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Transforming education by putting children first

IDRA Statement

Students' Racial Diversity Should be Celebrated, Not Minimized or Erased

Supreme Court Ignores History & Precedent in Finding UNC and Harvard Affirmative Action Programs Unconstitutional

IDRA condemns today's U.S. Supreme Court decision, which makes it more difficult for colleges to consider all aspects of a student's identity, qualifications and experiences – including their racial and ethnic background – in the admissions process.



In a **6-3 majority opinion** by Chief Justice John Roberts, the Supreme Court continues its pursuit of an extremist anti-civil rights agenda. In *Students for Fair Admissions v. University of North Carolina* and *Students for Fair Admissions Inc. v. President & Fellows of Harvard College*, the Court held that Harvard University and the University of North Carolina's limited use of race in their

admissions processes violate the Equal Protection Clause of the Fourteenth Amendment.

“In the face of today’s legal blow that dishonors those who fought for the 14th Amendment, IDRA reaffirms its 50-year commitment to support students of color by working to eradicate inequities in K-12 education that create unfair barriers to college,” said Celina Moreno, J.D., IDRA President and CEO.

As Justice Sotomayor explains in her dissent: In crafting a “superficial rule of colorblindness as a constitutional principle,” the Court turned a blind eye to the well-documented and continuing impacts of the systemic discrimination experienced by students of color in our nation’s public schools. “From this Nation’s birth, the freedom to learn was neither colorblind nor equal,” Justice Sotomayor wrote.

Nearly 70 years after *Brown v. Board of Education*, public schools remain highly segregated by race and economic status, contributing to deeply unequal opportunities and outcomes.

“The ruling ignores history and firm legal precedent, perverting the purpose of the Equal Protection Clause and the legacy of *Brown*,” said Paige Duggins-Clay, J.D., IDRA’s Chief Legal Analyst. “We will continue to fight against the erasure and suppression of the identity, history, and lived experience of students and communities of color.”

Today’s decision makes more urgent the need to strengthen our collective efforts to achieve equal educational opportunity in our nation’s public schools and ensure every young person has a fair chance to access and succeed in college. To that end, IDRA will continue our work to:

- ensure all students can bring their whole, authentic selves to their classrooms and are supported by teachers and counselors to uplift their identities and experiences in their college applications;
- increase access to counseling programs and coursework that prepare all students for college;
- support strong educational programs that prepare emergent bilingual students to succeed academically and pursue higher education;
- dismantle unfair discipline systems that target students of color, remove them from their classrooms, and knock them off pathways to college; and
- ensure fair funding systems so that all students can attend excellent, well-resourced schools.

Every young person is valuable, has a rich story to tell and has diverse gifts to contribute to their schools, communities, and the world.

Media Contact: Thomas Marshall III, M.Ed., thomas.marshall@idra.org

Resources

Resource Page: IDRA Affirmative Action – The Law in Education webpage

Amicus Brief News: IDRA Signs onto Amicus Brief Spotighting Student Voices Urging the Court Not to Censor their Racial and Ethnic Identity in College Applications

Podcast Episode: The Law in Education – Students Press for Affirmative Action

In this podcast episode in our series on the law in education, IDRA’s education law intern, Makiah Lyons, facilitates a deep and dynamic conversation with two students and alumni from Harvard and UNC who served as intervenors and amici in the case. While the focus of the litigation has been on the university defendants, students and alumni across the country have been fighting to defend diversity in higher education – and beyond. (October 2022)



Podcast Episode: The Law in Education – U.S. Supreme Court Update

The 2021-22 session of the U.S. Supreme Court left on imprint on education through a number of rulings, including some that were not technically education cases. Paige Duggins-Clay, J.D., IDRA’s chief legal analyst, discusses what happened in the last term and what the court’s most recent decisions might mean for the future of educational equity. (December 2022)



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IDRA is an independent, non-profit organization. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.



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