



FIVE RESOURCES TO HELP YOU UNDERSTAND THE AFFIRMATIVE ACTION DEBATE



Affirmative action is under attack. [Earlier this month](#), the Trump administration withdrew Obama-era guidance that outlined ways in which K-12 and postsecondary schools could legally take race into account to enhance student diversity. An even bigger development is the announcement of the retirement of U.S. Supreme Court Justice Anthony Kennedy, followed by the nomination of Brett Kavanaugh. Though hardly a staunch supporter of affirmative action, Kennedy defended the University of Texas's use of race in the 2016 case, [Fisher v. University of Texas](#). More broadly, Kennedy was the decisive Justice in outlining limited ways that race could be considered by policymakers attempting to mitigate *de facto* segregation in educational settings. Kavanaugh, by contrast, authored a 1999 [friend-of-the-court brief](#) for the anti-affirmative action Center for Equal Opportunity in a case arguing against a Hawaiian law that only permitted Native Hawaiians to vote for candidates running for the Office of Hawaiian Affairs. As the ideological makeup of the Court shifts, it is increasingly likely that all race-conscious affirmative action policies will be declared unconstitutional.

Yet a strong body of research supports the educational, societal, and individual benefits of diverse educational environments and policies that take race into account in order to advance that goal.

The following five resources from National Education Policy Center fellows offer further information on the history, philosophy and research behind affirmative action and other race-based education policies:

1. **The “Post-Racial” Politics of Race:** Writing for the peer-reviewed journal, *Educational Policy*, [Erica Frankenberg](#) and her co-authors present case studies of three K-12 school districts that have revised or have attempted to revise their student assignment policies in ways that privilege White and middle-class priorities over the needs of students of color.

2. **Toward a Deeper Understanding of the Diversity Rationale:** In a special issue of the peer-reviewed journal *Educational Researcher*, Michele Moses and Mitchell J. Chang trace the legal history of the notion that diversity is a valuable goal unto itself.
3. **School Segregation by Race, Poverty and State:** In this research brief by Gary Orfield, Jongyeon Ee, Erica Frankenberg, and Genevieve Siegel-Hawley, the Civil Rights Project at UCLA explains how the rollback of race-conscious student assignment policies has led to an increase in “double segregation” in which Black and Hispanic students are segregated not only by race, but also by poverty.
4. **K-12 Race-Conscious Student Assignment Policies: Law, Social Science, and Diversity:** NEPC director Kevin Welner’s article in the peer-reviewed *Review of Educational Research* offers a concise summary of research on the effects of K-12 student diversity.
5. **Race-Conscious Policies for Assigning Students to Schools: Social Science Research and the Supreme Court Cases:** Edited by Welner and the late NEPC fellow Robert Linn, this National Academy of Education report summarizes and analyzes the research behind the Supreme Court’s 2007 case on race-conscious education policies.

NEPC Resources on Affirmative Action

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