The Anti-Affirmative Action Avalanche: The Rise of Underrepresented Minority Enrollment at For-Profit Institutions

INTRODUCTION

Beginning with *Proposition 209* in California in 1996, ten states passed bans on the practice of affirmative action, preventing public institutions of higher education from considering race in admissions or the awarding of scholarships and other financial aid.[1] Although there was a legal challenge to the legitimacy of the state-level bans (particularly in Michigan), the *Schutte v. Coalition to Defend Affirmative Action* (2014) 6-2 Supreme Court did not disrupt states' abilities to impose bans on affirmative action.[2] This study exploits state-level variation in the presence and the timing of affirmative action bans in the first nine affirmative action ban states and uses the non-ban states as a control to estimate the effect of these bans on the college enrollment of underrepresented minority students (herein URMs or URM students).[3,4]

The term URM generally refers to an ethnoracial group with a smaller percentage within a significant subgroup (e.g., college enrollees) than the ethnoracial group in the general population (e.g., college-aged people are typically 18-22 years old). Although the term URM is itself critiqued for denying groups the right to name themselves, obfuscating the different circumstances existing within the URM group (e.g., differential impacts between Blacks and Hispanics) and implying a racial hierarchy in which non-URMs dominate URMs (Bensimon 2016, Lane 2005, McNair, Bensimon and Malcom-Piqueux 2020, Walden et al. 2018), this article assesses the impact of the bans on people grouped by this term because it is so closely tied to educational civil rights.

As measured in this study, the term also excludes some categories within the Asian American ethnoracial group that are sometimes considered as URM by their institutions. For

CONFIDENTIAL

example, bachelor's degree attainment is lower for Cambodians (16.4%), Laotians (18%), Hmong (18.4%), Burmese (21.3%), and Vietnamese (29.5%). Conversely, some other groups have much higher bachelor's degree attainment: Indian (74.2%), Korean (56.3%), Pakistani (56.2%), Chinese (55.4%), and Japanese (51.6%) (Snyder, De Brey and Dillow 2019). However, because the National Center for Education Statistics does not collect this heterogeneity data and because it is uncertain which postsecondary schools identify these subgroups as URMs, this becomes a limitation of this study.

Nevertheless, in the *Grutter* (2003) Supreme Court case, the term "underrepresented" appears 41 times in the decision and the various concurring and dissenting opinions and appears twice in the four-page syllabus (i.e., summary). Although it was never formally held that higher education institutions were required to operate using this definition, Justice Thomas's minority opinion stated: "the Court clearly approves of only one use of race- the distinction between underrepresented minority applicants and those of all other races" (2003) [footnote 12]. In response, several institutions clarified their definitions of "underrepresented."[5] For instance, on March 19, 2004, the AAMC (Association of American Medical Colleges) Executive Committee adopted a clarification to its definition of "underrepresented in medicine" *(Association of American Medical Colleges 2022).* Furthermore, given the conservative tilt of the current Court (which includes Justice Thomas), and the looming legal battle over affirmative action involving Harvard and the University of North Carolina, an analysis using the term URM may carry more clout than an analysis using the more heterogenous ethnoracial categories defined by the Office of Management and Budget (Office of Management and Budget 1977, Office of Management and Budget 1997, Office of Management and Budget 2000).

CONFIDENTIAL

Although previous literature on affirmative action bans has shed light on some of the changes in URM undergraduate student enrollment (Backes 2012, Bleemer 2020, Hinrichs 2012), it has been unable to explain what happened to URM students in the wake of these bans. The aforementioned studies estimated that there were declines in URM enrollments at the most selective institutions, yet there was no evidence of an increase in URM enrollments across any groupings of postsecondary education. Sander (2004:411) claims that the "lack of good empiricism on this issue results from the tendency of researchers, public intellectuals, and media to focus on the glamorous schools and to give only passing attention to those in the trenches."

The impact of affirmative action bans on this non-trivial number of states (representing over a third of all college students) has already decreased the proportion of URMs entering various levels of higher education (Backes 2012, Bleemer 2020, Espenshade and Chung 2005, Hinrichs 2012, Mickey-Pabello and Garces 2018, Mickey-Pabello 2019, Wightman 1997). While these studies conclude that the bans decreased the proportion of URMs at highly selective schools, they do not pinpoint where URMs have gone due to the bans. In those studies, for-profit institutions were not differentiated from "private schools"; thus, the focus on some of the less glamorous schools in the trenches was lost.[6] This study distinguishes for-profit from other private schools and uses the Barron's classification as the primary measure of selectivity as other affirmative action studies have (Alon and Tienda 2005, Kehal, Hirschman and Berrey 2018, Long and Bateman 2020). By highlighting these schools, this work more fully explains the impact of state-level affirmative action bans across the landscape of undergraduate postsecondary education, filling a lacuna in research on affirmative action in university admissions. While describing the robust changes in enrollment due to affirmative action bans,

CONFIDENTIAL

this study directly answers the question, "Where did all of the underrepresented minorities go after affirmative action bans?"

THE ANTI-AFFIRMATIVE ACTION AVALANCHE

The anti-affirmative action avalanche describes the slide of URM students down the tiers of undergraduate postsecondary education while also considering if URM students enroll in college at all in the wake of affirmative action bans. The avalanche consists of two central mechanisms, each occurring at a different level: the institution and the state. The first mechanism is that of *racial self-interest at the state level*. Baker (2019) found that the state-level bans on affirmative action (most of which were state-level policy ballot initiatives) were driven mainly by variables that suggest there was self-interest of the White racial majority to preserve its group interest. As such, affirmative action bans are a notable racialized instance of opportunity hoarding (Tilly 1998) at the state-level, where the non-URM racial group hoards the resource of education through the bans to preserve its access to the highest quality education. Much like Critical Race Theory suggests (Christian, Seamster and Ray 2019, Ladson-Billings and Tate 2006, Park and Liu 2014), the group-level hoarding of opportunities elucidates how the legal system distributes resources and opportunities to those racial groups best positioned to reap the rewards of postsecondary education[7].

The bans are consistent with other work that argues that a group's self-interest governs educational resource distribution (Alon 2009, Alon 2015, Lucas 2001), particularly those regarding affirmative action (Warikoo 2016). Policy is ostensibly framed as a public good, often purporting to serve the greater society instead of particular interest groups (Shukla 2017). However, those in power largely define a public good (Levinson, Sutton and Winstead 2009). As

CONFIDENTIAL

Rodriguez et al. write, “power in policymaking arenas has served as a function of racial domination, control, and exclusion from institutions of social and political authority” (Rodriguez, Deane and Davis III 2022:10).

Considering race specifically, Baker’s (2019) work on the state-level determinants of affirmative action bans embodies the hallmarks of Bobo’s (Bobo and Hutchings 1996) social-psychological racial group position theory (i.e., prejudice, racial dominance, and a threat to resources). Blumer’s seminal work on group position argues that racial prejudice results from competition and the threat of losing relative status within a socio-racial hierarchy (1958). Bobo and Hutchings build upon the theory by evidencing how racial alienation and self-interest result in racial prejudice (Bobo and Hutchings 1996). The bans exemplify the *prejudicial* response manifested into law by the *dominant racial group* whose educational prospects are perceived as *threatened by affirmative action.* Bobo’s (1998) work on affirmative action also confirms that affirmative action's threat inspires prejudicial attitudes by Whites toward affirmative action. This study empirically shows that racial-self-interest at the state-level succeeds by showing that state-level racial group self-interests governs the distribution of educational resources through affirmative action bans. It captures *racial self-interest at the state level* by comparing ban states to non-ban states to show differences in underrepresented minority student enrollment patterns.

The following mechanism, *organizational racialization*, occurs at groups of institutions classified by their level of selectivity. This mechanism shows that the impacts of affirmative action felt at one institutional tier reverberate across the whole system of undergraduate education but not as traditionally understood by institutional isomorphism (DiMaggio and Powell 1983). The affirmative action cascade is more akin to Ray’s (2019), and Wooten’s (2019) work on racialized organizations that builds on Omi and Winant’s racial formation theory (Omi

CONFIDENTIAL

and Winant 2012, Omi and Winant 2014) to argue that organizations implement and reinforce the racial hierarchies existing in society. When postsecondary institutions first applied affirmative action to give historically marginalized ethnoracial groups increased access to postsecondary education, it disrupted the connection between the U.S. racial hierarchy and the hierarchy of prestige and merit at postsecondary institutions (Stulberg and Chen 2014). Later, state-level affirmative action *bans* reforged the connection between the ethnoracial and postsecondary institution hierarchies that affirmative action had previously disrupted. Ultimately, these bans began to restore the ethnoracial inequality in postsecondary education that had existed prior to the existence of affirmative action.

This study argues alongside others that affirmative action bans set off a chain reaction of *organizational racialization* within postsecondary institutions (Bleemer 2020, Sander 2004). Unlike Bleemer (2020) and Sander (2004), which suggest that the affirmative action bans created a *cascade* pattern, this study uses the more disastrous term *avalanche* to emphasize the plight that URM students have suffered due to the bans. Results from previous affirmative action ban studies emphasize that URM enrollment changes due to affirmative action bans have occurred almost wholly due to organizational responses to admitting students from particular racial groups and not changes in student application behavior (Bleemer 2020, Card and Krueger 2005, Mickey-Pabello and Garces 2018). This mechanism of *organizational racialization* is shown by estimating how underrepresented minority student enrollment has changed at each level of college and university selectivity.

The starting zone for the avalanche (the most selective institutions) is where affirmative action bans first displace a group of underrepresented minority students. Previous research has

CONFIDENTIAL

found that affirmative action bans have displaced URMs at the most selective schools (Backes 2012, Hinrichs 2012).

