

# MINORITY ACCESS TO EDUCATION AND AFFIRMATIVE ACTION

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## Abstract

Education opens doors to those who can participate in it. For example, pay ceilings based on degrees of education, voting, rights in the US, and many more liberties are a part of the “American Dream .” Minorities have been denied the right to education for hundreds of years, limiting their influence within government, ability to make a living, or freedom from oppression, all rights that white Americans can participate in without having to worry about race. Enslaved people were told they could not learn how to read for fear they would realize they were no different from the people who oppressed them, and literacy tests barred minorities from voting. Currently, schools in minority-predominant areas experience underfunding, and affirmative action disputes the already small percentage of minority students in top schools due to these continuing generational traditions of oppression. This shared history within the US is no mistake. To help repair the effect lack of access to education our government has had on minorities, we should continue encouraging affirmative action, inspire means of transportation from underprivileged minority communities, and promote a percentage of taxes to go to funding school supplies and materials for minority students. Affirmative action is a government-mandated system that has been recently attacked within college admissions, prohibiting race from being considered college admissions despite the small percentage of minorities in universities without it. Yale Daily News reports “, Studies show that a repeal of affirmative action could sink Black, Latine, and

Indigenous students' enrollment by 50 percent.”<sup>1</sup> Without affirmative action and the diversity it brings to collegiate education, our workforce, government, and the overall country will conform to a white standard more so than ever. This white standard will continue to leave the majority of the US population at a disadvantage in reaching higher education.

## General Education and Affirmative Action

K-12 education sets a precedent for young childrens' lives, whether they choose to continue in school or join the workforce. Without this education, it places them at a disadvantage early on and only widens the disconnect between minority students and receiving an education. In 1970, the discourse of affirmative action in schools led to *Swann v. Charlotte-Mecklenburg Board of Education*<sup>2</sup>. The school district noticed schools with an almost ninety-nine percent black student body while other schools nearby were almost completely white<sup>3</sup>. This led to an enforced quota of diversity and integration of the schools. These quotas would help eliminate bias within funding for both schools and give equal opportunity to all in the community. The banning of segregation in schools and the decision in *Brown v. The Board of Education*<sup>4</sup> 16 years earlier raised concerns about the slow rates of integration predicted for public schools; these rates were not met. It was unanimously decided by The Supreme Court of The United States that a quota of diversity needed to be met in every public school. This was decided to ensure equal opportunity, and more so that The

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<sup>1</sup> (July 25, 2023), <https://yaledailynews.com/blog/2023/07/25/tracing-the-past-present-and-future-of-affirmative-action/>.

<sup>2</sup> *Swann v. Charlotte-Mecklenburg Board of Education*, Oyez, <https://www.oyez.org/cases/1970/281>

<sup>3</sup> *Ib Id*

<sup>4</sup> "*Brown v. Board of Education of Topeka (1)*." Oyez, [www.oyez.org/cases/1940-1955/347us483](http://www.oyez.org/cases/1940-1955/347us483).

Supreme Court of The United States had part in deciding whether race could decide admittance into schools.

As a result of the underfunding in minority communities, schools are of lower quality, ultimately leaving students unprepared. Unprepared students in minority communities allow non-minorities to have increased chances of collegiate admissions and success in schools. Schools in minority communities do not offer the same classes or have qualified teachers compared to their students as schools in non-minority communities<sup>5</sup>. This explains the need for affirmative action, or at the very least, equal funding for all public schools, regardless of location. Without these funds, minority students are left at a major disadvantage compared to their white counterparts.

Another solution to the disparity is cultivating the emotional well being of all students. Studies show that minority students are often under more stress from extenuating circumstances than whites (ie, gang violence, parental pressure, working). Instead of allotting psychological services and support for these students, minority school districts instead have police officers<sup>6</sup>. Not offering counseling services, minority students they often go through these struggles alone, taking their focus off of their education. If kids have a reliable outlet to speak about their emotions, state of mind, and receive support than they are more likely to go to college. Similarly, counselors are in high schools to educate students on available resources, financial aid, and college admissions. Without them students are left to do this alone without proper guidance, and

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<sup>5</sup> *K-12 Disparity Facts and Statistics, UNCF* <https://unconf.org/pages/k-12-disparity-facts-and-stats>.

