondary schools was viewed as a growing problem. There was a sense that perhaps too many students, particularly freshman entrants, were qualifying for university admission. The problem might grow and the university might need new mechanisms to recalibrate their admissions requirements – particularly with the expected flood of new students over the coming decades.

Standardized testing could help manage future enrollment growth by raising and altering admissions standards. The SAT also represented a general standard increasingly embraced by America's most prestigious institutions.

As noted, a state-sanctioned study on the future of California higher education completed in 1955 stated that the University should "experiment extensively with aptitude and achievement examination in combination with high school scholastic records in admitting freshmen."¹¹ On the heels of the 1955 statewide study, a University of California Academic Senate task force on admissions recommended the quick adoption of the SAT as a requirement for all entering students.

The senate task force looked into a wide variety of issues related to how the university might manage enrollment growth and was chaired by Richard W. Jennings, a professor of law at Berkeley. In 1956 he argued that testing offered a method for processing a great mass of applications and for "equalizing the wide variations in grading standards among high schools and to provide a rank-order list, if limits are to be set on enrollments."¹²

Yet the Academic Senate, and in particular the senate's Board of Admissions and Relations with Schools (BOARS) responsible for admissions policy, rejected Jennings' recommendation. Not only did yearly assessments of the academic success of admitted students buttress the sense that the universities' admissions practices were sound, BOARS members expressed grave concerns regarding the validity of standardized tests in predicting the academic performance of university students. Studies in the 1950s, as today, consistently showed that high school grade-point averages in required courses constituted the best predictor of scholastic success.¹³

In a meeting in May 1957, BOARS again discussed the possible adoption of the SAT as a method to "impose enrollment limitations." Absorbing the approaching wave of students, it was thought, might require a tightening of admissions standards and perhaps new tools like testing, to essentially reduce eligibility. The SAT might be useful "if and when that became necessary," noted their board chairman, UCLA professor Charles Nixon. Nixon stated that discussions with high school principals resulted in no great opposition

to the idea of the SAT. The university might then avoid raising its GPA requirements, a seemingly more politically worrisome prospect for school administrators.¹⁴

Under Nixon's leadership, BOARS outlined the possible use of standardized tests to university faculty, specifically the senate's legislative assembly. Nixon did not argue for the test's immediate use in the admissions process. Rather, he and his fellow BOARS members thought it might become "a supplementary selective device" for determining UC eligibility "if one becomes necessary." In the interim, BOARS stated that at a minimum test scores could provide "information about the student which is necessary for proper counseling."¹⁵

An Experiment

Six months later, in early 1958, BOARS considered experimenting with the SAT. Charles W. Jones, a professor of English at Berkeley, replaced Nixon as the chair of BOARS and he and other board members met with representatives at ETS anxious to get the University of California into its fold. The university's new president, Clark Kerr, also urged a closer look at the SAT. Since 1953, when he was chancellor of the Berkeley campus, Kerr sat on the College Board. But he was cautious in his advocacy. With ETS's offer, he now argued for the advantages of at least requiring the test; at a minimum it could be an analytical tool for assessing university admissions practices.

Jones and the board approached the Academic Senate's legislative assembly arguing that standardized tests be required for an experimental period of two years. BOARS would then initiate a major study on the validity of such tests as a predictor of university success. Only after the results were in would the senate then consider the use of testing for setting admissions requirements. The assembly subsequently adopted Academic Senate Regulation 256 in the spring of 1958. For the first time, the entering class of fall 1960 students applying to the University of California would be required to take the SAT or similar exams identified by BOARS.

In May of 1958, BOARS met with representatives of ETS to discuss the first large-scale use of the SAT and BOARS' plans to examine its potential merits. Anxious to gain the university's business, ETS agreed to administer the test at no cost to students. In late 1958, BOARS also completed a majority study on the validity of the university's existing admissions criteria – an unprecedented review looking at data extending back before World War II. In reviewing the academic performance of students enrolled at Berkeley and UCLA, the study reiterated earlier findings: There was an extremely high correlation of student high school grade-point average (GPA) with freshman performance at UC.

Generally, students who achieved a B-plus average in their UC-required high school courses achieved a C-plus grade point average during their first year at the University of California.¹⁶ Freshman grades, as opposed to grades during the entirety of the collegiate experience, provided one of the best tests of validity for two reasons. First, the freshman year represents the immediate transition from secondary school to a university curriculum. And second, as students progressed, their coursework would progressively vary as they moved out of general education courses toward courses that would directly serve their major.

BOARS also analyzed the predictive value of students according to their admissions path – regular admissions or the various paths offered under "Special Action." Special Action in one form or another dated back to the 1880s. This alternative path acknowledged the varying quality of the state's high schools and the need to account for the varied social and economic backgrounds of students as well as their talents, all of which were not always recognized in the more formulaic process of regular admissions.

