

## **BILL ANALYSIS**

Senate Research Center  
80R5665 KSD-D

S.B. 1571  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The top 10 percent rule enacted by the 75th Legislature, 1997, provides for automatic admission to the state's public colleges and universities of an applicant who graduates with a grade point average in the top 10 percent of the applicant's high school graduating class in one of the two school years preceding the academic year for which applicant is applying for admission. In 2006, 4,902 of 6,864 (71 percent) of freshmen enrolled at The University of Texas at Austin were admitted under the top 10 percent rule.

As proposed, S.B. 1571 requires institutions to set a cap on student enrollment under the top 10 percent rule of 50 percent and to establish a minimum score that an applicant must receive on the Scholastic Assessment Test (SAT) or American College Test (ACT) as an additional requirement for automatic admission to those institutions. The bill also requires the minimum score to be based on data relating to the SAT and ACT scores of students who previously applied to and were admitted to the institution, and requires that high school students be notified at the time of registration for a school year of the minimum scores.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 28.026, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.803, Education Code, as follows:

Sec. 51.803. AUTOMATIC ADMISSION: ALL INSTITUTIONS. (a) Provides that Subsections (b), (c), and (d) are exceptions to this subsection. Requires each general academic teaching institution to admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission; or graduated from a high school operated by the United States Department of Defense, if the applicant is a Texas resident under Section 54.052 (Determination of Residence Status) or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.058(d) (entitling a spouse or child of a member of the Armed Forces of the United States, who is not assigned to duty in Texas but who has previously resided in Texas for a six-month period, to in state tuition and fees, under certain conditions) for the term or semester to which admitted. Makes nonsubstantive and conforming changes.

(b) Requires a general academic teaching institution that estimates, based on admissions data for the current academic year, that the number of applicants who will qualify for automatic admission to the institution under Subsection (a) in the next academic year will exceed 50 percent of the institution's first-time undergraduate students in that academic year, to require as an additional requirement for automatic admission to the institution in that academic year that each applicant have received a minimum score, established by the institution as provided by Subsections (c) and (d), on the Scholastic Assessment Test (SAT) or American College Test (ACT).

(c) Requires an institution to which Subsection (b) applies, not later than September 1 preceding the earliest application deadline for admission to the institution for the next academic year, to establish the minimum score that an applicant must receive on the SAT or ACT as an additional requirement for automatic admission under this section for that academic year; and widely publicize the required minimum scores in a manner designed to notify high school students in this state.

(d) Requires that minimum SAT and ACT scores, for the purpose of establishing the minimum score that an applicant must receive on the SAT or ACT as an additional requirement for automatic admission, to be based on data relating to the scores on those tests of students who previously applied to or were admitted to the institution; and at levels intended to result in the number of students who qualify for automatic admission to and enroll in the institution in the academic year will equal as nearly as possible 50 percent of the institution's first-time undergraduate students in that academic year.

(e) Creates this subsection from existing text. Deletes existing text as it relates to an applicant who graduated from a high school operated by the United States Department of Defense.

(f) Redesignates this subsection from existing Subsection (b).

SECTION 2. 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, at the time the student first registers for one or more classes required for high school graduation, with a written notification of the substance of Section 51.803 (Automatic Admission: All Institutions). Makes conforming changes.

(b) Requires the commissioner of education (commissioner) to adopt forms to use in providing notice under Subsections (a) (2) or (4), and requires a school district to use the appropriate 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 written notification of the substance of Section 51.803, as amended by the 80th Legislature, Regular Session, 2007, to each district student who, for the 2007-2008 school year, registers for one or more courses required for high school graduation. Requires the commissioner to adopt rules under this subsection in the manner provided by law for emergency rules. Requires each district to comply with the procedures adopted by the commissioner under this subsection. Provides that this subsection expires September 1, 2008.

SECTION 3. (a) Makes application of this Act prospective to the 2008-2009 academic year.

(b) Provides that notwithstanding Section 51.803(c), Education Code, as amended by this Act, the September 1 deadline provided by that section is extended to November 1 for 2007.

SECTION 4. Effective date: September 1, 2007.