The rejection of URM students from the most elite institutions sets off a chain reaction across the various tiers and postsecondary education sectors. Figure 1 below shows the hypotheses for each tier or selectivity to show how students have been 'avalanched' by institutional responses to affirmative action bans. Bleemer's (2020) study underscores why some of the movement in the middle-tiers of selectivity do not capture any student movement when using enrollment as a dependent variable. After URMs slide from the top of the avalanche, the competition for resources renews at each tier of the anti-affirmative action avalanche. At the top, the group of URM students displaced from the most selective institutions (the starting zone)[8] then creates a new competition for a limited number of enrollments available at the next tier of postsecondary education down (part of the track). In Bleemer's words:

> Overall, these patterns are consistent with a substantial cascade of URM students from more-to less-selective universities after 1998, with URM students from more-selective schools taking the less-selective university seats previously held by lower-[academically qualified] URM students rejected in the absence of affirmative action, who themselves take the seats of other URM students who formerly enrolled at even less-selective universities. This cascade explains why the proportion of each campus's URM applicants who enroll at that campus only declines at the three more-selective campuses. (2020: 10)

While this study cannot trace students' applications and admissions decisions due to the limitations of IPEDS, this study expands the analysis of enrollment beyond Bleemer's

CONFIDENTIAL

(2020) because it investigates the entire system of U.S. undergraduate postsecondary education instead of applicants to the UC system.

<<INSERT FIGURE 1 HERE>>

After the *starting zone* (i.e., the top), students enter a competition between less academically qualified URMs and similarly qualified non-URM students at less selective 4-year schools. This pattern continues at every tier down the anti-affirmative action avalanche (to 4-year schools unclassified by selectivity, and then to 2-year public and private schools; the rest of the track) until a final group of URM students hits the base of the mountain (the runout zone; consisting of for-profit education and 4-year public non-competitive schools). Along the way down, the competition lessens. However, because only twenty to thirty percent of colleges and universities can pick and choose their students (Bowen and Bok 2016), the empirical focus for the impact of affirmative action bans has focused on those schools. However, the applicants displaced by the bans at the most selective schools reverberate through the other eighty to seventy percent of schools that do not pick their applicants. Although there is movement through this middle part of the anti-affirmative action avalanche, as shown by Bleemer (2020), there should be no statistically significant affirmative action ban effects in the track of the avalanche (i.e., less selective 4-year schools and 2-year colleges) because students in the *track* (i.e., the middle of the avalanche) push down students in the lower tier of selectivity; there is no net gain or loss because other URMs replace these URM students. In other words, the net change in URM enrollment for the tiers of education comprising the track (i.e., less selective 4-year and 2-year schools) should be close to zero.

The *runout*, the bottom of the avalanche, is where URM students should increase because it is the only place left for students to go. Although the American Dream posits that no

CONFIDENTIAL

postsecondary education is the least desirable outcome, not enrolling in postsecondary education may be preferable to attending a for-profit college (Cottom 2017). One audit study found no differences in getting an interview between someone with a high school degree and someone who attended a for-profit institution (Darolia et al. 2015). For-profit colleges practice unethical recruiting; target vulnerable populations such as racial minorities and people with low incomes (Dougherty et al. 2016, Lahr et al. 2014); provide low-quality education, produce lower graduation rates; saddle students with more student debt; and offer fewer job prospects than their peer institutions (Cellini and Koedel 2017, Gilpin and Stoddard 2017, Lynch, Engle and Cruz 2010, Schade 2014). Because for-profit schools are part of the bottom of the avalanche, there can be no more displacement into a lower category. Therefore, this study hypothesizes an increase in URM enrollment at for-profit schools.

Additionally, this study also tests if there are other lower-selectivity schools where URM students may have enrolled because they may not all enroll in for-profit schools. To further ensure that the bottom of the avalanche is truly for-profit schools or other less selective schools and not "no post-secondary enrollment" another analysis is conducted to measure the change in the share of URMs not-enrolling in college. The hypotheses about the bottom of the avalanche are included in Figure 1.

DATA AND METHODS

Data

This study used the Integrated Postsecondary Education Data System (IPEDS) and the Current Population Survey (CPS) from 1991-2016. It takes advantage of rich state-level variation across the implementation years of the bans in each state, and the period before the

CONFIDENTIAL

implementation of these bans, to apply a difference-in-differences model which estimates the causal impact of the bans [CA 1997; TX 1997; WA 1999; FL 2001; MI 2007; NE 2009; AZ 2011; NH 2012; and OK 2013; but excludes ID 2020]. The period from 1991 to 2016 ensures that the bans studied in this analysis have the requisite pre- and post-ban periods required by the analysis. Texas was only included through 2003 when *Grutter v Bollinger* overturned the *Hopwood v Texas* decision. After 2003 Texas is treated as missing, which is essential because the staggered difference-in-differences analyses used in this study cannot accommodate instances where a group becomes treated and then becomes untreated (Baker, Larcker and Wang 2021, de Chaisemartin, D'Haultfoeuille and Guyonvarch 2019, de Chaisemartin and d'Haultfoeuille 2020, Goodman-Bacon 2018, Goodman-Bacon, Goldring and Nichols 2019). Because Idaho passed its ban on affirmative action bans in 2020, it is treated as a non-ban state in the analysis (through 2016). However, once time passes and the data mature, it should be included as a ban state in future studies.

URM students are coded as "1" if they are Black [African American], Hispanic, or Native American (they are coded "0" otherwise). Therefore, international students are classified as "Race/Ethnicity unknown" and are classified as non-URM. These categories are used by colleges and universities when they report data to IPEDS.[9] The URM category and not the Office of Management and Budget ethnoracial categories are used because the landmark Supreme Court Case *Grutter v Bollinger* (2003) specifies this definition to measure the need for race-sensitive policies in postsecondary education: "the Court clearly approves of only one use of race- the distinction between underrepresented minority applicants and those of all other races" (2003) [footnote 12].

CONFIDENTIAL

The units of analysis in this study change based on the analysis. For most of the analyses in this study, the unit analysis is the institution to measure the enrollment of URMs by various tiers of selectivity. The exception is an analysis investigating whether URMs were displaced entirely from higher education in response to the affirmative action bans. The units of analysis here are persons between the ages of 18-35. While 22-35 is frequently used as the college graduate group, 18–21-year-olds are included because it is essential to capture currently enrolled students (i.e., "some college no degree"). This analysis uses the Current Population Survey's Annual Social and Economic Supplement (ASEC) downloaded from the Integrated Public Use Microdata Series (Ruggles 2019) to construct the dependent variable: no college (1= no college; 0= any college). The educational attainment variable from this survey was coded so that people with more than a high school degree would be coded as a 0 (i.e., 1-year of college, 'some college no degree,' or greater), and those with a high school degree or less would be coded as a 1. This coding best captures if URM students were displaced from postsecondary education altogether.

Most of the analyses investigate how the share of URMs enrolled in postsecondary institutions changed differentially due to affirmative action bans and used institutions as units of analysis. The dependent variable for these analyses is the share of URM students enrolled according to the institutions' characteristics. Institutions' sector of education (2-year or 4-year, and private, public, and private for-profit) and level of selectivity are used to stratify the analysis to see where their share of enrolled URMs changes after affirmative action bans. Colleges are classified by their Barron's Admissions Competitiveness Index to measure selectivity. The categories are "Most Competitive;" "Highly Competitive;" "Very Competitive;" "Competitive;" "Less Competitive;" "Non-competitive," and "Special." Because there were sometimes very few schools that fit into one category (e.g., there are only eight public schools in the "Most

CONFIDENTIAL

Competitive" group), the categories "Most Competitive," "Highly Competitive," and "Very Competitive" were recoded as "Highly Selective"; "Competitive," "Less Competitive," "Non-competitive," and "Special" were recoded as "Less Selective"; and schools that Barron's Admissions Competitiveness Index did not index were included by coding them as "Unclassified." The "Special" category includes some highly competitive art, music, and design schools, such as Juilliard, that have low admissions rates (e.g., less than 7% for Juilliard in 2020); however, those admissions processes are *special* because they often require a portfolio or audition to be accepted. The "Unclassified" category retains 963 schools for the analysis (385 for-profit, 185 public, and 393 private non-profit). Results are reported for both the recoded (in the text) and non-recoded measure (in Appendix D) of Barron's selectivity to illustrate the difference between the two categorizations. Comparing both results, one can see that the choice to recode or not recode the categories does not change the substance of the findings in this study.

Many state-level variables from the CPS (Current Population Survey) are included to control for state variation. Table 1 shows these controls' means and standard deviations for ban-states and non-ban states. These variables included state-level racial demographics (i.e., percentage of the population that is White, Asian, Black, Latino, Native American, or other), state-level educational attainment for the question of the share of URMs enrolled only (i.e., 25-34-year-olds with at least a bachelor's degree); and state-level economic indicators that include the unemployment rate of the population most susceptible to the impact of the bans upon graduation (25- to 34-year-olds) and personal income (also for 25- to 34-year-olds).[10] Due to the analytic strategy used, time-invariant state differences are controlled. The importance of these variables is detailed in Appendix B, which also discusses the importance of the parallel trend assumption. Succinctly, these variables control for ban state and non-ban state differences in the

CONFIDENTIAL

dependent variable that are not explained by the bans alone. The results in Appendix B caution the interpretation of the "Highest Selectivity" category of public institutions due to the presence of anticipation effects. These anticipation effects suggest that the bans' impacts occurred before the bans were implemented in anticipation of their implementation.

<<INSERT TABLE 1 HERE>>

The results of this study are weighted by enrollment and unweighted. The weights are equal to the total number of enrolled students at a given institution (Afifi, May and Clark 2003, Backes 2012, Garces and Mickey-Pabello 2015, Hill 2017, Hinrichs 2012, Hinrichs 2014, Hinrichs 2020, Mickey-Pabello and Garces 2018). The analysis weighted by enrollment yields results concerning a typical student, while the unweighted analysis yields results that reflect the typical school. Because there is evidence that a small handful of for-profit colleges make the weighted estimate for for-profit schools statistically significant while the unweighted estimate for for-profit schools is not statistically significant, Cook's distance is estimated to hone-in on the most influential for-profit schools driving this result. After finding these most influential schools, a mixed methods approach further explores the four most influential schools. Descriptive quantitative information about these schools' enrollment characteristics before and after the bans are presented alongside qualitative data drawn from secondary newsprint media sources to reveal details regarding the institution's histories, recruitment tactics, and lawsuits due to these recruitment tactics[11]. These details evidence that a small number of institutions have profoundly changed URM enrollments even though the typical for-profit school does not. In sum, the reliability and validity of this novel finding are undergirded by a causal inference model, descriptive statistics, and qualitative data.

