

**UNIVERSITY OF CALIFORNIA  
OFFICE OF THE PRESIDENT**

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**TO: PETER RUNDLET, White House Counsel Office**  
456.5053 fax

Peter,

As indicated in the last email I sent you, following is a copy of the fact sheet outlining implications of the new 4% eligibility policy.

Do not hesitate to contact me if you need any clarification or additional information.

Jennifer  
202/588.0081 direct  
202/238.8131 cell



Jennifer Poulakidas <Jennifer.Poulakidas @ ucop.edu >  
04/15/99 04:46:05 PM

Record Type: Record

To: Peter Rundlet/WHO/EOP  
cc:  
Subject: Four Percent Plan Debated

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Hi Peter,

I will be sending you via email some information which I hope you find useful regarding UC's new 4% eligibility policy:

1) First is a piece that was created before the Regents' meeting at which the 45 proposal was approved. That is what is included in THIS email (below). This gives an explanation of 4%, but it also goes into discussion of some proposals which were not approved...please keep this in mind.

2) Next will follow a great article from the L.A. Times which address some of the "frequently asked questions" on the 4% policy.

3) I am still working on finding for you a clean copy of a post-Regents' vote fact sheet which further describes the implications of 4%. I will send this your way as soon as I get it.

\*\*On a related note, next week, the University's senior academic officer - Provost Jud King - will be in town. We would be happy to work on his schedule and make him available for an in-person, more detailed discussion of the new policy. Would this interest you? Feel free to call or email me to discuss.

And, of course, do not hesitate to let me know if you have any questions about the material I send you or if you need further information.

Thanks,  
Jennifer Poulakidas  
202/588.0081 (direct)  
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March 1999

Four Percent Plan Debated

Freshman Eligibility Changes Up for Vote

UC's Academic Senate has proposed a series of changes in the minimum eligibility requirements for freshman applicants in an effort to increase the pool of UC-eligible high school graduates from 11.1 to 12.5 percent.

The proposal, which prescribes three possible paths to UC eligibility for prospective freshmen, would:

confer UC eligibility upon the top four percent of students in each California public high school who complete specified academic coursework;  
APPROVED BY THE REGENTS 3/19/99

reduce "bonus" points given to UC-approved honors level courses in the eligibility GPA calculation from one point to one-half point per course;  
SENT BACK TO THE ACADEMIC SENATE FOR FURTHER INVESTIGATION 3/18/99

put more weight on performance on the SAT II subject tests by incorporating them into the eligibility index formula (along with GPA and SAT I or ACT scores);

modify academic coursework requirements, replacing one of the two units of electives currently required with one year of coursework in visual or performing arts.  
APPROVED BY THE REGENTS 3/19/99

One of the three proposed paths -- the so-called "four percent plan" -- is entirely new; one path is a modification of the scholarship/subject/examination requirements through which most students currently attain UC eligibility; and the third path -- eligibility by examination alone -- exists under current policy. (See detail on the proposed paths.)

The faculty presented the new eligibility requirements to the UC Board of Regents in February. The Board is expected to vote on the proposal on March 18.

#### New Path for Top Four Percent

Granting UC eligibility to students in the top four percent of their high school class is the only entirely new path to UC eligibility. This path, referred to in the formal proposal as UC eligibility "in the local context," is based on the recognition that student achievement is relative to the educational opportunities available at the school.

Under this path, students would be required to complete 15 units of academic coursework specified by the University. The top four percent of students would be identified at the end of the junior year, based on their GPA in the coursework and completion of 11 of the 15 units.

Students would be guaranteed a spot at one of the eight undergraduate campuses, though not necessarily at their first-choice campus. This is in keeping with the University's long-standing commitment to provide a place for all UC-eligible applicants.

Admission would be contingent upon completion of remaining eligibility requirements prior to enrollment.

A UC analysis indicates that approximately two-thirds of students deemed eligible under this path would also be eligible under other paths. As a result, the new path would extend UC eligibility to only an additional 1.33 percent of graduating seniors across the state. When added to the 11.1 percent who would be eligible based on GPA and standardized test scores, the overall UC eligibility rate nears the 12.5 percent benchmark recommended in the California Master Plan for Higher Education.

Another path in the proposal -- referred to as UC eligibility "in the statewide context" -- is similar to the path most prospective freshmen currently follow to attain UC eligibility. It involves completion of specified academic coursework and tests (SAT I or ACT and SAT II) and scholarship (demonstrated by GPA and test scores).

