

**IMPLEMENTATION OF THE REPORT ON ACCESS AND DIVERSITY:
RECENT ACTIVITIES**

Submitted for: Information.

Summary: In August 2001, the Illinois Board of Higher Education adopted the recommendations presented by its Committee on Access and Diversity and accepted the Committee's report entitled *Gateway to Success: Rethinking Access and Diversity for a New Century*. This item describes three conferences that the Board sponsored this spring to promote access and diversity and advance the Committee's recommendations. These daylong conferences examined issues pertaining to the legal use of race and ethnic criteria in admissions and financial aid decisions by public colleges and universities, and addressed the needs of students with limited English proficiency and students with disabilities.

Action Requested: None.

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

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In August 2001, the Illinois Board of Higher Education received a report from its Committee on Access and Diversity entitled *Gateway to Success: Rethinking Access and Diversity for a New Century* and adopted its broad-ranging recommendations. In October 2001, the Board issued two short papers that described initial efforts to implement two of the Committee's recommendations pertaining to developing an annual report on readiness for college and work and requiring all high school students to take a college prep curricula. This Board item describes three conferences that the Board sponsored this spring that further promote access and diversity and advance the Committee's recommendations. These conferences, or daylong workshops, examined issues pertaining to the legal use of race and ethnic criteria in admissions and financial aid decisions, and addressed how to best meet the needs of students with limited-English proficiency and students with disabilities.

Conference on Legal Aspects of Diversity in Higher Education

On May 2, 2002, the Board of Higher Education sponsored a daylong conference entitled *Legal Aspects of Diversity in Higher Education*. The conference offered the opportunity for about 50 academic officers, legal counsels, and admissions deans at public colleges and universities to discuss legal issues pertaining to the use of race/ethnic criteria. The conference was organized in cooperation with consultant Arthur Coleman, Counsel at Nixon Peabody LLP in Washington, D.C. Mr. Coleman was formerly Deputy Assistant Secretary for Civil Rights in the U.S. Department of Education. His practice focuses on preventive law services in education and he has authored numerous articles and publications on the use of race and ethnicity, and the value of diversity in education. He recently produced a publication for the College Board, *Diversity in Higher Education: A Strategic Planning and Policy Manual*, that served as a resource for conference participants.

The Board's report, *Gateway to Success*, stressed the educational benefits that all students derive from a diverse learning environment. The report presented the results of recent research which showed that a diverse learning environment improves student academic performance and provides economic and civic benefits to individuals, as well as the society at large. The Board's report noted that, to date, there has been one case before the U.S. Supreme Court on the use of race/ethnicity in college admissions, *Regents of the University of California v. Bakke* in 1978. In this case, a divided court ruled that race/ethnic factors could be used in admission decisions, if they served as "a plus factor" and were not used to create a quota system. In the last decade, there have been several legal challenges to the *Bakke* decision in federal circuits courts, some of which have upheld and others of which have ruled contrary to this decision. It is not known if or when the U.S. Supreme Court will again consider this issue. In the meantime *Gateway to Success* advocated "following a prudent course of action" guided by the following three principles:

“1) Bakke is still the law of the land; 2) the rationale used in Bakke, which upholds the use of race/ethnic criteria to promote diversity in higher education, validates a long-standing practice and goal of higher education which should be supported; and 3) care should be taken in making admissions and financial aid decisions to follow the principles articulated in Bakke.”

In June 2001, the Board of Higher Education sponsored a half-day meeting for public college and university administrators on the use of race and ethnicity in admissions and financial aid decisions at which Mr. Coleman discussed relevant legal cases and principles. At the end of the session, participants requested that the Board reconvene the group to explore this question in greater depth.

The follow-up conference on May 2, 2002 had a three-part format: 1) a “big picture presentation” in which Mr. Coleman highlighted recent and pending court cases and presented the legal principles and planning processes by which institutions could assess their admissions and financial aid programs and procedures; 2) a two-hour workshop in which participants broke into small groups to consider an “institutional scenario” designed to promote discussion about relevant legal issues; and 3) a panel discussion about the use of race/ethnic criteria in admissions and financial aid at professional schools. Panel participants included LeRoy Pernell, Dean of the College of Law at Northern Illinois University; Thomas Guernsey, Dean of the College of Law at Southern Illinois University at Carbondale; Mary Beastall, Director of Human Relations at the University of Illinois at Urbana-Champaign; and Arthur Coleman.

While discussion at the conference ranged widely, Mr. Coleman stressed basic points. Given the strict legal reasoning applied by the federal courts, he noted that colleges and universities must be able to demonstrate the kind of educational benefits that are sought from a diverse learning environment and must produce strong evidence, such as individual testimony, student surveys, and regression analyses, about the benefits that are actually obtained. The use of race/ethnic criteria must be “narrowly tailored” to meet the ends that a campus seeks to achieve. Federal courts have consistently ruled against campuses whose justification for the use of race/ethnic criteria is to readdress societal inequities and achieve racial balance. On the other hand, courts have favored institutions where diversity is used as a means to produce educational benefits. Campuses must broadly define diversity, going beyond race and ethnicity, and include in their admissions criteria factors such as gender, disability, geographic region, and individual talents.

The Board of Higher Education will continue to look for opportunities to advance access and diversity in the coming year. The Board plans to conduct a study of how to improve faculty diversity at Illinois institutions of higher education and will work with colleges and universities and various constituent groups in this process.

Conference to Meet the Development Needs of ESL Educators

On April 6, 2002, Northeastern Illinois University, in conjunction with a number of Chicago area higher education institutions, held a one-day conference to consider issues associated with the professional development of instructors of English as a Second Language (ESL), particularly those who teach part time. Entitled, *New Visions for Professional Development: Meeting the Needs of Educators of ESL Students*, the conference was funded by a Higher Education Cooperation Act (HECA) grant. About 60 ESL instructors attended the conference.