CONFIDENTIAL

The study also investigates the timing of the bans through the analysis of various timepoints as the onset of the bans. The different time points considered are ratification, implementation, and fall cohort. Ratification marks when the ban became law. Implementation marks when admissions decisions became race-neutral. Fall cohort refers to the cohort of entering first-year students first affected by changes in admissions policies. The complete arc of time between ratification, implementation, and fall cohort spans between two to three years and varies by state - suggesting that the "onset of treatment" is complex (this ban timing is shown in Appendix A). Although all three points are analyzed as the "onset of treatment" in this study's analytic design, only the implementation period is presented and discussed in the main text. An analysis of the ratification and fall cohort timings is included in Appendix C.

Analytic Strategy: Difference-in-Differences-in-Differences

A difference-in-differences strategy estimates the impact of affirmative action bans on URM enrollment. This strategy has been used by many scholars who study bans on affirmative action (Backes 2012, Bleemer 2020, Garces and Mickey-Pabello 2015, Hinrichs 2012, Mickey-Pabello and Garces 2018). In this analysis, the "first difference" compares the proportion of URM enrollees before and after an affirmative action ban. If the affirmative action ban impacted URM enrollment, there would be a change after the policies were enacted. However, because URM enrollment may differ year to year for reasons other than the bans (e.g., changes in demographics or labor market conditions), this first difference may also reflect these other changes. Thus, a "second difference" is used to capture any external trends by taking advantage of a comparison group of people who lived in states where affirmative action bans were not implemented. Among people in non-ban states, enrollment changes over the same period are attributed to underlying trends rather than affirmative action bans. After subtracting the second

CONFIDENTIAL

difference from the first, an estimate of the causal impact of affirmative action bans on URM enrollment remains.

This estimation strategy is implemented in a multilevel regression framework before applying difference-in-differences-in-differences (i.e., triple diff [explained later]), using fixed-effects accounts for the hierarchical nature of the data (Murnane and Willett 2011). This does not mean there are two analyses (one state level and another institutional level). The two levels in this hierarchical model emphasize that the bans occurred at the state-level but that URM enrollment changes occur at the institutional level (i.e., the units of analysis). The state-level corresponds to the mechanism of *racial self-interest at the state level*, and the institutions correspond to the mechanism of *organizational racialization*. State-clustered standard errors account for residual correlation not eliminated by state fixed-effects alone or robust standard errors (Bertrand, Duflo and Mullainathan 2004). However, since the number of clusters is small (less than 50), there may be a tendency to over-reject the null hypothesis; hence, the use of wild bootstrap is warranted and provides more conservative estimates for the impact of the bans (MacKinnon and Webb 2018, MacKinnon and Webb 2020). P-values are provided for the wild cluster restricted and wild cluster unrestricted models only when the cluster robust standard error yields statistically significant P-values. The two values (WCR and WCU) should be similar in agreement to reject the null hypothesis (MacKinnon and Webb 2018, MacKinnon and Webb 2020).[12]

Another somewhat recently discovered issue with difference-in-differences is that staggered designs (i.e., states enter into treatment at different times) are often biased (Baker, Larcker and Wang 2021, de Chaisemartin, D'Haultfoeuille and Guyonvarch 2019, de Chaisemartin and d'Haultfoeuille 2020, Goodman-Bacon 2018, Goodman-Bacon, Goldring and

CONFIDENTIAL

Nichols 2019). A decomposition of the staggered difference-in-differences model into all possible 2x2 difference-in-differences groups can reveal heterogeneity in the treatment through "negative weights," which refers to situations where some groups are of the opposite sign of the true effects. The decomposition of the difference-in-differences (Goodman-Bacon 2018) and unbiased difference-in-differences estimators (de Chaisemartin and d'Haultfoeuille 2020) are produced in Appendix E.

The following multilevel ordinary least squares regression is fitted:

$$Enroll_{ist} = \beta_0 + \beta_1(BAN_{st}) + \beta_2 W_{st} + \beta_3 cyear_t + \gamma S_s + nScyear_{st} + \alpha Z_t + \varepsilon_{ist} \quad (1)$$

where $Enroll_{ist}$ indicates the proportion of URMs enrolled at an institution (i) at time (t)[13]; BAN_{st} is a dichotomous variable indicating whether a state (s) had an affirmative action ban in place in year (t); W_{st} represents a matrix of selected time-varying state characteristics designated above; S indicates a set of vectors to distinguish among the states and to control for all time-invariant differences, both observed and unobserved, among the states (state fixed effects); $cyear$ represents a continuous-year variable (coded so that 1991=1, 1992=2, 1993=3, etc.) to capture linear time trends; $Scyear$ represents a full set of two-way interactions between each state dummy and a continuous predictor representing the linear effect of year; Z_t represents a set of vectors for years to distinguish among the chronological years to which the bans apply and to account for average differences in the outcome across the chronological years covered in the data (year fixed effects), which include the years 1991 to 2016; and ε_{ist} represents the residual.[14] Fixed effects and linear trends were both used because fixed effects capture the year-specific changes and national trends, and the linear trends capture state-specific trends; they do not create a collinearity issue. Because of the presence of the state and year fixed effects, β_1 provides the

CONFIDENTIAL

required difference-in-differences estimate of the impact affirmative action bans have had on the share of URM enrollment.

A further analytic step produces difference-in-differences-in-differences estimates (Chetty, Looney and Kroft 2009, Gruber 1994, Ravallion et al. 2005). The triple difference analysis is useful in estimating heterogeneous differences to the affirmative action bans by group category. It emphasizes the difference between URMs and non-URM attainment caused by affirmative action bans. The triple difference analysis measures if URMs (individuals *i* as the units of analysis) did not enroll in college due to affirmative action bans. The difference-in-differences-in-differences estimate is specified:

$$NoDegree_{ist} = \beta_0 + \beta_1(BAN_{st}) + \delta(BAN_{st}URM_i) + \beta_2 W_{st} + \beta_3 URM_i + \beta_4 cyear_t + \gamma S_s + nScyear_{st} + \alpha Z_t + \varepsilon_{ist} \quad (2)$$

where δ expresses the difference-in-differences-in-differences estimator for an interaction between a person's racial group (URM_i) and a ban being present in a state given a particular year. Thus, the estimator calculates a URMs probability of not attending college relative to a non-URMs probability of not attending college due to the bans. This estimator (emphasizing differences between URMs and non-URMS) is different from the other parts of the paper, where the difference-in-differences estimator emphasizes institutional enrollment differences between URMs in ban states and URMs in non-ban states.

FINDINGS

The first group of findings describes the displacement of URM students out of undergraduate postsecondary education due to affirmative action bans (here, students are the units of analysis). The findings then characterize the impacts of affirmative action bans across several sectors (public, private, and private for-profit) and selectivity tiers of postsecondary education. Collectively, describing these institutional types illustrates the anti-affirmative action

CONFIDENTIAL

avalanche- giving credence to *racial self-interest at the state-level* and *organizational racialization*. Those findings are then supplemented with some brief mixed-methods findings to explain the peculiar role of for-profit institutions in the affirmative action avalanche.

Table 2 presents the findings on how much affirmative action bans impacted the share of URM enrollment (i.e., # of URMs/ total enrollment at each school) in various sectors of postsecondary education. These results mainly flesh out the anti-affirmative action avalanche: the chain-reaction set-off by state-level bans on the practice of affirmative action at public postsecondary education institutions. To recapitulate, the weighted analyses reflect what happened to the typical student, and the non-weighted analyses reflect what happened at the typical institution. Because not all schools have the same number of students, the weighted results provide a more practical understanding of how many students slide down the track of sectors and tiers of institutions in the avalanche. This distinction is particularly interesting for for-profit schools because the weighted analysis is statistically significant while the unweighted analysis is not (more below).

The weighted results in Table 2 below show that affirmative action bans have increased the share of URM enrollment at for-profit colleges (by a share of 0.05 and statistically significant for the weighted findings but lose their statistical significance using wild bootstraps). Public and private schools' URM enrollment shares did not change for the weighted analyses (0.00 and 0.01, respectively). Because these coefficients are difficult to interpret, the percentage changes were calculated using the mean of the dependent variable for the ban states before the ban and the estimated causal impact of the ban. This calculation measures how much the bans changed URM college enrollment. These results indicate that the public and private non-profit schools' URM enrollments increase by 0.13% and 7.00% (although not statistically significant), but for-

CONFIDENTIAL

profit schools' URM enrollments increase by 17.62% (statistically significant, but not when considering the wild bootstrap).

Additionally, for the highest selectivity group, there are statistically significant declines in URM enrollment for both the weighted and unweighted analysis (-0.1028 and -0.1036) using the conventional state-level clustered standard errors and wild bootstrapping, suggesting that the declines impact the typical student and typical school. This finding is consistent with findings by Backes (2012), Hinrichs (2012), and Bleemer (2020), who find that affirmative action bans impact more highly selective schools (both public and private). However, Backes (2012) and Hinrichs (2012) both acknowledge that the affirmative action bans may have had spill-over effects from their *de jure* targets (public schools) to *de facto* private schools that were not the legal targets of the bans. Hirschman and Berry (2017) speculate that public schools' spill-over effects onto private schools may be attributable to the fear over lengthy and costly legal battles. Private schools' weighted results show that this is true for private schools, but only concerning the typical institution (-0.0220 and statistically significant), but not the typical student (-0.0285 and not statistically significant). Furthermore, the unweighted result for the private schools is not statistically significant when considering the wild bootstraps (P-Values of 0.07 and 0.07). This is notable because Backes (2012) and Hinrichs (2012) conducted their studies before the emergence of using the wild bootstrap to difference-in-differences studies when the number of clusters was small (MacKinnon and Webb 2018, MacKinnon and Webb 2020). The difference between the more traditional estimates and the wild bootstrap estimates suggests the possibility of some spill-over but does not confirm it as the typical pattern.

