

By: Rodriguez

H.B. No. 2815

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of race, ethnicity, or national origin in certain actions and decisions of public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter AA to read as follows:

SUBCHAPTER AA. POLICIES

TO PROMOTE FULL PARTICIPATION

IN HIGHER EDUCATION

Sec. 51.021. PURPOSE. The policies and requirements provided by this subchapter are intended to remedy the present effects of past segregation by the State of Texas and its political subdivisions and public institutions to promote the essential, fundamental, and compelling interests of Texas to provide full and equal opportunities for all Texans to participate in and enjoy the benefits of the state's system of higher education.

Sec. 51.022. DEFINITIONS. In this subchapter, "general academic teaching institution" and "institution of higher education" have the meanings assigned by Section 61.003.

Sec. 51.023. LEGISLATIVE FINDING. After accumulating and analyzing evidence from state-supported undergraduate, graduate, and professional schools and programs at institutions of higher education, the legislature finds that there is a strong basis in

1 evidence of the harms being remedied by this subchapter.
2 Specifically, the legislature finds that past segregation by this
3 state and its political subdivisions and public institutions has
4 present effects, that those present effects are of sufficient
5 magnitude to warrant remedial action, and that the remedies
6 provided by this subchapter are narrowly tailored to eliminate the
7 present effects of that past segregation.

8 Sec. 51.024. UNDERGRADUATE PROGRAMS. Each general academic
9 teaching institution may consider African American race and Mexican
10 American national origin as a factor in admitting undergraduate
11 students, granting scholarships, loans, and fellowships to
12 undergraduate students, recruiting and retaining undergraduate
13 students, and administering private and governmental programs
14 relating to undergraduate students.

15 Sec. 51.025. ANNUAL REVIEW AND REPORTS. (a) Each
16 institution of higher education that uses race or national origin
17 as a factor as provided by this subchapter shall apply the same
18 criteria to all students, using the same committees and same
19 waiting lists, and shall minimize harm to any third parties.

20 (b) Every year, each institution of higher education to
21 which this subchapter applies shall evaluate its programs developed
22 under this subchapter to determine their effectiveness, the
23 availability of equally or more effective alternatives, and the
24 harm if any to third parties, and shall report on these matters to
25 the governor, the lieutenant governor, the speaker of the house of
26 representatives, the chair of the legislative committee of each
27 house of the legislature with primary jurisdiction over higher

1 education, and appropriate state agencies.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2003.