Gateway to Success strongly advocated that all who wished to go to college have the opportunity to do so, given the importance of higher education in today's society. Accordingly, the report looked more broadly at the barriers that prevent access to higher education and examined a few factors, such as high school preparation and English proficiency, heretofore not examined in this context.

Gateway to Success demonstrated a rising need for ESL instruction in Illinois. Current levels of immigration in the United States are now the highest in seven decades, and Illinois ranks among the six largest immigration states. Census figures show that the number of adults in Illinois that belong to households speaking a language other than English exceeded 1.2 million in 1999 and have grown by 20 percent since 1990. In the past three years, the number of English Language Learners (ELL) attending elementary and secondary schools in Illinois increased by 10 percent from 133,815 in 1997 to 143,855 in 2000. The city of Chicago has the third highest levels of ELL enrollments in the country. Unfortunately, drop-out rates among students with limited-English proficiency are very high.

Gateway to Success highlighted the special development needs of ESL and bilingual educators. It noted that "ESL and bilingual instruction depend to an unusual degree on part-time instructors, many of whom have limited time for preparation and whose professional development costs are rarely reimbursed. Not surprisingly, these instructors experience a high rate of turnover". The report recommended that the Board sponsor a conference to provide ESL educators an opportunity to discuss how to best address their professional needs.

New Visions for Professional Development featured an opening presentation by Dr. Lily Wong Fillmore of the University of California at Berkeley. Dr. Wong's talk, *Is Every Teacher a Language Teacher?* considered what all teachers, whatever their discipline, need to know about English language acquisition. Following this address, the participants broke into small groups to discuss this and other professional development issues. In these groups, participants made the case that rising numbers of non-native English-speaking students increased the need for ESL teachers to work with instructors from other disciplines. Participants brainstormed about how to work with administrators to set up partnerships and team teaching efforts across disciplines to best serve English language learners. A related discussion was the importance of developing teacher education courses in ESL/Linguistics that could serve subject area teachers.

The small group conversations at the conference ranged broadly. Participants noted that federal legislation under the Perkins and Workforce Investment Act does not fund content or workforce-oriented ESL instruction, such as a course in English for Multimedia Design. Also, few resources exist for ESL teachers who work with learning disabled students. Because many ESL instructors at colleges and universities are part-time, another issue was institutional support. Many advocated the need for better access to materials, office space, and more interaction with full-time instructors. Participants identified pedagogy, theories of language, technology, and assessment as the areas of professional development for which ESL instructors had the greatest need.

One of the benefits of this conference is that it gave ESL instructors, especially part-time instructors, an opportunity to come together with others in their discipline to discuss needs and exchange points of view. Formal evaluation and informal comments indicated that participants considered the day to be productive and useful. Several persons have volunteered to serve as contacts for an ongoing professional 'network' to continue to identify needs and how they might

be met. A final report of this conference will be submitted in accordance with HECA grant guidelines.

Conference on Accommodative Teaching and Assistive Technologies

The Conference on Accommodative Teaching and Assistive Technologies is scheduled for May 31, 2002. The conference is sponsored by the Faculty Development and Instructional Design Center at Northern Illinois University and other institutions and is funded through a HECA grant. The following description is based on plans for the conference which will take place after the publication of these Board materials. The conference is intended for faculty and staff from academic institutions, vendors of assistive technologies, and staff at state agencies serving students with disabilities. The conference will enable participants to meet leaders in the field, learn about accommodative teaching techniques, view demonstrations of assistive technologies, and share ideas on how to most effectively accommodate the needs of students with disabilities.

As noted in *Gateway to Success*, “students with disabilities are confronted with barriers that severely limit their access to higher education. Because these barriers often prove insurmountable, they are more likely than any other group not to go to college or, once there, to drop out.” Nevertheless, the number of students with disabilities is growing. A 1999 report by the American Council on Education indicates the percentage of full-time college freshmen reporting disabilities increased from three percent in 1978 to seven percent in 1988 and over nine percent in 1998.

The Board approved a number of recommendations in its access and diversity report to address the needs of students with disabilities. One area given close attention was assistive technology. The report noted that “the growth in this technology, as well as ongoing technology adaptations, have brought significant improvements and hold great promise for students with disabilities. The computer, in particular, has proved a powerful assistive tool.”

To help colleges and universities capitalize on new technologies, the Board recommended sponsoring a conference on this topic that would bring together faculty and support staff, state agency personnel, students with disabilities, and other interested parties. It would seek “not only to identify promising assistive technologies but also to explore the implications of such technology for pedagogy and the relationship between faculty and support staff.” Some of the objectives of the May 31, 2002 conference are to:

- Increase awareness about the needs of students with disabilities;
- Share pedagogical techniques and best practices;
- Discuss how to ensure that technology-based courses are accessible to students with disabilities;
- Demonstrate emerging assistive technologies;
- Discuss institutional readiness issues; and
- Interact with leaders in the field and network with colleagues with similar interests in disabilities.

The daylong conference will feature two distinguished presenters, Dr. Jane Jarrow, President, Disability Access Information and Support of Ohio, and Dr. Sheryl Burgstahler, Director, DO-IT of the University of Washington. Participants will have the opportunity to attend workshops organized along three concurrent tracks on accommodative teaching, assistive

technologies, and institutional support. The concurrent tracks will include presentations as well as panel discussions. The exhibits will include demonstrations and dissemination of information about emerging assistive technologies. A final report detailing the conference and its outcomes will be submitted to the Board in accordance with HECA guidelines.