<<INSERT TABLE 2 HERE>>

CONFIDENTIAL

The finding in Table 2 that affirmative action bans increase URM enrollment at for-profit for the weighted analysis (non-bootstrapped) but not the unweighted analysis is perplexing. However, this phenomenon where the weighted analysis is statistically significant while the non-weighted analysis is not boils-down to what the two different analyses capture. The weighted analysis captures what happens to the typical URM student, and the unweighted analysis captures what happens to the share of URM enrollment at the typical school. In other words, what is modeled is that there are some schools with substantially large enrollments that experience changes due to affirmative action bans, but the typical for-profit institution would not experience such a change. This is also characterized by the large differences between the magnitude of the coefficients between the two weighted and unweighted estimates.

The conservative estimates for the wild bootstrap suggest no statistically significant effect for the weighted analysis- meaning there is no statistically significant result for the *typical* URM student. However, the discrepancy between the magnitude of the weighted and unweighted estimates still suggests that something unusual is occurring.

Additional models of various selectivity groupings are included in Table 3 below to investigate if alternative groupings reveal a different pattern. Table 3 includes any selectivity, the five least competitive Barron's categories, and the four least competitive categories as groupings to determine if less selective for-profit schools may have been driving this result. Because the five least competitive categories grouping was significant, but the four least competitive categories grouping was not statistically significant means the schools' selectivity was not driving this result. Instead, it appeared that a rogue group of for-profit schools could be driving this result. To further investigate this point, Table 4 lists the first-year enrollment (i.e., the weight) and the share of URM enrollment for the year before the ban and the year when the four

CONFIDENTIAL

most influential for-profit schools in ban-states contributed their largest Cook's distance.[15] In this case, Cook's distance illuminates the largest changes between the pre-and post-ban shares of URM enrollment.

<<INSERT TABLE 3 HERE>>

<<INSERT TABLE 4 HERE>>

Brief qualitative details help cultivate an understanding of how these schools enrolled students from URM backgrounds. These details highlight the extent to which the influential for-profit schools in the analysis have been more interested in their bottom-line than their students' and recruits' welfare.

Daniel Webster College in New Hampshire declared bankruptcy in 2016. In 2009 it was a private non-profit university with financial problems, scoring 0.5 out of 3 on a 'financial responsibility standards' scale established by the U.S. Department of Education (2009). In 2009, when these financial problems were coupled with threats to lose its accreditation, the College was purchased by ITT Educational Services (Blumenstyk 2009). However, ITT went bankrupt in 2016 mainly because they were barred from enrolling students receiving federal aid after state and federal investigations revealed that the company engaged in questionable recruitment practices that took advantage of low-income students (Voorhis 2016). In 2011, when New Hampshire passed its ban on affirmative action, Daniel Webster College had a 2.5% first-year URM enrollment. Two years following the ban on affirmative action in New Hampshire, it had grown over six-times the previous level to 17%.

Full Sail University in Florida started as a recording studio in Ohio in 1979 but moved to Florida in 1980 and began offering online degrees in 2007. Its accreditation status is often problematic for its students interested in transferring because while it is recognized by the

CONFIDENTIAL

Accrediting Commission of Career Schools and Colleges, it is not recognized by a regional accreditor or the National Association of Schools of Art and Design. Furthermore, before the bans in 2000, its URM enrollment was 17%; in 2009, when its URM enrollment was highest, it was 64%. During that same school year, the school charged some of the highest tuition and fees to its students, qualifying it as one of the top 5% most expensive for-profit schools in terms of tuition and net price (U.S. Department of Education 2010). Its loan default rates (13%) are also higher than the national average (10.1%).

Grand Canyon University in Arizona is the highest quality institution on this list of influential schools earning a Barron's classification of 'Competitive.' It is the largest Christian university globally, boasting an enrollment of 70,000 online and 20,000 in-person (Jenkins 2018). In the early 2000s, after suffering from financial woes, the University was purchased by Significant Education, LLC, and became the first for-profit Christian college in the United States. It also has the distinction of being the only for-profit college to participate in NCAA Division I athletics. However, Grand Canyon University's URM enrollment also swelled after the passage of affirmative action bans in Arizona. In 2010 its URM enrollment was 46%, and in 2012 it was 56%. The amount of URM enrollment is even more unusual because GCU boasted a very low admissions percentage that year (32%). The University of Michigan, also in a state subject to an affirmative action ban, admitted 36% of its applicants in 2012 (only 8.6% of its entering first-year class was URM). GCU would likely violate Arizona's ban on affirmative action if it were extended to private for-profit schools. It has also been sued by online students who claim that they were recruited to the University based on false promises of the careers they could get after completing their degrees, only to find later that their degree program did not meet the accreditation standards of the state where they worked or wanted to work (Leingang 2019).

CONFIDENTIAL

Ashford University in California has the largest Cook's distance reported in this study (0.1685). In 1996 its URM enrollment was 22%, and in 2008 its URM enrollment was 79%. Like other for-profit colleges that have enrolled students online, Ashford University has been accused of misleading students to enroll and failing to inform them that an accrediting body would not accept the degree they earned in the state where they worked (Willems 2011). Ashford University has also been embroiled in a controversy over improper recruitment of students qualifying for GI Bill funding, being fined $31.5 million for lying to students about private student loans (Herron 2016). GI Bill-eligible students provide over a quarter of its enrollment. Recently, an NBC News Investigates piece alleged that Ashford targeted veterans with PTSD (Przybyla 2019).

In sum, these supplemental data highlight each college's recruitment practices, lawsuits, questionable ethical behavior, and brief histories. However, there was no concrete evidence that these schools had changed their recruitment after the bans. Therefore, this study could not rule out the possibility that preexisting recruitment practices at this handful of for-profit schools were responsible for the increased enrollment of the typical URM at for-profit schools. However, this result is driven by a small group of for-profit schools (not the typical school) with very aggressive recruitment strategies that primarily target students most eligible to receive federal funding for their education.

Similar findings to the 4-year institutions' findings in Table 2 are presented for 2-year institutions in Table 5. They show no significant effects of the ban. Therefore, they endorse Backes's (2012) previous findings that affirmative action bans do not impact 2-year institutions. They are thus consistent with the idea that 2-year institutions are part of the affirmative action

CONFIDENTIAL

ban avalanche's middle (i.e., the track), where no discernable movement of URM students occurs.

<<INSERT TABLE 5 HERE>>

Table 6 pertains to the share of URMs not attaining any postsecondary education. Panel A (the top half) presents differences in differences, and Panel B (the lower half) presents the difference in differences in differences results. The convention for triple-differences is to explain the difference-in-differences results (Panel A) before explaining the triple-diff results (Panel B). The first line of the differences in differences results (Panel A) describes the ban's impact when race is controlled in the model (these models are not stratified by racial category). Here, there is no statistically significant difference in educational attainment due to the ban (-0.0046). This provides a robustness check that there are no differences between ban states and non-ban states that the coefficients cannot explain.

The top line of Panel B that describes the ban's impact when race (URM or non-URM) interacts with the ban variable finds that the non-interacted impact of the ban is not significant (0.0000). This finding shows no statistically significant difference between the ban and non-ban states that is not explained by racial category. The triple difference (i.e., the interaction between URM status and the ban) in Panel B tells us how URMs were impacted by the bans relative to non-URMs. The coefficient here is negative (-0.0432) and statistically significant. However, it only approaches statistical significance when using wild bootstraps, meaning that it cannot be confirmed that affirmative action bans have increased the college-going rates of URMs relative to non-URMs. Its percentage change was also calculated because it approaches statistical significance. The percentage change shows a decrease of 8.63% in not attending college [i.e., an 8.63% increase in attending any postsecondary institution] for URMs relative to non-URMs.

CONFIDENTIAL

<<INSERT TABLE 6 HERE>>

WHAT DOES THE ANTI-AFFIRMATIVE ACTION AVALANCHE REALLY LOOK LIKE?

This study's results paint a more complete picture of the impacts of affirmative action bans. Previous findings by Backes (2012) and Hinrichs (2012), which indicated that affirmative action bans decrease the share of URM students at public and private 4-year non-profit institutions, are confirmed. This study also reassesses the pattern of spill-over effects (from public schools to private schools) in the wake of the bans found by both Backes (2012) and Hinrichs (2012), finding that the results are supported by conventional state-clustered standard errors as in Backes (20120 and Hinrich (2012), but only approach statistical significance when using wild bootstraps to account for the few clusters (i.e., states) that implement bans. This study suggests that at 4-year private schools of the highest selectivity, there was a decline in URM enrollment at the typical school but not for the typical URM student.

Teasing out for-profit schools in the analysis helped to finally answer the question: "Where did all the URMs go after they were displaced from the most selective schools?" This study finds an increase in URM enrollment at for-profit private and 4-year public schools in the "non-competitive" selectivity tier. The results show that a handful of for-profit schools (and not all for-profits) are responsible for the increase in URM enrollment. Table 4 provided further details about the four for-profit colleges most influential to the analysis. Finding no evidence that these schools intentionally changed their practices after affirmative action bans, the more plausible explanation is that their preexisting aggressive recruitment of URMs well-positioned them to recruit a new group of URMs seeking a college degree. However, the avalanche's bottom includes non-competitive 4-year public schools (see Table 2), meaning that not all "avalanched"

CONFIDENTIAL

URM students enrolled in for-profit schools. Furthermore, this study shows that "no postsecondary education" was not at the bottom of the anti-affirmative action avalanche.

Speculatively, some of the URM students' enrollment at the bottom of the avalanche may not be caused by the 'avalanching' theorized. It could be possible that student application behavior impacts the bottom tier of the affirmative action avalanche. Unfortunately, this limitation cannot be addressed by the data included in this study and is unlikely to be addressed with application data because those data heavily rely on SAT score sends, which do not exist for non-selective schools (Bleemer 2020, Card and Krueger 2005).

