

2020-2021 AccessLex Institute/AIR Research Grant Proposal

Submittal ID: 2812

Proposal Title: Exploring the Impact of LSAT-Optional Admissions on Law School Diversity and Selectivity

Principal Investigator

Name: Kelly Rosinger

Affiliation: Pennsylvania State University

Unit/Department: Education Policy Studies

Title: Assistant Professor

Email: kor1@psu.edu

Financial Representative

Name: Rose Bomboy

Affiliation: Pennsylvania State University

Department: College of Education

Title: Grants and Contracts Manager

Additional Contact/Co-Principal Investigator

Name: Karly S. Ford

Affiliation: Pennsylvania State University

Department: Education Policy Studies

Title: Grants and Contracts Manager

Additional Contact/Co-Principal Investigator

Name: Julie Posselt

Affiliation: University of Southern California

Department: Rossier School of Education

Title: Associate Professor

1. Project Description

1a. Statement of the research problem and national importance (limit 1,000 words).

Despite efforts to diversify the field, racial gaps in legal education and the legal profession persist. As a result, there is a growing interest in policies and programs that can expand access to legal education for Black, Latinx and Native American students (American Bar Association (ABA), 2010; Cunningham & Steele, 2015). Previous research, for instance, provides evidence that affirmative action admissions policies can improve access for students of color in undergraduate and graduate education (Backes, 2015; Garces, 2012a, 2012b, 2013; Garces & Mickey-Pabello, 2015; Hinrichs, 2012; Rothstein & Yoon, 2008; Wightman, 1997) while bans to affirmative action have resulted in lower law school admission rates (Yagan, 2012). Several rulings from the Supreme Court have upheld the use of affirmative action in law school as well as undergraduate admissions as a way to achieve racial diversity (e.g., *Fisher v. University of Texas*, 2016; *Grutter v. Bollinger*, 2003; *University of California v. Bakke*, 1978). Yet racial preference in admissions to educational institutions is regularly challenged in court and in public debate, and it has been banned by state-level policy in eight states, and as an institution-level policy in some instances. Given the precariousness of affirmative action as a long-term strategy to mitigate racial inequalities in educational attainment, it is useful to examine other admissions policies that might similarly improve access to legal education for Black, Latinx, and Native American students.

The effectiveness of strategies that aim to diversify legal education have rarely been empirically analyzed, which provides law schools with little information about which programs and policies broaden access. This research will evaluate the impact of a recent movement in legal education aimed at expanding access among historically marginalized students by making the LSAT optional for law school applicants. Reforms that make LSAT score submission optional are predicated on two things: a desire to increase the diversity of applicants, admits, and enrollees by reducing reliance on test scores, and research that shows that common misuses of scores may disproportionately disadvantage minority students while doing little to predict success in law school beyond grades.

In 2016, as part of an effort to admit students from more diverse backgrounds, the University of Arizona law school started giving all applicants the choice to submit the Graduate Record Examination (GRE) instead of the Law School Admission Test (LSAT) for admissions into its Juris Doctor (JD) degree program. Today, around 40 law schools, including other highly ranked schools like Harvard, Northwestern, and Georgetown, give applicants the choice of submitting GRE scores instead of LSAT scores. Table 1 in the Appendix lists law schools with LSAT-optional policies and the year of implementation. The shift toward more flexible testing options in legal education reflects a broader movement among undergraduate, graduate, and professional degree programs to de-emphasize the use of standardized test scores in the admissions process (Jung, 2016; Posselt & Miller, 2018; Fairtest, 2020). The movement within legal education remains informal in many respects, with individual law schools removing or adjusting test requirements for applicants, but there are also coordinated efforts underway by the ABA to shift how admissions is conducted. In 2018, the ABA considered a proposal to remove the LSAT requirement for law school admission but ultimately withdrew the proposal (Sloan, 2018).

Given the role of the LSAT in shaping access to legal education, Black, Latinx, and Native American students' lower average LSAT scores relative to their peers, and limited evidence of scores' utility in predicting long-term professional outcomes, LSAT-optional admissions policies may represent a new strategy for improving enrollment among historically marginalized students (Law School Survey of Student Engagement, 2016). At the same time, however, LSAT-optional admissions could also result in increased competition for entry to law school by encouraging students to apply who otherwise would not have applied. If a law school receives more applications, but there is no corresponding change in the size

of incoming cohorts, competition for seats will increase. Recent research on test-optional undergraduate admissions indicates this may be the case: shifting to a test-optional undergraduate admissions policy did not expand the racial diversity of enrolled students. Rather, removing test score requirements increased the number of applications and the scores of those who did opt to submit were higher, on average, than previously, resulting in growing institutional selectivity (Belasco, Rosinger, & Hearn, 2015).

The proposed study will examine how LSAT-optional admissions policies impact diversity (measured by the share and number of Black, Latinx, and Native American students enrolled) and selectivity (measured by the number of applicants, acceptance rate, and LSAT scores of enrollees) at adopting law schools. The study will draw on nearly a decade of application and enrollment data the ABA collects from law schools and use a difference-in-differences quasi-experimental research design to examine the intended and potential unintended consequences of LSAT-optional admissions. This research will provide insight into whether LSAT-optional policies can be scaled to improve access and move more historically marginalized students through the legal education pipeline or whether such policies may potentially undermine diversity efforts by increasing law school selectivity. Findings may also inform similar efforts to eliminate or reduce reliance on test score consideration in other educational domains, including graduate and undergraduate programs.

