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***Southeastern Legal Foundation Urges Supreme Court  
to Strike Down Race-Based Unconstitutional Admissions Policy***

WASHINGTON, DC (Sept. 19, 2023): [Southeastern Legal Foundation](#) (SLF) filed an [amicus brief](#) with the United States Supreme Court urging the Court to strike down an unconstitutional high school race-based admissions policy. Coalition for TJ, represented by Pacific Legal Foundation, is [challenging](#) Fairfax County for engaging in unconstitutional racial discrimination in admissions.

Following racial protests in the summer of 2020, Fairfax County abruptly changed Thomas Jefferson High School's (TJ's) admissions policy. It held several meetings and conversations about how TJ needed to be more "diverse" and accept more "underrepresented" students. But the student body was already over 70% Asian-American. The board made it clear that when it talked about increasing "diversity" and admissions for "underrepresented" students, it really meant admitting more black and Hispanic students and decreasing the number of enrolled Asian-American students.

As SLF explains in its [amicus brief](#), policies that group students by race or otherwise aim to achieve a racial balance among the student body are unconstitutional. As the Supreme Court recently held in [Students for Fair Admissions v. Harvard](#), stereotyping and categorizing by race is blatantly unconstitutional.

Director of SLF's [1A Project Cece O'Leary](#) states, "The Fourteenth Amendment prohibits the government from conducting social experiments through admissions policies. Our laws demand equality and colorblindness. Fairfax County is clearly not complying with the law, and our judicial system must hold it accountable."

In its [brief](#), SLF also highlights why the Supreme Court should take up this case now. Specifically, the Department of Education's Office of Civil Rights ("OCR") has been abdicating its duty to investigate and remedy unequal treatment in public schools. In one example, the OCR [found unconstitutional and illegal discrimination](#) when a public school district in Evanston, Illinois, segregated students and staff by race, conducted privilege walks, and taught curriculum that stereotyped individuals by skin color. But when President Biden took office, the OCR suddenly rescinded its findings, meaning the school district was free to continue its overt discrimination. This sets a dangerous tone for other schools to follow.

SLF General Counsel [Kim Hermann](#) states, "Racial discrimination has carried on for too long in our nation's colleges and K-12 schools. The Supreme Court struck down race-based college admissions this past summer. It must now turn to K-12 schools where unconstitutional and illegal racial discrimination is still occurring."