Theoretically, regarding the mechanism of *racial self-interest at the state-level,* the findings show that the state-level bans directed resources towards non-URM and away from URMs by decreasing URM representation at the most selective schools and increasing URM representation at for-profit schools and less selective schools. This is consistent with other work in higher education that finds that postsecondary education is becoming more ethnoracially segregated as it becomes less White (Baker, Solanki and Kang 2023, Clotfelter 2017, Hinrichs 2022). This study argued that opportunity hoarding (Tilly 1998) is achieved *via* the legal system when affirmative action bans are used as levers within the state context to distribute resources and opportunities (i.e., enrollment) in such a manner that is self-serving to those racial groups already in power and exclusionary to those who are not in power. Even though some URM students enrolled more in college than non-URMs due to the bans (as suggested by the findings in Table 6 that approach statistical significance), many URMs could be paradoxically worse-off because of the enrollment increase for the typical student at a handful of for-profit schools.

In its totality, the anti-affirmative action avalanche illustrates why the myth of equal opportunity is not realized in postsecondary education. Through state-level affirmative action

CONFIDENTIAL

bans, underrepresented students of color are filtered from institutions where they can prosper and have greater returns to their education and into lesser quality institutions, some of which are described as predatory and leave them saddled with high amounts of student debt. The anti-affirmative action avalanche was created by schools in ban states that forcibly jettisoned color-conscious affirmative action, engaging in *organizational racialization* when they applied colorblind meritocratic schemas about race categories that are tied to organizational resources (i.e., being admitted to college). The avalanche is now resummarized with reference to Figure 1, providing an example of each school sector within each selectivity tier. The top of the avalanche, the starting zone, is the most selective 4-year undergraduate education (and the "Competitive" tier of for-profit institutions) and shows that the movement begins there. The track, the middle part of the avalanche (e.g., less selective 4-year institutions and 2-year institutions), shows no discernable enrollment movement occurs. Towards the bottom of the avalanche, the runout reflects those attending 4-year for-profit universities and others attending "Non-competitive" 4-year public schools.

The theory posited that URMs would be displaced from the starting zone of the avalanche and resurface at the runout zone, where their life-chances are the worst, and there is the least competition. It was ruled-out that the anti-affirmative action avalanche would end with URM students being removed from higher education altogether. Conversely, the anti-affirmative action avalanche ends with URM students displaced into for-profit universities. Attending a for-profit college may be more damaging to the life chances of URMs than not attending higher education (Cottom 2017). For-profit colleges engage in unethical recruiting practices; target vulnerable populations such as racial minorities and people with low incomes (Dougherty et al. 2016, Lahr et al. 2014); provide low-quality education; produce lower graduation rates; saddle students with

CONFIDENTIAL

more student debt; and afford students fewer job prospects than their peer institutions (Cellini and Koedel 2017, Gilpin and Stoddard 2017, Lynch, Engle and Cruz 2010, Schade 2014).

In summation, affirmative action bans produced a decline of URMs at the top of the avalanche, no change along the track, and saw an increase of URMs at some undergraduate postsecondary institutions at the bottom of the avalanche.

CONCLUSION

The primary contribution of this study was discovering where URMs were displaced because of affirmative action bans (i.e., 4-year for-profit education and lower quality 4-year public schools). This compliments the more well-known finding that affirmative action bans caused the enrollment of URMs at public four-year colleges and universities to decline. As such, this work may influence studies of higher education, policy, organizations, and contemporary racism. Broadly, this study sheds light on how a racial policy applies society's racial hierarchy to shape access to the hierarchy of undergraduate postsecondary institutions. Theoretically, this study describes how group position theory (Alon and Tienda 2007, Alon 2009, Bobo and Hutchings 1996, Tilly 1998), racialized organizations (Ray 2019), and structural racism (Bobo, Kluegel and Smith 1997, Bonilla-Silva 1997) come together through the creation and adoption of racially charged policies at the state level to preserve racial group self-interests in education and disrupt the possibility of ethnoracial equal opportunity.

There are four levels where the enrollment effects of affirmative action bans could be addressed through policy interventions. First, the looming Supreme Court battle could change how affirmative action is considered at the federal level: it can allow the use of race-conscious policies or say that they are unconstitutional- expanding the reach of affirmative action bans to all of higher education. Second, should states continue to implement the bans, states would have

CONFIDENTIAL

the agency to impose new bans or to potentially repeal those bans, as California attempted in 2020 with Proposition 16. Third, colleges and universities themselves have the power to explore race-neutral alternatives to affirmative action bans. The fourth intervention group is federal education policies that do not concern ethnoracial categories but are ethnoracial adjacent and impact underperforming institutions that disproportionately target underrepresented minority students. This final group of policies would be worth pursuing [even more] if the Supreme Court rules against affirmative action and any efforts to diversify student enrollments in postsecondary education ethnoracially.

Time will tell how the first intervention plays out. During the writing of this article, the Court had heard oral arguments but had not yet reached a decision. Suppose affirmative action ban policy continues its status quo; reversing the second level (state-level bans on affirmative action) appears to be the most decisive intervention for achieving racial diversity and equity in postsecondary education- in effect. In that case, it should help reverse the impacts on URMs reported in this study. But switching these decisions has proved challenging. Only California placed it back on the ballot in 2020, and when it did, it failed to repeal its affirmative action ban. The third set of interventions that are within a school has seemingly stalled. Although postsecondary institutions have considered a wide breadth of alternatives to race-based admissions, none are a proper substitute for race-conscious admissions (Alon 2015, Byrd 2021, Espinosa, Orfield and Gaertner 2015, Long 2016, Reardon et al. 2017, Warikoo 2022). Furthermore, the Court could rule that any effort to increase ethnoracial diversity - even through race-neutral alternatives such as experienced hardship detailed in personal essays or geographic location - may violate the Equal Protection Clause of the 14th Amendment.

CONFIDENTIAL

The fourth set of interventions is the most pertinent concerning this study's finding that URM enrollment increased at for-profit colleges and universities. Hence more attention is focused on these policy interventions in this study. This study suggests that affirmative action bans may partly explain some of the increased enrollment at for-profit schools since the early 2000s (Chetty et al. 2017, Deming, Goldin and Katz 2012). Recent reports from the think-tank Third-Way find that degree programs offered by these institutions are the least likely to be paid off quickly by student loan borrowers (40% for-profit, 56% private, and 73% public) and are the most likely to offer no return on their investment (46% for-profit; 12% private; and 13% public) (Itzkowitz 2021). Thus, policy interventions that push students out of for-profit education and pull them into other institutional types may reduce the impact of affirmative action bans on URM students enrolled at for-profit schools.

One policy intervention that has had success in the for-profit sector in recent history is the "gainful employment" rule (Deming, Goldin and Katz 2012). Under the Obama Administration in 2014, the Department of Education ruled that graduates needed to earn enough money to repay their loans. This rule stipulates that each program within each school (not only for-profits) would pass if the typical graduate's debts were less than eight percent of their total income or less than twenty percent of their discretionary income. If the program did not pass but has graduates with loan payments between eight and twelve percent of their total earnings or between twenty and thirty percent of their discretionary earnings, the program would be warned. Lastly, the program would receive a failing grade if its graduates have annual loan payments greater than twelve percent of their total earnings and thirty percent of their discretionary earnings. Programs receiving a failing grade or those warned and did not improve upon their

CONFIDENTIAL

numbers would be disqualified from receiving federal aid. This rule was revoked during the Trump administration in 2019 but was reinstated again by the Biden administration in 2022.

Pull interventions that direct students toward more financially friendly institutions, such as community colleges and 4-year public schools, could better serve URM students without affirmative action. Implementing such an intervention at the community college level may be worthwhile because many community colleges do not espouse meritocratic admissions. Their mission is to serve the higher education needs of those seeking it. These students would likely [on-average] have superior outcomes relative to students enrolling at for-profit colleges and universities. There is some optimism that this has already begun through the expansion of the community college baccalaureate. Florida has long been a pioneer in postsecondary education (Love 2020), but California has recently been working on investments and policies geared to growing community college baccalaureate programs (Cuellar and Gándara 2021, Martinez and Acevedo 2022).

In conclusion, this study shows that the impacts of affirmative action bans seep beyond the battle for the most coveted ivory tower seats and extend to the students and schools at the other end of the distribution who are all too often forgotten. Hopefully, the results of this study will help policymakers and the U.S. court system make better-informed decisions about affirmative action bans by understanding the complete breadth of impacts of affirmative action bans on the system of U.S. undergraduate postsecondary education.

CONFIDENTIAL

Notes

[1] For a more detailed understanding about which states adopted affirmative action bans and why see Baker (2019).
[2] *Schuette* only litigated the ban in Michigan under a claim that could only apply in Michigan because of the state's constitution.
[3] This group is comprised of African American, Hispanic, and Native American students. Native Hawaiian or Other Pacific Islander was included as URM starting in 2008. The IPEDS race reporting changed in 2008, and 2010. Reporting in 2008 and 2009 allowed institutions to use the new or old IPEDS race categories (https://nces.ed.gov/ipeds/pdf/npec/data/NPEC_Paper_IPEDS_Race_Ethnicity_Deliverable_2012.pdf). In 2010 institutions were required to use the new racial classification system. Non-resident aliens, those with unknown race or ethnicity, Asians, and Whites, are not included in the URM category. The two or more races category was also introduced in 2008. It is included because it is likely that at least one or more URM ethnoracial group was one of the two or more races. It represented only 1.6% of all college students in 2010. The "race unknown" category fluctuates due to these changes, and they are more pronounced for very selective institutions and for-profit institutions (Ford, Karly, Kelly Rosinger and Qiong Zhu. 2020. "What Do We Know About "Race Unknown"?". *Educational Researcher* 49(5):376-81.)- the institutions impacted most by bans on affirmative action. Because some of the individuals that identified as race unknown could be classified as URMs it is likely that the estimates reported in this paper are underestimates. However, that is counterbalanced by the inclusion of White-Asians in the two or more race category.
[4] More information on each of the ban states, the names of the policies, their method of implementation, and their specific years for ratification, implementation, and the first fall cohorts impacted by the bans has been included in Appendix A. Idaho is excluded in this study because its ban occurs after the analytic period in this study.
[5] The opinion makes the ostensible allusion that Asians are not URM.
[6] The term glamorous is never defined nor quantified by the study. It is stylistic only and in reference to Sander's description of elite schools. However, schools are stratified in the study by their Barron's admissions competitiveness index, and that measure of selectivity is used to stratify the analyses in this study.
[7] Throughout this manuscript the term resources does not allude to the educational programing, co-curriculars, or extracurriculars as there is no measure of this included in the study. "Resources" within the context of this study broadly means being enrolled at a college or university and having access to those unmeasured resources.
[8] There are three parts to an avalanche 1) the starting zone (top) 2) the track (middle) and 3) the runout (bottom).
[9] This data excludes international students who some may believe to be URMs (i.e., a foreign student from Mexico with no U.S. citizenship or permanent residency status).
[10] The bachelor's degree attainment state level control was not included in the models with 'no college' as the dependent variable and the control variable are too similar.
[11] This mixed method approach finds influential observations through quantitative analysis and then uses qualitative data to better grasp the characteristics and practices of schools (units of analysis). Creswell, John W, Vicki L Plano Clark, Michelle L Gutmann and William E Hanson. 2003. "Advanced Mixed Methods Research Designs." *Handbook of mixed methods in social and*

