

HISPANIC STUDENTS IN HIGHER EDUCATION POST PROPOSITION 209:  
COMPARATIVE CASE STUDY ACROSS THREE STATES

A Thesis Presented to  
The Faculty of the School of Education  
California State University Channel Islands

In (Partial) Fulfillment  
Of the Requirements for the Degree  
Masters of Arts

By  
Jehu Cazares  
May 2019

© 2019

Jehu Cazares

**ALL RIGHTS RESERVED**

Student Name: Jehu Cazares

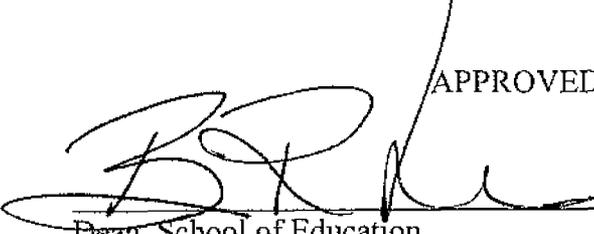
Thesis/Project Title: Hispanic Students In Higher Education Post Proposition 209: Comparative Case Study Across Three States.

APPROVED FOR THE SCHOOL OF EDUCATION

 5/10/2019  
\_\_\_\_\_  
Advisor Date

 5/10/19  
\_\_\_\_\_  
Second Reader Date

APPROVED FOR THE UNIVERSITY

 5/10/19  
\_\_\_\_\_  
Dean, School of Education Date

## **Abstract**

In 1996, the backlash against affirmative action in California resulted in the passage of Proposition 209 effectively banning race-based college admissions. Prior to Proposition 209, some Hispanic students gained admittance to selective universities, and were able to create a more inclusive society. The Hispanic population is projected to become the majority in California within the next few decades (California Department of Finance, 2017). Being that there is no correlation between a student's intellectual ability and their ethnic background, higher Hispanic enrollment rates should be commensurate with an increasing Hispanic population. Through a comparative case study of Hispanic enrollment in higher education in three states, this study illuminates intriguing patterns well worth considering in the development of public policy designed and patterns of discourse to manifest more inclusive higher education. The core research question of this thesis is: How do patterns of discourse surrounding Hispanic enrollment in the California State University system compare to those of state-supported universities in Texas and Rhode Island both prior to, and after, the implementation of Proposition 209 in California? Does a comparative case study of these states suggest that Proposition 209 differentially affected this unfolding history of education policy in California as compared to Texas and Rhode Island?

## Acknowledgements

This work could not have been complete without the tireless support of family, friends and CSUCI faculty. Thank You for your guidance and encouragement throughout this program.

First and foremost, I would like to express my deepest and sincerest appreciation to Dr. Dana Baker. Without her support, I would have been unable to complete my academic journey. Thank You for the countless hours you have spent working with me and overseeing my work. Thank You for your constant feedback and always being available. Thank You for encouraging me to step out of my academic comfort zone and pushing me to exceed my own academic expectations. I lack the words necessary to express my appreciation. Thank You, Thank You Thank You!!!

Samantha, Rosa, Sergio, and Maggie (La Familia Cazares), Thank You for your support. This work is dedicated to you all. Again, I lack the words necessary to express my appreciation.

To my fellow classmates, the “Baby Cohort”, I was truly blessed embarking on this academic journey with you all. We have shared good times and bad time but throughout this trip I knew I could always count on you.

“Grad School Squad”, Thank You for serving as the support pillar of my graduate student career. Thank You for believing in me when doubted myself. I will be forever grateful for your friendship.

I would like to Thank my friends who have supported me through this experience. Special shoutout to Juan, for the last two years you have listened to me vent about graduate school. Thank You for your support during my moments of doubt and your continuing encouragement.

## Table of Contents

Abstract.....	III
Acknowledgements.....	IV
List of Figures and Tables .....	VII
Chapter 1: Introduction.....	1
Chapter 2: Literature Review.....	5
Why Higher Education .....	5
Higher Education in a Federalist System .....	6
State Constitutions .....	8
Mismatch Hypothesis.....	9
Selection of Hispanic Students .....	11
Definition of Hispanic.....	12
Timeline .....	14
Proposition 209.....	16
Comparison.....	17
Conclusion of Literature Review.....	18
Chapter 3: Methodology .....	20
Data Sources .....	20
Research Design.....	21
Chapter 4: Findings.....	23
Undocumented Students .....	23
Terminology.....	27
Texas .....	29

Hispanic-Serving Institution Designation .....	31
University Programs and Initiatives.....	32
Conclusion .....	37
Chapter 5: Discussion .....	39
Research Limitations and Future Analysis .....	39
Discussion .....	39
References.....	44

**List of Figures and Tables**

*Table 2.1.* List of Affirmative Action Related Events ..... 14

*Table 3.1.* Variables and Indicators ..... 22

*Table 4.1.* Frequency of use of Term Hispanic in Legislation..... 27

*Table 4.2.* Number of Times Term Appeared in Legislation Per State ..... 27

*Table 4.3.* Times Term Hispanic Appeared Per Type of Document ..... 28

*Figure 4.1.* Total number of students served by EOP in the CSU system in the beginning of 2015 academic year compared to the number that identified as Hispanic/Latinx within EOP ..... 34

*Table 4.4.* Correlation of Identifying as Hispanic/Latinx and being enrolled in EOP..... 35

## **Chapter 1: Introduction**

Given the importance of higher education in an individual's quality of life, undoubtedly there will be competition to gain access to institutions of higher education. Studies have shown that those who have a college degree tend to thrive and have more successful lives as compared to those who do not (Cortes, 2010; Hout, 2012; Tamborini, Kim, & Sakamoto, 2015).

Communities also benefit from having an educated population. Those with degrees from higher education institutions are less likely to engage in criminal activities and be more conscious of their civil duties such as voting (Burden, 2009; Dee, 2004; Hout, 2012). With the benefits associated with receiving a college education to both individuals and communities, it is of crucial importance that a college education be a viable option for all who wish to attend. However, as Dahill-Brown, Witte and Wolfe (2016) mention, "students are graduating from high school at higher rates and are generally better prepared for college" (p. 70). While there is limited space available for students in colleges and universities, their numbers keep rising (Dahill-Brown, Witte & Wolfe, 2016). As a result, colleges and universities have become more selective and it is become the student's responsibility to make themselves stand apart from other applicants (Dahill-Brown, Witte & Wolfe, 2016).

Competition for college admittance has exacerbated the educational disparities that exist due to social status. Parents with high socioeconomic status can help their child succeed by investing in their success by paying for programs such as after school tutoring and preparation courses for college admission test in an attempt to help their child be better suited for college (Cilesiz & Drotos, 2016). Furthermore, many low-income students are underprepared academically by a struggling public-school system (Dahill-Brown, Witte & Wolfe, 2016). Within the education system, studies have shown that middle-and upper-class children request more help

from teachers when needed because they have been taught since a young age to effectively and assertively seek help and guidance from institutional officials (Cilesiz & Drotos, 2016). Children from lower-class parents are more reluctant to seek help. Lower income students tend to be behind academically when they start elementary, they have a shaky foundation for their academic journey (Cilesiz & Drotos, 2016). As a result, students of parents with low socioeconomic status and/or minority backgrounds often find themselves in a catch-up game (Cilesiz & Drotos, 2016). Additionally, students of higher socioeconomic status tend to fair better in the college admission process because of the additional resources available to them since a young age. As a result, they are represented at institutions of higher education in larger numbers.

To alleviate this dilemma and increase minority student presence on campus, some institutions took in to consideration the applicant race and ethnicity when deciding who to admit. Affirmative action supporters claim that racial preference in the admission process helps “overcome the legacy of institutionalized discrimination and students to receive the benefits from diverse classrooms” (Arcidiacono, Aucejo, Fang, & Spenner, 2011, p. 304). Many institutions took on affirmative action policies to help increase minority student presence on campus. In both *Regents of University of California v. Bakke (1978)* and *Grutter v. Bollinger (2003)* the Supreme Court ruled that benefits from diversifying the classroom were compelling state interest and legitimized affirmative action policies.

While affirmative action programs were implemented on the belief that they help students, opponents of such policies saw this type of programs as reverse discrimination (Hicklin, 2007). Since a student cannot control their race and ethnicity, giving preference to one group for their race and ethnicity is harming other groups for something they have no control

over during the admission process. When candidates are evaluated, one's ethnic background may give them an advantage over the other even though they may have similar academic records. Such was the case in *Regents of University of California v. Bakke* (1978).

Opponents of race-based admission argue that granting students admission to a college or university may mismatch their academic qualifications by placing them at institutions whose academic standards may be too rigorous for the student to meet (Cortes, 2010; Arcidiacono, Aucejo, Fang, and Spenner 2011; Arcidiacono and Lovenheim, 2016; Krulaender and Grosky, 2013). While diversifying student populations may be beneficial for some students it cannot be done at the expense of other students (Hurtado, 2006). Some traditionally served and qualified students were denied admission so that an underrepresented student could enroll (Kurlaender and Grosky, 2013).