Between 1952 and 1956, for example, 13 percent of all students admitted to Berkeley were enrolled as special admissions students. BOARS noted that, generally, special admits achieved grades slightly below those of regular admits. They achieved relatively high persistence rates compared to regular admits. Yet despite this difference, BOARS noted the general success of the university's existing admissions standards. Few if any public universities matched the graduation rate of UC.¹⁷

The 1958 analysis also indicated that admissions standards related to junior college transfers were generally successful. Between 1952 and 1956, 33,804 students entered the university, with 18,439 (or 54 percent) entering as advanced-standing students, largely junior-year transfers. The robust nature of the transfer function was an essential component of the California higher education system. As a result of California's pioneering community college sector, no other public or private university in the nation included such a high percentage of transfer students. A similar analysis of transfer students at UC showed good academic performance and persistence rates.¹⁸

In the post-war period, for the first time, junior-year transfer students outnumbered entering freshmen at the university. This was a shift first bolstered by the returning GI cohort and sustained until the immediate post-1960 Master Plan years. The robust nature of the transfer function from the 1930s into the 1950s attests to its vital role in promoting socioeconomic mobility in California. The transfer function, first envisioned by faculty at the University of California, made California's higher education system unique – both

in the high dependency on access through the community college and in the number of students who then matriculated to a public four-year institution.

The 1958 analysis by BOARS bolstered confidence in the University of California's existing admissions process and in its heavy reliance on grades as a predictor of collegiate academic success. Yet BOARS and its chairman Charles Jones kept an open mind about the potential uses of standardized testing. BOARS and the university needed to await the gathering of the test data. This would not occur until the first cohort of entering students took the test in 1960 and then completed their freshman year. A firm decision on adopting or rejecting standardized tests as anything other than an alternative route for access the university, or as an analytical tool, was two years away.

An Initial Rejection

By early 1961, and in the wake of the adoption of California's Master Plan for Higher Education, BOARS initiated a series of meetings to determine how to reduce the University of California's high school admissions pool. The Master Plan suggested dropping Special Action, and raising university admissions standards and adopting standardized tests for that cause. Simply eliminating special admissions posed an administratively expedient remedy for pushing students to the community colleges. But there was considerable consternation within BOARS and the academic assembly regarding the possible impact on disadvantaged students.

At a lengthy meeting in December 1961, the costs and benefits of ending special admissions were debated. Harold Reiber, a professor of chemistry at the Davis campus, stated his doubt about "the wisdom of eliminating alternate methods of admissions." Such actions "might well bar the doors to the university to potentially good students whose high school records" were not what they might be, simply "as a consequence of a bad start."¹⁹ Yet the pressure for the university to reduce access in the aftermath of the Master Plan agreement led BOARS and the senate's legislative body to reduce Special Action from around 10 percent of all UC admissions to a mere 2 percent.

But that would not be enough to meet a target of pushing some 50,000 students toward the community colleges over the next several years – students who would have been UC eligible otherwise. At the December BOARS meeting, raising the required grade-point average or using the SAT to cull out students were discussed at length, this time with the benefit of the perhaps the most extensive study up to that time on the predictive power of the SAT.

Analysis of university test scores caused the board to reach a significant conclusion. "Extensive analysis of the data," the BOARS chairman Charles Jones stated, and "careful and lengthy deliberation of the Board, leave the Board wholly convinced that the Scholastic Aptitude Test scores add little or nothing to the precision with which the existing admissions requirements are predictive of success in the University."

The board unanimously recommended ending the SAT requirement beginning with the class entering in the fall of 1962. Instead, BOARS sought to raise the GPA requirement in required courses. For the near term, the University of California had no plans to adopt the SAT. Supporting the conclusion of the board, the senate's representative assembly voted to repeal Senate Regulation 256.²⁰

The finding of BOARS was a major blow to ETS. Yet the university's faculty did not close the door completely on standardized tests. The board promised to launch a similar investigation into the possible future use of the College Entrance Examination Board (CEEB or College Board) achievement tests that purported to evaluate the knowledge level of students in specific academic subjects. These tests were used in one form or another for admitting a small cohort of students from non-accredited high schools or from out of state.

A little over a year later, in 1963, in a meeting at Berkeley, BOARS sanctioned a study of achievement tests, requiring a cohort of university freshman to take the test. Frank L. Kidner, a professor of political science at Berkeley and the new dean of Education Relations, would lead the study. Yet with the results of the SAT study in, many members of the board remained skeptical. Brewster Smith, a professor of psychology at Berkeley, argued that high school students did not ordinarily take achievement tests and noted that it, "might be a large hurdle for students in the lower socioeconomic classes or for students from small remotely located high schools."²¹

Managing UC Eligibility

One important context for the interest in achievement tests related to a pending eligibility study by the California Coordinating Council for Higher Education. The coordinating council was an agency established by statute at the recommendation of the Master

Plan to help with planning, to provide reports to the legislature and governor regarding California's higher education system, and to assess progress on the Master Plan's recommendations.

In advance of Coordinating Council's study, BOARS and university officials completed their own study of eligibility. They found that the university was drawing students from well above the top 12.5 percent of high school graduates. The coordinating council's report would likely come to the same conclusion and that would mean the university would need to take further action to raise the admissions bar.²²

In February of 1964, Kidner's staff issued their report regarding the potential use of achievement tests. BOARS asked two questions: "Can achievement test scores be utilized for the placement of students in freshman courses?" and "Does the use of the achievement test scores materially improve the accuracy of the prediction of first-year grade-point averages in the academic colleges on each campus?"

Edward W. Bowes, the director of admissions who reported to Kidner, was the main author of the study, and his conclusion echoed the findings of the previous analysis of the validity of the SAT. "The insistent question becomes, can any constructive use be made of the additional information which is supplied by the achievement scores?" His preliminary answer was that it probably couldn't.²³ Achievement tests unto themselves, Bowes noted, proved of marginal value in predicting academic success – although they were of slightly better value than the SAT.

