

BILL ANALYSIS

H.B. 1186
By: Morrison
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1996, a federal court struck down the use of race-based affirmative-action policies in Texas higher education admissions. In response to the ruling, the 75th Texas Legislature, Regular Session, 1997, enacted H.B. 588, which guaranteed automatic admission to any public college or university in the state for those Texas students who graduate in the top 10 percent of their high school class. The intent of this legislation was to provide greater access to public higher education by increasing geographic, socioeconomic, and racial/ethnic representation, without using race as an admissions criterion.

While the impact of this initiative on diversity continues to be debated, the impact of a single criterion admissions policy has become problematic. By mandating, without limitation, that institutions base admissions on a single factor, the state has significantly restricted the ability of a student to be admitted based on holistic file-review.

H.B. 1186 caps at 50 percent the number of students an institution is required to admit under the "Top 10 Percent Law." In admitting students up to the 50 percent level, institutions would be required to give priority to those students who have completed the advanced high school program or equivalent curriculum. Once those students have been offered admission, the remaining students will be offered admission by percentile rank according to the graduating class standing based on grade point average.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 2 and SECTION 4 of this bill.

ANALYSIS

SECTION 1. Provides that a general academic teaching institution is not required to admit under Subsection (a) more than 50 percent of the institution's first-time resident undergraduate students in an academic year. Provides that if the number of applicants who qualify for automatic admission under Subsection (a) exceeds the number of spaces reserved by the institution for that purpose, the institution shall:

(1) offer admission to those applicants beginning with those who completed the curriculum requirements established under Section 28.025 for the advanced high school program or an equivalent curriculum at a high school to which that section does not apply;

(2) after offering admission to applicants under Subdivision (1), the institution shall offer admission to the remaining applicants by percentile rank according to graduating class standing based on grade point average, beginning with the top percentile rank, until a sufficient number of applicants have accepted admission offers to fill that percentage of the institution's enrollment capacity designated for first-time resident undergraduate students, except that the institution must offer admission to all applicants with the same percentile rank; and

(3) after offering admission to applicants under Subdivisions (1) and (2), consider any remaining applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time freshmen students in accordance with Section 51.805.

Provides that if the number of qualified applicants that have taken the advanced high school program, or equivalent, exceeds the percentage of the institution's enrollment capacity designated

for first-time resident undergraduate students specified by Subsection (c), the institution shall offer admission to those applicants by percentile rank according to graduating class standing based on grade point average, beginning with the top percentile rank, until a sufficient number of applicants have accepted admission offers to fill 50 percent of the spaces reserved by the institution, except that the institution must offer admission to all applicants with the same percentile rank. Provides that any remaining applicants qualified for automatic admission under Subsection (a), including remaining applicants qualified for admission under Subsection (c)(1), shall be considered by the institution in the same manner as other applicants for admission as first-time freshmen students in accordance with Section 51.805.

SECTION 2. Provides that the Texas Higher Education Coordinating Board after consulting with the Texas Education Agency by rule shall establish standards for determining for purposes of this subchapter whether a person completed a high school curriculum that is equivalent to the curriculum established under Section 28.025 for the advanced high school program. Makes conforming changes.

SECTION 3. Provides that the change in law made by this Act applies beginning with admissions to institutions of higher education for the 2008-2009 academic year. Provides that admissions to an institution of higher education before that academic year are covered by the law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4. Requires the Texas Higher Education Coordinating Board to adopt rules as required by Section 51.807(b), Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 5. Effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2007.