1b. Review the literature and establish the theoretical grounding for the research (limit 1,000 words).

Related Literature

Standardized Tests in Graduate and Professional School Admissions

Research on the LSAT is a prominent feature of law school admissions (e.g., Kidder, 2001), not unlike studies of the Graduate Record Examination (GRE) in graduate education research and the GMAT in the business admissions literature (e.g., Hancock, 1999; Oh et al., 2008). Authors' motivations typically stem from either concern about whether use of such tests biases the process against already marginalized populations (e.g., Hagedorn & Nora, 1996; Marston, 1971) and/or concern about the predictive validity of test scores for subsequent performance (e.g., Newman, 1968; Pennock-Roman, 1990). On the latter point, meta-analyses of the GRE's validity in predicting graduate student performance have come to differing conclusions (Kuncel, Credé, & Thomas, 2007; Kuncel, Wee, Serafin, & Hezlet, 2010; Morrison & Morrison, 1995), perhaps because few of the studies on which they are predicated have had generalizable samples or methodologically consistent designs. A meta-analysis found that the predictive power of standardized exams for graduate and professional programs varies by type of test, by student outcome, and across groups of students, finding LSAT scores correlate strongly with first-year GPA but less with degree completion (Kuncel & Hezlett, 2007). Other research indicates LSAT scores do little beyond law school grades to predict bar passage (Curcio, Jiang, Bilek, Cino, Robbins, 2019).

In practice, faculty often interpret and apply standardized test scores in the admissions process in ways that create barriers to access for Black, Latinx, and Native American students (Miller & Stassun, 2014; Posselt, 2016). Distributional differences in the scores expected for admission to selective programs are particularly stark. Only 26 percent of women test-takers and 5.2 percent of those identifying as Black, Latinx, and Native American scored above the median Quantitative GRE score for admission to physical sciences programs (i.e., 700 on the old scale), compared to 73 percent of men and 82 percent of white and Asian test-takers (Miller & Stassun, 2014). In law, a recent study estimated that the mean LSAT scores of admitted Black law students were 1.4 standard deviations lower than that of admitted white students (Arcidiacono & Lovenheim, 2016). However, other research indicates that Black law school applicants are more likely to be rejected from law school than similarly scoring white students (Taylor, 2019).

Given the uneven distribution of test scores often used in admissions processes across racial/ethnic categories and their modest associations with long-term measures of student success, a strong and growing movement has emerged in undergraduate, graduate, and professional degree programs to remove or reduce reliance on test scores (Jung, 2016; Posselt & Miller, 2018; Fairtest, 2020). Some degree programs have made test scores optional for applicants and others have stopped collecting scores altogether, while a third shift, common in legal education, is to give applicants flexibility in testing options by accepting the GRE in place of the LSAT.

Test-Optional Policies in Undergraduate Admissions

Some have argued that simply requiring the LSAT, GRE, or other standardized test may disproportionately deter applications from historically marginalized students, owing to doubts about whether their scores will be strong enough to earn admission. From this perspective, removal of a test requirement may be read by prospective applicants, especially from historically marginalized groups, as a cue about a program's openness to diversity that induce higher numbers to apply. At the undergraduate level, more than 1,000 colleges have taken steps to eliminate or de-emphasize test scores in effort to enroll more diverse student bodies (FairTest, 2020). Similar to the uneven distribution of graduate admissions exam scores by socioeconomic status and race/ethnicity, the entrance exams often used in undergraduate admissions are positively correlated with socioeconomic status and white racial status (Blau, Moller, & Jones, 2004; Camara & Schmidt, 1999; Fischer et al., 1996; Freedle, 2003; Rothstein, 2004). Admissions and other campus administrators often indicate that the shift toward test-optional admissions reflects efforts to improve educational opportunities for historically marginalized student populations (Cortes, 2013; Epstein, 2009; Espenshade & Chung, 2011). Colleges that have enacted test-optional policies also frequently cite research that indicates that test scores are not strong predictors of college success once grades and other high school factors are taken into account (Allensworth & Clark, 2020; Rothstein, 2004).

Evaluations of test-optional admissions at individual campuses demonstrate that eliminating test scores from admissions consideration has in some cases expanded the number of applications from students who might not have applied had test scores been required (Epstein, 2009). However, a multi-institutional analysis of test-optional undergraduate admissions at liberal arts colleges, where the test-optional movement began, found that going test optional increased institutional selectivity but not diversity (Belasco et al., 2015). A subsequent study similarly found no change in either enrollment or selectivity after the implementation of test-optional undergraduate admissions (Saboe & Terrizzi, 2019). In this study, we aim to understand how the removal of the LSAT requirement influences diversity and selectivity within legal education.

Conceptual Framework

We plan to examine the potential impacts of LSAT-optional admissions through the lens of manifest and latent functions of policy (Merton, 1957, 1936). In this conceptualization, policies have manifest functions, or stated purposes, that they are intended to serve, for instance, to expand access to legal education to historically marginalized students by providing flexible testing options to applicants. However, policies may also serve a latent function, or an unintended or unstated consequence, that serves to enhance social standing and reproduce existing inequities. In the case of LSAT-optional policies, this could occur if this change in admissions practice leads to increased institutional selectivity and competition for admission to legal education. For instance, if LSAT-optional law schools receive more applications, they may admit a smaller percentage of applicants. Thus, these policies may serve as a strategy through which law schools can improve their institutional standing and status. In becoming more selective, however, law schools may be less likely to admit students from historically marginalized backgrounds, threatening access and potentially reproducing the same inequitable enrollment patterns.

