

**Council on Postsecondary Education
September 28, 2008**

Statewide Study for Diversity Planning Report

ACTION: The staff recommends that the Council accept the statewide diversity study report presented by The Civil Rights Project and that the Council ask the Committee on Equal Opportunities, in consultation with the universities and KCTCS, to develop an approach for a statewide diversity plan to be considered by the Council in January 2009.

Statewide Diversity Study

At its July 2005 meeting the Council directed the Committee on Equal Opportunities (CEO) in collaboration with the institutions to conduct a study to determine the Commonwealth's compelling interest, if any, in developing a new statewide equal opportunities plan. The Council contracted with The Civil Rights Project, currently located at the University of California Los Angeles, to conduct the study under the direction of Dr. Gary Orfield.

The study is designed to provide insight on the basic legal and constitutional framework for engaging in diversity planning and to suggest a design of policies that would comply with the constitutional guidelines (established in the *Grutter*, *Gratz*, and *Bakke* cases) for race-conscious postsecondary education policies and the compelling interest and narrow tailoring requirements established by the courts. The results are to provide guidance on establishing diversity policies where consideration of race is not the primary focus.

Additionally, the study is to help identify appropriate characteristics for Kentucky's diversity plan – the areas to be evaluated, measured, and acted upon and the role of postsecondary education in improving the K-12 system, closing achievement gaps, increasing the development and graduation of highly qualified teachers, and improving the readiness of public school graduates for postsecondary education.

Dr. Orfield will join the Council at its September 28 meeting to provide an overview of the study findings.

Proposed Kentucky Diversity Plan

Since 1981, the year the U.S. Office of Civil Rights cited Kentucky for noncompliance with Title VI of the Civil Rights Act of 1964, the Council has implemented three plans and a Partnership Agreement to accelerate Kentucky's progress in the area of equal opportunities.

Developing and implementing a diversity plan to continue the work of providing access and equal opportunity is in keeping with the original responsibility assigned to the Council in 1981 and is the logical next phase of access and opportunity for postsecondary education.

The Council staff recommends that the Committee on Equal Opportunities, in collaboration with the universities and KCTCS, be directed to recommend to the Council a plan to develop a statewide diversity plan designed to assist the postsecondary education system in providing increased access to education and in serving all the people of the state equally without regard to race, color, religion, national origin, handicap, sex, or age.