High school GPA remained the best indicator, Bowes stated. High school GPA explained 22 percent of the variance in university grades while the achievement tests explained only 8 percent. He stated, however, that combining test scores and high school GPA appeared to offer a marginal improvement in predicting freshman grades, "though the superiority is admittedly slight." This conclusion warranted caution. The low level of predictive value of a student's high school GPA in required courses, he stated, "raises the question of the utility, or alternatively, the futility of the entire process" of predicting the collegiate success of a student based on grades.

Within the sample group, there were a number of cases where achievement test scores were inversely related to freshman grades. For example, in seven of the nine subject areas, the average test score for those who received a freshman grade of F was higher than those who received a D, and in four subject areas their test scores were higher than those achieving a grade of C. "It would appear that it takes knowledge to earn an F grade," Bowes caustically stated.²⁴

Yet Bowes made a prophetic observation. Beyond actual prediction of a student's academic aptitude, there were other potential uses of standardized tests. For one, he noted, they could be a somewhat arbitrary tool for reducing eligibility – less politically volatile than raising GPA requirements. This "added practical advantage" could reduce the complaints of students who came close to meeting the university's eligibility requirements but who were now denied admissions.²⁵ Bowes stated five potential uses for the achievement test:

- Admissions decisions
- Financial aid
- Academic placement, in lieu of a battery of university placement and qualifying examinations given during the first week of a semester
- Guidance counseling
- Academic planning

Bowes urged caution in interpreting his results, and BOARS took him at his word. While there were political advantages to using the SAT and achievement tests in regular admissions, the board concluded that that was not enough. Until there was a more concrete study that showed the predictive value of standardized tests – and ETS had no similar study to contradict the studies at the University of California – then the issue could only be revisited at a later date.

The conclusions reached by BOARS contradicted the promotional efforts of the College Board and ETS. But the University of California also was running against the tide: Standardized tests were now being widely adopted by American public universities with consequences not fully appreciated even today.

Inclusion or Exclusion

So why did the University of California later require the SAT? The university would slowly adopt standardized tests, first for determining eligibility to the university system beginning in 1968, and later in the process of selection at campuses such as

Berkeley. The reason was not to improve the admissions process so as to admit the best students, but to use the test as a way to offer clear criteria to deny access to students.

The university had committed to a policy of accepting the top 12.5 percent of the top high school graduates. But with grade inflation, UC kept going over that quota, with UC accepting students from some 14 to 17 percent of the state's high school graduates.

Many state lawmakers and taxpayers' groups criticized UC for taking on more students than agreed under the Master Plan, and therefore claiming more state funding than the institution deserved. Faculty, and specifically Academic Senate leaders, wanted to take some action to raise admissions standards as they perennially complained about the remedial needs and academic abilities of students entering the university – a complaint that would increase as the state's demography began to rapidly change, partly because of substantial increases in immigrant groups to California. University officials, including succeeding UC presidents, offered a different perspective. They had to deal with a growing contingent of lawmakers demanding that UC provide greater access to minority groups.

Yet how to reduce the number of students who were UC Eligible in a politically acceptable way? For senate leaders charged under the Board of Regents with primary responsibility for setting admissions standards, it was actually more politically charged to raise the required grade point average in required courses or to add additional course requirements – long the means for dealing with grade inflation – than to simply add the SAT to help cut the pool of oversubscribed applicants.

But UC would go slow in adopting the SAT. In 1968, UC first required the SAT – or as an alternative, the ACT – for two purposes beyond the historical use of evaluating out-of-state students for admission:

- First, largely for diagnostic purposes, counseling, and course placement. Though the standardized test scores “should not be used in making admissions decisions,”²⁶ undoubtedly, by requiring all freshman applicants to take the test, UC also had now the ability to integrate it into the admissions decision-making if the need arose.
- Second, UC now used it to determining the eligibility of students with GPA's between 3.00 and 3.09 – what amounted to less than 2 percent of all admits.

Inventing the UC Eligibility Index

Not until 1979 was the test used to assess if a student was UC eligible. That year, the chair of BOARS, Allan Parducci, a professor of psychology at UCLA, cited a number of indicators signaling an “alarming decline” in the preparation of students enrolling at UC. Their average test scores on the verbal portion of the SAT dropped some 50 points in six years, more than twice the drop reported for the rest of the nation. He also reported that over that period the university increased its total freshman enrollment by 30 percent, while the absolute number of freshmen with high SAT scores dropped by 40 percent.

A similar decline was found in the less academically oriented high schools, schools where “a B average is often no guarantee of the ability to read a freshman text or even to do elementary arithmetic.”²⁷ Fewer than 10 percent of students at these schools were UC eligible. Further, and most importantly, yet another study indicated that UC was accepting students well above the 12.5 percent pool, despite the addition of more course requirements for freshman applicants.

Parducci successfully proposed to the Academic Senate, and later with the approval of the Board of Regents, to establish a new “Eligibility Index” to assist the university to stay within the 12.5 percent threshold. The index combined an applicant's SAT scores and his or her high school grade-point average in required courses on a sliding scale. Within the index, GPA would be weighted more than six times as heavily as the SAT. Grades remained the primary factor in determining eligibility under this model. The index, however, not only created a new threshold regarding a student's eligibility for acceptance to the University. Over time it could be adjusted to account for grade inflation.

