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Read the full amicus brief [here](#).

Civil Rights Groups Submit Amicus Brief Urging Support for Admission Policies that Protect Equal Education Opportunity for All Children

Today, Asian Americans Advancing Justice – AAJC (Advancing Justice – AAJC), NAACP Legal Defense and Educational Fund, Inc. (LDF), and LatinoJustice PRLDEF, together with law firm Arnold & Porter, filed an [amicus brief](#) urging the United States Fourth Circuit Court of Appeals to grant Fairfax County School Board’s motion to stay the trial court’s disruptive ruling changing, mid-cycle, admission policies at Thomas Jefferson High School for Science and Technology (TJ) that removed barriers to education opportunities for Black and Latino students, low-income and English Language Learner (ELL) students, including Asian Americans, and students from historically underrepresented schools.

Despite the admission policies’ success in bringing one of the most diverse student classes to TJ in more than a decade, last month a Virginia federal court blocked revisions to the admission process in *Coalition for TJ v. Fairfax County School Board*.

“Limiting the ability of schools to remove known barriers would unfairly place the hopes and dreams of equal opportunity out of reach for many deserving and hardworking Black, Latino, and underserved Asian American students and their families,” said **Eri Andriola, Litigation Staff Attorney, Asian Americans Advancing Justice – AAJC**. “The lawsuit obscures the rich diversity of the Asian American community and attempts to treat us as a monolith, when in reality *all* students benefit from expanding access to education.”

The Court’s erroneous decision, if not stayed and reversed, would deter schools across the country from complying with our Constitution and anti-discrimination laws. It would irreparably harm students by denying them equal educational opportunities and the impact will fall most heavily on marginalized students who have less resources to navigate an unexpected, mid-year change. The decision would also inflict dignitary harms to highly qualified low-income students, ELLs, and students of color who were admitted under the new policy about their academic aptitude. Without a stay, the decision will further exacerbate racial isolation at TJ and deprive all deserving students of the educational benefits of diversity.

“Every student has a right to a fair chance at being admitted to Thomas Jefferson High School, which for decades has disproportionately excluded qualified Black and Latino students, as well as low-income students and English Language Learners of all races, including Asian Americans,” said **LDF Senior Deputy Director of Litigation & Director of Strategic Initiatives Jin Hee Lee**. “The Fairfax County School Board rightly modified its admissions process to address this unfairness, and it would be a grave mistake for the court not to allow those improvements to move forward for the upcoming school year.”

“In 2019—the year before the new admissions plan was adopted—Latino and Black students, combined, were about 4% of students admitted to TJHSST even though they were about 14% of applicants” said **Francisca Fajana, Director of Racial Justice Strategy, LatinoJustice PRLDEF**. “Our brief in support of FCSB’s request to the Fourth Circuit to stay the lower court’s erroneous decision lays out why expanding opportunity to all students, particularly to Latino and Black students who were 18% of admittees under the new plan, does not offend the Equal Protection Clause.”

Advancing Justice – AAJC, LDF, and LatinoJustice serve as counsel for Amici Organizations, TJ Alumni for Racial Justice, Hamkae Center (formerly known as NAKASEC VA), Asian American LEAD (“AALEAD”), CASA VA, LDF, and Hispanic Federation, in support of equal educational opportunities.

“The decision memo stated that the school board ‘must identify a compelling interest’ to justify its changes to the admissions process and ‘prove that a changed admissions policy is necessary to accomplish such an interest.’ As an advocate and former Virginia student, I cannot think of a more compelling interest than adapting our existing infrastructure to provide meaningful support to our ever-changing community of learners. Our community systems need to adapt to the unique challenges we face as our society changes. Change represents growth — an evolution of our community and personal values, and an opportunity to do things better than before. And, while all communities benefit when all students have support and access to a strong education, the ones who will benefit the most from these changes are the students,” said **Zowee Aquino, Policy and Communications Lead at Hamkae Center**.

“We are disappointed that the district court decided that steps the FCPS took to expand opportunity for our kids—Latino, ELL, Black and low-income Asian American students—is supposedly discrimination against other students,” said **Luis Aguilar, Director of Virginia region, CASA, Inc.** “We hope that the Court of Appeals will agree with us that FCPS should be encouraged to provide equal opportunity and not be deterred from doing so.”

“The district court’s myopic decision is a profound disappointment to many of us, including parents, alumni, and members of the diverse Asian American community,” said **Pichchenda Bao, TJARJ Board member**. “FCPS was finally taking concrete, responsible, and responsive steps to address the long-standing and abundantly evident inequities in TJ’s admissions, which produced a remarkable new class that better reflected the larger communities TJ serves. We should not be going back to a status quo that further entrenches a zero-sum mindset on meaningful investment in children and seeks to pit communities against each other.”

“Now more than ever, expanded access to academic opportunities and supports is interconnected with shared economic advancement. The elimination of access barriers like standardized testing, \$100 application fee and teacher recommendation has resulted in more Latino and other low-income students gaining expanded opportunities and

admission to Thomas Jefferson High School for Science and Technology in the 2021 academic year,” said **Ingrid Alvarez, Vice President for Policy and Strategic Engagement, Hispanic Federation**. “Latino students were the second highest beneficiary under the new admissions plan. It’s regrettable that the district court chose to enjoin the plan. We will continue to work with our coalition partners to ensure equitable access and increased opportunities for Latino and all other students of color.”

“The district court’s decision to deny the school board’s reasoned approach to increase opportunity for underserved youth closes yet another door to equal access for marginalized communities that include Black, Latino and underserved Asian American students,” said **Akil Vohra, Executive Director, Asian American LEAD**.

Advancing Justice – AAJC, NAACP Legal Defense Fund, and LatinoJustice PRLDEF urges the Court to grant the Fairfax County School Board’s motion to protect the public interest and prevent further harm to students of color.

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Asian Americans Advancing Justice – AAJC has a mission to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Visit our website at advancingjustice-aaajc.org.

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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LatinoJustice PRLDEF works to create a more just society by using and challenging the rule of law to secure transformative, equitable and accessible justice, by empowering our community and by fostering leadership through advocacy and education. For nearly 50 years, LatinoJustice PRLDEF has acted as an advocate against injustices throughout the country. To learn more about LatinoJustice, visit www.LatinoJustice.org.