

California among several states considering ban on legacy admissions

By Eric He

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The U.S. Supreme Court's 2023 decision to [strike down affirmative action](#) in higher education reignited conversations over the practice of legacy admissions — when schools give preferential treatment to applicants whose family members attended the university. Now, California lawmakers are taking up [legislation](#) that would penalize schools that take part in legacy admissions.

While public schools in California cannot consider race in admissions decisions [due to Proposition 209](#), the high court's decision prompted uncertainty around admissions practices by private universities in the state. Under AB 1780 by Assemblymember [Phil Ting](#) (D-San Francisco), private schools would have to give back funding received through the Cal Grant financial aid program — though it would not ban them from receiving Cal Grant funding.

Highly selective private colleges are twice as likely to admit an applicant from the top 1 percent of the income distribution over a student from low- or middle-income families if they have similar SAT or ACT scores, according to a [2023 study](#) by researchers based at Harvard. Likewise, a [2019 study of admissions practices](#) at Harvard found that more than 43 percent of white students admitted to the school had parents who were on the faculty or staff.

“I think this bill coming on the heels of the Supreme Court getting rid of affirmative action really underscores the need to take a serious look at banning legacy admissions,” Ting told POLITICO. “The fact that universities now cannot look at race as a factor in admissions really underscores the need to make sure that universities shouldn't be taking into account wealth or alumni status.”

WHAT'S IN THE BILL?

This Pro Bill Analysis is based on the [text of the bill](#) as amended on June 11.

The bill would add new language to the [California Education Code](#) stating that it is the Legislature's intent to stop the practice of legacy and donor admissions, as well protect students who receive Cal Grants for higher education (Sec. 1). It would ban private universities from utilizing practices like donor and legacy preference as part of the admissions process beginning in September 2025.

Universities found to be in violation of the measure would be stripped of any Cal Grant funding that they received the prior year, with the California Department of Justice administering the fine and depositing the money into the Cal Grant Account — which would then be used for other Cal Grant funding.

The bill would define a “legacy preference in admissions” as a school considering an applicant's relation to an alum as a factor in the admissions process. Universities would not be able to ask applicants to disclose where their relatives attended college, and use that information as part of the admissions consideration. They could, however, collect data on an applicant's relationship to alumni or donors to be used outside of admissions decisions.

A “donor preference in admissions” would be defined as a university considering an applicant's relation to a donor to the school as a factor in the admissions process, which would include asking for information related to their family's donor status as part of the documents in the application.

Beginning in 2026, private schools that are not in compliance with the law would have to submit annual reports to the Legislature and Department of Justice on the legacy status, donor status, race, geography, income bracket and athletic status of all admitted students, as well as the admission rate of students who benefited from legacy or donor preference compared to those who did not (Sec. 1).

Any schools in violation would be named publicly on the Department of Justice’s website after it receives the reports (Sec. 1).

WHO ARE THE POWER PLAYERS?

Assemblymember [Phil Ting](#) (D-San Francisco) introduced the bill earlier this year, marking his second attempt at clamping down on legacy admissions. Assemblymembers [Kevin McCarty](#) (D-Sacramento) and [Lori Wilson](#) (D-Suisun City) joined as authors, and Assemblymember [Tasha Boerner](#) (D-Encinitas) as a co-author.

The measure is sponsored by the Southern California branch of [Asian Americans Advancing Justice](#) and [Campaign for College Opportunity](#), and both groups testified at the Assembly Higher Education Committee hearing on April 16.

“The vast majority of California's college age population are first generation, Black, Latinx, Asian American, Native Hawaiian, Pacific Islander students who do not benefit from legacy admissions, but have the most to gain from a college education,” said [Sara Arce](#), vice president of policy and advocacy for the Campaign for College Opportunity. “The practice of legacy and donor admissions is a barrier to social mobility for these students and a barrier to the economic competitiveness of the state.”

The [Association of Independent California Colleges and Universities](#) — which is made up of 85 private universities in California — is opposed to the bill unless it is amended. In an [April 10 letter](#) to the higher education committee, the schools called for solutions that recognize the institutions as “compliance-driven institutions.”

[Kristen Soares](#), the organization’s president, told POLITICO that the group has a working relationship with Ting but does not believe that fining the schools is necessary to ensure compliance.