BOARS also increased the GPA requirements for new applicants marginally. In part to ease the introduction of the Eligibility Index, any student who gained a GPA of 3.1 in required courses (the 11 or so courses entitled “A-G” for the seven subject areas required by the university) need only take the SAT, or ACT, tests to become UC Eligible. GPA remained heavily weighted over SAT scores throughout the evolution of the Eligibility Index. Not until around 2000 was a minimum combined score put into place for all applicants, regardless of their GPA.

Countervailing Force – Concerns Over Access

In each instance in which the Academic Senate, now an apparent convert to standardized test despite earlier analysis by BOARS in the early 1960s, elevated the use of standardized tests, university officials worried about the impact on lower-income and

underrepresented racial and ethnic groups. The political pressure from a rising tide of Chicano/Latino lawmakers, for instance, demanded greater access for their constituents.

As a countervailing force to fears over the greater exclusion of underrepresented groups who generally performed more poorly on standardized test scores, UC presidents and their staff attempted to resurrect “Special Action” admissions – essentially, admissions for student not regularly deemed UC Eligible.

As noted previously, prior to 1960 UC had admission policies that allowed for approximately 10 percent of all admissions to be Special Action, precisely in recognition of the varying quality of high schools and the adverse circumstances that many students face who are from poor and underrepresented groups. Special Action also provided a path for California students with specialized abilities, including athletes, but, in the past, more commonly musicians, artists, and other academically promising students. In the period after World War II, and to accommodate returning GI's, UC's Special Action admits rose to some 40 percent.

As part an effort to reduce enrollments at UC, the 1960 Master Plan called on the university to eliminate the Special Action category. But BOARS and Academic Senate leaders instead reduced the percentage target from 10 percent to just 2 percent.

But as senate leaders become more interested in limiting enrollment and meeting the Master Plan 12.5 percent edict, and essentially less concerned with socioeconomic inclusiveness, university administrators became the champion of Special Action, making it a key component in the advent of Educational Opportunity Programs – programs that provide mentorship, financial assistance, and other support services to students from low-income and educationally disadvantaged backgrounds.

When BOARS recommended requiring standardized tests of all applicants, and their use for determining the eligibility of students at the margin of UC's GPA requirements, UC president Charles Hitch recommended that the Regents also increase Special Action to 4 percent of all admits. The board approved this under the assumption that each UC campus would have 4 percent of all freshman and transfer students admitted and enrolled.

In 1979, when Allen Parducci and BOARS introduced the Eligibility Index, UC president David Saxon proposed to the Board of Regents and gained their approval for increasing Special Action to 6 percent.

While some UC campuses used Special Action to expand opportunities for disadvantaged groups, many never filled the mandate given to them by the Board of Regents to actually admit and enroll 6 percent of their total incoming class as Special Action. The Berkeley campus, for instance, has enrolled less than 3 percent of new students as Special Action on average over the last decade or more. This route, I would argue, has been curiously underutilized by UC.

Campus Selectivity

By the 1980s, for the first time Berkeley and UCLA received many more UC Eligible applicants than they could enroll. Previously, if you were UC Eligible, you could virtually enroll in any campus you chose – with the exception of a few highly competitive programs such as engineering. Both Berkeley and UCLA were the first to use the SAT not so much as a way to identify talented students, but to offer a rationale for denying them admissions. UC Eligible students were then redirected to another UC campus.

An altered admissions process added to what became a deluge of applications to the most desired UC campuses: Students who once submitted a single UC application and noted their first, second, and third choices of campus, now needed to apply to each campus of interest. The net result was a decentralization of admissions and a greater array of applications for each campus to review and select from.

Berkeley, for instance, recieved a huge number of highly qualified students to select from, yet had reached a plateau in the number of new students they could enroll each year at around 4,500. At Berkeley, along with UCLA, academic leaders interested in diversity focused their attention on creating an admissions process that favored underrepresented groups who were UC Eligible as opposed to Special Action. What emerged was, essentially, a two-track admission process: a regular admission track and an affirmative action track with different variables used for selection.

By the 1990s, UC not only depended on standardized tests to determine UC Eligibility as a factor in the selection process at most of the UC campuses. Standardized tests scores were extremely important for regular admits and less so for affirmative action designated students. This tiered approach to increasing underrepresented students at UC, however, was the focus of attack by anti-affirmative action Regents as well as by Governor Pete Wilson in his search for wedge issues that could bolster his planned campaign for the presidency.

Affirmative Action Wars

This led Regent Ward Connerly's successful proposal in 1995 for the board to end all use of race and ethnicity in admissions, despite opposition by UC president Jack Peltason, along with the various campus Chancellors and the Academic Senate leadership. Shortly after, Proposition 209 was passed by voters and amended California's constitution with the same language barring affirmative action in all public agencies – what was the beginning of a campaign led by Connerly to extend the ban to other states via voter approved initiatives.

In the essentially zero sum game of UC admissions, UC feared large declines in underrepresented students without the tool of affirmative action. By the time UC president Richard Atkinson gave his speech in 2001 at the meeting of the American Council on Education, university officials and the Academic Senate, in a renewal of its role in setting admission standards, were in the midst of a wide discussion of how best to rethink admissions policy. This included adding to the existing university mandate to accept students from the top 12.5 percent statewide pool of high school students, a guarantee of admissions for the top 4 percent of students from each high school class – as long as they took all the required courses, even with only minimal scores on standardized tests. This new policy, entitled "Eligibility in the Local Context" (ELC), along with changes in the process of evaluating applications at the campus level, did help to diversify the pool of UC eligible students, at least initially.