However, the proposed path differs from current requirements in several key ways: the eligibility index used to assess scholarship will be modified to incorporate SAT II scores and its use expanded to all students; bonus points awarded for UC-approved honors courses will be reduced by half a point; and preparatory coursework requirements will change to include one unit of visual and performing arts and one unit of electives, rather than two units of electives.

#### SAT II a Better Indicator

Prospective freshmen are currently required to take the SAT I (or ACT) and three SAT II tests. To be considered UC eligible, students must have a GPA of at least 2.82, and those with GPAs between 2.82 and 3.29 must attain a specific score on the SAT I (or ACT). Students with GPAs of 3.3 or higher are not required to earn a minimum score on the SAT I. No minimum scores are currently required on the SAT II tests.

Under the new policies, the minimum GPA required for UC eligibility will be reduced slightly to 2.80 and all students -- even those with the highest GPAs -- will be required to satisfy specific score requirements using a new eligibility index. The index includes GPA and SAT I (or ACT) and SAT II test scores in a formula that weights the SAT II more heavily than the SAT I. Required composite test scores will increase as the GPA decreases.

"Studies show that SAT II content more closely reflects what students have learned in their high school courses and these scores, in combination with the GPA, are a better predictor of how well students will do at UC," said Director of Undergraduate Admissions Carla Ferri.

#### Modest Impact on Diversity

A UC analysis indicates that the top four percent path would make eligible an additional 3,600 students who would not otherwise qualify. Of those, it is estimated that 56 percent would be white, 11 percent Asian American, 20 percent Chicano/Latino and 5 percent African American.

Although it is anticipated this change would initially bring a modest one

percent increase in African American and Latino student enrollment, UC hopes it will inspire more students to consider UC within their reach and motivate high schools to improve programs.

"We hope that this will bring a stronger UC presence at schools -- primarily the rural and inner city ones that traditionally don't send students to UC," said Ferri, "and spur students to do well and the schools to perform well for their students."

#### No Students Displaced

Some Regents expressed concern at February's meeting about whether the four percent plan might dilute the academic quality of UC students and displace students who otherwise would be admitted. UC faculty presenting the proposal assured the Regents that the new system would not displace currently eligible students, but simply adds students in order to achieve the mandated eligibility pool of 12.5 percent.

#### Reducing Points for Honors

The eligibility proposal would reduce the bonus grade points allocated to UC-approved honors courses from one point to one-half point per course. Currently, a grade of A in a UC-approved honors course earns 5 points. Under the new proposal an A grade in a UC-approved honors level course would earn 4.5 points, a B would earn 3.5 points and a C would earn 2.5 points.

Decreasing the bonus points reduces disadvantages faced by students attending schools that offer few UC-approved honors level courses, and continues to provide an incentive to students to strengthen their preparation by taking more challenging courses.

#### Arts Requirement Added

The proposed one-year requirement in visual and performing arts would align UC's preparatory course requirement with the California State University's, simplifying course planning for students. Instead of two years of college preparatory electives, only one year will be required, so the total number of required units will remain 15.

#### Gradual Implementation

If adopted by the Regents in March, the proposal would be implemented in phases over the next three years. The top four percent path and new eligibility index would be in effect for students entering UC in fall 2001. The reduction in honors points would take effect for students entering UC in fall 2002. The visual and performing arts requirement would be effective for students entering UC in fall 2003.

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Jennifer Poulakidas <Jennifer.Poulakidas @ ucop.edu >  
04/15/99 04:54:57 PM

Record Type: Record

To: Peter Rundlet/WHO/EOP

cc:

Subject: 3/31 LA Times: The 4% Solution

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3/31 LA Times: Wednesday, March 31, 1999

### The 4% Solution

The UC system's new rules for freshman eligibility, designed to spur minority enrollment, have raised concerns among many students and parents. Here are the answers to some frequently asked questions.

By KENNETH R. WEISS, Times Education Writer

When the University of California Board of Regents recently decided to guarantee seats for qualified students from the top 4% of their high school class, they touched off a wave of anxiety among many students and parents.

Some worry that the new rules will cut out students with strong qualifications at the best high schools because they don't rank in the top 4% of their class. A few parents have suggested that they might even send their child to a poorly performing high school so they would have an easier time making it into the top ranks.

One group of high school students in wealthy Marin County was so concerned that it sent a petition to the regents urging them to reject the plan because they feared it would kill the students' chances of getting into the prestigious public university.