1c. Describe the research method that will be used (limit 1,000 words).

Research Questions

1. How do LSAT-optional policies impact diversity (measured by the number and share of Black, Latinx, and Native American students enrolled)?
2. How do LSAT-optional policies impact selectivity (measured by the number of applicants, acceptance rate, and LSAT scores of enrollees)?

Data

Our sample will include 205 law schools approved by the ABA as providing the educational requirements eligible to sit for the bar exam. To understand how LSAT-optional policies impact law school diversity and selectivity, we will use data from the ABA (available through Accesslex Center for Legal Education Excellence's website), which collects annual information on the admissions, enrollment, and financial aid practices of law schools. The dataset contains nearly a decade of data from 2011-2012 to 2019-2020.

Our independent variable of interest will be an indicator for whether a law school had an LSAT-optional policy in a given year. Our research team has already gathered information on LSAT-optional policies and implementation years from press releases, news reports, and law school websites. We defined LSAT-optional law schools as those that allow applicants to submit the GRE in place of the LSAT. Table 1 lists law schools that began accepting the GRE during our study period: 1 law school enacted LSAT-optional admissions for students entering in 2016, 1 in 2017, 16 in 2018, and 21 in 2019.

To understand whether LSAT-optional policies have expanded diversity (RQ1), our outcome variables will be the number (logged) and share of Black, Latinx and Native American first-year students. To examine the impact of LSAT-optional policies on selectivity (RQ2), our outcomes will be the number of applicants (logged), acceptance rate, and average LSAT scores of enrollees.

We will control for a number of law school characteristics that could influence outcomes and confound our results. We will include median grant aid and average tuition to account for differences in pricing and aid. Prior research indicates Black and Latinx students are more sensitive to price changes at the undergraduate level (Heller, 1997), although recent research indicates Black and Latinx students are not sensitive to law school prices (Li, 2016). We will also control for full-time enrollment to account for the influence institutional size has on the number of applicants and enrollees.

Research Methodology

To estimate the impact of LSAT-optional policies on diversity and selectivity, we will use a quasi-experimental difference-in-differences (DD) design, which compares differences in outcomes at adopting law schools before and after LSAT-optional implementation to changes in outcomes over the same period at non-adopting law schools (Furquim, Corral, & Hillman, 2020). The model can be expressed:

$$y_{it} = \beta_0 + \beta_1 LSATOptional_{it} + \mathbf{X}_{it} + \lambda_i + \delta_t + \varepsilon_{it}$$

where y_{it} is the outcome for law school i at time t ; $LSATOptional$ indicates whether a law school accepted the GRE in place of the LSAT in a given year (1 if yes; 0 otherwise) and β_1 is the DD estimate; \mathbf{X} are time-variant law school characteristics; λ_i and δ_t are law school and year fixed effects, respectively; and ε_{it} is the error term. The inclusion of law school fixed effects holds constant features of schools that do not change over time, such as institutional culture or history, that likely relate to outcomes. Year fixed effects account for variation in outcomes over time that are common across law schools. To account for serial correlation and heteroskedasticity, we will estimate robust standard errors clustered at the law school level (Bertrand, Duflo, & Mullainathan, 2004).

The identifying assumption in a DD design is that trends in outcomes at adopting and non-adopting law schools would have been the same in the absence of the policy (Murnane & Willett, 2011). This parallel trend is used to construct the counterfactual, or what would have happened to outcomes at LSAT-optional law schools in the absence of the policy. If outcome trends are different in pre-policy years, it is difficult to discern whether the LSAT-optional policy or another factor influenced results. This is a particularly important assumption in the proposed research because law schools that adopt LSAT-optional policies may be systematically different than those that do not. Similarly, the outcomes we examine could shape the decision to accept the GRE. For instance, a law school that recently experienced a drop in enrollment among historically marginalized students might implement a LSAT-optional policy to address this decline. There is no formal statistical test to determine whether the parallel trends assumption is met; however, there are several well-established robustness checks we will use to rule out alternative explanations for our findings (Furquim et al., 2020).

First, we will visually examine outcomes over time for adopting and non-adopting law schools in pre-treatment years to determine whether they follow similar paths. Second, we will estimate models that include a law school-specific linear time trend to allow each law school to follow its own outcome trend and account for some of the potential differences in trends across adopting and non-adopting schools. Third, we will explore potential alternative comparison groups after looking at descriptive statistics to determine whether differences exist in pricing, aid, selectivity, or size between adopting and non-adopting schools. In doing so, we may identify ways to select a comparison group that is more similar to LSAT-optional law schools in observable ways. Finally, we will conduct a series of placebo tests, assigning treatment to years prior to when treatment occurred to examine whether changes in outcomes could be driven by something other than the LSAT-optional policy.

Ongoing advances in DD methodologies involving variation in treatment timing may require us to adjust or supplement this approach (e.g., Goodman-Bacon, 2018). Based on these advances, we plan to incorporate event study analyses, assigning leads and lags to treatment to 1) test for significant changes in outcomes prior to treatment (for support of the parallel trends assumption), and 2) examine whether the impact of LSAT-optional policies changes over time to understand whether these policies represent a shorter-term or more sustained strategy for improving diversity in legal education.