The university's senate, with support of President Atkinson and formal action by the University's Board of Regents, also expanded substantially outreach efforts to schools with minority and poor students and, beginning in 2002, instituted new guidelines in the evaluation of UC eligible students in the admission process entitled "Comprehensive Review." This essentially further elevated factors such as the socioeconomic background and circumstances of students, their engagement in extracurricular activities such as community service, and other personal variables.

Berkeley went a step further implementing "Holistic Review," in which "a trained evaluator or set of evaluators craft a single score for the applicant based upon a combination of the criteria" and "no single factor plays a deciding role in how an applicant is evaluated." "By de-emphasizing quantitative academic measures relative to applicants' special talents and disadvantages," states Zach Bleemer in his study of ELC and associated changes in admissions practices, Holistic Review held the promise of dramatically change the ethnic makeup of admitted students. Currently six of UC's nine undergraduate campuses use Holistic Review. His analysis shows that these students did well academically, or nearly so, as students who chosen via the statewide criteria.²⁸

As noted, Atkinson's gambit to possibly drop the SAT I brought national attention to the predictive validity and appropriate uses of standardized tests. What gave strength to Atkinson's speech was that he sponsored and encouraged research on both reasoning and subject tests within UC. With a network of then nine campuses, UC had some 180,000 undergraduates in 2001, and a data set on both the SAT and SAT II tests and their equivalents that dated back to the 1970s. Further, the Academic Senate was fully engaged in discussing the worth of the SAT I versus subject tests, aligning with Atkinson and working closely with his analytical staff.

ETS's response to UC's threat was clever: to revise elements of the test, getting rid of the long criticized use of analogies and adding a writing component formerly provided only as subject test. For Atkinson and UC leaders, it was a sort of compromise. Academic Senate leaders, including the members of BOARS, agreed to keep the SAT I for a period and analyze its predictive validity in subsequent years, while renewing the possibility of dropping it. The "new" SAT, now a third longer with the writing component, was introduced in 2005.

In the immediate aftermath of Atkinson's gambit, a number of selective private undergraduate colleges, such as Bates, Bard, Connecticut, Pitzer, and Bowdoin Colleges dropped the SAT and the ACT as requirements for admissions with great fanfare.

But in yet another twist in the saga of standardized testing and admissions policies at UC, a new contingent of Academic Senate leaders on BOARS moved to eliminate SAT II as a requirement, while keeping the SAT I without the new writing component. They were frustrated that a large group of California students, mostly minorities, were not UC Eligible simply because they did not take the SAT II. Eliminating the writing test to expand the pool of eligible students was a significant reversal of the analysis and arguments made by President Atkinson and the Academic Senate that favored subject tests yet maintained the SAT I requirement pending analysis of its predictive validity with the new writing component.

Then chair of the Academic Senate's executive body, Michael Brown, a leading advocate for the proposal, stated the UC campuses were not "getting that much out of it [subject test], and they are not getting information that they can't get in other ways."²⁹ Under the proposal, certain highly selective UC programs, like engineering, that insisted on benefits to requiring subject tests could recommend that students submit these test scores as well.

BOARS then raised the 4 percent ELC pool to 9 percent. But this also required, according to UC analysis, a rebalancing of the statewide pool. The plan called for reducing the statewide draw from the top 12.5 percent of all public and private high school graduates to the 9 percent. Because many students would qualify under both the high school specific and the statewide criteria, BOARS estimated that they would, combined, provide a possible UC eligibility pool representing the top 10 percent of all high school graduates. This would allow for a 2.5 percent pool that could be selected under broader criteria (a revised version of Comprehensive Review) and selected under a process called "Entitled to Review."

On February 4, 2009, and with the support of the university's new president, Mark Yudof, the UC Board of Regents approved of the BOARS proposal, with the policy to go into effect for the entering class of 2012. "We believe that at end of the day, this is a positive step to making our university look more like the state of California," stated Yudof shortly after the vote.³⁰

There have since been additional changes in the process of admissions at UC leading up to the vote by the Regents to end the requirement for the SAT for both determining eligibility and for selection at the campus level.

Informed by this history, I offer a few observations on the Regents May 2020 decision.

Political Dimension Not New

If it is not already clear, UC's admissions policies and practices have become more and more complex. Beginning in the 1920s, the conceptual model for UC admissions at the freshman level was a criterion based on high school grades in specific courses. Starting in 1979, a sliding scale of grades and test scores was introduced to determine UC eligibility. Until the 1980s, most students who met the criteria could go to the campus of their choice as UC expanded its enrollment capacity. They knew what it took to get into a UC campus. That simplicity, for many reasons, is now gone.

What is also clear: As the value of higher education increases for the individual, and for society in general, the difficulties of allocating a scarce and highly sought public good, admission, grow more intense for selective universities. Because there are generally conflicting interests in setting and influencing admissions policy at selective public universities, such as the University of California, policymaking has an inherently political dimension. Determining admission criteria is not simply a rational choice; it is, in some form, a reflection of the internal and external politics that shape the policy behaviors of a university.

In the case of the University of California, requiring the SAT is part of a larger set of admission requirements that, over time, policymakers adopt or modify to fit perceived institutional goals and oftentimes in reaction to the concerns of major stakeholders. Hence, the story of UC and standardized tests reflects changing conditions and perceptions of different policymakers.