For the purpose of this thesis, an underrepresented minority student is defined as students from a traditionally marginalized population (i.e. historically oppressed racial and ethnic groups). Specifically, this thesis focuses on Hispanic or Latinx students, these terms are used interchangeably. The term Hispanic has been chosen because it is the term used in American Policy (Mora, 2014). For example, the U.S Census uses the term Hispanic to group individuals from Latin-American countries (Mora, 2014). As the Hispanic/Latinx population rises one would expect for there to be an increased presence of Latinx students on college campuses. Through a comparative case study of discourse on enrollment, this study illuminates intriguing patterns well worth considering in the development of public policy designed to manifest more inclusive higher education. The core research question of this thesis is: How do patterns discourse surrounding Hispanic enrollment in the California State University system compare to those found in Texas and Rhode Island both prior to and after the implementation of Proposition 209?

Does a comparative case study of these states suggest that Proposition 209 differentially affected this unfolding history in California as compared to Texas and Rhode Island?

## Chapter 2: Literature Review

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be available to all on equal terms. (*Brown v. Board of Education of Topeka, 1954*).

While Chief Justice Warren's statement in the deliberation of *Brown v. Board of Education of Topeka* may have been addressing the desegregation of schools in the K-12 system in 1954, his words can be applied to higher education today. Given the variety of individual, social and communal benefits that higher education provides (Hout, 2012; Tamborini, et al., 2015), it is of crucial importance that higher education be a viable option for those who wish to attend. However, the college admission process has become increasingly difficult (Dahill-Brown, Witte & Wolfe, 2016). Governmental bureaucracy, budgetary constraints, limited spacing, and an increased number of high school graduate applicants have made college admission increasingly difficult (Dahill-Brown, Witte & Wolfe, 2016).

### Why Higher Education

Obtaining a degree from an institution of higher education can have a variety of benefits to both the individual and the communities in which they reside. Studies have shown that those who have obtained a university degree generally fare off better than their counterparts (Hout, 2012; Tamborini, et al., 2015; Cortes, 2010). Concomitantly, college graduates tend to earn more than those with a high school degree (Tamborini, et al., 2015). Likewise, college graduates typically suffer less unemployment rates and hold more desirable jobs (Hout, 2012). Tamborini, Kim, and Sakamoto (2015) also demonstrate that a college degree helps individuals increase their lifetime earnings. Additionally, college graduates typically enjoy better health, have more stable families and are less likely to commit crimes (Ward & William, 2018). Having a college degree can make obtaining social capital possible, college students are exposed to a variety of

scenarios where it is possible for them to meet new people both personally and professionally (Ward & William, 2018). Finally, those with college degrees are generally less prejudice and intolerant and support civil liberties (Hout, 2012). Given the benefits that individuals have from obtaining a college degree, making higher education accessible to all helps the longevity and quality of life to those in our communities.

Besides enjoying several personal benefits, college graduates are also more involved with communities in which they live. Dee (2004) and Burden (2009) both found that those with a college degree tend to be more involved with their civic duties. Education can serve as a tool to promote fundamental democratic values (Dee, 2004). Dee (2004) discusses education as a tool to promote democratic enlightenment, that is, individuals see the need for civic activities such as voting and jury duty. Universities educate students on the importance of civic responsibilities as well as help them develop a cognitive understanding of the importance of civic engagement and bureaucratic proficiency (Burden, 2009). Burden (2009) found that education has become a “powerful predictor of civic participation” (p.8). Additionally, one’s education level can serve as a tool to predict whether or not an individual will vote in an election (Burden, 2009). Given the positive correlation between civic participation and higher education, it is worth noting the importance that education can have on our communities and nation as whole.

### **Higher Education in a Federalist System**

Education was traditionally seen as a duty of the state, yet, over the last half-century, the federal government has become increasingly involved in the education system (DeBray, 2006). Higher education policy has been shaped by the evolving federalist systems in the United States. A federalist system diffuses power from the federal central government to state and local legislators. Within the federalist system, there is a clear hierarchy with the central federal

government serving as the apex followed by state and local governments. Since education is not mentioned in the U.S. Constitution, it falls under the Tenth Amendment and is reserved as a duty of the state (Abel & Deitz, 2014; Ward & William, 2018). In 1973, The Supreme Court ruled in *San Antonio Independent School District v Rodriguez* (1973) that education in fact is not a right protected under the U.S. Constitution, but rather responsibility of the state. However, as the costs continue to rise, dependency on federal dollars has led to the federal government becoming increasingly involved via policy and funding requirements (Abel & Deitz, 2014; Ward & William, 2018).

The line between state and federal regulations has become increasingly blurred. While the federal government has no regulatory means to enforce regulations, they can limit the funds provided to states and school who do not cooperate (DeBray, 2006; Kogan, Lavertu & Peskowitz, 2016). The federal government has become increasingly involved in the education system to close the perceived achievement gap between students ensuring American students remain competitive globally (DeBray, 2006). Again, given that obtaining a college degree provides various individual and communal benefits (Cortes, 2010; Hout, 2012; Tamborini, et al., 2015), it is of importance to policy makers to assure access to higher education for an educated population. Social policies such as equal opportunity and affirmative action can serve as a tool to help marginalized and underrepresented students obtain college admission and help close the achievement gap (Cortes, 2010).

Additionally, there is the issue surrounding undocumented students and their residency status for tuition and financial aid purposes. Many do not qualify for financial aid due to their legal status, and many institutions charge undocumented students out of state tuition (Hsin & Ortega, 2018). Federal legislation such as the Illegal Immigration Reform and Immigrant

Responsibility Reconciliation Act of 1996 made it illegal to charge undocumented immigrants in-state tuition unless it was offered to all U.S. nationals. Essentially if undocumented students were charged in-state tuition all other students from across the country must be charged in-state tuition as well (Feder, 2006; Flores, 2010). Still, three of the five states with the highest percentage of undocumented immigrants in the country have a version of in-state tuition policy (Flores, 2010).

### **State Constitutions**

Within the United States there are fifty-one constitutions, one federal and fifty state constitutions (Whisner, 2012). Typically, state constitutions follow the outline of the federal constitution (Whisner, 2012). However, to meet the needs of their respective constituents, constitutional additions relate to topics unique to a particular state (Whisner, 2012). The diffusion of power has led to “50 unique policy environments” (Ward & William, 2018, p. 1733). State Policies can work in line with federal policy or they may deviate (Ward & William, 2018). The federal Constitution has established unalienable rights which are granted to every citizen of the country. While rights such as freedom of religion, speech, and right to bear arms are assured under the United States Constitution, other rights such as “expanding gun rights, restricting same-sex marriages, protecting workers, and proscribing land use, along with many other social and fiscal policies, have all been codified in state constitutions” (Fay & Wenger, 2016, p.349). While the federal constitution protects basic human rights, each state can add additional clauses to their constitution to better serve the population of their state.

Since 1911, California’s Constitution includes a provision which allows for direct democracy for California residents (Anagnoson, 2011). This means that citizens can directly affect the laws that govern them either through initiatives and referendums. The principle of

direct democracy was established in California in 1911 (Anagnoson, 2011). An initiative refers to a proposal from the general population, which with enough signatures and support becomes a proposition on a ballot, for direct vote (Anganoson, 2011). If it passes, it becomes law. As of 2017, there have been a total of 1996 initiatives out of which, only 376 have made it onto the ballot (History of California Initiatives. n.d.). Unlike California, the two other states in this study do not do not provide a direct democracy clause in their constitutions.

### **Mismatch Hypothesis**

Admitting under-represented minority students to institutions of higher education through affirmative action policies provides the opportunity to traditionally marginalized students to achieve their educational aspirations while at the same time diversifying the student population. Institutions that take into consideration a student's race and ethnicity during the admission process give minority students the opportunity to succeed at their institution (Kurlaender and Grosky, 2013). However, while the goal may be noble, under the wrong conditions it may be detrimental to the target student population.

The literature identifies the phenomenon of harming underrepresented minority students rather than helping by granting admission on a race-based preference as the mismatch hypothesis (Arcidiacono, Aucejo, Fang, & Spenner 2011; Arcidiacono & Lovenheim, 2016, Cortes, 2010, Kurlaender & Grosky, 2013). The mismatch hypothesis discusses how granting students' admission because of race-based preference can place students who are not prepared at institutions with standards the student has not been adequately prepared to meet (Arcidiacono, et al. 2011; Cortes, 2010). Students may find it difficult to keep up with the pace at which courses are being taught and professors may assume certain concepts and skills are already known (Arcidiacono & Lovenheim, 2016). Students who enroll at institutions that they

are unprepared for are overmatched and face greater risk of academic failure (Kurlaender & Grodsky, 2013). The mismatch hypothesis stipulates that race-based admission can condemn underprepared minority students to failure at institutions of higher education when they are not prepared for the university's academic standards.

Rather than enrolling at institutions with expectations they are insufficiently prepared to meet, students must self-reflect where they stand academically and assess their probability to succeed at an institution. Kurlaender & Grodsky (2013) define this principle as a student's paternalistic justification that is in the student's own interest to attend a college at which he or she is about average, or at least not too far below whose academic requirements which are within their reach, increases the student's probability to graduate. Hicklin (2007) mentioned that less prepared students are not being denied an education, rather, they are redistributed to less selective institutions. Again, this redistribution helps place students at institutions where they are likely to succeed because they are better academically matched (Arcidiacono & Lovenheim, 2016). However, this distribution may further limit marginalized students from attending selective schools, while marginalized students may still be receiving an education, they are not attending the most selective institutions.