1d. References cited (no word limit).

- Allensworth, E. M., & Clark, K. (2020). High school GPAs and ACT scores as predictors of college completion: Examining assumptions about consistency across high schools. *Educational Researcher*, 0013189X20902110.
- American Bar Association. (2010). Diversity in the legal profession: The next steps. Washington, DC: ABA Presidential Initiative Commission on Diversity.
- Arcidiacono, P., & Lovenheim, M. (2016). Affirmative action and the quality-fit trade-off. *Journal of Economic Literature*, 54(1), 3-51.
- Backes, B. (2012). Do affirmative action bans lower minority college enrollment and attainment? Evidence from statewide bans. *Journal of Human Resources*, 47(2), 435-455.
- Belasco, A., Rosinger, K., & Hearn, J. (2015). The test-optional movement at America's selective liberal arts colleges: A boon for equity or something else? *Educational Evaluation and Policy Analysis*, 37(2), 206-223.
- Bertrand, M., Duflo, E., & Mullainathan, S. (2004). How much should we trust differences-in-differences estimates?. *The Quarterly Journal of Economics*, 119(1), 249-275.
- Blau, J. R., Moller, S., & Jones, L. V. (2004). *Why test? Talent loss and enrollment loss. Social Science Research*, 33, 409-434s

- Camara, W. J., & Schmidt, A. E. (1999). *Group differences in standardized testing and social stratification*. New York: College Entrance Examination Board.
- Cortes, C. M. (2013). Profile in action: Linking admission and retention. *New Directions for Higher Education*, 161, 59-69.
- Cunningham, A., & Steele, P. (2015). *Diversity pipeline programs in legal education: Context, research, and a path forward*. Washington, DC: AccessLex Center for Legal Education Excellence.
- Curcio, A. A., Jiang, H., Bilek, M. L., Cino, J. G., & Robbins, A. (2019). *Measuring law student success from admissions through bar passage: More data the bench, bar, and academy need to know*. Washington, DC: Accesslex Center for Legal Education Excellence.
- Epstein, J. P. (2009). Behind the SAT-optional movement: Context and controversy. *Journal of College Admission*, 204, 8-19.
- Espenshade, T. J., & Chung, C. Y. (2011). Diversity outcomes of test-optional policies. In J. A. Soares (Ed.), *SAT wars: The case for test-optional admissions* (pp. 177-200). New York: Teachers College Press.
- Fairtest. (2020). More than 1070 accredited colleges and universities that do not use ACT/SAT scores to admit substantial numbers of students into bachelor-degree programs. Arlington, MA: Author. Retrieved from <http://fairtest.org/university/optional>
- Fischer, C., Hout, M., Sánchez Jankowski, M., Lucas, S., Swidler, A., & Voss, K. (2006). *Inequality by design*. Princeton, NJ: Princeton University Press.
- Freedle, R. (2003). Correcting the SAT's ethnic and social-class bias: A method for reestimating SAT scores. *Harvard Educational Review*, 73(1), 1-43.
- Furquim, F., Corral, D., & Hillman, N. (2019). A Primer for Interpreting and Designing Difference-in-Differences Studies in Higher Education Research. *Higher Education: Handbook of Theory and Research: Volume 35*, 1-58.
- Garces, L. M. (2012a). Racial diversity, legitimacy, and the citizenry: The impact of affirmative action bans on graduate school enrollment. *Review of Higher Education*, 36(1), 93-132.
- Garces, L. M. (2012b). Necessary but not sufficient: The impact of Grutter v. Bollinger on student of color enrollment in graduate and professional schools in Texas. *The Journal of Higher Education*, 83(4), 497-534.
- Garces, L. M. (2013). Understanding the impact of affirmative action bans in different graduate fields of study. *American Educational Research Journal*, 50(2), 251-284.
- Garces, L. M., & Mickey-Pabello, D. (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), 264-294.
- Goodman-Bacon, A. (2018). *Difference-in-differences with variation in treatment timing* (No. w25018). Cambridge, MA: National Bureau of Economic Research.
- Hagedorn, L. S., & Nora, A. (1996). Rethinking admissions criteria in graduate and professional programs. *New Directions for Institutional Research*, (92), 31-44.
- Hancock, T. (1999). The gender difference: Validity of standardized admission tests in predicting MBA performance. *Journal of Education for Business*, 75(2), 91-93.
- Heller, D. E. (1997). Student price response in higher education: An update to Leslie and Brinkman. *The Journal of Higher Education*, 68(6), 624-659.
- Hinrichs, P. (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), 712-722.
- Jung, C. (2016, May 16). Forget the LSAT. This law school will accept your GRE scores. NPR. Retrieved from <https://www.npr.org/sections/ed/2016/05/16/477386646/forget-the-lsat-this-law-school-will-accept-your-gre-scores>
- Kidder, W. C. (2001). Does the LSAT mirror or magnify racial and ethnic differences in educational attainment: A study of equally achieving elite college students. *Calif. L. Rev.*, 89, 1055.