For example, the adoption of the Academic Index in 1979 was intended to reduce the eligibility pool in an effort to keep to the 12.5 percent target of high school graduates. This was followed by debates regarding the validity of tests prior to and in the wake of the Regents' highly political choice to end affirmative action. President Atkinson threaten to drop the SAT I with the goal of influencing student behavior in high school and aligning admissions more closely with subject requirements, and in recognition of the racial disparities associated with the test.³¹

A subsequent decision by BOARS was to keep the SAT I and drop the SAT II subject tests with the intention of expanding the pool of students who could be considered UC Eligible – essentially discounting the logic offered by Atkinson. And now, a Regental vote to end the requirement and use of the SAT, with some caveats. Out-of-state students and those applying for an array of UC scholarships need to provide test scores. But no scores are required for financial aid for needy students.

Arbitrary Decision-Making?

Another axiom that is largely lost in the debates over the usage of test scores and a growing array of admissions requirements: Highly selective public universities may attempt to create relatively transparent admissions criteria, but in the end much of the decision-making is arbitrary.³² For example, UC Berkeley, before the COVID-19 pandemic, received approximately 87,000 applications for the 2019-20 academic year, almost all of which were UC Eligible, a majority with 4.0 GPAs (inflated by honors and AP courses).

Yet only 14,600 or so applicants were accepted to Berkeley. Some 60 percent of those admitted will enroll elsewhere, with a net enrollment target of around 6,500 students. That means rejecting some 73,000 generally highly qualified and talented students, who would statistically do very well at Berkeley. This ratio of applications to actual admits is similar at UCLA and UC San Diego and a number of other UC campuses. Indeed, only UC Merced now admits nearly all UC Eligible students. The arbitrary nature of admissions decisions helps explains how a student might be rejected at UCLA but admitted to Berkeley, or vice versa.

No matter how you build it, when you have this ratio of talented and accomplished students asking for entrance to Berkeley, or to other highly selective UC campuses, there are going to be arbitrary decisions.

Redistributing a Highly Sought Public Good

The intent of this change in policy is to provide greater access to underrepresented groups. Translated, that means an opportunity to redistribute what is essentially a zero sum: access to a selective public university that does not have the finances to grow significantly in enrollment and has a mandated limit under the California Master Plan for Higher Education.

The unanimous action of the Regents was justified largely because of the claim that standardized tests discriminate against underrepresented minority and low-income students at UC. While the intent of the Regents' vote is to boost underrepresented groups, specifically Chicano/Latinos and African Americans, it will require less representation among "overrepresented" groups, specifically Asian Americans who generally have benefited from the use of SAT scores in the campus selection process.

Berkeley, for example, desires to increase its Chicano/Latino population, stating an aim to become a Hispanic Serving Institution by 2028 – a Federal designation in which Chicano/Latinos represent 25 percent or more of the total enrollment at a college or university. In fall 2019, Berkeley enrolled a total of 43,185 students, of which 5,854 were Chicano/Latino, or 14 percent.

Whether at Berkeley or the entire UC system, and by virtually any measure, Asian-Americans (a broad category with significant variation in socioeconomic background) are significantly "overrepresented." An anticipated decline in international students might provide more enrollment room for underrepresented groups. But one might speculate that dropping standardized tests in determining UC eligibility and campus admissions will increasingly favor the state's largest underrepresented group: Chicano/Latinos currently represent 39 percent of California's population and are projected to be over 47 percent by 2050.³³ Why else pursue ending the SAT at UC?

The Regents and the Senate

The Regents' vote ignored the key recommendations of UC's Academic Senate, the body designated since before 1921 to set admissions policies. The Senate, the representative body of the faculty enshrined in the universities 1868 Organic Act, recommended retaining the SAT and ACT in setting UC eligibility and for campus selection of students for admission. Under the Bylaws of the Regents, the Senate has the responsibility to "set the conditions of admissions."³⁴ With a few notable exceptions, including the 1995 decision of the Board to end the use of affirmative action in admission, hiring, and contracting, the Board deferred to the Senate for this important task.

Nearly a year before the Regents' action, and with on-going concern over equity and past UC studies on the validity and impact of the SAT, UC President Napolitano asked the Academic Senate to review the use of standardized tests at UC. Senate's Academic Council Chair, Robert May, then established a Standardized Testing Task Force (STTF) co-Chaired by the chair of BOARS, Eddie Comeaux, a professor of Education at UC Riverside, and former BOARS chair Henry Sánchez, a professor of Pathology UC San Francisco.³⁵

In February 2020, the Task Force submitted its 227-page report to the Senate's Academic Council and then to its systemwide legislative body, the Assembly.³⁶

The report also came at a time of a number of legal challenges to UC's use of standardized test scores: An Alameda County Superior Court Judge, for example, ruled just before the Regents' action that UC can be sued for allegedly discriminating against low-income, minority, and disabled applicants by requiring the SAT and ACT.³⁷ Previously in October, lawyers representing the Compton Unified School District, the Community Coalition, and others demanded that the university "immediately stop this discriminatory practice" or face litigation.³⁸

The Task force stated that UC "faces a crisis of legitimacy around its undergraduate admissions processes." This was in part because 61 percent of California high school graduates were underrepresented minorities in 2017, but only 31 percent of undergraduate enrollees were at UC institutions. UC's admissions goals include the ideal that its undergraduate population "encompasses" the state's graduating high school seniors.³⁹

But the Task Force also found, despite the conclusion of earlier Senate and UC Office of the President studies, that UC's current admissions process, including the SAT requirement, did not discriminate and actually "protects the admission eligibility of the very populations about whom there is concern." Further, UC's comprehensive review in admissions includes additional factors such as family income and a students' hardships, compensate for test score differences among racial and ethnic groups. "Perhaps

counterintuitively,” the report concluded, test scores are better predictors of UC grades and graduation for underrepresented groups than for majority groups.⁴⁰

The Task Force final recommendation? Retain the test requirements for determining UC eligibility and for campus admissions decisions for five years and then “revisit whether the added value of the SAT/ACT still holds.” One major difference with earlier studies on the SAT was a broader analysis by student majors and outcome variables besides freshman year grades.

