

1 [Urging the California State Legislature to Pass Senate Constitutional Amendment 5 and Send  
2 It to the Voters]

3 **Resolution urging the California State Legislature to pass Senate Constitutional**  
4 **Amendment 5 that would, with voter approval, amend the State Constitution and**  
5 **overturn the ban on using affirmative action criteria for recruitment and admissions to**  
6 **state institutions of higher education.**

7  
8 WHEREAS, The passage of Proposition 209 in 1996 led to an immediate proportional  
9 decline in underrepresented students, particularly in the UC system, by banning the use of  
10 race, sex, color, ethnicity, or national origin as factors in recruiting and admitting students into  
11 public educational institutions; and

12 WHEREAS, Although California public educational institutions can give admission  
13 preference based on military service, income, geographic background, athletic ability, and  
14 legacy, Proposition 209 bars state schools from using race for recruitment and admissions,  
15 thus diminishing campus and workforce diversity, the fight for equality and racial integration,  
16 and the development of future minority leadership; and

17 WHEREAS, After passage of Proposition 209, in 1998 enrollment by African-American  
18 and Latino students dropped by over 50% at UC Berkeley and over 30% at UCLA according  
19 to the UC President's Office of Student Affairs and Admissions; and

20 WHEREAS, While the absolute enrollment numbers for underrepresented students has  
21 risen, the proportion of underrepresented students, particularly African-Americans and  
22 Latinos, is now far below their percentages in the California population, according to U.S.  
23 Census data; and

1           WHEREAS, Systemwide in 2012, 54% of California high school graduates were in  
2 underrepresented groups; 39%, based on GPA and test scores, were in the eligibility pool for  
3 UC campuses; but only 31% were admitted to the freshman class; and

4           WHEREAS, According to a 2012 amicus brief filed by 444 American social science  
5 researchers from 42 states and 172 educational institutions and research centers, many from  
6 both public and private colleges and universities in California, submitted in the *Fisher v.*  
7 *University of Texas* case brought before the U.S. Supreme Court, lower diversity levels lead to  
8 racial isolation and a negative racial climate, harming the nation's future and the quality of  
9 education for all students; and

10          WHEREAS, The same amicus brief states that allowing race as a consideration in  
11 admissions can serve as a "symbolic beacon of a welcoming environment' that helps  
12 students to overcome their reluctance to apply or enroll at a selective institution;" and

13          WHEREAS, As established by the U.S. Supreme Court, in *Regents of the University of*  
14 *California v. Bakke* and *Grutter v. Bollinger*, race can be used in admissions policies to ensure  
15 a diverse student body and educational experience, benefitting both minority and non-minority  
16 students alike; and

17          WHEREAS, Proposition 209 went beyond what is required by the U.S. Supreme Court  
18 and banned completely the use of race in admissions; and

19          WHEREAS, State Senator Ed Hernandez proposed SCA 5 on December 3, 2012 to  
20 amend the California Constitution, Section 31 of Article I; and

21          WHEREAS, SCA 5 allows public educational institutions, like private educational  
22 institutions, to use affirmative action criteria in recruiting and admissions to the full extent of  
23 the law, in accordance with the Equal Protection Clause of the Fourteenth Amendment, and  
24 thus does not and cannot operate as a quota, nor would it allow for admitting unqualified  
25 students; and

1           WHEREAS, Support for SCA 5 has come from medical associations such as the  
2 California Medical Association, the California Nurses Association, the California Pharmacists  
3 Association and many others, since research has shown that the drop in racial diversity is  
4 greatest in science fields, thus endangering a diverse medical workforce and the health of  
5 underrepresented communities; and

6           WHEREAS, Further support has come from educational and student associations  
7 throughout the state, among others; and

8           WHEREAS, SCA 5 has been heard in the Senate Committees on Education, Elections  
9 and Constitutional Amendments, and Appropriations, and on January 30, 2014 was approved  
10 in the California Senate by a vote of 27 to 9; and

11           WHEREAS, Notwithstanding all the aforementioned evidence and support, as of March  
12 17, 2014, SCA 5 has been stalled in the California State Assembly; now, therefore, be it

13           RESOLVED, That the San Francisco Board of Supervisors urges the California State  
14 Assembly to pass Senate Constitutional Amendment 5 to allow California voters the chance to  
15 amend the State Constitution, overturn the ban on affirmative action in public educational  
16 institutions, and create more a equitable and diverse public education system, workplace, and  
17 society.



City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 140321

Date Passed: April 08, 2014

Resolution urging the California State Legislature to pass Senate Constitutional Amendment 5 that would, with voter approval, amend the State Constitution and overturn the ban on using affirmative action criteria for recruitment and admissions to state institutions of higher education.

April 08, 2014 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

April 08, 2014 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140321

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 4/8/2014 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

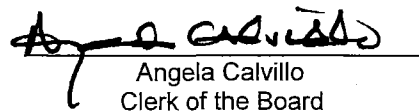
\_\_\_\_\_  
Unsigned

Mayor

\_\_\_\_\_  
4/18/14

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

  
Angela Calvillo  
Clerk of the Board