<sup>6</sup> *Compared to majority white schools, majority black schools are more likely to have security staff - Child Trends, Child Trends* [ChildTrends https://childtrends.org/publications/compared-to-majority-white-schools-majority-black-schools-are-more-likely-to-have-security-staff](https://childtrends.org/publications/compared-to-majority-white-schools-majority-black-schools-are-more-likely-to-have-security-staff).

are “3.2 times more likely to attend college, and 2 times more likely to enroll in a bachelor’s degree program.”<sup>7</sup>

### **Affirmative Action in Collegiate Admissions**

Due to pay ceilings and requirements for schooling in jobs, it is more important than ever to receive a collegiate education. As mentioned previously, minority students were already placed at a disadvantage due to segregation and unequal funding, they are only further set up to fail without being able to utilize affirmative action. In the case of *Grutter v. Bollinger*<sup>8</sup>, a caucasian student applied and was denied admittance from Michigan University. This student filed a lawsuit against Michigan university for their admissions criteria; which included race as a minor factor to encourage a diverse student body. It was decided by The Supreme Court of The United States in a 5-4 decision that not only was the factor of race allowed, but does not cause harm to the admissions of non- minority students, thus not violating the equal protection clause of

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<sup>7</sup> *How More Likely Are Students To Go To College If They Hve A School Counselor*, NACAC

[https://www.google.com/search?q=%3Dhow+more+likely+are+student+s+to+go+to+college+if+they+hve+a+school+counselor&sca\\_esv=f9219d30910a7cbb&rlz=1C1UKOV\\_enUS1071US1071&ei=qk4bZrPiBK3WkvQPzdW82AM&ved=0ahUKEwiz38ro4sCFAXUtq4QIHc0qDzsQ4dUDCBE&uact=5&oq=%3Dhow+more+likely+are+students+to+go+to+college+if+they+hve+a+school+counselor&gs\\_lp=Egxnd3Mtd2l6LXNlcniAiTT1ob3cgbW9yZSBSaWtlbHkgYXJlIHNoZWVlbnRzIHRvIGdvIHRvIGNvbGxIZ2UgaWYgdGhleSBodmUgYSBzY2hvb2wgY291bnNlG9ySj8bUFIY9RZwAXgBkAEAmAFPoAGWAqoBATS4AQPIAQD4AQGYAgKgAmzCAgoQABhHGNYEGLADwgIGECEYChgKmAMA4gMFEgExIECIBgGQBgiSBwEyoAe0DQ&scient=gws-wiz-serp.](https://www.google.com/search?q=%3Dhow+more+likely+are+student+s+to+go+to+college+if+they+hve+a+school+counselor&sca_esv=f9219d30910a7cbb&rlz=1C1UKOV_enUS1071US1071&ei=qk4bZrPiBK3WkvQPzdW82AM&ved=0ahUKEwiz38ro4sCFAXUtq4QIHc0qDzsQ4dUDCBE&uact=5&oq=%3Dhow+more+likely+are+students+to+go+to+college+if+they+hve+a+school+counselor&gs_lp=Egxnd3Mtd2l6LXNlcniAiTT1ob3cgbW9yZSBSaWtlbHkgYXJlIHNoZWVlbnRzIHRvIGdvIHRvIGNvbGxIZ2UgaWYgdGhleSBodmUgYSBzY2hvb2wgY291bnNlG9ySj8bUFIY9RZwAXgBkAEAmAFPoAGWAqoBATS4AQPIAQD4AQGYAgKgAmzCAgoQABhHGNYEGLADwgIGECEYChgKmAMA4gMFEgExIECIBgGQBgiSBwEyoAe0DQ&scient=gws-wiz-serp.)

<sup>8</sup> *Grutter v. Bollinger*, Oyez, <https://www.oyez.org/cases/2002/02-241>

the Fourteenth Amendment<sup>9</sup>. The Fourteenth amendment prohibits states from barring people from public establishments or raising one race above the other.<sup>10</sup>

In 2012, a 7-1 decision *Fisher v. University of Texas*<sup>11</sup> decided affirmative action was upheld, setting a precedent for future cases. The Texas legislature required the top ten percent of all high school seniors to be admitted to University of Texas at Austin, otherwise students would compete with the other ninety percent of their classmates for admission. To have more diversity that matched the population, University of Texas at Austin decided to include race as a factor in admissions. When a student that fell within the ninety percent of in-state admissions was denied, they sued under the pretense of the equal protection clause. Despite the student appealing the case, the decision was upheld, further allowing race to be considered in undergraduate admissions to ensure diversity in the student body.