The Task Force also recommended expanding the ELC pool as a better path for expanding access to underrepresented groups, and the development of “a new test that will be continuously accessible to students and that will assess a broader array of student learning and capabilities than current tests. This could take nine years to implement,” and cost an estimated \$100 to \$150 million.⁴¹ Its members considered but rejected the idea of adopting the California’s Smarter Balance Assessment test used in the state’s high schools to assess subject knowledge as a substitute for the SAT/ACT for a variety of reasons, including “test security” and “ambiguity regarding instructional validity.”⁴²

In April, the Assembly of the Academic Senate approved the recommendation of the Task Force. It was also endorsed by BOARS and supported by the Senate’s admissions committees on all of the campuses – with caveats and concerns for some. “With the Task Force,” stated Berkeley admission committee chair, Ignacio Navarrete, “we do not recommend elimination of standardized testing as a data point in the holistic review process at this time. We are concerned about the unforeseen and unintended consequences of the scores being eliminated or made ‘optional.’”⁴³

In forwarding the Assembly’s endorsement, the Academic Council’s formal letter to President Napolitano stated: “Assembly members were convinced by the report’s conclusion that the University uses standardized tests responsibly and appropriately by considering scores in context, through an inclusive review process that embraces a broad definition of academic promise.”⁴⁴

Criticism of the Task Force’s study quickly emerged, including the charge that it was methodologically flawed.⁴⁵ Some of the analysis, stated Saul Geiser, omitted student demographics in the prediction models and overly relied on ETS and College Board sponsored research that consistently argued for the validity of the SAT.⁴⁶ Jesse Rothstein’s comments also focused on the predictive validity, or lack thereof, of the test and stated that much of analysis of the Task Force was “factually incorrect, and I do not believe that any of these conclusions are supported by the evidence.”⁴⁷ A paper by Michal Kurlaender at UC Davis argued for the adoption of the Smarter Balance test as a valid substitute and that waiting nine years for a UC test was “misguided.”⁴⁸

No formal response came from the Senate to these criticisms. But in a LA Times article, Task Force Member Li Cai, a UCLA professor who directs the National Center for Research on Evaluation, Standards, and Student Testing, said that the report “very much included the purportedly omitted demographic variables, through a more transparent means.” Cai also noted that Geiser’s model did not recognize that campus admissions officers compensate for the discriminatory impact of SAT and ACT scores by discounting their weight while increasing emphasis on grades in application reviews of underserved students.⁴⁹

A Pre-Determined Result?

By the time of the Regents’ meeting in May via video conference, the politics of the decision was seemingly pre-determined. A core group of Regents, long versed in UC’s difficulties in expanding the enrollment of Chicano/Latinos and African Americans at campuses such as UCLA, Berkeley, and San Diego, viewed the SAT as a major political obstacle and favored its elimination. This included the Chair of the Regents, John A. Pérez, a former Speaker of the California Assembly.

Shortly before the vote, Pérez stated, “I see our role as fiduciaries and stewards of the public good, and this proposal before us is an incredible step in the right direction.”⁵⁰ Board of Regents Vice Chair Cecilia Estolano and Regent Eloy Ortiz Oakley (Chancellor of California’s Community Colleges) also stated their support for dropping the SAT, along with UC Berkeley Chancellor Carol Christ and UC Provost Michael Brown.

The COVID-19 pandemic provided an unusual circumstance and considerable momentum for the cause. Because of the pandemic, students could not take the SAT or ACT. Campuses throughout the U.S. to drop the requirement, either temporarily or permanently. Advocates for ending its role in selective admissions became louder, backed by a growing body of research.⁵¹ And like the 1995 decision by the Regents to end affirmative action at UC, political ambitions of two Regents *may* have played a role – a decisive end to standardized tests and leadership in that cause helps positions them for a possible campaign for the US Senate seat that will be vacated by Dianne Feinstein.

Increasing inequality in America and the slow responses among some of the most visible, mostly private, universities to seek mitigations added to the sense that UC could make a major statement by dropping standardized tests. In a New York Times article,

Pérez noted that he “talked to leaders at other public universities over the last couple of months and would not be surprised if others looked at this question as well.”⁵²

In the weeks before the Regents meeting, President Napolitano provided a proposal that purported to be “based on the findings and recommendations” of the Task force. But in reality it differed considerably, conforming to the pressure from key Regents, and one might assume in consultation with the chair of the Regents, to end the use of standardized testing and forming the Board’s final decision: test optional for campus selection of freshman in fall 2021 and 2022, and “beginning with fall 2023 applicants and ending with fall 2024 applicants, campuses will not consider test scores for admissions selection at all, and will practice test-blind admissions selection.”⁵³

During the meeting of the board, a few Regents stated that the SAT was racist; others sought a delay in any vote considering that UC would have a year or more to evaluate students entering without test scores. But in the end, the Board voted unanimously for Napolitano’s recommendations. This included a recognition of the need for some sort of standardized test as a path for defining UC eligibility as a counterbalance to grade inflation – the exact intent of adopting the SAT as part of the Academic Index established in 1979.