- Kuncel, N. R., & Hezlett, S. A. (2007). Standardized tests predict graduate students' success. *Science*, 315(5815), 1080-1081.
- Kuncel, N. R., Credé, M., & Thomas, L. L. (2007). A meta-analysis of the predictive validity of the Graduate Management Admission Test (GMAT) and undergraduate grade point average (UGPA) for graduate student academic performance. *Academy of Management Learning & Education*, 6(1), 51-68.
- Kuncel, N. R., Wee, S., Serafin, L., & Hezlett, S. A. (2010). The validity of the Graduate Record Examination of master's and doctoral programs: a meta-analytic investigation. *Educational and Psychological Measurement*, 70, 340-352.
- Law School Survey of Student Engagement. (2016). Understanding legal education: Annual survey results. Bloomington, IN: Indiana University Center for Postsecondary Research.
- Li, A. Y. (2016). *Law school prices and the enrollment of students from different racial backgrounds*. Washington, DC: Accesslex Center for Legal Education Excellence.
- Marston, A. R. (1971). It is time to reconsider the Graduate Record Examination. *American Psychologist*, 26(7), 653.
- Merton, R. K. (1957). *Social theory and social structure*. New York: Free Press.
- Merton, R. K. (1936). The unanticipated consequences of purposive social action. *American Sociological Review*, 1(6), 894-904.
- Miller, C., & Stassun, K. (2014). A test that fails. *Nature*, 510(7504), 303-304.
- Newman, R. I. (1968). GRE scores as predictors of GPA for psychology graduate students. *Educational and Psychological Measurement*, 28(2), 433-436.
- Morrison, T., & Morrison, M. (1995). A meta-analytic assessment of the predictive validity of the quantitative and verbal components of the graduate record examination with graduate grade point average representing the criterion of graduate success. *Educational and Psychological Measurement*, 55(2), 309-316.
- Oh, I. S., Schmidt, F. L., Shaffer, J. A., & Le, H. (2008). The Graduate Management Admission Test (GMAT) is even more valid than we thought: A new development in meta-analysis and its implications for the validity of the GMAT. *Academy of Management Learning & Education*, 7(4), 563-570.
- Pennock-Roman, M. (1990). *Test validity and language background: A study of Hispanic American students at six universities*. New York: College Entrance Examination Board.
- Posselt, J. (2016). *Inside graduate admissions: Merit, diversity, and faculty gatekeeping*. Cambridge, MA: Harvard University Press.
- Posselt, J., & Miller, C. (2018, May 7). It's time for the talk. *Inside Higher Ed*. Retrieved from <https://www.insidehighered.com/admissions/views/2018/05/07/doctoral-programs-need-rethink-their-use-standardized-tests-opinion>
- Rothstein, J. M. (2004). College performance predictions and the SAT. *Journal of Econometrics*, 121(1-2), 297-317.
- Rothstein, J., & Yoon, A. (2008). Affirmative action in law school admissions: What do racial preferences do? *University of Chicago Law Review*, 75(2), 649-714.
- Saboe, M., & Terrizzi, S. (2019). SAT optional policies: Do they influence graduate quality, selectivity or diversity? *Economics Letters*, 174, 13-17.
- Sloan, K. (2018, August 6). ABA holds off on removing LSAT requirement for law schools. Law.com. Retrieved from <https://www.law.com/2018/08/06/aba-holds-off-on-removing-lsat-requirement-for-law-schools/>
- Taylor, A. N. (2018). The marginalization of Black aspiring lawyers. *FIU L. Rev.*, 13, 489.
- Wightman, L. F. (1997). The threat to diversity in legal education: An empirical analysis of the consequences of abandoning race as a factor in law school admission decisions. *NYUL Rev.*, 72, 1.
- Yagan, D. (2012). *Law school admissions under the UC affirmative action ban*. Berkeley, CA: University of California, Berkeley.

1e. List the datasets that will be used and explain why they best serve this research. Applicant should also provide a statement indicating whether the proposed research will require use of restricted datasets. If restricted datasets will be used, the plan for acquiring the appropriate license should be described (limit 750 words).

The proposed research relies on publicly available data. To understand how the recent LSAT-optional movement in legal education impacts law school diversity and selectivity, we will use data that the ABA compiles annually on the admissions, enrollment, and financial aid practices of each accredited law school in the United States. The data, which we downloaded from the AccessLex Center for Legal Education Excellence website, contain nearly a decade of data from the 2011-2012 to the 2019-2020 academic year. The time span for which data are available encompasses years leading up to and immediately following efforts by dozens of law schools to provide applicants with more flexibility in testing requirements in an effort to expand diversity in legal education. The data are appropriate for our analysis because it offers annual information over the past decade on law schools' racial diversity and institutional selectivity. To this dataset, we will add a LSAT-optional admissions policy variable that indicates whether a law school had a policy in place in a given year that allowed applicants to submit GRE scores in place of LSAT scores. The research team has already collected data on which law schools have implemented LSAT-optional policies and in what years (provided in Table 1 in the Appendix). This data came from news articles, press releases, news reports, and individual law school websites and are current through the 2019-2020 academic year, the most recent year for which ABA data is available.

1f. Timeline of key project activities.