CONFIDENTIAL

behavioral research 209(240):209-40, Lieberman, Evan S. 2005. "Nested Analysis as a Mixed-Method Strategy for Comparative Research." *American political science review* 99(3):435-52, Peiffer, Caryn and Rosita Armytage. 2019. "Searching for Success: A Mixed Methods Approach to Identifying and Examining Positive Outliers in Development Outcomes." *World Development* 121:97-107.

[12] For an empirical example see Conley, Timothy G and Christopher R Taber. 2011. "Inference with "Difference in Differences" with a Small Number of Policy Changes." *The Review of Economics and Statistics* 93(1):113-25.

[13] *i* refers to the individual person when considering any postsecondary enrollment as the dependent variable (CPS data) and refers to the school when considering the share of URM enrollment as the dependent variable.

[14] This specification of the multilevel model uses fixed effects to account for the nesting of observations at the state level (Murnane and Willet 2011).

[15] The fact that the most influential year for some of these schools occurs long after the onset of the ban should be unsurprising. Other scholarship has shown that the impact of affirmative action bans on URM enrollment has been persistent (Long, Mark C and Nicole A Bateman. 2020. "Long-Run Changes in Underrepresentation after Affirmative Action Bans in Public Universities." *Educational Evaluation and Policy Analysis* 42(2):188-207.

CONFIDENTIAL

References

Grutter V. Bollinger 539 US 306 (2003).

2009. "College Officials Cited Finances, Accreditation in Court Petition." in *Nashua Telegraph*.

Schuette V. Coalition to Defend Affirmative Action 572 U.S. 291 (2014).

Afifi, Abdelmonem, Susanne May and Virginia A Clark. 2003. *Computer-Aided Multivariate Analysis*: CRC Press.

Alon, Sigal and Marta Tienda. 2005. "Assessing the "Mismatch" Hypothesis: Differences in College Graduation Rates by Institutional Selectivity." *Sociology of Education* 78(4):294-315.

Alon, Sigal and Marta Tienda. 2007. "Diversity, Opportunity, and the Shifting Meritocracy in Higher Education." *American sociological review* 72(4):487-511.

Alon, Sigal. 2009. "The Evolution of Class Inequality in Higher Education: Competition, Exclusion, and Adaptation." *American sociological review* 74(5):731-55.

Alon, Sigal. 2015. *Race, Class, and Affirmative Action*: Russell Sage Foundation.

Association of American Medical Colleges. 2022, "Underrepresented in Medicine Definition". 2022 (https://www.aamc.org/what-we-do/equity-diversity-inclusion/underrepresented-in-medicine).

Backes, Ben. 2012. "Do Affirmative Action Bans Lower Minority College Enrollment and Attainment? Evidence from Statewide Bans." *Journal of Human resources* 47(2):435-55.

Baker, Andrew, David F Larcker and Charles CY Wang. 2021. "How Much Should We Trust Staggered Difference-in-Differences Estimates?". *Available at SSRN 3794018*.

Baker, Dominique J. 2019. "Pathways to Racial Equity in Higher Education: Modeling the Antecedents of State Affirmative Action Bans." *American Educational Research Journal*:0002831219833918.

Baker, Rachel B, Sabrina M Solanki and Connie Kang. 2023. "Horizontal and Vertical Racial Segregation in Higher Education: Examining Trends in California Public Colleges." *The Journal of Higher Education* 94(1):60-95.

Bensimon, Estela Mara. 2016. "The Misbegotten Urm as a Data Point." *Los Angeles, CA: Center for Urban Education, Rossier School of Education, University of Southern California*.

Bertrand, Marianne, Esther Duflo and Sendhil Mullainathan. 2004. "How Much Should We Trust Differences-in-Differences Estimates?". *The Quarterly Journal of Economics* 119(1):249-75.

Bleemer, Zachary. 2020. "Affirmative Action, Mismatch, and Economic Mobility after California's Proposition 209." *Berkeley Center for Studies in Higher Education Research & Occasional Paper Series* CSHE.10.2020.

Blumenstyk, Goldie. 2009. "Partent of Itt Technical Institutes Buys Nonprofit Daniel Webster College." in *Chronicle.com*.

Blumer, Herbert. 1958. "Race Prejudice as a Sense of Group Position." *Pacific sociological review* 1(1):3-7.

Bobo, Lawrence and Vincent L Hutchings. 1996. "Perceptions of Racial Group Competition: Extending Blumer's Theory of Group Position to a Multiracial Social Context." *American sociological review*:951-72.

Bobo, Lawrence, James R Kluegel and Ryan A Smith. 1997. "Laissez-Faire Racism: The Crystallization of a Kinder, Gentler, Antiblack Ideology." *Racial attitudes in the 1990s: Continuity and change* 15:23-25.

CONFIDENTIAL

Bobo, Lawrence. 1998. "Race, Interests, and Beliefs About Affirmative Action: Unanswered Questions and New Directions." *American Behavioral Scientist* 41(7):985-1003.
Bonilla-Silva, Eduardo. 1997. "Rethinking Racism: Toward a Structural Interpretation." *American sociological review*:465-80.
Bowen, William G and Derek Bok. 2016. *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*: Princeton University Press.
Byrd, W Carson. 2021. *Behind the Diversity Numbers*: Harvard Education Press.
Card, David and Alan B Krueger. 2005. "Would the Elimination of Affirmative Action Affect Highly Qualified Minority Applicants? Evidence from California and Texas." *ILR Review* 58(3):416-34.
Cellini, Stephanie Riegg and Cory Koedel. 2017. "The Case for Limiting Federal Student Aid to for-Profit Colleges." *Journal of Policy Analysis and Management* 36(4):934-42.
Chetty, Raj, Adam Looney and Kory Kroft. 2009. "Salience and Taxation: Theory and Evidence." *American Economic Review* 99(4):1145-77.
Chetty, Raj, John N Friedman, Emmanuel Saez, Nicholas Turner and Danny Yagan. 2017. "Mobility Report Cards: The Role of Colleges in Intergenerational Mobility." Vol.: national bureau of economic research.
Christian, Michelle, Louise Seamster and Victor Ray. 2019. "New Directions in Critical Race Theory and Sociology: Racism, White Supremacy, and Resistance." *American Behavioral Scientist* 63(13):1731-40.
Clotfelter, Charles T. 2017. *Unequal Colleges in the Age of Disparity*: Harvard University Press.
Conley, Timothy G and Christopher R Taber. 2011. "Inference with “Difference in Differences” with a Small Number of Policy Changes." *The Review of Economics and Statistics* 93(1):113-25.
Cottom, Tressie McMillan. 2017. *Lower Ed: The Troubling Rise of for-Profit Colleges in the New Economy*: New Press, The.
Creswell, John W, Vicki L Plano Clark, Michelle L Gutmann and William E Hanson. 2003. "Advanced Mixed Methods Research Designs." *Handbook of mixed methods in social and behavioral research* 209(240):209-40.
Cuellar, Marcela G and Patricia Gándara. 2021. "Promoting Access and Equity for Underrepresented Racial Minorities? An Examination of Policies and Practices in Community College Baccalaureate Programs." *Community College Review* 49(1):52-75.
Darolia, Rajeev, Cory Koedel, Paco Martorell, Katie Wilson and Francisco Perez-Arce. 2015. "Do Employers Prefer Workers Who Attend for-Profit Colleges? Evidence from a Field Experiment." *Journal of Policy Analysis and Management* 34(4):881-903.
de Chaisemartin, Clément, Xavier D'Haultfoeuille and Yannick Guyonvarch. 2019. "Did_Multiplegt: Stata Module to Estimate Sharp Difference-in-Difference Designs with Multiple Groups and Periods."
de Chaisemartin, Clément and Xavier d'Haultfoeuille. 2020. "Two-Way Fixed Effects Estimators with Heterogeneous Treatment Effects." *American Economic Review* 110(9):2964-96.
Deming, David J, Claudia Goldin and Lawrence F Katz. 2012. "The for-Profit Postsecondary School Sector: Nimble Critters or Agile Predators?". *Journal of Economic Perspectives* 26(1):139-64.
DiMaggio, Paul J and Walter W Powell. 1983. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields." *American sociological review*:147-60.

