



For Immediate Release

May 23, 2023

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Federal Appeals Court Upholds Constitutionality of Thomas Jefferson High School Admissions Policy, Rules in Favor of Equitable Access for All Students

Today, a federal appeals court reversed a lower court ruling in *Coalition for TJ v. Fairfax County School Board*, holding that a new admissions policy which created more equal access for Black, Latinx, and underserved Asian American students at the Fairfax, VA high school is in fact constitutional. Today’s decision by the U.S. Court of Appeals for the Fourth Circuit overturns an earlier ruling from the U.S. District Court for the Eastern District of Virginia district court that incorrectly found the admissions policy to be discriminatory.

In May 2022, the [Legal Defense Fund \(LDF\)](#), [Asian Americans Advancing Justice – AAJC](#), [LatinoJustice PRLDEF](#), and law firm Arnold & Porter submitted an [amicus brief](#) urging the Fourth Circuit to reverse the district court’s decision overturning the new admissions policy. The civil rights organizations have long served as co-counsel for the Virginia NAACP, Hamkae Center, Asian American LEAD (AALEAD), CASA Virginia, Hispanic Federation, and TJ Alumni for Racial Justice, on whose behalf they have filed multiple amicus briefs urging the district and appellate court to make clear that a policy designed to equalize access to TJ was legally permissible.

The new admissions policy was implemented at TJ in Spring 2021 and incorporated a number of changes, including allocating 1.5% of each public middle school’s 8th grade population to admission to TJ, considering holistic factors for admission such as students’ socioeconomic status, and eliminating a \$100 application fee and an admissions test. These changes provided more equitable access for Black and Latinx students, who previously represented a small fraction of TJ’s student body. In addition, the number of applications for TJ’s class of 2025 increased by nearly 1,000 students over the prior application cycle, and the mean grade point average among the applicants was higher than it had been in five years. And, as the majority opinion highlighted, “low-income Asian American students, as well as Asian American students attending middle schools theretofore poorly represented at TJ, saw far more offers of admission to TJ than they had in earlier years.”

In response to today’s decision, clients and co-counsel issued the following statements:

Robert N. Barnette Jr., President of the Virginia NAACP:

“We applaud the decision of the 4th Circuit Court. The Fairfax County School Board was correct in implementing policies that better identify underserved students. This reversal ensures that Black, Latino, and low-income students are provided opportunities to further advance their education.”

Sookyung Oh, Director of Hamkae Center:

“Every parent wants to know their child will not be disadvantaged in our public education system. The decision today makes sure that students from communities of color, including Asian Americans, will not be disadvantaged by an unfair admissions process and will have the same equal access only previously afforded to those with the wealth and privilege to get their children into schools like TJ.”

Akil Vohra, Executive Director of Asian American LEAD:

“We applaud the Fourth Circuit Court’s decision today to affirm the right for all students to have access to quality education in schools like TJ. We need our children to see that the door to educational opportunity is open, for each of them.”

Ingrid Alvarez, Vice President for Policy and Strategic Engagement, Hispanic Federation:

“We are thrilled to hear of the reversal which will help ensure that no student is denied an equal chance to a quality education. Allowing school districts like Fairfax County to build a more equitable and inclusive school community by implementing admissions processes that provide all students with fair opportunity to compete is beneficial to all students.”

Luis Aguilar, Director of Virginia region, CASA, Inc.:

“CASA, Inc. is happy to hear that justice has prevailed for Latino and students of color attending Fairfax County Public Schools. Today's reversal is one step closer to helping Latino and other students of color have a fair opportunity by removing biased admissions criteria.”

Daniel Morales, a member of the TJ Alumni for Racial Justice’s Board:

“We are elated that the Fourth Circuit today confirmed what should be obvious: diversity, excellence and opportunity go hand in hand. The TJ I graduated from in 1998 drew most of its students from the most privileged precincts of Fairfax County. But talent isn't limited to a handful of rich zip codes. Today's TJ finds talent of every color, creed, and household income percentile. That is truly something to celebrate.”

Michaele N. Turnage Young, Senior Counsel at LDF:

“We commend the Fourth Circuit for correctly recognizing that policies that remove obstacles to equitably accessing admission to a selective public high school are not — and should not be — considered unconstitutional race discrimination. Talented students of all races and socioeconomic backgrounds, and from all qualifying middle schools, deserve an equal chance to access this important public resource.”

Niyati Shah, Director of Litigation for Asian Americans Advancing Justice - AAJC:

“When underrepresented communities of color have more access to educational opportunities, it benefits everyone, including Asian American and white students. In fact, as the Fourth Circuit found today, the policies adopted by FCPS result in Asian American students having ‘greater success in securing admission to TJ under the policy than students from any other racial or ethnic group.’ The makeup of TJ will now reflect the rich diversity of Fairfax County, including its under-served Asian American community, and draw in a student body from more than a select, socio-economically privileged set of middle schools.”

Francisca D. Fajana, Director of Racial Justice Strategy at LatinoJustice PRLDEF:

“On behalf of our clients, who worked tirelessly to submit multiple briefs in this case, LatinoJustice is gratified that the Fourth Circuit agrees with our position that socioeconomic and geography-based measures to equalize opportunity for Latino, Black, and low-income Asian American students do not offend the constitution. The clear guidance the court established here should help address the persistent under-identification of talented students of color.”

Arthur Luk, Partner at Arnold & Porter:

“Today’s decision recognizes that TJHSST’s race-neutral admissions policy is constitutional and was not adopted with any discriminatory intent. We continue to support efforts to increase access to TJHSST for all students, including those from historically underrepresented communities and low-income levels.”