

## Winston Negotiates Settlement with University of California that Ends the Use of ACT and SAT Scores in Admission and Scholarship Decisions

MAY 14, 2021

In a clear win for underrepresented students, Winston & Strawn attorneys, in partnership with Public Counsel, negotiated a [settlement agreement](#) with the University of California that permanently ends the use of ACT and SAT test scores to determine eligibility for University funded or administered scholarships and ends the use of test scores in admissions decisions for at least four years. The University's end to using standardized tests in admission decisions is most likely permanent, as the Board of Regents stipulated that it has no plan to reinstate the practice in the future.

"This momentous settlement with the University of California system has national implications and is a major step forward in the fight for educational equity," said Los Angeles Partner.

In December, 2019, a group of students, six nonprofit organizations, and Compton Unified School District filed civil rights lawsuits against the University of California Board of Regents and its President, Janet Napolitano. The lawsuits, which were ultimately consolidated, argued that the University's use of standardized test scores in admission and scholarship decisions violated the California Constitution and anti-discrimination statutes by creating barriers to higher education for students of color, students with disabilities, and students facing socioeconomic disadvantages.

In July, 2020, the University adopted a "test-optional" policy in the midst of the COVID-19 pandemic. In response, Winston and Public Counsel attorneys filed and won a motion for preliminary injunction against the use of tests because they were inaccessible to disabled students who required on-site accommodations not being offered due to the pandemic. Plaintiffs then prevailed against the University's efforts to seek a stay of the preliminary injunction from the Court of Appeals.

Following the Fall 2021 application cycle, when the University was precluded from using ACT and SAT test scores, it reported a historic rise in applications across its 10 campuses from students of color—with Black applicants increasing by 22% and Latinx applicants by 12%.

"We hope and expect that once UC implements its obligation under the agreement to publicize the changes to its admissions policies, this settlement will make these increases in applications from underrepresented students permanent and will lead to similar gains in acceptance rates," said Of Counsel Gregory Ellis.

The settlement agreement also awards significant attorneys' fees to Winston & Strawn, which the firm will donate to the nonprofit organizations Winston partnered with and represented in this case.

The Winston team that worked on this matter included Of Counsel **Gregory Ellis**, and Associates **Michael Lavetter** and **Jeffrey Steinfeld**.

This matter was featured in [\*The Recorder\*](#) and is part of Winston & Strawn's Racial Justice and Equity CEASE Initiative. Learn more [here](#).

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2 Min Read

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