None of this will happen. Yet despite assurances from UC officials that the new plan will have little effect on admissions and will not take seats away from any students who qualify under the old rules, public confusion continues.

Drawing from UC documents and university officials, here are answers to frequent questions: Do I have to be in the top 4% of my high school to be eligible for UC admission?

No. The University of California is required by law to make freshman seats available to the top 12.5% of all California high school graduates. At some high schools, more than half the graduating class will fall into that group; at others, the percentage will be much lower.

To hit this target group, the university has set minimum eligibility requirements.

These criteria, for now, are a 3.3 grade-point average in high school, satisfactory completion of all required college-prep courses, and taking the SAT and SAT II achievement tests. A student's GPA can dip as low as 2.82, but then that student must have a higher score on the SATs.

But these criteria have brought in only the top 11.1% of high school graduates. So UC officials have come up with the top 4% plan that, by their estimates, will bring in an additional 3,600 students and thus expand the eligible pool to the top 12.5%.

\* \* \*

If I'm in the top 4%, does that mean I'm guaranteed enrollment at the campus of my choice?

No. Think of UC admissions as a two-step process.

The first step is becoming eligible for admission by meeting the minimum criteria mentioned above.

The second hurdle is being selected by at least one of the UC campuses, at Berkeley, Davis, Irvine, Los Angeles, San Diego, Santa Barbara, Santa Cruz or Riverside.

The competition is ferocious at UC Berkeley, UCLA and UC San Diego. It is less competitive at the other campuses, and UC Riverside accepts all eligible students who apply.

Students who squeak by the minimum eligibility requirements are more likely to land seats at the fast-growing campuses--such as UC Riverside or UC Santa Cruz--than at those campuses that turn away thousands of applicants every year.

\* \* \*

Will the new 4% rule dramatically alter the number of students attending the University of California?

University officials estimate that an additional 3,600 students will become eligible under the plan, and only about half will choose to enroll at one of the eight undergraduate campuses. This year's freshman class was 46,000 students.

Officials plan a slight enrollment increase at some campuses to accommodate the additional students.

\* \* \*

When will the top 4% plan take effect?

It will take effect for students enrolling as freshmen in the fall of 2001. That means the first affected students will be those who are now sophomores in high school.

\* \* \*

Who will determine the top 4% and how will it be done?

UC officials said they will rank students by compiling their grade-point averages based on 11 college-prep courses completed by the end of the high school junior year:

\* \* \*

How will students know they are in the top 4%?

UC officials plan to send letters to all students in the top 4% of their high schools, informing them that they are eligible for UC admission. The letters will go out as soon as possible after the end of the junior year.

\* \* \*

So once I get the notice that I'm in the top 4%. I can blow off the SAT and classes in my senior year?

No. Students ranked in the top 4% will also be informed that to remain eligible for UC, they must submit an application, take the SAT and the SAT II achievement tests and get Cs or better in all remaining college-prep courses required for admission.

\* \* \*

What happens if I attend a private high school?

The same rules will apply. Even though the program was set up for California's 863 public high schools, UC officials said they will make the top 4% plan available to private schools.

\* \* \*

Why is the university doing this?

UC officials want to attract more students from inner-city and rural high schools, which historically send few students to UC. Although it will bring only a slight increase in blacks and Latinos, UC officials hope it will inspire more of these minority students to view UC as within reach. Furthermore, they hope the plan will stimulate lagging high schools to improve their programs for university-bound students.

\* \* \*

Are there other changes in the works?

Yes. UC will be adding a class in visual or performing arts to its list of required college-prep courses, which include four years of English, three years of math, two years of laboratory science, two years of history/social science and two years of a foreign language. The change will first apply to today's high school freshmen, who will be entering college in the fall of 2003.

In addition, UC officials are considering cutting in half the extra grade points awarded to advanced-placement and honors courses. They also want to establish minimum SAT scores for all students, even for those with GPAs of 3.3 or above.

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# Changes in UC Freshman Eligibility

The University of California has adopted changes in freshman eligibility criteria that will make the top 4 percent from every high school eligible for admission to the university. The new criteria ensure access to the university and academic excellence among the pool of students eligible for enrollment at UC's eight general campuses.