June-August 2020 (weekly research team meetings to conceptualize study and work on analysis)

- Submit information to Penn State's IRB office regarding project to obtain a formal IRB exemption determination
- Add most recent year of data to dataset the research team has constructed from ABA files
- Conduct descriptive, difference-in-differences, and robustness analyses with updated dataset
- Complete first draft of paper

September-December 2020 (bi-weekly research team meetings to update analysis and prepare presentation materials)

- Present research findings at the AccessLex Institute Legal Education Research Symposium (November 16-17, 2021)
- Present research findings at the Association for the Study of Higher Education annual conference (November 19-21, 2021)
- Revise paper based on feedback from presentations
- Submit paper to peer-reviewed journal

January-May 2021 (research team meetings as needed to revise paper toward publication at peer-reviewed journal)

- Present research findings at the Sociology of Education Association annual conference (February 2021)
- Continue moving paper through peer-review process (revising, resubmitting)

1g. List deliverables such as research reports, books, and presentations that will be developed from this research initiative.

- Peer-reviewed journal article reporting findings from our analysis of LSAT-optional admissions policies
- Presentation of research findings at the AccessLex Institute Legal Education Research Symposium
- Presentation of research findings at the Association for the Study of Higher Education annual conference
- Presentation of research findings at the Sociology of Education Association annual conference

1h. How will you disseminate the results of this research?

The research team will disseminate results from the research at two conferences in fall 2020, one conference in spring 2021, and through a peer-reviewed journal article. We will promote the presentations and journal article through the PI/Co-PIs twitter accounts and through our institutions' communications teams.

2. Statement of Institutional Review Board Approval or Exemption

As part of the online application, a statement outlining a plan for Institutional Review Board (IRB) approval is required. The statement should outline the applicant's timeline and plan for submitting the proposal to an IRB *or* explain why IRB approval is not necessary. Final IRB action is *not* necessary prior to submitting the application.

The proposed study is exempt from IRB approval because we are relying on publicly available ABA data on admissions, enrollment, financial aid, and other institutional data that law schools report to ABA (and other organizations). Because we are not obtaining information directly from students and will not have access to any student-level information, our work is not considered Human Subjects Research, and therefore exempt from IRB approval. The research team will submit information to Penn State's IRB office at the beginning of the grant period to obtain a formal determination of exemption.

3. Biographical Sketch

A biographical sketch should include prior degrees earned, relevant professional work experiences, skills necessary for completion of the proposed study, and prior research experiences with national datasets (limit 750 words).

Kelly Rosinger is an assistant professor in the Department of Education Policy Studies and a research associate in the Center for the Study of Higher Education at Penn State University. Her research examines the impact of educational policies on racial and economic disparities in educational attainment and how policies can be designed with equity in mind. She frequently uses quasi-experimental (including difference-in-differences designs) and experimental methods and has experience working with large national datasets, such as the Integrated Postsecondary Education Data System, College Scorecard, Opportunity Insights, and more. She has also collected data to merge with these existing datasets on policy implementation dates and details (for instance, for test-optional admissions policies at the undergraduate level, campus-based financial aid policies, and performance-based funding policies). Her research has been published in leading policy, education, and higher education journals and has been funded by the William T. Grant Foundation, Arnold Ventures, Joyce Foundation, Kresge Foundation, and Jack Kent Cooke Foundation. *The New York Times*, *Washington Post*, *NPR*, *The Chronicle of Higher*

Education, and other media outlets have featured her work. She was an Institute of Education Sciences (IES) postdoctoral fellow in education policy at the University of Virginia and was selected to attend a two-week IES quasi-experimental workshop for additional methodological training. Rosinger earned her Ph.D. in higher education and her master's degree in public administration and policy, both from the University of Georgia, and her B.A. degree from UNC-Chapel Hill. Prior to her doctoral studies, Rosinger was an assistant director of undergraduate admissions at the University of Georgia.

Karly S. Ford is an assistant professor in the Department of Education Policy Studies and a research associate in the Center for the Study of Higher Education at Penn State University. She is a sociologist whose research examines how educational practices reproduce or ameliorate patterns of inequality. Ford has worked with large scale national datasets, for example Integrated Postsecondary Education Data System (IPEDS) and the Panel Study of Income Development (PSID). In addition, she has also worked with large-scale international datasets, such as the Programme for International Student Assessment (PISA) and Programme for the International Assessment of Adult Competencies (PIAAC). Her work has been funded by the Spencer Foundation and Institute of Education Sciences' pre-doctoral fellowship. Ford earned her B.A. from Swarthmore College, her M.Ed. from Harvard University, and her Ph.D. from New York University.

Julie Posselt is an associate professor of higher education at the University of Southern California's Rossier School of Education and was a 2015-2017 National Academy of Education/Spencer Foundation postdoctoral fellow. She received a PhD in higher education from the University of Michigan-Ann Arbor, and MA in educational policy studies from the University of Wisconsin-Madison. Posselt's scholarship examines organizational behavior affecting access to graduate and professional education. Through large-scale quasi-experimental methods and in-depth qualitative analysis, Posselt's research has uncovered explanations for the gap between institutional commitments to diversity and the continuing realities of unequal enrollment and student wellbeing. She is an internationally recognized expert on admissions, and is author of the book *Inside Graduate Admissions: Merit, Diversity, and Faculty Gatekeeping* (Harvard University Press, 2016), an ethnographic study of faculty admissions decision making in ten highly selective PhD programs. Posselt has participated in an IES workshop on quasi-experimental methods and her work using quantitative methods has been published in leading education journals, including *American Educational Research Journal*, *Research in Higher Education*, and *Journal of Higher Education*, among others. Her work has been funded by the US Department of Education, National Science Foundation, Spencer Foundation, and Mellon Foundation, among others.