Accepting students who are not prepared may harm the student and the institution. Students who enter institutions whose expectations they cannot meet may struggle and pay the penalty through academic failure (Kurlaender & Grodsky, 2013). Students who enroll at institutions they are unprepared for and eventually dis-enroll may also have used up time they could have used to work on a degree at an institution whose demands were better suited for their abilities. Institutions also suffer as a result of accepting underprepared students. The resources that were allocated to underprepared students could have been used to help other enrolled

students. Institutions retention and graduation rates may drop making institution look less attractive to prospect students. Given that public education remains heavily subsidized by the public, campuses must invest wisely and allocate resources to students who are likely to succeed (Kurleander & Grodsky, 2013).

While the mismatch hypothesis may state that placing unprepared students' may be harmful, it is a not set in stone that students are destined for failure. Each individual is unique, students who apply themselves can meet their goals regardless of the obstacles placed in front of them (Arcidiacono & Lovenheim, 2016; Kurleander & Grodsky, 2013). While critics may suggest that equal opportunity or affirmative action programs may hinder a student's education, students may excel when given the opportunity to obtain a university degree.

### **Selection of Hispanic Students**

U.S. demographics are becoming increasingly diverse. The U.S. Census indicates minorities compose an increasing percentage of the national population (Humes, Jones & Ramirez, 2011). Between 2000 and 2010, more than half of the population growth of total population was due to an increase in the Hispanic population (Humes, et al., 2011). The countries most populated state, California is considered a minority-majority state, that is less than 50% of the state's population identifies as white with the largest ethnic group being of Hispanic or Latino descent (Humes, et al., 2011). California's Department of Finance estimates calculated that in 2016, California's population was roughly around 39 million out of which 14.9 million were of Hispanic or Latino descent. California's Department of Finance also projects that by 2036 the Hispanic Population will account for 43% of the state's total population, by 2060 they project the Hispanic population to account for 46% of the state's population (California Department of Finance, 2017). Finally, the California's Department of

Finance also estimated that currently, 34% of Latinos are younger than 20 compared to 21% of non-Hispanic population under 20 (California Department of Finance, 2017). As the population of Hispanics in California increases a larger percentage of traditional collage age students will be Hispanic.

While it is critical that all members of society receive an education, this thesis focuses primarily on Hispanics and access to higher education, in California, Texas, and Rhode Island. As the Hispanic population increases across the nation their education will become more and more influential to social justice. However, the Henry J. Kaiser Family Foundation estimates that 19% of Hispanic families found themselves below the poverty line in 2016 (Poverty Rate, n.d.). Educational attainment is often perceived as one of the catalyts of having a good quality of life. A student's education can impact a student's adult life, benefits of an education could include general satisfaction, earnings, job benefits, and better health among a few; most the benefits of an education are seen years after graduation (Jacobs, 2016).

Given that the Hispanic student population is ever growing their representation on college and university campuses should be increasing to match an increasing Hispanic population. However, in 2015 out of the 565,212 college graduates from California's universities, only 30% were Hispanic, their white counterparts composed 32% of the graduating class (Education, n.d). At the university level it is important to understand what factors may have influenced their decision whether or not to enroll in a four-year university.

### **Definition of Hispanic**

The U.S. Census Bureau categorizes Hispanics into a panethnic category that encompasses individuals of Spanish-speaking origin (Humes, et al., 2011). Those who identify as Hispanic may be of several racial backgrounds. The term Hispanic serves as an umbrella term to

categorize a group of people of different backgrounds and does not permit us to distinguish individuals of different Spanish speaking subgroups (McClain & Stewart, 2013). While the U.S. Census may categorize individuals as Hispanics, many prefer to identify by their family's country of origin (McClain & Stewart, 2013). Additionally, the term Hispanic is perceived as being Eurocentric, still federal policy uses the term Hispanic in legislation (McClain & Stewart, 2013). Like the federal government, institutions of higher education have individual's self-identify when selecting their ethnic backgrounds (Johnston, Casey, Pizzolato, Chaudhari, 2014; McClain & Stewart, 2013). Typically, universities ask the students to self-identify their ethnicity during their admission application (Johnston, et al., 2014). Most institutions of higher education use the term Hispanic/Latinx (Johnston, et al., 2014).

## Timeline

Table 2.1 List of affirmative action related events (More History, 2019).

Year	Policy	Synopsis
1978	<i>Regents of the University of California v. Bakke</i> , 438 U.S. 265	Upheld the use of race as one factor in choosing among qualified applicants for admission. At the same time it declared the University's Medical School system of reserving 18 seats per 100 to disadvantaged minority students.
1995	President Clinton	Reviewed all federal Affirmative Action guidelines and express his support. Administrations Policy: "Mend it, don't end it".
1995	Special Proposition- 01	Ban of Affirmative Action policies in University of California System.
1996	Proposition 209-California Civil Rights Initiative	Ban of Affirmative Action in state of California.
1996	<i>Hopwood v. Texas</i> , 78 F.3d 932 (5th Cir.)	Ruled against the University of Texas, deciding that its law school's policy of considering race in the admissions process was a violation of the Constitution's equal-protection guarantee.
2003	<i>Grutter v. Bollinger</i> , 539 U.S. 306	Court held that the University of Michigan's use of race among other factors in its law school admissions program was constitutional because the program furthered a compelling interest in obtaining "an educational benefit that flows from student body diversity". The Court also found that the law school's program was narrowly tailored; it was flexible, and provided for a "holistic" review of each applicant.

Race based admission has been a contested issue in the judicial and legislative branches both at the federal and state level for decades as evident in *Figure 2.1*. One of the earliest landmark challenges of affirmative action was in 1978 with the ruling in *Regents of University of California v. Bakke*. The ruling was ambiguous, using quotas to determine the number of marginalized minority students was illegal (Cohen, 2014). However, a student's race may play a factor in determining admission when it helps to diversify the incoming class (Cohen, 2014). Universities strive to serve a diverse student population, many including it as a core component of their mission statement. As court cases discussing this issue increased, President Bill Clinton addressed the issue in 1995, while not passing legislation establishing affirmative action, Clinton did express his support for affirmative action policy stating: “mend it, don't end it” (More History, 2019, para.19).

During same month President Clinton expressed his support, the University of California’s Board of Regents passed Special Proposition-1 which ultimately declared that the University of California system would be steered away from affirmative action policies and would halt institutions in the University of California system from using race as a criteria when regarding whether or not to admit a student (Geiser, Ferri, & Kowarsky, 2000). The following year, California voters passed the California Civil Rights Initiative or Proposition 209. While SP-1 banned affirmative action from the University of California system, Proposition 209 banned affirmative action in the any state-funded entities in California. That same year, 1996, *Texas v. Hopwood* decided that taking race or ethnicity into consideration when deciding among students was unconstitutional (Blume & Long, 2014). Finally in 2003, *Grutter v. Bollinger* established that the University of Michigan law school did not violate the constitution, while they

were taking race into consideration as their policy was narrowly tailored and helped achieve the holistic goal of a diverse student population (Blume & Long, 2014).

In *Regents of University of California v. Bakke*, Justice Powell concluded that affirmative action programs were inherently unequal when using quota systems; however, universities could consider race if it meant diversifying the student body population (Cohen, 2014). Using quota systems to save a certain number of seats for minorities automatically disadvantages white students (Cohen, 2014). However, institutions could consider a student's race if it was done on a case-by-case basis where other factors besides a student's race and ethnicity were taken into consideration (Cohen, 2014). Similarly, in *Grutter v. Bollinger* considering a student's race was permissible if it was narrowly tailored and help diversify the student population (Blume & Long, 2014). In both these landmark court rulings, diversity was a decisive factor. A diverse student population would help students interact with individuals of different backgrounds and experiences.

Diversity in higher education has become a predominant concern. Many institutions include diversity as a component of their respective mission statements. Institutions can achieve this through having staff and faculty that resemble the student population, outreach and recruitment of underrepresented students, providing support services, and lastly creating an inclusive campus climate (U.S. Department of Education, 2019).

### **Proposition 209**

While Proposition 209, also known as the California Civil Rights Initiative or CCRI, was passed in 1996, it was not enforced until 1998 (Geiser, et al., 2000). Proposition 209 was passed in the 1996 election with 55% of eligible California voter support (Geiser, et al., 2000). Proposition 209 stipulates that “The state shall not discriminate against, or grant preferential

treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting” (Cal. Const. Article 1- Sec. 31). Proposition 209 made affirmative action practices illegal in the state of California for any state-funded entity. This thesis focuses solely on the effects of Proposition 209 in education, specifically, the California State University system using two other states as comparative cases.

### **Comparison**

Race-based admission has been a heavily debated issue across the country. The majority of states that have some form of legislature supporting race-based admission have a significant minority presence (Flores, 2010). California is the most populated state in the nation with roughly 39 million inhabitants, they also have the largest number of Hispanics with a total of 14.9 million. The U.S census estimates that Hispanics compose about 38.5% of the state's population as compared to the national average of 17.8% (U.S. Census Bureau, 2018). The impact of anti-race-based admission legislation may be skewed by the number of Hispanics that reside in California. To better understand to what extent, if any anti-race-based admission has had on Hispanic enrollment rates, a comparison between states of different and similar demographic composition will provide a unique insight into the effect, if any, Proposition 209 may have had in discourse surrounding enrollment rates.