CONFIDENTIAL

Dougherty, Kevin J, Sosanya M Jones, Hana Lahr, Lara Pheatt, Rebecca S Natow and Vikash Reddy. 2016. *Performance Funding for Higher Education*: JHU Press.
Espenshade, Thomas J and Chang Y Chung. 2005. "The Opportunity Cost of Admission Preferences at Elite Universities." *Social Science Quarterly* 86(2):293-305.
Espinosa, Lorelle L, Gary Orfield and Matthew N Gaertner. 2015. "Race, Class, and College Access: Achieving Diversity in a Shifting Legal Landscape."
Ford, Karly, Kelly Rosinger and Qiong Zhu. 2020. "What Do We Know About "Race Unknown"?". *Educational Researcher* 49(5):376-81.
Garces, Liliana M and David Mickey-Pabello. 2015. "Racial Diversity in the Medical Profession: The Impact of Affirmative Action Bans on Underrepresented Student of Color Matriculation in Medical Schools." *The Journal of Higher Education* 86(2):264.
Gilpin, Gregory and Christina Stoddard. 2017. "Does Regulating for-Profit Colleges Improve Educational Outcomes? Response to Cellini and Koedel." *Journal of Policy Analysis and Management* 36(4):953-56.
Goodman-Bacon, Andrew. 2018. "Difference-in-Differences with Variation in Treatment Timing." Vol.: National Bureau of Economic Research.
Goodman-Bacon, Andrew, Thomas Goldring and Austin Nichols. 2019. "Bacondecomp: Stata Module to Perform a Bacon Decomposition of Difference-in-Differences Estimation."
Gruber, Jonathan. 1994. "The Consumption Smoothing Benefits of Unemployment Insurance." Vol. 0898-2937. National Bureau of Economic Research.
Herron, Janna. 2016. "For-Profit College Fined for Deceptive Loans by Consumer Financial Protection Bureau." in *The Fiscal Times*.
Hill, Andrew J. 2017. "State Affirmative Action Bans and Stem Degree Completions." *Economics of Education Review* 57:31-40.
Hinrichs, Peter. 2012. "The Effects of Affirmative Action Bans on College Enrollment, Educational Attainment, and the Demographic Composition of Universities." *Review of Economics and Statistics* 94(3):712-22.
Hinrichs, Peter. 2014. "Affirmative Action Bans and College Graduation Rates." *Economics of Education Review* 42:43-52.
Hinrichs, Peter. 2020. "Affirmative Action and Racial Segregation." *The Journal of Law and Economics* 63(2):239-67.
Hinrichs, Peter. 2022. "An Empirical Analysis of Racial Segregation in Higher Education." *Education Finance and Policy*:1-48.
Itzkowitz, Michael. 2021. *Which College Programs Give Students the Best Bang for Their Buck?*: JSTOR.
Jenkins, Jack. 2018. "Liberty University If No Longer the Largest Christian University." in *Religion News Service*.
Kehal, Prabhdeep Singh, Daniel Hirschman and Ellen Berrey. 2018. "When Colleges Drop Affirmative Action: Trends in Admissions Policies and Student Enrollment at Selective Us Institutions, 1990-2016."
Kidder, William C and Patricia Gándara. 2016. "Two Decades after the Affirmative Action Ban: Evaluating the University of California's Race-Neutral Efforts."
Ladson-Billings, Gloria and William F Tate. 2006. "Toward a Critical Race Theory of Education." *Critical race theory in education: All God's children got a song* 11:30.

CONFIDENTIAL

Lahr, Hana, Lara Pheatt, Kevin J Dougherty, Sosanya Jones, Rebecca S Natow and Vikash Reddy. 2014. "Unintended Impacts of Performance Funding on Community Colleges and Universities in Three States." *Community College Research Center*.
Lane, Leroy L. 2005. "By All Means Communicate: An Overview of Basic Speech Communication."
Leingang, Rachel. 2019. "Lawsuit: Gcu Recruiters Committed Fraud by Enrolling Students Based on False Promises." in *Arizona Republic*.
Levinson, Bradley AU, Margaret Sutton and Teresa Winstead. 2009. "Education Policy as a Practice of Power: Theoretical Tools, Ethnographic Methods, Democratic Options." *Educational Policy* 23(6):767-95.
Lieberman, Evan S. 2005. "Nested Analysis as a Mixed-Method Strategy for Comparative Research." *American political science review* 99(3):435-52.
Long, Mark. 2016. "The Promise and Peril for Universities Using Correlates of Race in Admissions in Response to the Grutter and Fisher Decisions."
Long, Mark C and Nicole A Bateman. 2020. "Long-Run Changes in Underrepresentation after Affirmative Action Bans in Public Universities." *Educational Evaluation and Policy Analysis* 42(2):188-207.
Love, Ivy. 2020. "The Baccalaureate and Beyond: An Analysis of Demographics and Labor Market Outcomes of Florida Community College Baccalaureate Graduates." *New America*.
Lucas, Samuel R. 2001. "Effectively Maintained Inequality: Education Transitions, Track Mobility, and Social Background Effects1." *American journal of sociology* 106(6):1642-90.
Lynch, Mamie, Jennifer Engle and José L Cruz. 2010. "Subprime Opportunity: The Unfulfilled Promise of for-Profit Colleges and Universities." *Education Trust*.
MacKinnon, James G and Matthew D Webb. 2018. "The Wild Bootstrap for Few (Treated) Clusters." *The Econometrics Journal* 21(2):114-35.
MacKinnon, James G and Matthew D Webb. 2020. "Randomization Inference for Difference-in-Differences with Few Treated Clusters." *Journal of Econometrics*.
Martinez, Edna and Nancy Acevedo. 2022. "Access to What? Geography of Opportunity and Baccalaureate Degree-Granting Community Colleges in California." *Community College Journal of Research and Practice* 46(7):525-30.
McNair, Tia Brown, Estela Mara Bensimon and Lindsey Malcom-Piqueux. 2020. *From Equity Talk to Equity Walk: Expanding Practitioner Knowledge for Racial Justice in Higher Education*: John Wiley & Sons.
Mickey-Pabello, David and Liliana M Garces. 2018. "Addressing Racial Health Inequities: Understanding the Impact of Affirmative Action Bans on Applications and Admissions in Medical Schools." *American Journal of Education* 125(1):79-108.
Mickey-Pabello, David. 2019. "A Structural Investigation of Laissez Faire Racism: The Intended and Unintended Consequences of Affirmative Action Bans."
Murnane, Richard and John Willett. 2011. "Methods Matter." *Improving causal inference in educational and social science research*:414.
Office of Management and Budget. 1977. *Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting.*Congress.
Office of Management and Budget. 1997. *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity.*Congress.

CONFIDENTIAL

Office of Management and Budget. 2000. *Provisional Guidance on the Implemenation of the 1997 Standards for Federal Data on Race and Ethnicity.*Congress.
Omi, Michael and Howard Winant. 2012. "Racial Formation Rules." *Racial formation in the twenty-first century* 302.
Omi, Michael and Howard Winant. 2014. *Racial Formation in the United States*: Routledge.
Park, Julie J and Amy Liu. 2014. "Interest Convergence or Divergence? A Critical Race Analysis of Asian Americans, Meritocracy, and Critical Mass in the Affirmative Action Debate." *The Journal of Higher Education* 85(1):36-64.
Peiffer, Caryn and Rosita Armytage. 2019. "Searching for Success: A Mixed Methods Approach to Identifying and Examining Positive Outliers in Development Outcomes." *World Development* 121:97-107.
Przybyla, Heidi; Strickler, Laura. 2019. "Veterans Could Be First to Pay as Devos Rolls Back for-Profit Oversight." in *NBC News*.
Ravallion, Martin, Emanuela Galasso, Teodoro Lazo and Ernesto Philipp. 2005. "What Can Ex-Participants Reveal About a Program's Impact?". *Journal of Human resources* 40(1):208-30.
Ray, Victor. 2019. "A Theory of Racialized Organizations." *American sociological review* 84(1):26-53.
Reardon, Sean F, Rachel Baker, Matt Kasman, Daniel Klasik and Joseph B Townsend. 2017. "Can Socioeconomic Status Substitute for Race in Affirmative Action College Admissions Policies? Evidence from a Simulation Model."
Rodriguez, Awilda, KC Deane and Charles HF Davis III. 2022. "Towards a Framework of Racialized Policymaking in Higher Education." Pp. 519-99 in *Higher Education: Handbook of Theory and Research: Volume 37*: Springer.
Ruggles, Steven, Sarah Flood, Ronald Goeken, Josiah Grover, Erin Meyer, Jose Pacas, and Mathew Sobek. 2019. "Ipums USA: Version 9.0 [Dataset].". Minneapolis, MN.
Sander, Richard H. 2004. "A Systemic Analysis of Affirmative Action in American Law Schools." *Stan. L. Rev.* 57:367.
Schade, Sarah Ann. 2014. "Reining in the Predatory Nature of for-Profit Colleges." *Ariz. L. Rev.* 56:317.
Shukla, Rajesh. 2017. "Public Policy and Social Good: Theory, Practice and Beyond." *Annales. Etyka w życiu gospodarczym* 20(4):19-35.
Snyder, Thomas D, Cristobal De Brey and Sally A Dillow. 2019. "Digest of Education Statistics 2017, Nces 2018-070." *National Center for Education Statistics*.
Sommers, Benjamin D, Munira Z Gunja, Kenneth Finegold and Thomas Musco. 2015. "Changes in Self-Reported Insurance Coverage, Access to Care, and Health under the Affordable Care Act." *Jama* 314(4):366-74.
Stulberg, Lisa M and Anthony S Chen. 2014. "The Origins of Race-Conscious Affirmative Action in Undergraduate Admissions: A Comparative Analysis of Institutional Change in Higher Education." *Sociology of Education* 87(1):36-52.
Tilly, Charles. 1998. *Durable Inequality*: Univ of California Press.
U.S. Department of Education, National Center for Education Statistics, Inegrated Postsecondary Education Data System (IPEDS0. 2010. "Fall 2009, Institutional Characteristics Component and Winter 2017-18, Student Financial Aid Component."
Voorhis, Dan. 2016. "Report: Itt Tech Shuts Down Following Government Student Aid Cut." The Witchita Eagle.

CONFIDENTIAL

Walden, Susan E, Deborah A Trytten, Randa L Shehab and Cindy E Foor. 2018. "Critiquing the" Underrepresented Minorities" Label." in *2018 CoNECD-The Collaborative Network for Engineering and Computing Diversity Conference*.

Warikoo, Natasha. 2022. *Is Affirmative Action Fair?: The Myth of Equity in College Admissions*: John Wiley & Sons.

Warikoo, Natasha K. 2016. *The Diversity Bargain: And Other Dilemmas of Race, Admissions, and Meritocracy at Elite Universities*: University of Chicago press.