4. Statement of Prior, Current, and Pending Funding

A statement of prior, current, and pending funding for the proposed research from all sources is required. The statement should also include a history of prior funding (past 10 years) from AIR to any of the PIs. Funding from other sources will not disqualify the application but may be considered in the funding decision (limit 250 words).

Kelly Rosinger has no prior, current or pending funding for the proposed research from any other source. Kelly Rosinger has received no funding from AIR in the past 10 years.

Karly S. Ford has no prior, current or pending funding for the proposed research from any other source. Karly S. Ford has received no funding from AIR in the past 10 years.

Julie Posselt has no prior, current or pending funding for the proposed research from any other source. Julie Posselt has received no funding from AIR in the past 10 years.

Appendix

Table 1. Law schools with LSAT-optional admissions and year first class entered under policy.

Law School	Year
University of Arizona	2016
University of Nevada	2017
Brooklyn	2018
Brigham Young University	2018
Cardozo School of Law	2018
Florida State University	2018
Georgetown University	2018
Harvard University	2018
Illinois Institute of Technology	2018
John Marshall Law School	2018
Northwestern University	2018
Pace University	2018
St. John's University	2018
Texas A&M University	2018
University of Hawaii	2018
Wake Forest University	2018
Washington University in St. Louis	2018
George Washington University	2018
University of California, Los Angeles	2019
Penn State University	2019
University of Georgia	2019
American University	2019
Boston University	2019
Columbia University	2019
Cornell University	2019
Florida International University	2019

George Mason University	2019
New York University	2019
Pepperdine University	2019
Suffolk University	2019
SUNY Buffalo	2019
University of California, Davis	2019
University of Dayton	2019
University of New Hampshire	2019
University of Notre Dame	2019
University of Pennsylvania	2019
University of Texas-Austin	2019
University of Virginia	2019
University of Southern California	2019

Research Grant Proposal Budget Form



Personnel - Salary

Principal Investigator	\$	<input type="text"/>
Second Principal Investigator	\$	<input type="text"/>
Third Principal Investigator	\$	<input type="text"/>
Graduate Research Assistant	\$	<input type="text"/>

Travel

2020 AccessLex Institute Legal Education Research Symposium: Principal Investigator	\$	<input type="text"/>
2020 AccessLex Institute Legal Education Research Symposium: Second Principal Investigator	\$	<input type="text"/>
2020 AccessLex Institute Legal Education Research Symposium: Third Principal Investigator	\$	<input type="text"/>
2020 AccessLex Institute Legal Education Research Symposium: Graduate Research Assistant*	\$	<input type="text"/>
Other research related travel:	\$	<input type="text"/>

(Note: Other planned travel should be listed in the "Timelines and Deliverables" section)

Other research expenses

Please provide a breakdown of expenses below and add the total value in the box to the right. Allowable expenses include: materials, such as software, books, supplies, etc.; consultant services, such as transcription, analysis, external researchers, etc.; and costs for publishing articles in journals. The purchase of computer hardware, overhead or indirect costs, and living expenses are not allowable. If you have questions about specific expenditures, please contact AIR.

TOTAL REQUESTED – Maximum Allowable is \$50,000 \$

**Note: The AccessLex Institute believes graduate student professional development and mentoring opportunities are important aspects of the Research Grant Program. Therefore, Research Grant recipients are strongly encouraged to designate funds for graduate student travel for the AccessLex Institute Legal Education Research Symposium Presentation.*



PennState
College of Education

Education Policy Studies
The Pennsylvania State University
300 Rackley Building
University Park, PA 16802-3201

(814) 863-0619
Fax: (814) 865-1480
<http://www.ed.psu.edu/eps/>

May 5, 2020

AccessLex Institute/AIR Research and Dissertation Fellows Program
Association for Institutional Research
1983 Centre Pointe Blvd. #101
Tallahassee, FL 32308

AccessLex Institute
10 North High Street
Suite 400
West Chester, PA 19380

Dear Research and Dissertation Fellows Grant Proposal Reviewers,

We are excited to learn that our proposal was among those selected for funding. We appreciate the opportunity to respond to the thoughtful comments raised by the reviewers and believe these suggestions will strengthen the manuscript that results from the project. We have included the comments provided by reviewers below (in bold) and our responses underneath each.

For undergraduates, the term “test-optional” indicates that the test is optional, not in replacement of another test. The authors use the term “LSAT-optional”, suggests that applicants have the option to submit test scores versus no test scores. Rather, the authors are examining test differences – LSAT versus GRE test score submissions. It is important to note that both standardized tests have biases. Law schools are still requiring a test, however, some are allowing a flexibility to submit GRE scores rather than LSAT scores. The review committee felt this was an important distinction and would ask that the authors consider rewording the term “LSAT-optional” to better reflect the test-choice that is being studied.

We appreciate the reviewers’ suggestion to clarify the distinction between “test-optional” policies that give applicants the option of submitting test scores and the approach law schools have taken, which gives applicants an option of submitting either LSAT or GRE scores. We agree the term “LSAT-optional” is not an entirely accurate description of this movement within legal education. We believe “test-flexible” is a more accurate term to use as we move forward in the project to reflect the fact that applicants are still required to submit a standardized test score but have flexibility in which test score they submit. This is consistent with the terminology used in undergraduate admissions when institutions require a standardized test score but allow applicants to submit SAT II scores in place of the SAT or ACT (Rubin & Canché, 2019).