For this analysis, Rhode Island and Texas will be compared to California, both Rhode Island and Texas do not have anti-race-based admission policies in place. California dwarfs the state of Rhode Island in population comparison. The U.S. Census Bureau (2018) estimates that in 2016, Rhode Island had a population of roughly 1.05 million out of which Hispanics account for about 14% of the population. However, Rhode Island does not have anti-affirmative action

legislation. The second state that will be compared to California is Texas. Behind California as the most populous state, Texas shares similar characteristics in demographic composition. The U.S. Census Bureau (2018) estimates that Texas has a population of roughly 27 million residents with Hispanics accounting for about 39% of the total state population, making it almost identical to California. Comparing enrollment rates of Hispanic students to states whose demographic composition differ and share characteristics may provide a glimpse of the possible effects of Proposition 209 in California when compared to states with no similar legislation. How does Hispanic enrollment in the California State University System compare to those found in Texas and Rhode Island prior and after the implementation of Proposition 209? Does a comparative case study of these states indicate suggest that Proposition 209 differentially affected this unfolding history in California as compared to Texas and Rhode Island?

### **Conclusion of Literature Review**

As discussed, receiving a degree from an institution of higher education provides numerous benefits to individuals and the communities in which they reside. Providing access to higher education for all should be a priority for legislators. While the college admission process may seem leveled, there are underlying inequalities among applicants (Dahill-Brown, Witte & Wolfe, 2016). In a system that relies heavily on standardized testing, minority students may lack the funds to access practice test and additional resources such as tutoring (Dahill-Brown, et al., 2016). As a result, minority students may appear as weaker candidates and denied admission. Through court contested restorative justice methods such as affirmative action and equal opportunity programs, legislators and institutions have attempted to balance their student population and promote student diversity (Blume & Long, 2014, Cohen, 2014). While under-represented student access to higher education may be a national concern, it is especially

noteworthy in California. As the Hispanic population becomes a majority (Humes, et al, 2011), their presence in institutions of higher education should correlate with their increased population. However, policies such as California's Civil Rights Initiative or Proposition 209 which ended affirmative action in state-funded operations may have hindered Hispanic enrollment. In an attempt to understand the possible effects of such legislation, in this thesis will be comparing Hispanic enrollment rates across Texas, Rhode Island and California and analyze what effects, if any, Proposition 209 may have shaped the unfolding history of Hispanic enrollment rates.

### **Chapter 3: Methodology**

To further expand on the core research question: How do patterns of discourse surrounding Hispanic enrollment in the California State University system compare to those of state-supported universities in Texas and Rhode Island both prior to, and after, the implementation of Proposition 209 in California between 1994 to 2019? Does a comparative case study of these states suggest that Proposition 209 differentially affected this unfolding history in California as compared to Texas and Rhode Island? This thesis examines an array of variables that may have or may not have had an impact on Hispanic university enrollment rates.

To reiterate, this study focuses on California, Texas and Rhode Island. California and Texas were selected because they are similar in size and demographic composition. However, despite their similarity, the critical difference between these two states is the political party with which they are associated. While Rhode Island may be dwarfed in size and population when compared to California and Texas, it still merits attention. According to the Latino Policy Institute at Roger Williams University, the Hispanic/ Latino population is the fastest growing ethnic group in Rhode Island (Domezain, Escudero & Mosquera, 2018). As the Hispanic/ Latino population grows in Rhode Island, they must appropriately serve this growing population. Lastly, as mentioned, out of the three states in this thesis, California is the only state whose constitution contains a direct democracy clause permitting residents to directly place propositions on the ballot such as Proposition 209 (Anagnoson, 2011).

#### **Data Sources**

All data collected for this thesis was obtained through publicly available sources. Legislation was retrieved from each of the three respective states legislative information website. Likewise, each state's constitution education section was obtained through the same manner via

each states legislative information website focusing on the section discussing education. Similarly, university programs and initiatives that target Latino students were collected through the California State University system, the University of Texas system and Rhode Island State University system websites. To obtain descriptions of university programs and initiatives, the following keywords were entered into the university website: Hispanic, Latino, initiatives, recruitment, outreach, minority students, underrepresented students, and Hispanic Serving Institute.

Altogether 50 data sources were included in the sample (n=50). The State's Constitution article on education was examined for each of the three states, specifically, the section discussing higher education. In total, eleven laws were analyzed for California as well as two propositions. Furthermore, a total of eight university initiatives and programs were analyzed from the California State University system. For Texas, nine pieces of legislation were inspected alongside five university initiatives or programs in the University of Texas system. Finally, in Rhode Island, seven pieces of legislation were looked at alongside five university programs or initiatives. All programs for the three university systems were created or implemented within the last ten years.

### **Research Design**

The research design of this thesis is a comparative case study across three states. As mentioned, this thesis analyzed state legislation as well as university system initiatives that relate to Hispanic enrollment at institutions of higher education. The legislation, initiatives, and university programs were analyzed using eight different categorical, binary and continuous variables. The variables discussed, variable designation and indicator are available on *Table 3.1*. Each variable received a numerical value for the different subcategories within the variable. For

example, the state in which the document was created was coded as follows 1= California, 2= Texas and 3= Rhode Island. A similar approach was taken for the different variables. The data were analyzed for patterns that pertain to Hispanic student enrollment and resources. The data were analyzed for significance using cross tabulations to determine the number of times the word Hispanic or a Latino/a appeared in legislation, propositions, and university initiatives. Identifying where these terms continue to reoccur illustrated in what areas Latinx students are receiving attention. Secondly, data were analyzed for variance and accessibility in the services they provide for Latinx students. Analysis included whether or not these programs are exclusive to Latinx students or the general student population. Additionally, using inferential, non-parametric, correlational statistics, this thesis tested for correlations between students who self- identifying as a Hispanic/ Latinx and enrolling in programs that serve marginalized students.

*Table 3.1 Variables and Indicators Used in Study.*

<b>Variable</b>	<b>Indicators</b>
The state in which the document was created.	The state of the document origin.
Type of document included in the case study.	Type of document included in the emergent categories created for the case study.
Diversity as a strength in higher education.	Text specifically mentions diversity as a strength or goal.
Document focuses on Hispanic students.	Use of the term “Hispanic” or “Latinx”.
Document Allocates Funds.	Does the document allocate funds to support Hispanic/Latinx students?
Discourse about Hispanic Students in Text of Document.	The year the document was published or made public.
Year the document was made public.	Year the document was made public.
Percent of the period of history lead by a governor from the Democratic Party (Between 1996 and 2018).	Look at state history as listed on state website showing governors.

## Chapter 4: Findings

Upon analyzing various pieces of legislation, university initiatives and university programs. There were several emerging patterns that began to arise.

### Undocumented Students

Reading over legislation that may impact Hispanic enrollment rates at institutions of higher education in these three states, it is evident that the focal point of the legislation is aimed at helping undocumented students have access to institutions within their state through access to in-state tuition. For example, in California's Bill A.B. 540 signed in into law in 2001, this goal was articulated as follows,

(1) There are high school pupils who have attended elementary and secondary schools in this state for most of their lives and who are likely to remain, but are precluded from obtaining an affordable college education because they are required to pay nonresident tuition rates.

(3) A fair tuition policy for all high school pupils in California ensures access to our state's colleges and universities, and thereby increases the state's collective productivity and economic growth. (A.B.540, 2001-2002 Leg., Reg. Sess., Cal. 2001, Section.1).

California state legislators realized that undocumented students who have grown up within their State might be discouraged from attending a university due to price. Providing undocumented students with in-state tuition increases accessibility to institutions of higher education and the concomitant benefits. Similarly, Rhode Island's legislature tried to pass a similar bill in 2005. While it failed to pass, H.B. 6184's goal was to provide undocumented students with in-state tuition. "All tuition or fee schedules...shall be paid at a rate or charge no greater than that imposed on students who are residents of this state" (H.B. 6184, 2005 Leg. Reg. Sess. RI. 2005, Page 1). H.B. 6184 tried to provide undocumented students with the tuition price that resident students were paying.

In total, 16 out of 26, or 62% of all passed and proposed bills were related to undocumented students. In all three states, bills aimed to help undocumented students qualify for resident tuition and financial aid. In 2001, both California and Texas, some legislation granting these benefits has been signed into law. In 2005, the State of Texas passed legislation permitting students to apply for State financial aid. Similarly, in 2011 California passed two pieces of legislation that permitted undocumented students to apply for State financial aid.

In 2001, Texas Governor Rick Perry signed into H.B. 1403, otherwise known as the Texas Dream Act into law (H.B. 1403, 77<sup>th</sup> Leg., Reg. Sess., Tex. 2001). In order to qualify for resident in-state tuition, students must have resided in Texas for at least three years prior to completing their high school diploma or general equivalency diploma (GED), live in Texas for at least three years, and sign an affidavit with the institution in which they enroll declaring that they will apply for legal permanent residency as soon as they are able (H.B. 1403, 77<sup>th</sup> Leg. Reg. Sess. Tex., 2001). Additionally, in 2005, Texas legislators proposed and passed S.B. 1528 granting undocumented students the opportunity to receive state-funded financial aid if they met H.B.1403 requirements (S.B. 1528, 79<sup>th</sup> Leg., Reg. Sess., Tex. 2005).