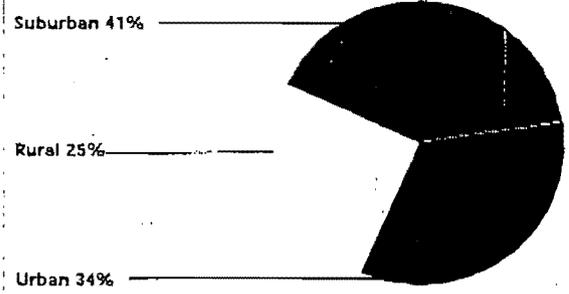
UC faculty developed the new criteria to increase the number of UC-eligible students needed to meet its obligation to enroll from the top 12.5 percent of California high school graduates.

Granting eligibility to students who rank in the top 4 percent of each high school class based on UC-required courses will make nearly 3,600 additional students eligible for the university. The university hopes to enroll about half these students.

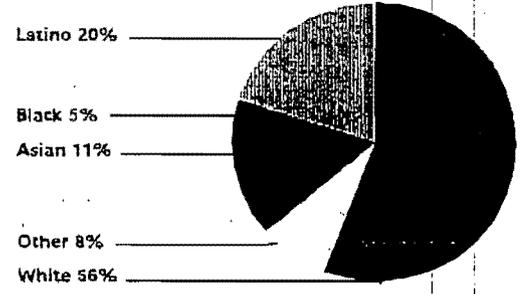
This new path to eligibility greatly enhances UC's ability to attract students from across the state, particularly from rural and inner city schools.

Making the top 4 percent from each high school eligible for UC will increase the number of students eligible among all ethnic groups.

**Geographic Distribution of Newly Eligible Students**



**Racial/Ethnic Composition of Newly Eligible Students**



## Visual and performing arts

The university will require a visual and performing arts course among the 15 yearlong high school courses students must take to become eligible. This change fully aligns the courses required by UC and California State University, making it easier for students and parents to plan for college.

## Other issues under consideration:

UC faculty will continue to study the amount of extra credit that should be added to the grade point average earned in advanced placement and honors courses.

In addition, the faculty are considering establishing an academic index that would combine students' grade point average and SAT 1 and SAT 2 scores and would be used during the university's admission process.

## Implementation

To give students, parents and schools ample time to prepare and plan for these changes, the new criteria will be phased in over a number of years.

- In 2001, eligibility will be granted to the top 4 percent of students at each high school.
- In 2003, the visual and performing arts requirement will be one of 15 UC-required courses.

**MEMORANDUM**

**TO: ELENA KAGAN**  
**FROM: TOM FREEDMAN, MARY L. SMITH, TANYA MARTIN**  
**RE: CIVIL RIGHTS PROPOSALS**  
**DATE: OCTOBER 16, 1997**

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**I. GENERAL SOLUTIONS PROPOSED BY CIVIL RIGHTS GROUPS**

1. Ensure that executive order signed on 8-08-94 which coordinates role of civil rights policies is being enforced.
2. Appoint a senior White House person to coordinate civil rights enforcement.
3. Improve process of nominating persons, including judges.
4. Improve Title VI enforcement (for recipients of federal dollars).
5. Follow up to speech in Little Rock--disintegration.
6. DOJ more proactive in desegregation cases.
7. Increase mobility programs in housing.
8. Permitting students to transfer from failing schools.
9. Failure to implement regulations quickly --hospital regs in Bush Administration, contractors to issue affirmative action plans, contractors to show range of salaries.
10. Improve data collection.
11. PSA campaign on Houston initiative on November 4.

**II. EEOC**

**A. SOLUTIONS THE EEOC HAS ADOPTED ALREADY**

1. In 1996, the EEOC adopted a national enforcement plan that sets priorities for the processing of charges and litigation on the national and local level. Priority is placed on class-action lawsuits, claims that involve allegations of company-wide

discrimination, and those that are likely to develop key legal principles. The reforms mark a fundamental change for the agency because it no longer fully investigates every charge it receives. Instead, charges are prioritized so those with little merit are dismissed without a probe while priority cases are investigated.

2. The EEOC beefed up its mediation strategy, using many volunteer mediators under the Administrative Dispute Resolution Act.
3. The agency is also targeting high-profile cases to bring suit such as the Mitsubishi sexual harassment suit in Illinois.

#### **B. PROPOSED SOLUTIONS**

1. Make a good and early appointment for the head of the EEOC.
2. Improve enforcement of discrimination in the federal workplace (Wade Henderson).