Given the recent world pandemic of COVID, consider how the data collected before COVID should be interpreted in a post-COVID environment.

We appreciate the opportunity to reflect on how the COVID-19 pandemic and ensuing recession may impact our work and the meaning of the findings. We are aware that although the pandemic is still ongoing, students and their families have been severely affected, many by both the virus itself and by the economic hardship and insecurity it has created. These effects are disproportionately felt by the very students on whom our study focuses: data on the effects of COVID-19 by race indicate that hospitalization and death rates are higher among racially marginalized groups, highlighting differences in economic and social conditions faced by these groups (National Center for Immunization and Respiratory Diseases, 2020). In addition, Black and Latinx families are expected to experience the largest increases in poverty rates in the upcoming recession (Parolin & Wimer, 2020).

Our study will examine enrollment prior to COVID-19; however, we believe our findings will be increasingly relevant in the wake of the COVID-19 pandemic and resulting economic downturn. Higher education institutions have already been impacted, and are making major changes. Anticipating revenue losses, universities have implemented furloughs, hiring freezes, and other measures in an effort to reduce costs (Ruf, 2020). Law schools are largely tuition dependent, and they must keep enrollments up to maintain revenue; thus, even in the best of times, they are motivated to increase enrollments and tuition revenue. As budgetary pressures increase, we expect institutions' motivation to boost enrollments and revenues will likely also increase. Law schools may seek to fill their incoming classes with higher-income students to offset or minimize other revenue losses. These pressures may limit the pathways racially marginalized students have to legal education.

Only a few months into the US experience of the COVID-19 pandemic, many undergraduate institutions have announced plans to suspend the use of standardized test scores or make their submission optional for applicants in upcoming (and in some cases, all future) admissions cycles (Nadworny, 2020). The Law School Admissions Council (LSAC) has canceled the April and June in-person LSAT and offered remote, proctored exam options in their place (Coronavirus and the LSAT, 2020). Similarly, the GRE and GMAT are also being offered through at-home administration (Ati, 2020). LSAC also announced that law schools would not penalize applicants who submit transcripts with pail/fail grades in place of traditional letter grades for spring 2020. At present, we have not identified any law schools that have announced plans for a test-flexible or test-optional policy for upcoming admissions cycles, although we will monitor news and law school websites for updates.

Law schools will face increasing pressures to minimize revenue losses, perhaps by enrolling more students from higher-income households. Simultaneously, many racially marginalized students face a double burden of experiencing the social conditions that put them and their loved ones at higher risk of disease and economic losses that are likely to impact educational opportunities and pursuit. Together, this could result in widening gaps in access to education more broadly, and legal education more specifically, for racially minoritized students. If our study indicates that test-flexible options result in increased access to legal education, it may indicate one potential path forward to offset growing inequities. However, if we do not find evidence of changes in enrollment patterns, our findings will demonstrate that more and different efforts must be made to expand access to legal education.

We appreciate the reviewers sharing their expertise and suggestions for ways in which we can improve and refine this work. Going forward, if there are people or organizations with whom we should connect to stay abreast of COVID-19 impacts on the law school sector, we welcome your suggestions. We are grateful for the support the AccessLex Institute and AIR will provide for this work and look forward to sharing our findings (hopefully in person) at the 2020 AccessLex Institute Legal Education Research Symposium in November. Please let us know if we can provide any additional information regarding our project.

Sincerely,

Kelly Rosinger
Assistant Professor, Education Policy Studies
Research Associate, Center for the Study of Higher Education
Penn State University

Karly S. Ford
Assistant Professor, Education Policy Studies
Research Associate, Center for the Study of Higher Education
Penn State University

Julie Posselt
Associate Professor
Rossier School of Education, University of Southern California
Director, Inclusive Graduate Education Research Hub

References

- Ati, S. (2020, April 21). Graduate admissions testing changes due to Coronavirus pandemic. *The Daily Californian*. Retrieved from <https://www.dailycal.org/2020/04/20/graduate-admissions-testing-changes-due-to-coronavirus-pandemic/>
- Coronavirus and the LSAT. (2020, May 1). Newtown, PA: Law School Admissions Council. Retrieved from <https://www.lsac.org/update-coronavirus-and-lsat>
- Nadworny, E. (2020, April 1). Colleges go test-optional after SAT, ACT are called off. *NPR*. Retrieved from <https://www.npr.org/sections/coronavirus-live-updates/2020/04/01/825304555/colleges-go-test-optional-after-sat-act-are-called-off>
- National Center for Immunization and Respiratory Diseases. (2020). *COVID-19 in Racial and Ethnic Minority Groups*. Retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>
- Parolin, Z., & Wimer, C. (2020). Forecasting estimates of poverty during the COVID-19 crisis. *Poverty & Social Policy Brief*, 4(6). New York: Columbia University Center on Poverty & Social Policy, Columbia Population Research Center.
- Rubin, P. G., & Canché, M. S. G. (2019). Test-flexible admissions policies and student enrollment demographics: Examining a public research university. *The Review of Higher Education*, 42(4), 1337-1371.
- Ruf, J. (2020, March 29). Higher ed institutions lay off workers, tighten budgets amid Coronavirus crisis. *Diverse Issues in Higher Education*. Retrieved from <https://diverseeducation.com/article/170924/#.XoHcsxztlUy.twitter>