

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 101
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Education
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Committee Report (Substituted)

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 10 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.

C.S.S.B. 101 caps the number of students automatically admitted to a college or university under the top 10 percent rule to 60 percent of the number of entering resident students, and establishes a process for an institution to determine which applicants to offer admission to if the number of qualified applicants exceeds that percentage. Additionally, this bill requires that a student complete a "recommended" or "advanced" high school curriculum to qualify for automatic admission. The bill requires each institution to publish an annual report to describe the first-time freshmen enrolled each academic year and any plans, policies, or programs developed to attract students from underrepresented groups. The bill also requires institutions that elect to participate in the program to award \$4 million in financial assistance to resident undergraduate students who enroll at the institutions.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 1 (Section 51.807, Education Code) of this bill.

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

Rulemaking authority is expressly granted 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 each general academic teaching institution (institution), subject to Subsection (c), to admit an applicant for admission if the applicant has completed the curriculum requirements established under Section 28.025 for the recommended or advanced high school program required by the State Board of Education or an equivalent curriculum at a high school to which that section does not apply. 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 60 percent of the institution's first-time resident undergraduate students in an academic year. Authorizes the institution, if the number of applicants who qualify for automatic admission to an institution under Subsection (a) exceeds 60 percent of the institution's enrollment capacity designated for first-time resident undergraduate students, to elect to offer admission to those applicants as provided by this subsection and not as otherwise required by Subsection (a). Requires the institution, if it elects to offer admission under this subsection, to offer admission to those applicants by percentile rank according to class standing based on grade point average, beginning with the top percentile rank, until the applicants qualified under Subsection (a) have been offered admission in the number estimated in good faith by the institution as sufficient to fill 50 percent 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.

Requires the institution, in addition to those admissions, to offer admission to applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805, until applicants qualified under Subsection (a) have been offered admission in the number estimated in good faith by the institution as sufficient to fill 60 percent of the institution's designated enrollment capacity described by this subsection. Prohibits the institution from considering applicants other than those applicants qualified under Subsection (a). Requires the institution, after the applicants qualified for automatic admission under Subsection (a) have been offered admission under this subsection in the number estimated in good faith by the institution as sufficient to fill 60 percent of the designated enrollment capacity described by this subsection, to consider any remaining applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805.

(d) Requires each institution that elects to offer admission to applicants as permitted by Subsection (c) to award financial assistance to enrolled resident undergraduate students from \$4 million appropriated for that purpose each state fiscal year, to adopt a written policy to provide for recruiting and retention efforts directed at underrepresented groups such as racial or ethnic minority groups, and to seek from civic and community leaders and organizations input regarding the impact of this section on student access to and academic success in higher education.

(e) Requires an institution, regardless of whether an institution elects to offer admission under Subsection (c), if the number of applicants who qualify for automatic admission to an institution under Subsection (a) exceeds 60 percent of the institution's enrollment capacity designated for first-time resident

undergraduate students, to provide to each school district, for dissemination to high school junior-level students and the parents of those students, notice of which percentile ranks of high school senior-level students are anticipated by the institution to be automatically offered admission under Subsection (c) during the next school year if the institution elects to offer admission under that subsection.

(f) Provides that this subsection applies only to a university system with more than one institution. Requires a university system, notwithstanding Subsection (c), in an academic year in which a component institution of the university system elects to offer admission to applicants as provided by Subsection (c), if an applicant for admission as a first-time resident undergraduate student who is qualified for automatic admission under Subsection (a) is not admitted to the institution under this section because the institution offers admission to applicants under Subsection (c) and the applicant is otherwise denied admission to the institution, to treat the application as an application for admission to any of the system's other component institutions that for the same academic year do not offer admission to applicants as provided by Subsection (c) and offer the applicant admission to each of those component institutions.

(g) Redesignated from existing Subsection (b).

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

(i) Provides that the curriculum requirements in Subsection (a) do not apply to an applicant who was unable to complete such curriculum for certain reasons not within the student's control.

Sec. 51.807. RULEMAKING. (a) Redesignates existing text as Subsection (a). Deletes existing text authorizing the Texas Higher Education Coordinating Board (THECB) to adopt rules regarding reporting requirements.

(b) Requires THECB, in consultation with the Texas Education Agency, to establish standards, by rule, to determine for purposes of this subchapter 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) Creates this subsection from existing text. 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. Makes conforming changes.

(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 courses required for high school graduation. Authorizes the commissioner to adopt emergency rules. Requires each district to comply with the procedures adopted by the commissioner. Provides that this subsection expires September 1, 2008.

SECTION 4. Amends Section 51.4032, Education Code, as added by Chapter 694, Acts of the 79th Legislature, Regular Session, 2005, as follows:

Sec. 51.4032. ANNUAL REPORT OF PARTICIPATION IN HIGHER EDUCATION. Requires each institution and medical and dental unit as defined in Section 61.003, not later than December 1, rather than July 31, of each year, to provide THECB a specific report to describe the composition of the institution's entering class of students and requires the report to be published on the institution's website. Requires the report to contain certain information, including high school class standing and a description of any plans, policies, or programs developed or implemented by the institution to recruit and retain students from underrepresented groups such as racial or ethnic minority groups.

SECTION 5. Makes application of this Act prospective to the 2008-2009 academic year.

SECTION 6. 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 7. Effective date: September 1, 2007.