Like Texas, California's legislators passed A.B. 540 in 2001 (A.B. 540, 2001-2002 Leg. Reg. Sess., Cal. 2001). A.B. 540 granted non-resident students in-state tuition. To qualify, students must have attended high school in California for the last three years prior to graduation, graduated with a high school degree or an equivalent degree, enroll in a California college or university, and sign an affidavit to legalize immigration status as soon as the student is eligible (A.B. 540, 2001-2002 Leg. Reg. Sess., Cal. 2001). Again, A.B. 540 does not provide students with preferential treatment during the university admission process. "These pupils have already proven their academic eligibility and merit by being accepted into our state's colleges and

universities” (A.B. 540, 2001-2002 Leg. Reg. Sess., Cal. 2001). Students must still meet the institution’s admission requirements in order to be admitted and qualify for in-state tuition. Furthermore, in 2011, California’s legislation passed A.B. 130 and A.B. 131 which granted A.B. 540 eligible students access to state-funded financial aid. Legislators believed that providing A.B. 540 students with access to financial aid would benefit students and the state as a collective, “increased access to financial aid for all students in California’s universities and colleges increases the state’s collective productivity and economic growth” (A.B. 130, 2011-2012 Leg., Reg. Sess. Cal. 2011). Providing students with this option opened the higher education door to students who might have otherwise not attended because of the cost of attending a university.

While in Texas and California legislators proposed and passed legislation to grant undocumented students’ equal opportunity to attend a college or university, Rhode Island presents a peculiar situation. While legislators have proposed and advocated for bills that provide undocumented students with in-state tuition, they have not passed. One of the first attempts to pass this type of legislation was in 2005 with bill H.B. 6184, which would have given undocumented students in-state tuition (H.B. 6184, 2005 Leg. Reg. Sess. RI. 2005). In both these bills students would have had to meet the same requirements as students in California and Texas. While no legislation is in place prohibiting undocumented students' admission at institutions of higher education, they were required to pay out-of-state tuition even though they resided within state boundaries.

However, in 2011 the Board of Governors for Higher Education in Rhode Island voted for in-state tuition access for undocumented students who meet certain criteria. Rhode Island's Board of Governors for Higher Education sought to improve educational attainment and ensure

that universities are accessible (Board of Governors for Higher Education, n.d.). It is composed of 15 members, 11 public members, a student from a public higher education institution and, the Chair of the Board of Regents for Elementary and Secondary Education, and the chair or designees of the House and Senate Finance Committees (Board of Governors for Higher Education, n.d.). Similarly, to policies in Texas and California, to qualify for in-state tuition undocumented students must have attended high school in Rhode Island for three years, obtained their high school diploma or equivalent, and finally, sign an affidavit to apply for legal citizenship as soon the student is eligible.

While each passed at different times and through different measures, all three state in-state tuition initiatives share core requirements. In all three, an undocumented student is required to have lived in the state for three years, have completed a high school diploma or equivalent and sign an affidavit with their institution declaring they will apply for legal citizenship as soon as they are able too. Having access to equal tuition and financial aid helps students, who would otherwise be priced out of an education, enroll at institutions of higher education.

In the three states of this study, a common theme was granting undocumented students access to higher education in the form of in-state tuition and financial aid. For perspective, according to the California State University (CSU) System website, the CSU has established a system-wide base tuition fee of \$5,742 for the 2018-2019 academic year. Nonresident students pay the base tuition plus an additional \$396 per unit. Granting undocumented students in-state tuition significantly reduces the financial burden of paying for higher education. While such legislation and initiatives are not exclusive to Hispanic students, they serve as a valuable tool to help promote higher education within the Hispanic population. None of the documents mention any country of origin in specific. While this legislation does not provide undocumented students

with guaranteed admission or preferential treatment during the admission process, it does level the field with their documented counterparts in terms of price for public institutions in these three states.

**Terminology**

While this study is looking at Hispanic students, only a small number of documents used the term Hispanic or Latino. Only 15% of analyzed legislation used either one of these terms. Out of the 26 proposed and passed bills, only 4 used a variation of the term Hispanic or Latino. *Table 4.1* illustrates the frequency in which either the term Hispanic/Latinx were present in the analyzed data. Out of the three states, Texas legislation was the only state to explicitly use the term Hispanic or Latino as illustrated in *Table 4.2*. However, the term Hispanic/Latinx appeared repeatedly in university initiatives as presented in *Table 4.3*.

*Table 4.1* Frequency of Use of Term Hispanic in Legislation.

		<b>Term Hispanic in Legislation</b>			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	22	84.6	84.6	84.6
	Yes	4	15.4	15.4	100.0
	Total	26	100.0	100.0	

*Table 4.2* Number of Times Term Hispanic Appeared in Legislation Per State.

		Hispanic		Total
		No	Yes	
State	CA	10	0	10
	TX	5	4	9
	RI	7	0	7
Total		22	4	26

*Table 4.3 Times Term Hispanic Appeared Per Type of Document (for this test, state constitutions were not accounted for any of the three states).*

**Term Hispanic Used by Type of Document**

Type		Hispanic		Total
		No	Yes	
Leg.		22	4	26
Pro.		3	0	3
Uni.		7	11	18
Total		32	15	47

The most recurring terms were minority, low-income, undocumented, historically underrepresented students and nonresident. The most recurring term was nonresident, appearing in 58% of the documents analyzed. In total, the term nonresident appears in 15 out of the 26 documents. The terms minority (4), low-income (2), undocumented (3), underrepresented students (2) appear a combined 11 times in a total of 42% of the documents inspected.

Using this broad terminology helps expand whom the legislation seeks to encourage to obtain a degree. Encompassing a larger population ensures that all students have an equal opportunity to have equitable access to higher education. For example, California’s proposed bill S.B. 1050 goal was to provide all students with the academic foundation necessary to gain admittance and succeed at public universities within the state.

"(f) All California high school students, regardless of income, ethnicity, or status, should have an equal opportunity to access rigorous coursework that will enable them to be eligible for admission to California’s public universities. All students must have the same opportunity to compete and succeed at the state’s university systems.

(g) California has the seventh largest economy in the world. In order for the state’s economy to grow and remain strong, the Legislature must ensure that more California students meet all college eligibility requirements and earn a bachelor degree." (S.B. 1050, 2015-2016 Leg, Reg. Sess., Cal, 2016, Section 1).

While S.B. 1050 ultimately failed to pass, the goal of legislators was to have all students regardless of ethnicity and socioeconomic status be able complete their degree which would ultimately benefit the State as a whole.

## **Texas**

As mentioned, the state of Texas was the only state with legislation addressing Hispanics in particular. Examples include the Texas Higher Education Coordinating Board initiative in 2000, when they saw it necessary to bridge the achievement gap between Caucasian students and minority students, specifically Hispanics and African American students. The Texas Higher Education Coordinating Board is composed of nine members appointed by the governor and is the highest authority relating to higher education in the state, their goal is to place Texas as a competitive global leader (Board/ Commissioner, n.d.). While the participation of all demographics would be necessary, Hispanic student involvement was crucial due to their sizeable increasing population, “Texas will become a minority-majority state. Hispanics will account for more than 40 percent of the state’s population” (Closing the Gap, 2000, p.7). As the Hispanic population grew it was crucial that they received degrees at a proportional rate to their population. To meet the initiative goals additional support for Hispanic students would be needed to help meet admission requirements and encourage participation in higher education. Amongst the recommendations made were making standard curriculum meet basic public institution admission requirements, recruit well-qualified teachers, and educate parents and students about benefits of obtaining a degree (Closing the Gap, 2000).

Signed into law in 2013, H.B. 2550 sought to help students with the enrollment process (H.B. 2550, 83<sup>rd</sup> Leg, Reg. Sess., Tex. 2013). Amongst the objectives of H.B. 2550 is to “target efforts to increase the number of Hispanic students and African American male students enrolled

in higher education institutions” (H.B. 2550, 83<sup>rd</sup> Leg, Reg. Sess., Tex. 2013, p.2). While H.B. 2550 did not guarantee Hispanic or African American students’ admission to higher education institutions, it sought to help strengthen a student’s academic foundation to help them be academically prepared for these types of programs as well as providing support with financial aid and admission process (H.B. 2550, 83<sup>rd</sup> Leg, Reg. Sess., Tex. 2013, p.2).

Moreover, in 2015, S.B. 459 was proposed and passed, this bill helped establish The Advisory Council on Hispanic Affairs in the Office of the Governor (S.B. 459, 84<sup>th</sup> Leg., Reg. Sess., Tex. 2015). The primary duty of the Advisory Council is to “advise the office on furthering the economic, social, legal, and political contributions and equality of the Hispanic population of this state” (S.B. 459, 84<sup>th</sup> Leg., Reg. Sess., Tex. 2015, par.5). Furthermore, the Advisory Council is tasked with “furthering the accomplishments of Hispanics enrolled in institutions of higher education” (S.B. 459, 84<sup>th</sup> Leg., Reg. Sess., Tex. 2015). To help Hispanic students be successful, the Advisory Council seeks to:

A) Retaining Hispanic students in public schools by decreasing the dropout rate. B) Closing the educational achievement gaps. C) Further the accomplishments of Hispanics enrolled in institutions of higher education. D) Increasing work-study, mentorship and financial assistance for Hispanic students. E) Informing Hispanics about nontraditional educational and employment opportunities. F) Evaluating programs designed to provide equal educational opportunities to the Hispanic population, as mandated by state and federal laws. (S.B. 459, 84<sup>th</sup> Leg., Reg. Sess., Tex. 2015, par. 30).

