

1-1 By: Kolkhorst S.B. No. 518  
 1-2 (In the Senate - Filed January 20, 2023; February 17, 2023,  
 1-3 read first time and referred to Subcommittee on Higher Education;  
 1-4 April 24, 2023, reported adversely, with favorable Committee  
 1-5 Substitute from Committee on Education by the following vote: Yeas  
 1-6 12, Nays 0; April 24, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			

1-22 COMMITTEE SUBSTITUTE FOR S.B. No. 518 By: Springer

1-23 A BILL TO BE ENTITLED  
 1-24 AN ACT

1-25 relating to the consideration of standardized test scores as a  
 1-26 factor in nonautomatic admissions decisions at certain public  
 1-27 institutions of higher education.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 51.805(b), Education Code, is amended to  
 1-30 read as follows:

1-31 (b) The general academic teaching institution, after  
 1-32 admitting students under Sections 51.803 and 51.804, shall admit  
 1-33 other applicants for admission as undergraduate students. It is  
 1-34 the intent of the legislature that all institutions of higher  
 1-35 education pursue academic excellence by considering students'  
 1-36 academic achievements in decisions related to admissions. In  
 1-37 making first-time freshmen admissions decisions, each ~~Because of~~  
 1-38 ~~changing demographic trends, diversity, and population increases~~  
 1-39 ~~in the state, each~~ general academic teaching institution shall  
 1-40 also consider:

1-41 (1) if provided by the applicant, the applicant's  
 1-42 performance on a standardized test appropriate for undergraduate  
 1-43 admissions; and

1-44 (2) because of changing demographic trends,  
 1-45 diversity, and population increases in the state, all of, any of, or  
 1-46 a combination of the following socioeconomic indicators or factors  
 1-47 [in making first-time freshman admissions decisions]:

1-48 (A) [(1)] the applicant's academic record;

1-49 (B) [(2)] the socioeconomic background of the  
 1-50 applicant, including the percentage by which the applicant's family  
 1-51 is above or below any recognized measure of poverty, the  
 1-52 applicant's household income, and the applicant's parents' level of  
 1-53 education;

1-54 (C) [(3)] whether the applicant would be the  
 1-55 first generation of the applicant's family to attend or graduate  
 1-56 from an institution of higher education;

1-57 (D) [(4)] whether the applicant has bilingual  
 1-58 proficiency;

1-59 (E) [(5)] the financial status of the  
 1-60 applicant's school district;

2-1 (F) [~~(6)~~] the performance level of the  
 2-2 applicant's school as determined by the school accountability  
 2-3 criteria used by the Texas Education Agency;  
 2-4 (G) [~~(7)~~] the applicant's responsibilities while  
 2-5 attending school, including whether the applicant has been  
 2-6 employed, whether the applicant has helped to raise children, or  
 2-7 other similar factors;  
 2-8 (H) [~~(8)~~] the applicant's region of residence;  
 2-9 (I) [~~(9)~~] whether the applicant is a resident of  
 2-10 a rural or urban area or a resident of a central city or suburban  
 2-11 area in the state;  
 2-12 (J) [~~(10)~~] ~~the applicant's performance on~~  
 2-13 ~~standardized tests;~~  
 2-14 [~~(11)~~] the applicant's performance on standardized  
 2-15 tests in comparison with that of other students from similar  
 2-16 socioeconomic backgrounds;  
 2-17 (K) [~~(12)~~] whether the applicant attended any  
 2-18 school while the school was under a court-ordered desegregation  
 2-19 plan;  
 2-20 (L) [~~(13)~~] the applicant's involvement in  
 2-21 community activities;  
 2-22 (M) [~~(14)~~] the applicant's extracurricular  
 2-23 activities;  
 2-24 (N) [~~(15)~~] the applicant's commitment to a  
 2-25 particular field of study;  
 2-26 (O) [~~(16)~~] the applicant's personal interview;  
 2-27 (P) [~~(17)~~] the applicant's admission to a  
 2-28 comparable accredited out-of-state institution; and  
 2-29 (Q) [~~(18)~~] any other consideration the  
 2-30 institution considers necessary to accomplish the institution's  
 2-31 stated mission.

2-32 SECTION 2. Section 51.842, Education Code, is amended by  
 2-33 adding Subsections (a-1) and (b-1) and amending Subsection (b) to  
 2-34 read as follows:

2-35 (a-1) In making admissions decisions for the program, a  
 2-36 graduate or professional program of a general academic teaching  
 2-37 institution or medical or dental unit shall consider an applicant's  
 2-38 performance on a standardized test appropriate for the program,  
 2-39 except that the applicant's performance on the standardized test  
 2-40 may not be used as the sole criterion for consideration of the  
 2-41 applicant or as the primary criterion to end consideration of the  
 2-42 applicant. The applicant's performance on the standardized test  
 2-43 must also be used to compare the applicant's test score with those  
 2-44 of other applicants from similar socioeconomic backgrounds to the  
 2-45 extent that those backgrounds can be properly determined and  
 2-46 identified by the general academic teaching institution or medical  
 2-47 and dental unit based on information provided in the institution's  
 2-48 or unit's admissions process.

2-49 (b) An applicant's performance on a standardized test may  
 2-50 not be used in the [~~admissions or~~] competitive scholarship process  
 2-51 for a graduate or professional program as the sole criterion for  
 2-52 consideration of the applicant or as the primary criterion to end  
 2-53 consideration of the applicant. If an applicant's performance on a  
 2-54 standardized test is used in the [~~admissions or~~] competitive  
 2-55 scholarship process, the applicant's performance must also be used  
 2-56 to compare the applicant's test score with those of other  
 2-57 applicants from similar socioeconomic backgrounds to the extent  
 2-58 that those backgrounds can be properly determined and identified by  
 2-59 the general academic teaching institution or medical and dental  
 2-60 unit based on information provided in the institution's or unit's  
 2-61 [~~admissions or~~] competitive scholarship process.

2-62 (b-1) Subsections (a-1) and (b) do [~~This subsection does~~]  
 2-63 not apply to a standardized test used to measure the English  
 2-64 language proficiency of a student who is a graduate of a foreign  
 2-65 institution of higher education.

2-66 SECTION 3. Sections 51.805 and 51.842, Education Code, as  
 2-67 amended by this Act, apply beginning with admissions for the 2024  
 2-68 fall semester. Admissions for an academic period before the 2024  
 2-69 fall semester are governed by the law in effect immediately before

3-1 the effective date of this Act, and the former law is continued in  
3-2 effect for that purpose.

3-3 SECTION 4. This Act takes effect immediately if it receives  
3-4 a vote of two-thirds of all the members elected to each house, as  
3-5 provided by Section 39, Article III, Texas Constitution. If this  
3-6 Act does not receive the vote necessary for immediate effect, this  
3-7 Act takes effect September 1, 2023.

3-8

\* \* \* \* \*