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The Students for Fair Admissions is an organization that advocates for students to go through the admissions process without mentioning race, gender, or sexuality. Students for Fair Admissions has raised cases against the University of North Carolina at Chapel Hill, as well as Harvard. In November of 2021, *Students for Fair Admissions v. University of North Carolina*<sup>12</sup>, it was decided in a 6-3 decision that the use of race as a factor in admissions at University of North Carolina was in violation of the Fourteenth amendment<sup>13</sup>. Going against the

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<sup>9</sup> *U.S. Const. amend. XIV, § 2*

<sup>10</sup> *Ib Id*

<sup>11</sup> *Fisher v. University of Texas at Austin*, Oyez,

<sup>12</sup> *Students for Fair Admissions v. University of North Carolina*, Oyez, <https://www.oyez.org/cases/2022/21-707>

<sup>13</sup> *U.S. Const. amend. XIV, § 2*

pattern of ruling in previous affirmative action and diversity cases, lead to a significant decrease in diversity within universities. Additionally, *Students for Fair Admissions v. Harvard*<sup>14</sup> ruled in the same way, ignoring previous cases of affirmative action. For example, forty percent of students that receive private scholarships are caucasian, while twenty-eight percent of scholarships are mostly given to minority students<sup>15</sup>. Not only are these used to meet a quota, they reward students with high academic achievement within their community, which are opportunities they won't receive without affirmative action.

### **The Future of Affirmative Action in Education**

Based on previous rulings and the need for diversity in institutions to reflect that of our workforce and government, the solution is preserving affirmative action. Schools in predominantly minority communities receive less funding<sup>16</sup>. Since funding for public schools comes from property taxes, less affluent neighborhoods will receive less funds. Most of these neighborhoods are minorities<sup>17</sup>. Kids from those neighborhoods will likely go to the school in their neighborhood, therefore stopping students from receiving the best possible education. Without adequate formal education, how can these unprepared students be expected to succeed, let alone be accepted into colleges? Affirmative action should be upheld until we

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<sup>14</sup> *Students for Fair Admissions v. President and Fellows of Harvard College*, Oyez, <https://www.oyez.org/cases/2022/20-1199>

<sup>15</sup> *Scholarship Opportunities for Minority Students -*, <https://collegestats.org/resources/best-scholarships-minorities/>.

<sup>16</sup> Smedley, Brian D. “*Inequality in Teaching and Schooling: How Opportunity Is Rationed to Students of Color in America.*”

<sup>17</sup> *Neighborhood poverty, National Equity Atlas*  
[https://nationalequityatlas.org/indicators/Neighborhood\\_poverty](https://nationalequityatlas.org/indicators/Neighborhood_poverty).

can guarantee that minority students have equal opportunities and funding within their communities. This will be achieved when numbers of funding match within each community in the United States and when an equal number of qualified students from every background are enrolled within schools, both formal and collegiate.

*Students for Fair Admissions v. University of North Carolina*<sup>18</sup> ruled against previous cases which upheld affirmative action and even more integration in schools such as *Brown v Board of Education*<sup>19</sup>. Going against cases of affirmative action, past cases of race being factored into admissions are discredited. For example, integration in schools used race as a deciding factor to allow black children to attend white schools. With this decision, does the United States return to segregating schools? The short answer is no, the United States should not be moving backwards as we are now with refuting affirmative action. Even more, collegiate education is often required in jobs and pay is capped with pay ceilings, only raising with higher education. Without college education, minorities are unable to receive these jobs or the increased pay. It is reported that “total number of job postings requiring a bachelor's degree from 2019 to 2022 reached nearly 98.5 million.”<sup>20</sup>

This further enforces the ongoing cycle of poverty in black communities. If affirmative action is not upheld then schools will continue to remain unofficially segregated and poorly run. Affirmative action should only be ended when students are funded equally and given equal opportunity in collegiate admissions. Without

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<sup>18</sup> *Students for Fair Admissions v. University of North Carolina*, Oyez, <https://www.oyez.org/cases/2022/21-707>

<sup>19</sup> "*Brown v. Board of Education of Topeka (1)*." Oyez, [www.oyez.org/cases/1940-1955/347us483](http://www.oyez.org/cases/1940-1955/347us483).

<sup>20</sup> *Northeastern, 10 benefits of having a college degree* <https://bachelors-completion.northeastern.edu/news/is-a-bachelors-degree-worth-it/>

upholding decisions of affirmative action, diversity and integration will come to question and endanger minorities.