The Advisory Council seeks to address issues that Hispanic student’s face that may be detrimental to their education attainment.

As a result of *Hopwood v. Texas*, affirmative action policies were banned with the court deciding that race and ethnicity should not be a factor in the admission process. Soon after, H.B. 588 was proposed and passed. H.B. 588 granted all Texas students who graduated in the top 10% of their high school automatic admission to any state funded intuition (H.B. 588, 75<sup>th</sup> Leg., Reg.

Sess., Tex. 1997). However, this legislation has led to flagship institutions seeing a large influx of students being admitted and attending under the top 10% policy. The University of Texas at Austin, was one of the most impacted institutions from this policy (Cortes, 2010). To address this issue, the Texas Senate passed S.B. 175 which set a cap of 75% of enrolling first-time freshmen to have gained admission through the top 10% policy for the University of Texas at Austin (S.B. 175, 81<sup>st</sup> Leg., Reg. Sess., Tex., 2009). Still, the University could not take into consideration a student's race and ethnicity, "a final court order applicable to the institution prohibits the institution from considering an applicant's race or ethnicity as a factor in the institution's decisions relating to first-time undergraduate admissions" (S.B. 175, 81<sup>st</sup> Leg., Reg. Sess., Tex. 2009, p.7). However, high achieving students began moving around to schools with lower performing students to ensure they were in the top 10% of their graduating class which may have had an impact in student diversity (Cortes, 2010). The students most impacted were minority students who were not part of the top 10% but rather composed the second and lower quartiles (Cortes, 2010).

### **Hispanic-Serving Institution Designation**

Throughout the three public four-year public institution systems in this study, multiple institutions are recognized as Hispanic Serving Institutions (HSI). Institutions of higher education are eligible to receive additional federal funding through the Hispanic Serving Institution designation. To be regarded as a Hispanic Serving Institutions, at least 25% of full-time equivalent students enrolled must identify as being of Hispanic origin at the time the institution applies for HSI designation (U.S. Department of Education, 2019). Obtaining HSI designation allows two-year and four-year institutions eligibility for Title V funding (U.S. Department of Education, 2019). Through Title V funding, colleges and universities can provide additional

support to enrolled students as well as increase student outreach. “These grants also enable HSIs to expand and enhance their academic offerings, program quality, and institutional stability” (U.S. Department of Education, 2019). By providing additional funding, the Department of Education seeks to support HSIs in providing Hispanic students with the resources they need to achieve academic success (U.S. Department of Education, 2019).

The California State University system is the largest public four-year public university system in the nation with 23 campuses (Fact Book, 2017). Out of the 23 campuses in the California State University system, 21 are considered HSIs by the Department of Education (Fact Book, 2017). In total, out of the 14 academic and health institutions that compose the University of Texas system, six are considered HSIs (U.S. Department of Education, 2019). Lastly, none of Rhode Island's public four-year institutions are recognized as an HSI.

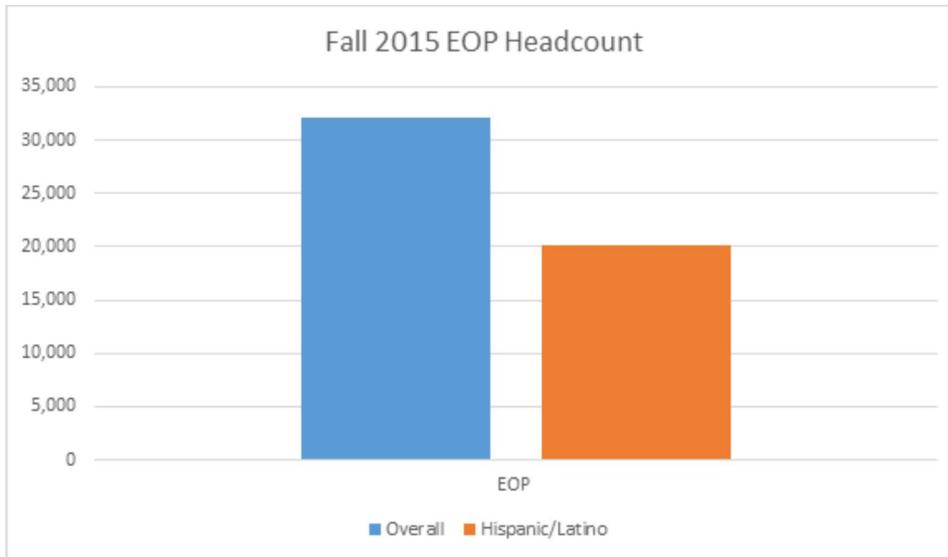
The Hispanic Serving Institution designation serves as an indicator of Latinx student enrollment at the three systems in this study. While Proposition 209 may have banned affirmative action policies at state-funded entities including universities, there is a substantial number of Latinx student enrolled at schools in the CSU system. While policy was aimed at opening the higher education door for undocumented students, colleges and universities utilized available resources to reach out to minority students to have them enroll in their institution. Similarly, in Texas, legislators opened the higher education door to undocumented students through the Texas Dream Act.

### **University Programs and Initiatives**

While state legislation may be focused on accessibility to in-state tuition and financial aid for undocumented students as presented through the data collected and analyzed for this thesis. Colleges and universities have developed their own programs and initiatives that seek to help

Latinx students succeed at their respective institutions. Programs and initiatives can range from singular institutions to the university system as a collective. Furthermore, institutions have developed community partnerships with organizations within their respective communities to provide outreach to the Latinx population in their surrounding area.

Institutions in the CSU System have access to state funds through the Equal Opportunity Program (EOP). EOP seeks to help low-income, first generation, and historically disadvantaged students to attend an institution of higher education (Questions About EOP, 2019). Services offered through EOP include recruitment, academic counseling, tutoring, and financial aid assistance (Questions About EOP, 2019). However, EOP is not exclusive to Latinx students. Students from any race and ethnicity who come from an economically disadvantaged background are encouraged to apply (Questions About EOP, 2019). Still, according to the latest available EOP data for the CSU System, for the Fall 2015 headcount out of the 32,061 students served, 20,122 students identified as Hispanic/Latino accounting for 63% of all students enrolled in EOP as demonstrate in *Figure 4.1* (Publications and Data, 2019)



*Figure 4.1.* Total number of students served by EOP in the CSU system in the beginning of 2015 academic year compared to the number that identified as Hispanic/Latinx within EOP (Publications and Data, 2019).

The correlation between being Hispanic and enrolling in EOP is statistically significant as shown in *Table 4.4*. The correlation for this particular cohort is significant at the .01 level indicating that students enrolled in EOP were more likely to self-identify as Hispanic/Latino . As can be seen in *Table 4.4*, there is a significant relationship between being enrolled in EOP and self-identifying as Hispanic in the twenty-three universities that compose the California State University System.

**Correlations Between being in EOP and  
Identifying as Hispanic**

		His.	Over.
His.	Pearson Correlation	1	.957
	Sig. (2-tailed)		.000**
	N	23	23
Over.	Pearson Correlation	.957	1
	Sig. (2-tailed)	.000**	
	N	23	23

\*\* . Correlation is significant at the 0.01 level (2-tailed).

*Table 4.4* Correlation of identifying as Hispanic/Latinx and being enrolled in EOP.

In all three university systems several institutions utilized special federal funding to help students. Some federally funded programs seek to help underserved students obtain a higher education. While not exclusive to Latinx students, many of who participate in these programs are minority students. Some institutions within these three systems offered assistance through the Department of Education funded TRIO Programs (TRIO Home Page, 2019). TRIO Programs began to emerge through the Economic Opportunity Act of 1964 (Pub. L. 88-452) and the Higher Education Act of 1965 (Pub. L. 89-352). TRIO programs were “designed to identify and provide services for individuals from disadvantaged backgrounds” (TRIO Home Page, 2019). Altogether there are eight TRIO Programs. Services provided to students through TRIO programs vary but are all aimed at helping disadvantaged students. Services provided through trio programs include, academic support for enrolled students, access to grants, college preparation for high school students, financial aid literacy, and training for TRIO program staff (TRIO Home Page, 2019).

Likewise, institutions in the University of Texas system serve Latinx students through federally funded TRIO programs. Most of these services engage with students at a more personal

level to encourage enrollment at their particular institutions as well as to help them have success while attending school. Institutions who utilize TRIO services establish centers that cater to the needs of their students such as the University of Texas at Arlington which utilizes the Student Support Services to provide services to disadvantaged students (TRIO Student Support Services, 2019). Similar individual institutions have developed their own programs aimed at recruiting Latinx students. Such is the case with the University of Texas at Dallas whose Hispanic Engagement & Achievement Team actively tries to recruit Latinx students to enroll in their institution by engaging with the community members (Diversity Outreach Team, 2019). Universities within this system use a combination of federal and state funded approaches to recruit and serve students. Using these federal and state funded programs, universities can reach out to Latinx students in the community in hopes they will enroll their institution. Additionally, universities can utilize federal aid to provide support for these students.