The Senate’s Task Force stated it might take nine years to develop a UC specific test. The Regents asked the Senate and the UC’s systemwide staff to either generate a new UC specific test, or adopt Smarter Balance or some similar high school subject based test before 2025. If it cannot do this, with the assumed review and approval by the Regents, UC would remain test free.⁵⁴

The Senate leadership, with the chair and vice chair of its executive committee, the Academic Council, as non-voting members of the Regents, put up no major protest at the Regents meeting. Perhaps a confrontation with the Regents, and a president who is scheduled to retire from the post shortly, simply seemed imprudent. The decision by the Regents at their May meeting appeared pre-determined.

The Future?

Was the decision by the Regents made by weighing conflicting analysis on to positive and negatives of the SAT and alternatives? Or was it driven by political momentum that view standardized testing as a real and symbolic barrier to greater equality, led by a seasoned political operative as Chair of the Board of Regents? Or does it relate to an operational pathway to change the composition of UC’s undergraduate student body? It seems that all these variables were at play.

Certainly, procedurally there was no need to rush to a Regental vote, particularly as UC already suspended use of standardized testing for fall 2021, and with a new UC president soon to be announced. But politically, the stars where aligned.

The Regents verdict raises internal questions of the purpose and future of shared governance – the last overt disagreement over a major change in admissions policy was the politically driven 1995 vote by the Regents to end affirmative action. At present, it is unclear if this is an unfortunate one-off, or the beginning of a pattern.

Those who value the role of the Senate, and faculty, in core academic decisions will be concerned and may offer future protests. For key Regents, the Task Force report was not only “counter-intuitive,” it departed markedly from the vast body of other, peer-reviewed research on predictive validity, both at UC and nationally.

In the end, the analysis and endorsement of the Assembly and the campus divisions of the Senate were inconsequential, whatever its merits. Another tension in Regent and Senate relations: The leadership of the Regents excluded the Chair of the Academic Counsel from the Regents “special committee” charged with reviewing and recommending to the full Board the new UC president – a departure from past practice.⁵⁵

One might predict that the Asian American community, and specifically its advocates, will awaken to the potential impact of eliminating the SAT and ACT. Legal cases will likely make their way charging the University, and specifically the Regents, with violating various aspects of constitutional law. A coalition of Asian American and right-wing, anti-affirmative action groups have already sued Harvard for discrimination against Asian American students in its admission policies, in part based on the idea that standardized test scores provide proof of merit that Harvard ignored, providing a path for admitting students of lesser “academic merit” from largely underrepresented groups.⁵⁶

One might also conclude that the debate over the use of standardized testing at UC, and at other selective colleges and universities, is not over. The Regents vote may well be revisited over time, with some consideration of the Senate’s position and with an eye toward the views and political lobbying of major stakeholders. One reason is that the analytical and political challenges to

developing any new test will be great; abandoning testing altogether will likely benefit one group over another and poses other challenges for defining, for example, who is UC eligible.

Again, the distribution of a highly sought public good is fraught with challenges that will not go away easily – particularly in a litigious society scarred by growing inequality such as ours.

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- 47 Michal Kurlaender, Sarah Reber, Jesse Rothstein, “[UC Regents Should Consider All Evidence and Options in Decision on Admissions Policy](#),” Policy Analysis for California Education, Stanford University, April 22, 2020.
- 48 *Ibid*.
- 49 Teresa Watanabe, “SAT Wars: Report bolsters idea of dropping SAT, ACT tests for UC admission,” *New York Times*, March 19, 2020.
- 50 University of California Office of the President, Press Room, “[University of California Board of Regents Unanimously Approve Changes to Standardized Testing Requirement for Undergraduates](#),” May 21, 2020.
- 51 National Center for air and Open Testing (FairTest), “[1,200+ Accredited, Four-Year Colleges and Universities with ACT/SAT-Optional Policies](#),” June 5, 2020.
- 52 Shawn Hubler, “[Why Is the SAT Falling Out of Favor?](#)” *New York Times*, May 23, 2020.

- 53 UC Office of the President, [President Napolitano to Members of the UC Board of Regents, Action Item B4](#), for the meeting of May 21, 2020.
- 54 UC Office of the President, [President Napolitano to Members of the UC Board of Regents, Action Item B4](#), for the meeting of May 21, 2020.
- 55 The April meeting of the Assembly of the Academic Senate endorsed the Task Force report, the Assembly passed a formal complaint: Resolved, that the Assembly of the Academic Senate wishes to express its concern and disappointment about the exclusion of the Chair of the Academic Advisory Committee from the meetings of the Regents Special Committees. Faculty can contribute invaluable insights into the role played by the President in ensuring the University fulfills its education and research missions for the State, as well as in the overall functioning of the University. [Agenda Assembly of the Academic Senate](#), University of California, Assembly Meeting April 15, 2020. In addition, in the November 2019 meeting of the Regents, Chair Pérez raised the possibility of "undelegating" authority over admissions from the faculty to the Regents – sending a message that the political appointees on the Board needed to make their own judgement admissions generally.
- 56 John Aubrey Douglass, "[Affirmative Action's Last Stand? Harvard vs SFFA](#)," UC Berkeley Blog, February 11, 2019.