Wightman, Linda F. 1997. "Threat to Diversity in Legal Education: An Empirical Analysis of the Consequences of Abandoning Race as a Factor in Law School Admission Decisions, The." *NYUL Rev.* 72:1.

Willems, Arlie. 2011. *Testimony to U.S. Senate Committee on Health, Education, Labor and Pensions. Regarding: For-Profit Education, Specifically the for-Profit Education Company Bridgepoint Education, Inc., and Bridgepoint-Owned Ashford University. Focus of Discussion: Review of Ashford University's Master of Arts in Teaching (Mat), an Online Program Designed to Prepare Students for an Initial Teaching License in Iowa.*Congress.

Wooten, Melissa E. 2019. *Race, Organizations, and the Organizing Process*: Emerald Group Publishing.

CONFIDENTIAL

Table 1. Covariates for Ban-States and Non-Ban States

	Non-Ban State		Ban State		Statistically Significant
Variable	Mean	Standard Deviation	Mean	Standard Deviation	Differences?
Race-specific population share					
Black	12.55%	10.29%	7.89%	4.56%	***
Asian	5.13%	8.84%	8.74%	5.59%	***
Native American	1.29%	2.66%	0.80%	8.86%	***
Latino	12.29%	10.29%	25.77%	13.70%	***
White	68.72%	15.98%	56.77%	17.98%	***
Employment Status					
Employed	76.70%	4.23%	74.28%	3.78%	
Unemployed	5.97%	2.24%	6.46%	1.70%	***
Not in Labor Force	17.33%	3.10%	19.25%	2.61%	***
Postsecondary Attainment					
Bachelors	70.54%	8.14%	70.51%	3.20%	***
Masters	22.94%	6.48%	21.72%	2.97%	***
Professional Degree	3.24%	3.19%	4.20%	1.73%	***
Doctoral Degree	3.26%	2.40%	3.48%	2.00%	***
Personal Income	$25,390	$37,682	$23,557	$32,545	***

Note: * p <0.05, ** p<0.01, and *** p<0.001. N-combined is 46,398. Ban states n=10,517. Non ban states n=35,881.

CONFIDE

Table 2. The Impact of Affirmative Action Bans on the Share of URM Enrollment at 4-Year Colleges (Recoded)

Share of first year URM students enrolled		For-Profit				Public				Private			
		Ban(S.E.)	CRSE	WCR	WCU	Ban(S.E.)	CRSE	WCR	WCU	Ban(S.E.)	CRSE	WCR	WCU
Any Selectivity	Weighted	0.0515	0.0230	0.1865	0.1719	0.0000	0.0120			0.0132	0.0158		
	Unweighted	0.0109	0.0161			-0.0003	0.0122			-0.0163	0.0184		
	N=	5,720				16,385				28,985			
	# of Schools	406				692				1299			
Barron's Highest Selectivity	Weighted	N/A				-0.1028	0.0099	0.0062	0.0047	-0.0285	0.0184		
	Unweighted	N/A				-0.1036	0.0113	0.0257	0.0158	-0.0220	0.0089	0.076	0.075
	N=	N/A				200				1,785			
	# of Schools	N/A				8				72			
Highly Selective	Weighted	N/A				-0.0129	0.0118			-0.0075	0.0084		
	Unweighted	N/A				-0.0114	0.0126			-0.0105	0.0058		
	N=	N/A				3,118				8,207			
	# of Schools	N/A				125				334			
Less Selective	Weighted	0.1655	0.2071			-0.0117	0.0142			0.0068	0.0218		
	Unweighted	-0.0072	0.0723			-0.0139	0.0172			-0.0059	0.0138		
	N=	495				9,284				13914			
	# of Schools	20				382				572			
Unclassified	Weighted	-0.0026	0.0219			0.0047				0.0535	0.0464		
	Unweighted	-0.0044	0.0133			-0.0044				-0.0453	0.0524		
	N=	5,200				3,983				6864			
	# of Schools	385				185				393			

Note: WCR (wild clustered restricted) and WCU (wild cluster unrestricted) are p-values generated from wild-clutstered bootstraps clustered at the state-year level. They are only produced if the CRVE yielded a statistically significant p-value. The two values should be similar in agreement to reject the null and follow the convention * p <0.05, ** p<0.01, and *** p<0.001. The CRSE (cluster robust standard error) is the standard error use for traditional state-level clustering. N refers to the number of person years. # of Groups refers to the number of people.

CONFIDENTIAL

Table 3. Which Tier is Driving the For-Profit Result?

Share of first year URM students enrolled		For-Profit Ban(S.E.)	Sig.
Any Selectivity	Weighted	0.0749 (0.0320)	*
	Unweighted	0.0109 (0.0161)	
	N=	5,720	
	# of Schools	406	
5 Least Competitive Categories	Weighted	0.0805 (0.0337)	*
	Unweighted	0.0173 (0.0130)	
	N=	5,548	
	# of Schools	399	
4 Least Competitive Categories	Weighted	0.0126 (0.0208)	
	Unweighted	0.0081 (0.0130)	
	N=	5,523	
	# of Schools	398	

Note: * p <0.05, ** p<0.01, and *** p<0.001

CONFIDENTIAL

Table 4. Influential For-Profit Schools

		Year Before the Ban Went Into Effect			Year When Ban Was Most Influential				
School Name	State	First-Year Enrollment	Share of URM	Year	First-Year Enrollment	Share of URM	Year	Tier	Cook's Distance
Grand Canyon University	AZ	2215	46%	2010	2393	56%	2012	Competitive	0.0183
Ashford University	CA	97	22%	1996	1658	79%	2008	Less Competitive	0.1685
Full Sail University	FL	1910	17%	2000	1566	64%	2009	Not Categorized	0.0024
Daniel Webster College	NH	118	2.5%	2011	164	17%	2013	Less Competitive	0.0300

CONFIDENTIAL

Table 5. The Impact of Affirmative Action Bans on the Share of URM Enrollment at 2-Year Colleges

		For-Profit		Public		Private	
Share of first year URM students enrolled		Ban(S.E.)	Sig.	Ban(S.E.)	Sig.	Ban(S.E.)	Sig.
2-Year Institutions	Weighted	0.0066(0.0142)		-0.0158(0.0105)		-0.0224(0.0365)	
	Unweighted	0.0188(0.0146)		-0.0111(0.0092)		-0.0098(0.0194)	
	N=	13,955		22,784		3,062	
	# of Groups	891		984		177	

CONFIDENTIAL

Table 6. The Impact of Affirmative Action Bans on URMs Not Having College Education

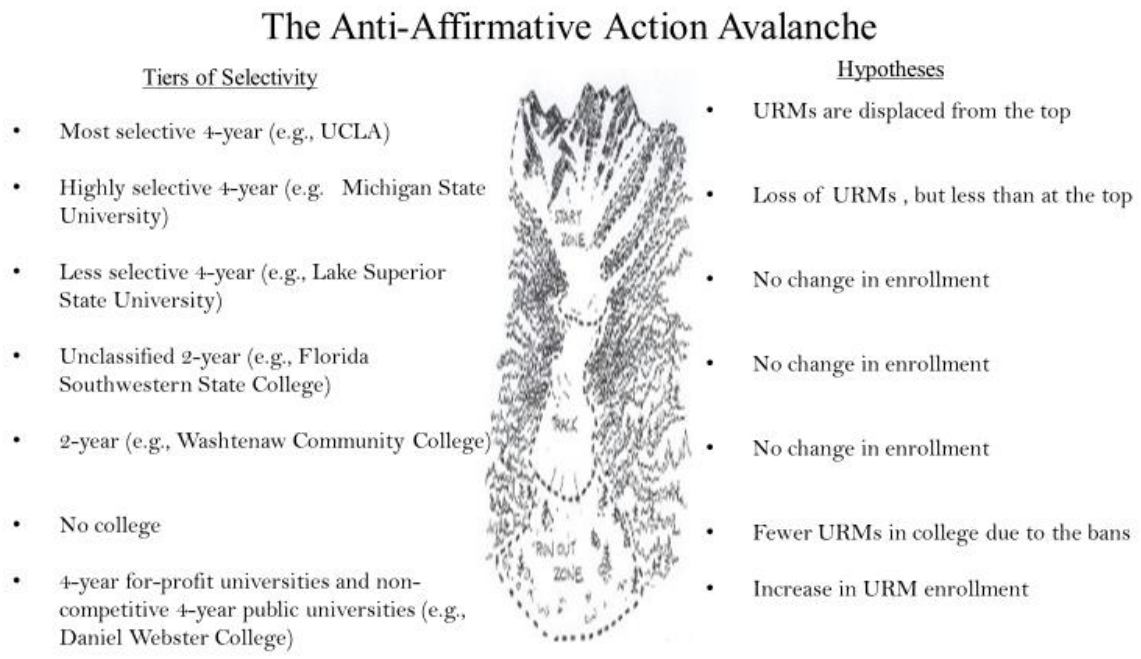
No College Education

Difference in Differences	Ban	CRSE	WCR	WCU	Interaction	CRSE	WCR	WCU	N=	# of Groups
Impact of Ban	-0.0046	0.0054	0.0452	0.4509					928,111	99,140
Spuriousness Check (sex)	-0.0043	0.0054	0.4753	0.4777					928,111	99,140
Difference in Difference in Differences										
Interaction Effect	0.0000	0.0063	0.9937	0.9947	-0.0432	0.0207	0.0995	0.1037	928,111	99,140
Spurious Interaction Effect (sex)	0.0043	0.0114	0.7521	0.7395	-0.0016	0.0046	0.7597	0.7610	928,111	99,140

Note: WCR (wild clustered restricted) and WCU (wild cluster unrestricted) are p-values generated from wild-clutstered bootstraps clustered at the state-year level. The two values should be similar in agreement to reject the null and follow the convention * p <0.05, ** p<0.01, and *** p<0.001. The CRSE (cluster robust standard error) is the standard error use for traditional state-level clustering. N refers to the number of person years. # of Groups refers to the number of people.

CONFIDENTIAL

Figure 1. Hypotheses of The Affirmative Action Avalanche



CONFIDE

CONFIDENTIAL