State-funded public intuitions in Rhode Island have developed programs that seek to increase Latinx enrollment rates at their particular institution. In an effort to raise minority student enrollment rates, the University of Rhode Island has established the Talent Development Program which helps students with academic potential from disadvantaged backgrounds (Talent Development, 2019). A majority of students in this program are students of color (Talent Development, 2019). Students enrolled in this program receive an intensive summer session where they take college level courses, receive academic support, and are eligible for special grants (Talent Development, 2019). Additionally, the University of Rhode Island has aligned itself with the Northeast Louis Stokes Alliance for Minority Participation (Northeast LSAMP Alliance, 2019). This program seeks to help increase the outreach and recruitment of underrepresented minority students in the STEM fields (Northeast LSAMP Alliance, 2019). A

notable service provided to students enrolled in this program is pre-college and college academic preparation (Northeast LSAMP Alliance, 2019). Additionally, the other institution in the Rhode Island System, Rhode Island College has been recognized as “an institution ranked in the top ten in the nation for closing the gap between White and Latino graduation rates” (Martinez & Martinez, 2016, p.3). Programs such as the Latino Student Success Pilot Program placed incoming students with a mentor who helped guide them in their academic journey.

## **Conclusion**

Throughout the three university systems in these three states, similar patterns began to emerge. As discussed, state legislators have focused their effort on providing equitable access to higher education for undocumented students through in-state tuition and access to state-funded financial aid. All three states in this study followed a similar formula for determining eligibility to these programs. The three states required students to attend school in their state for at least three years and have graduated and earned a high school diploma or obtained a GED. Additionally, students must sign an affidavit with their institution stating their intent to apply for legal residency as soon as legally possible. Additionally, California and Texas have passed legislation permitting students to apply for state-funded aid. Rhode Island had not passed similar legislation. In terms of university programs and initiatives, in all three systems, universities have relied on a mixture of federal funding and local partnerships to provide additional resources to Latinx students who are enrolled at their institution. These additional resources have helped students enrolled in a university as well as helped with recruitment of Latinx students.

This thesis sought to analyze the patterns of Proposition 209 on Latinx student enrollment rates at universities in the California State University system. While Proposition 209 effectively banned affirmative action practices in all state-funded entities in California, including the

California State University System, no similar legislation is present in Texas and Rhode Island leading to the question of whether or not it would have an impact with enrollment and services provided. This thesis aimed to inspect if this legislation hindered Latinx student accessibility to institutions of higher education in California when compared to state-funded institutions in Texas and Rhode Island. Ultimately, Proposition 209 did not prove to be an insurmountable obstacle. Institutions in all three states used federal funded, state aid, and community partnerships to serve Latinx students and encourage enrollment. To negate Proposition 209, the California State University system had opened up additional resources to all students of disadvantaged backgrounds not just specifically to Latinx students, still a greater number of Latinx student utilize these services than students of other races and ethnicities.

## **Chapter 5: Discussion**

### **Research Limitations and Future Analysis**

This thesis analyzed a total of 50 different pieces of legislation, university system initiatives and programs that may have had an influence on Latinx student enrollment at institutions in three states. With the sample size of fifty articles (n=50), this thesis was able to observe a glimpse of different movements that sought to help Latinx students. While the sample size was able to present an emerging pattern, the sample size was not large enough to provide a definite answer without a reasonable doubt. The sample size was established at 50 due to time constraints for this project. In future studies, an expansion of the number of documents for analysis is recommended to further analyze and identify trends in policy and university initiatives and programs. Additionally, future research should also look at Latinx student retention and completion rate at universities.

Lastly future research should look into Latinx student enrollment at graduate school within these systems. Looking at Latinx graduate student rates might help understanding of how Latinx students fair when compared to their counterparts from other races and ethnicities and provide a glimpse into whether or not there are barriers that prevent Latinx students from enrolling in graduate programs.

### **Discussion**

Expanding on one's knowledge and attending an institution of higher education significantly increases the chances of an individual to succeed in life. While success can be measured in a variety of ways, the main benefits typically attributed to higher education are career stability, earned income, civic engagement, healthier lifestyles, and less likelihood to engage in criminal activities (Burden, 2009; Cortes, 2010; Dee, 2004; Hout, 2012; Tamborini, et

al., 2015). With the positive rewards attributed to a university degree, there is no doubt that accessibility to universities will be highly contested. Traditionally marginalized and underrepresented students face obstacles and challenges that may hinder their prospects of obtaining a degree. Many universities instituted affirmative action policies that sought to increase racial diversity at their respective institution by taking into account a student's race and ethnicity during the admission process. Utilizing the direct democracy principle in the California constitution, voters passed Proposition 209 in the 1996 ballot. Proposition 209 banned affirmative action policies at all state funded entities, including the California State University system. The core research question of this thesis was analyzing if Position 209 had any effect in Hispanic or Latinx enrollment rates at institutions in this system. To further understand if there was any impact, this university system was compared to state funded systems in Texas and Rhode Island.

Since 1996, California's population has been evolving to where California is now considered a minority-majority state meaning that minorities constitute a majority of the population, out of these minority groups, the Latinx population is the largest (Humes, et al., 2011). As the Latinx population becomes larger, their presence at universities should be proportional. While Proposition 209 banned affirmative action policies in California, a substantial number of Latinx students are enrolled and have graduated from the California State University system. The California State University system currently has approximately 178,000 Latinx students, they also account for 62% of all bachelor's degrees awarded to California's Latinx students (Statistical Reports, 2019). While some believed that enacting Proposition 209 would hinder enrollment of Latinx student, a substantial number of Latinx students are still attending institutions in the California State University system.

The California State University system offers Latinx students a variety of resources aimed at recruiting Latinx student and helping them once enrolled. Universities have relied on special state and government funds to provide these services. Programs such as Equal Opportunity Program (EOP) and the Trio Programs provide Latinx students with additional support. While neither of these programs is exclusive to Latinx students, they cater to first-generation, low-income, and underrepresented students. EOP and the Trio programs provide students additional resources that may prove fruitful for this student population. However, while Trio programs are federally funded and available at intuitions in the three systems in this study, EOP is state-funded and only available to students in the California State University system. EOP programs provide qualifying students with an additional lifeline that may help them succeed in their higher education journey. Utilizing these resources, the California State University system has been able to keep Latinx student enrollment consistent when compared to state-funded universities in Rhode Island and Texas through programs and services offered. In all three cases, universities had special programs or partnerships that catered to the need's Hispanic students. Utilizing TRIO programs, specifically Student Support Services, institutions have been able to help Latinx students providing academic and financial resources. However, TRIO programs vary by institution. While Proposition 209 prohibited affirmative action, services that help with Latinx student enrollment were not.

In the three states studied in this thesis a recurring theme was accessibility to institutions for undocumented students. While undocumented students were not outright denied the opportunity to attend a university, a huge financial hurdle had to be jumped. While undocumented students resided within state boundaries, attended high school and graduated, they did not qualify for in-state tuition and had no access to state financial aid. With these severe

institutional handicaps, many undocumented students were essentially denied the opportunity to obtain a higher education. Legislators have addressed this issue and have established guidelines that qualify undocumented students for in-state tuition and state financial aid in two of the three states of this thesis. Granting in-state tuition to undocumented students can have a positive effect on enrollment rates of students, especially in states such as California and Texas who have a large Hispanic population. Lastly, it is noteworthy that both in Texas and California dream act legislation was passed under the Republican governors.

First generation Latinx students enrolling at institutions of higher education may require additional assistance in the university setting which is a foreign world to many who are the first to attend a university in their family. Universities have been able to utilize TRIO programs and Title V funding to address the needs of this student population by providing academic and financial aid. Additionally, utilizing community partnerships to encourage Hispanic families to the prospect of higher education increases the likelihood of students attending a college or university. From the admission process to graduation requirements, first generation students may need support to help navigate the uncharted water that is higher education and federally funded programs can help students through these unfamiliar processes. Utilizing additional funds from federal aid, state aid, Hispanic Serving Institute designation and communal partnerships institutions in the three systems serve Latinx students accordingly providing resources to the student who seeks help.

This thesis analysis of Proposition 209 looked at the possible effect on Latinx student enrollment in the California State University system. Despite anti-affirmative action policies, Latinx student have continued to enroll and graduate from this university system. The success they have had may be attributed to the additional services provided to students through other

funding streams. Since these programs are not exclusive to Latinx students, they do not violate anti-affirmative action policies of Proposition 209.

## References

- Abel, J.R., Deitz, R. (2014). Do the benefits of college still outweigh the costs? *Current Issues In Economics and Finance*, 20 (3). 1-12.
- A.B. 540, 2001-2002 Leg. Reg. Sess., Cal. 2001.
- Arcidiacono, P., Aucejo, E., Fang, H., Spenner, K.I. (2011). Does affirmative action lead to mismatch? A new test and evidence. *Quantitative Economics*, 2.303-333.
- Arcidiacono, P., Lovenheim, M. (2016). Affirmative action and the quality- fit trade-off. *Journal of Economic Literature*, 54(1). 3-51.
- Anagnoson, J. (2011). *Governing California in the twenty-first century: The political dynamics of the golden state* (3rd ed.). New York: W.W. Norton and Company.
- Blume, G.H., Long, M.C. (2014). Changes in levels of affirmative action in college admission in response to statewide bans and judicial rulings. *Educational Evaluation and Policy Analysis*, 36(2), 228-252.
- Board/ Commissioner- About the Board (n.d.). [www.thecb.state.tx.us](http://www.thecb.state.tx.us). Retrieved February 19, 2019.
- Board of Governors Policy Manuel (n.d.). <http://www.ribghe.org/polman.htm>. Retrieved February 24, 2019.
- Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
- Burden, B.C. (2009). The dynamic effects of education on voter turnout. *Electoral Studies*, 28(4), 540-549.
- Cal. Const. Article 1- Sec. 31.
- California Department of Finance. (2017, March 8). *Department of Finance Releases New State Population Projections* [Press Release] Retrieved from

[http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P\\_PressRelease.pdf](http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P_PressRelease.pdf).