**The EEOC already has some initiatives regarding this per the Washington Post on October 3**

- **Government agencies be required to implement dispute resolution programs to encourage parties in discrimination cases to resolve cases before they go to hearings.**
  - **The EEOC implement a mandatory training program for equal employment officers inside the government agencies.**
  - **EEOC administrative judges resolve cases faster.**
  - **Government agencies be prohibited from overturning EEOC rulings that find in favor of workers while giving agency officials the right to appeal EEOC rulings.**
3. Improve the number of cases resolved (Wade Henderson).
  4. Improve the manner in which cases are generated in the field (Wade Henderson).
  5. More funding for staff to address the backlog
  6. Give the EEOC "cease and desist" authority, that is, authority to issue injunctions in cases of egregious violations

7. Give judicial deference to an EEOC determination of "cause" or "no cause," permitting only appellate review based on a "substantial evidence" standard of review
8. Mandate that a certain class of cases will be subject to non-binding arbitration on an expedited basis (perhaps cases under a certain dollar amount, and after they have been classified as "A," "B," or "C")
9. Encourage binding ADR on an accelerated schedule before EEOC does investigation
10. Criminalize job discrimination in the strongest cases, where there is profound damage and willful violations of the law with direct economic impact.

### **III. JUSTICE -- CIVIL RIGHTS DIVISION (CRD)**

#### **Possible Improvements**

- Caseload improvements -- because of the vast jurisdiction of the CRD, its overall workload is affected by nearly every expansion of civil rights protections.
- Coordination -- improve data collection/dissemination among agencies.

### **IV. DEPARTMENT OF EDUCATION -- OFFICE OF CIVIL RIGHTS (ED-OCR)**

#### **Potential Improvements**

- Reduce delay -- some education civil rights groups have complained to the Department about the speed of enforcement actions and delivery of the Elementary and Secondary School Survey data.
- Provide more proactive technical assistance/guidance to school districts/states.

### **V. HEALTH AND HUMAN SERVICES -- OFFICE FOR CIVIL RIGHTS (HHS-OCR)**

#### **Potential Improvements**

- Increase funding -- HHS-OCR is below its FY 1981 funding and FTE levels, while the number of complaints is increasing.
- Increase the availability of data on Title VI compliance by health care facilities

### **VI. HOUSING AND URBAN DEVELOPMENT**

## **OFFICE OF FAIR HOUSING AND EMPLOYMENT OPPORTUNITY (FHEO)**

### **Potential Improvements**

- Increase the number of state/local agencies qualifying as "substantially equivalent" under the FHAP program. The number decreased due to the implementation of more stringent requirements in the Fair Housing Amendments Act of 1988. In 1990, approximately 125 agencies were certified, by 1993 the number qualifying was 52.
- In 1994, the Civil Rights Commission found that in most cases HUD did not reach a conclusion as to just cause within the 100-day benchmark set by Congress. The average case-processing time in 1993 was 151 days.

## **VII. DEPARTMENT OF LABOR (DOL) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP) OFFICE OF CIVIL RIGHTS**

### **Potential Improvements**

- OFCCP's FY 1998 budget includes resources for a tiered-review process, which will reduce the paperwork burden on federal contractors and increase coverage of the contractor universe.
- Increase amount of compliance assistance provided to contractors

August 22, 1997  
 CIVIL RIGHTS ENFORCEMENT Meeting

Name	Agency	Phone	FAX
Kathleen O'Brien	HHS	202 619-1002	202 619-343
Norma V. Cantu	OCR/ED	202 205 5557	205 -5381
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Jerry L. MALONE	DOT	366-6800	366-3956
Nancy McFadden	DOT	366-4702	366-338
Annabelle F. Loekhat	OCR/DOL	219-8927	219-565
Shirley J. Wilcher	DOL/OFCCP	219-9475	219-619
Stephanie Y. Moore	USCCR	376-8368	376-755
Reba Pittman Evans	USDA	720-3631	690-29
SHARRON HARRIS	USDA	720-7117	720-3001
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Elizabeth HOMER	OS/DOI	208-3338	208-750
Omar Guerrero	OCR/HHS	619-0403	619-343
Tom Heebman	DPC	456-5587	-
Mary SMITH	DPC	456-5571	-
Erin Parker	NEC	456-2809	-
JOSE CERDA	DPC	456-5568	456-70
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August 22, 1997  
CIVIL RIGHTS ENFORCEMENT Meeting

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Ormar Guerrero	OCR/HHS	619-0403	619-343
Tom Heelman	DPL	456-5587	-
Mary Smith	DPC	456-5571	-
Erin Parker	NEC	456-2809	-
JOSE CERDA	DPC	456-5568	456-70
MERCEDES MARQUEZ	HUD	708-2467	708-338
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