

BILL ANALYSIS

Senate Research Center
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S.B. 101
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S/C on Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, general academic institutions (institution), such as The University of Texas at Austin (UT) and Texas A&M University (A&M), are experiencing increasing difficulty in admitting students outside of the automatic admissions rule. More than 50 percent of students at A&M and more than 70 percent of students at UT--the state's Tier 1 schools--are admitted simply based on their grade point average rather than a comprehensive evaluation of their potential as a student. Capping the number of automatic admissions would allow institutions more discretionary admissions, and enable them to use a holistic approach so that other factors, such as test scores, special talents, leadership ability, personal achievements, or other relevant aspects of a student's application could be considered.

Another negative consequence of the current law is that it is unfair to bright students who attend competitive high schools but do not graduate in the top ten percent of their class, and institutions should be able to take such circumstances into consideration. This has caused a "brain drain"--forcing top students to attend universities outside of Texas because they were denied admission to the state's flagship universities. Conversely, some students who graduate in the top 10 percent of their classes at less demanding high schools may not be qualified to attend the state's best public universities. Thus, requiring the students to complete a "recommended" or "advanced" high school curriculum would level the playing field to ensure that all students are at the same academic level when they apply for admission.

A study published in 2004 by Princeton University called for allowing no more than 50 percent of top 10 percent freshmen to be admitted automatically. Additionally, a report issued last year by the Commission of 125--an advisory group of prominent citizens from within and beyond Texas--contains recommendations that UT exercise primary control over admissions and efforts to ensure diversity, and that no single factor should be used for admissions.

As proposed, S.B. 101 caps the number of students automatically admitted to a college or university under the top 10 percent rule to 50 percent of the number of entering resident students. If a college or university receives more applicants qualified for automatic admission than the number of automatic admission slots available, the college or university would be required to admit those qualified applicants by percentile rank in their high school classes up to the limit of available slots. The remainder of qualified applicants would enter the general applicant pool. Additionally, this bill requires that a student complete a "recommended" or "advanced" high school curriculum to qualify for automatic admission. This bill would also allow institutions the flexibility to admit a greater number of other students, including minority students and those highly qualified students who did not graduate in the top 10 percent of their classes.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.807, Education Code) and to the commissioner of education in SECTION 3 (Section 28.026, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 51.803 and 51.807, Education Code, as follows:

Sec. 51.803. AUTOMATIC ADMISSION: ALL INSTITUTIONS. (a) Redesignates existing text regarding high school graduation as Subdivision (1). Requires a general

academic teaching institution (institution) to admit an applicant for admission if the applicant has completed a certain recommended or advanced high school curriculum required by the State Board of Education or an equivalent curriculum. Deletes existing text requiring applicants to submit an application before the deadline established by the institution. Makes nonsubstantive changes.

(b) Requires an applicant to submit an application for admission before the deadline established by the institution to qualify for admission under this section.

(c) Provides that an institution is not required to admit under Subsection (a) more than 50 percent of its first-time resident undergraduate students in an academic year. Sets forth the requirements for an institution to determine which applicants to admit if the number of qualified applicants exceeds the percentage of enrollment capacity designated for first-time resident undergraduate students.

(d) Redesignates existing text as Subsection (d).

(e) Provides that the curriculum requirements in Subsection (a) do not apply to an applicant who attended a school that did not offer such curriculum.

(f) Provides that the curriculum requirements in Subsection (a) do not apply to an applicant who was unable to complete such curriculum for certain reasons.

Sec. 51.807. RULEMAKING. Redesignates existing text as Subsection (a). Deletes existing text authorizing the Texas Higher Education Coordinating Board (THECB) to adopt rules regarding reporting requirements. Requires THECB, in consultation with the Texas Education Agency, to establish standards, by rule, to determine whether an applicant completed a curriculum that is equivalent to certain curriculum requirements.

SECTION 2. Amends Section 28.025(g), Education Code, to require a student's transcript to indicate whether the student satisfied certain curriculum requirements and what courses are necessary to complete those requirements.

SECTION 3. Amends Section 28.026, Education Code, as follows:

Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION. (a) Redesignates existing text as Subsection (a). Requires a school district to provide each district student with a written notice of the curriculum requirements for automatic admission at the time the student first registers for one or more required high school classes. Redesignates existing text as Subdivision (3) and (4).

(b) Requires the commissioner of education (commissioner) to adopt forms to use in providing notice described in Subsection (a). Requires a school district to use the form adopted by the commissioner.

(c) Requires the commissioner to adopt procedures to ensure that as soon as practicable after this subsection becomes law, each school district provides the written notice described in Subsection (a) to each district student who, for the 2007-2008 school year, registers for one or more course required for high school graduation. Authorizes the commissioner to adopt emergency rules. Requires each district to comply with the procedures adopted by the commissioner. Specifies that this subsection expires September 1, 2008.

SECTION 4. Makes application of this Act prospective to the 2008-2009 academic year.

SECTION 5. Requires THECB to adopt rules relating to the admission of students under Section 51.803, Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

SECTION 6. Effective date: September 1, 2007.