



## FOR IMMEDIATE RELEASE

February 20, 2024

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### **Supreme Court Declines to Review Federal Appellate Court's Decision Rejecting Legal Challenge to Race-Blind Admissions Policy for Thomas Jefferson High School for Science and Technology**

*Civil Rights Groups Applaud SCOTUS' Decision As A Win for Equal Access for Students of Color Facing Unfair Barriers to Elective Public Resources*

**Fairfax County, VA** — Today, the United States Supreme Court (SCOTUS) declined to hear *Coalition for TJ v. Fairfax County School Board*, which challenged race-blind admissions criteria at Thomas Jefferson High School for Science and Technology (TJ) in Fairfax County, Virginia. The denial of cert allows the United States Court of Appeals decision to stand, and in so doing affirms race-neutral admissions policies enacted by the Fairfax County School Board to expand access to educational opportunities for everyone are not racially discriminatory.

In doing so, SCOTUS rejected the argument by the Pacific Legal Foundation, who represents the Coalition for TJ, that the revised admissions criteria— including admitting the top 1.5% of eligible 8th graders from each middle school, eliminating the admissions test and \$100 application fee, and considering the socioeconomic status of student applicants—unlawfully put Asian American students at a disadvantage. In fact, the race-blind changes were implemented to correct a biased and unfair admissions process that favored socioeconomically advantaged communities in Fairfax County. After the revisions to the admissions policy went into effect, the percentage of economically disadvantaged students increased from 0.62% to 25.09%, with Asian Americans being the largest racial group benefiting from this increase. The number of Latino applicants increased by 42%, and the number of Black applicants increased by 70%, resulting in more admitted Black and Latino students.

The Legal Defense Fund (LDF), Asian Americans Advancing Justice – Asian American Justice Center (Advancing Justice – AAJC), and LatinoJustice PRLDEF (LatinoJustice), along with pro bono counsel, Arnold & Porter, represent a multi-racial coalition of organizations that have long been concerned about educational equity in Fairfax County and had filed amicus briefs in the lower courts in support of the new admissions policy. These organizations include TJ Alumni for Racial Justice (TJAARJ), Hamkae Center (formerly known as NAKASEC VA), Asian American LEAD (“AALEAD”), CASA, the Virginia State Conference of the NAACP, and Hispanic Federation.

“Our public education systems have long been plagued by known barriers to equal opportunity that deprive many talented students of color of the opportunity to access important resources,” said **Janai Nelson, LDF President and Director-Counsel**. “The Supreme Court’s declination to review the Appellate Court’s decision acknowledges schools everywhere should provide students with a fair chance to compete for admission to publicly funded selective academic programs. It further maintains the integrity and intent of the equal protection clause, which was created and must be interpreted to advance racial equality. Expansion of access to education — not the constriction of it — is essential not only for the success of students’ futures but also the strength and vitality of our multiracial democracy as a whole.”

“Increasing opportunity is the opposite of discrimination,” said **John C. Yang, president and executive director of Asian Americans Advancing Justice – AAJC**. “We are pleased that the Supreme Court understood that the updated admissions policy in fact provides more equitable access for students of color, including those Asian American students who come from socioeconomically diverse backgrounds. This is a win for expansion of educational opportunities for all students in qualifying middle schools and we applaud this outcome.”

“The under-identification of talented Latino, Black, and low-income Asian American students at TJ has been a persistent problem. The 2020 change to TJ’s admissions process is a small step toward equalizing educational opportunity and that must continue,” said **Lourdes M. Rosado, President and General Counsel, LatinoJustice PRLDEF**. “In deciding not to grant cert, we are pleased that the Supreme Court is interested in upholding the correct interpretation of the constitution made by the 4<sup>th</sup> Circuit.”

The Fairfax County School Board revised TJ’s admissions policies to address inequities and ensure all students were given fair access to the educational opportunities at the school, considered to be among the best in the country. The changes to the admissions policy include the geographic considerations, the elimination of the admissions test, the \$100 application fee, and a new review process inviting qualified eighth graders to apply to TJ by completing an essay and *Student Portrait Sheet*.

Other criteria require students to:

- Live in either Arlington County, Fairfax County, Falls Church City, Loudoun County, or Prince William County;
- Complete or begin completion of a full-year course of algebra;
- Enroll in an honors science course;
- Enroll in honors course in social studies/English; and
- Have a GPA of 3.5 or higher in all academic courses.

Following changes made to the criteria 1,000 more students applied to TJ than the year before; Latino applicants increased by 42% and Black applicants increased by 70%. The changes led TJ's class of 2025 to be the most demographically representative freshman class in years: the share of Black admitted students increased from 1-2% to 7%, the share of Hispanic admitted students increased from 1-5% to 11%, the share of economically disadvantaged students increased from <2% to 25%, the share of female admits increased from 42% to 46%, the number of low-income Asian Americans admitted increased from 1 to 51, Asian American students attending middle schools historically underrepresented at TJ saw a sixfold increase in offers, and for the first time in more than a decade, students from all 28 middle schools in Fairfax County were admitted to TJ. Further, admissions rate for Asian American students admitted after the policy change was consistent with historical trends going back at least 17 years.

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### **Asian Americans Advancing Justice**

AAJC has a mission to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Visit [www.advancingjustice-aaajc.org](http://www.advancingjustice-aaajc.org).

### **About Legal Defense Fund**

Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. LDF's [Equal Protection Initiative](#) seeks to defend and advance the proper interpretation of the Equal Protection Clause and anti-discrimination law so that it remains clear that it is legal to advance equal opportunity for all. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.

### **About LatinoJustice**

LatinoJustice PRLDEF works to create a more just society by using and challenging the rule of law to secure transformative, equitable and accessible justice, by empowering our community and by fostering leadership through advocacy and education. For 50 years, LatinoJustice PRLDEF has acted as an advocate against injustices throughout the country. To learn more about LatinoJustice, visit [www.LatinoJustice.org](http://www.LatinoJustice.org)

### **About Arnold Porter**

Arnold & Porter combines sophisticated regulatory, litigation, and transactional capabilities to resolve clients' most complex issues. With over 1,000 lawyers practicing in 15 offices worldwide, we offer deep industry experience and an integrated approach that spans more than 40 practice areas. Through multidisciplinary collaboration and focused industry experience, we provide innovative and effective solutions to mitigate risks, address challenges, and achieve successful outcomes.