“We’re uncomfortable with the state dictating admission practices in our institutions, and the potential precedent it sets,” Soares said.

WHAT’S HAPPENED SO FAR?

A number of other states are also considering regulating legacy admissions this year, and two states already passed proposals. In March, Virginia Republican Gov. [Glenn Youngkin](#) signed into law [a measure banning preferential treatment](#) to applicants based on legacy or donor status and Maryland Gov. [Wes Moore](#) approved a [similar measure in April](#). In 2021, Colorado was [the first state](#) to ban the practice, but the [impact has been murky](#).

Bills were also introduced in state houses in [Massachusetts](#) and [Minnesota](#).

The only other proposal with an enforcement mechanism was introduced [in New York](#), and would fine schools \$50,000 for being in violation. Meanwhile, [a Connecticut proposal](#) to ban legacy admissions [was amended to](#) simply require schools to submit data.

On the federal level, Sens. [Tim Kaine](#) (D-Va.) and [Todd Young](#) (R-Ind.) introduced [a bipartisan proposal](#) in 2023 that would pull accreditation from universities that practice donor or legacy admissions.

Ting proposed a [similar bill in 2019](#) in the wake of the Varsity Blues college admissions scandal, when wealthy families were charged with felony conspiracy after allegedly bribing their way into prestigious schools. The measure was [signed into law](#) by Gov. [Gavin Newsom](#), but was watered down and expires after this year.

The first version of Ting’s 2019 bill would have prohibited schools that accept students based on ties to donors and alumni from receiving Cal Grant funds — a move that would have impacted private colleges that rely more heavily on legacy admissions, like the University of Southern California and Stanford University, both of which were caught up in the scandal.

But the Association of Independent California Colleges and Universities threatened to oppose Ting’s original bill unless the Cal Grant threat was dropped, saying it would risk “undue harm to low-income students, without addressing the underlying causes of the scandal.”

The amended version ultimately removed the prohibition on legacy admits and instead required that any college admitting a student on special terms related to donors or alumni disclose that data to the state. The bill required universities to track and report the data for the next five years.

Similarly, AB 1780 was amended in committee this year. Originally, the bill would have prevented students from using financial aid funding via the Cal Grant program at institutions that practice legacy or donor admissions — but that provision was removed in favor of fining the school the equivalent of the amount it received in Cal Grant funding the prior year.

Under Ting’s first bill, AB 697, 2024 is the final year that private schools are required to report data about legacy and donor admissions. [The 2023 report](#) by the Association of Independent California Colleges and Universities found that out of 70 qualifying schools, 65 reported that they did not use such practices.

The University of Southern California, Santa Clara University and Stanford admitted the most students with legacy and donor connections; Claremont McKenna College, Harvey Mudd College and Pepperdine University also reported donor or legacy admits. Both USC and Santa Clara University admitted more than 1,000 students with such ties.

In its [report to the state Legislature](#), USC wrote: “While we appreciate our alumni and donors and could not exist without them, those relationships do not guarantee admission to USC. In fact, those relationships will not help an unqualified applicant gain admission.”

[The Stanford report](#) similarly stated that “if an applicant to Stanford is not highly competitive academically, an existing family connection or historical giving to the university means nothing in the process” — but the institution acknowledged that “philanthropy plays a significant role in supporting the opportunities available to all students at Stanford, including the ability to attend the university through our program of need-based financial aid.”

WHAT’S NEXT

Democrats advanced AB 1780 out of the Assembly in May, without Republican opposition. The measure will be heard next in the Senate Education Committee on June 19, and has also been referred to the Senate Judiciary Committee before it can receive a full floor vote that would send it to Newsom’s desk.

The measure could see further amendments, but the Association of Independent California Colleges and Universities is unlikely to support any measure that would levy a fine. Assembly Higher Education Chair [Mike Fong](#) (D-Alhambra) worked with Ting on amendments before the bill passed his committee and told him to keep in touch with the schools to “address continued concerns about feasibility of implementation.”

Nannette Miranda, communications director for Ting, told POLITICO in an email that “the point is that there has to be a consequence to the discriminatory practice of legacy admissions.”

“We are open to what that consequence may be,” Miranda added.

WHAT ARE SOME STORIES ON THE BILL?

[Read POLITICO news on AB 1780.](#)

Mackenzie Mays contributed to this report.