Cilesiz, S., Drotos, S. (2016). High poverty urban high school students' plan for higher education: Weaving their own safety nets. *Urban Education, 51*(1). 3-31.

Cohen, C. (2014). *A Conflict of Principles: The Battle over Affirmative Action at the University of Michigan*. Lawrence, KA: University Press of Kansas.

Cortes, K.E. (2010). Do bans on affirmative action hurt minority students? Evidence from the Texas Top 10% Plan. *Economics of Education Review, 29*(6). 1110-1124.

Dahill-Brown, S.E, Witte, J.F, Wolfe, B. (2016). Income and Access to Higher Education: Are High Quality Universities Becoming More or Less Elite. A Longitudinal Case Study of Admission at UW-Madison. *RSF: The Russell Sage Foundation Journal of the Social Sciences, 2*(1), 69-89.

DeBray, E. (2006). *Politics, Ideology, & Education: Federal policy During the Clinton and Bush Administration*. New York, NY: Teachers College Press.

Dee, T.S. (2004). Are there civic returns to education? *Journal of Public Economics, 88* (9-10). 1697-1720.

Diversity Outreach Team- Community Engagement (2019). University of Texas at Dallas. Retrieved March 6, 2019 from <https://www.utdallas.edu/community/school-and-community-outreach/diversity-outreach-team/>.

Domenzain, G., Escudero, K.A., Mosquera, M.P. (2018). *Analyzing Barriers to Latino Adult Education in Rhode Island: How Community Voices Can Inform Future Engagement*. Retrieved from Latino Policy Institute at Roger Williams University Website: Website:

[https://www.rwu.edu/sites/default/files/downloads/lpi/LPI\\_ADULT\\_EDUCATION\\_2018\\_0702.pdf](https://www.rwu.edu/sites/default/files/downloads/lpi/LPI_ADULT_EDUCATION_2018_0702.pdf) .

Fact Book (2017). The California State University. Retrieved February 24, 2019 from <https://www2.calstate.edu/csu-system/about-the-csu/facts-about-the-csu/Documents/facts2017.pdf>.

Fay, D.L, Wenger, J.B. (2016). The political structure of policy diffusion. *Policy Studies Journal*, 44 (3). 349-365.

Feder, J. (2006). *Unauthorized alien students, higher education, and in-state tuition rates: A legal analysis*. Washington, DC: Congressional Research Service.

Flores, S.M. (2010). State dream acts: The effect of in-state resident tuition policies and undocumented Latino students. *The Review of Higher Education*, 33(2). 239-283.

Geiser, S., Ferri, C., & Kowarsky, J. (2000). Admissions briefing paper: Underrepresented minority admissions at UC after SP-1 and Proposition 209: Trends, issues and options (Admissions Briefing Paper). Oakland, CA: University of California Office of the President, Student Academic Services.

*Grutter v. Bollinger*, 539 U.S. 306 (2003).

H.B. 588, 75<sup>th</sup> Leg., Reg. Sess., Tex. 1997.

H.B. 1403, 77<sup>th</sup> Leg., Reg. Sess., Tex. 2001.

H.B. 2550, 83<sup>rd</sup> Leg, Reg. Sess., Tex. 2013.

H.B. 6184, 2005 Leg. Reg. Sess., RI. 2005.

Hicklin, A. (2007). The effect of race-based admissions in public universities: Debunking the myths about *Hopwood* and Proposition 209. *Public Administration Review*, 64(20). 331-340.

- History of California Initiatives. (n.d.). Retrieved March 15, 2019, from <https://www.sos.ca.gov/elections/ballot-measures/resources-and-historical-information/history-california-initiatives/>.
- Hout, M. (2012). Social and Economic Returns to College Education in the United States. *Annual Review of Sociology*, 38. 379-400.
- Hsin, A., Ortega, F. (2018). The Effects of Deferred Action for Childhood Arrivals on the Educational Outcomes of Undocumented Students. *Demography*, 55(4). 1487-1506.
- Humes, K.R., Jones, N.A., Ramirez, R.R. (2011). U.S. Department of Commerce. *Overview of Race and Hispanic Origin: 2010 (C2010BR-02)*. Retrieved from <https://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>.
- Hurtado, S (2006). Linking Diversity with the Educational and Civic Missions of Higher Education. *The Review of Higher Education*, 30(2).185–96
- Jacobs, L.A. (2016). Dealing Fairly With Winners and Losers in School: Reframing How to Think About Equality of Educational Opportunity 50 Years After the Coleman Report. *Theory and Research in Education*, 14(3). 313-332.
- Johnston, M.P., Casey, O.C., Pizzolato, J.E., Chaudhari, P. (2014). Which Box(es) Do I Check? Investigating College Students' Meaning Behind Racial Identification. *Journal of Student Affairs Research and Practice*, 51(1). 56-68.
- Kogan, V., Lavertu, S., Peskowitz, Z. (2016). Performance and Local Democracy: Theory and Evidence from School Tax Referenda. *American Journal of Political Science*, 60(2). 418-435.
- Kurlaender, M., Grodsky, E. (2013). Mismatch and the Paternalistic Justification for Selective College Admissions. *Sociology of Education*, 86(4). 294-310.

Martinez, B. C., & Martinez, M. J. (2016). *Latino student success pilot at Rhode Island college: Research findings and recommendations. Executive summary*. Annenberg Institute for School Reform at Brown University. Retrieved from <http://eric.ed.gov/>.

McClain, P.D, Stewart, J. (2013). *Can We All Get Along?: Racial and Ethnic Minorities in American Politics*. New York, NY: Westview Press-Routledge.

Mora, C.G. (2014). Cross-Field Effects and Ethnic Classification: The Institutionalization of Hispanic Panethnicity, 1965-1990. *American Sociological Review*, 79(2). 183-210.

More History of Affirmative Action Policies From the 1960's (2019). American Association for Access, Equity, & Diversity. Retrieved March 30, 2019 from [https://www.aaed.org/aaed/History\\_of\\_Affirmative\\_Action.asp](https://www.aaed.org/aaed/History_of_Affirmative_Action.asp).

Northeast LSAMP Alliance (2019). College of Engineering- The University of Rhode Island. Retrieved March 6, 2019 from <https://web.uri.edu/engineering/diversity/lisamp/>.

Poverty Rate by Race/Ethnicity (n.d.) in Henry J. Kaiser Family Foundation. Retrieved August 13, 2018 from <https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

Publications and Data (2019). The California State University. Retrieved March 30, 2019. <https://www2.calstate.edu/attend/student-services/eop/Pages/publications-data.aspx>

Questions About EOP (2019). The California State University. Retrieved March 06, 2019 from <https://www2.calstate.edu/attend/student-services/eop/Pages/questions-about-eop.aspx>.

*Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

*San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973)

S.B. 175, 81<sup>st</sup> Leg., Reg. Sess., Tex. 2009.

S.B. 459, 84th Leg., Reg. Sess., Tex. 2015.

S.B. 1050, 2015-2016 Leg, Reg. Sess., Cal, 2016.

S.B. 1528, 79th Leg., Reg. Sess., Tex. 2005.

Statistical Reports- Institutional Research and Analysis (2019). The California State University.

Retrieved March 10, 2019 from [https://www.calstate.edu/as/stat\\_reports/2017-2018/f\\_eth17toc.shtml](https://www.calstate.edu/as/stat_reports/2017-2018/f_eth17toc.shtml).

Talent Development (2019). The University of Rhode Island. Retrieved March 6, 2019

from <https://web.uri.edu/talentdevelopment/>.

Tamborini, C.R., Kim, C., Sakamoto, A. (2015). Education and lifetime earnings in the United States. *Demography*, 52(4). 1383-1407.

TRIO Home Page. (2019). U.S. Department of Education. Retrieved March 6, 2019, from

<https://www2.ed.gov/about/offices/list/ope/trio/index.html>.

TRIO Student Support Services- Student Success (2019). University of Texas at Arlington.

Retrieved March 6, 2019 from <http://www.uta.edu/studentssuccess/learning-center/sss/services.php>.

U.S. Census Bureau (2018). QuickFacts, V2018. Retrieved March 10, 2019 from

<https://www.census.gov/quickfacts/fact/map/ri,tx,ca,US>.

U.S. Department of Education. (2019). White House Initiatives on Educational Excellence for

Hispanics. Retrieved February 24, 2019 from <https://sites.ed.gov/hispanic-initiative/hispanic-serving-institutions-hsis/>.

Ward, J.D., William, T.G. (2018). The Role of State Policy in Ensuring Access, Achievement, and Attainment in Education. *American Behavioral Scientist*, 61(14). 1731-1739.

Whisner, M. (2012). Fifty More Constitutions. *Law Library Journal*, 104 (2). 331-339.