

By: Ellis

S.B. No. 557

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reports regarding the consideration of certain factors
3 by public and private institutions of higher education in
4 admissions.

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

6 SECTION 1. The heading to Subchapter H, Chapter 51,
7 Education Code, is amended to read as follows:

8 SUBCHAPTER H. GUIDELINES FOR ACADEMIC AND OTHER REPORTS BY
9 INSTITUTIONS OF HIGHER EDUCATION

10 SECTION 2. Subchapter H, Chapter 51, Education Code, is
11 amended by adding Section 51.4035 to read as follows:

12 Sec. 51.4035. ANNUAL REPORT ON FACTORS CONSIDERED IN
13 ADMISSIONS DECISIONS. (a) Each public or private institution of
14 higher education in this state annually shall provide to the Texas
15 Higher Education Coordinating Board and to the chair of each
16 legislative standing committee or subcommittee with primary
17 jurisdiction over higher education, and shall make available to the
18 public on the institution's website, a report regarding whether, in
19 admitting applicants to any undergraduate, graduate, postgraduate,
20 or professional degree program, the institution or any school or
21 department of the institution considers:

22 (1) an applicant's race, color, ethnicity, or national
23 origin; or

24 (2) whether a family member of the applicant has

1 previously attended the institution, is a donor to the institution,
2 or is otherwise associated with the institution.

3 (b) If the institution of higher education or a school or
4 department of the institution considers race, color, ethnicity, or
5 national origin in making admissions decisions as described by
6 Subsection (a)(1), the report must contain the following
7 information with respect to the institution, school, or department,
8 as applicable:

9 (1) for any group identified by race, color,
10 ethnicity, or national origin that is considered in admissions
11 decisions, how membership in that group is determined for
12 individual applicants;

13 (2) how membership in that group is considered in
14 admissions decisions, including:

15 (A) the weight given to consideration of
16 membership in that group; and

17 (B) the use of any targets, quotas, or other
18 numbers-based goals for that group;

19 (3) why membership in that group is considered in
20 admissions decisions, including:

21 (A) the degree to which members of that group are
22 represented at the institution, school, or department; and

23 (B) any correlation between the admission of
24 those group members and the educational goals of the institution,
25 school, or department, including any goal to increase diversity in
26 the student population;

27 (4) if membership in that group is considered in

1 admissions decisions because of an educational goal of the
2 institution, school, or department, what consideration has been
3 given to any available alternatives, including alternatives that
4 are neutral with respect to race, color, ethnicity, or national
5 origin, for achieving that goal;

6 (5) how frequently and in what manner the institution,
7 school, or department reassesses the need to consider membership in
8 that group in admissions decisions;

9 (6) an analysis of the correlation between membership
10 in any group given preference in admissions decisions on account of
11 race, color, ethnicity, or national origin and:

12 (A) the enrollment rates of members of that group
13 in remedial or developmental programs relative to members of other
14 groups;

15 (B) the graduation rates of members of that group
16 relative to members of other groups; and

17 (C) the rate of default by members of that group
18 on education loans relative to members of other groups; and

19 (7) any factors other than race, color, ethnicity, or
20 national origin for which information is collected for use in the
21 admissions decisions covered by the report.

22 (c) To enable a statistical comparison of the weight given
23 to race, color, ethnicity, or national origin relative to the
24 factors described by Subsection (b)(7), if the factors disclosed
25 under that subdivision include high school grades, grade point
26 averages, or class rank, scores on standardized tests, including
27 the ACT or SAT, legacy status, gender, state residency, or other

1 quantifiable criteria, the public or private institution of higher
2 education must provide the following information with the report in
3 a standard computer-readable format:

4 (1) all quantifiable or other computer-readable raw
5 admissions data linked to specific applicants, including the
6 applicants' race, color, ethnicity, or national origin, as
7 applicable; and

8 (2) the admissions decisions made by the institution,
9 school, or department regarding those applicants.

10 (d) The information required by Subsection (c) may not
11 identify the applicants by name or in another manner that would
12 enable a person to identify an individual applicant using the data.

13 (e) If the public or private institution of higher education
14 or a school or department of the institution considers a factor
15 described by Subsection (a)(2) in making admissions decisions, the
16 report must contain the following information with respect to the
17 institution, school, or department, as applicable:

18 (1) how the relevant information is determined for
19 individual applicants;

20 (2) how the factor is considered in admissions
21 decisions, including the weight given to consideration of the
22 factor;

23 (3) why the factor is considered in admissions
24 decisions, including the degree to which applicants identified as
25 sharing that factor are represented at the institution, school, or
26 department; and

27 (4) how frequently and in what manner the institution,

1 school, or department reassesses the need to consider the factor in
2 admissions decisions.

3 (f) Students of a private or independent institution of
4 higher education that does not substantially comply with this
5 section as determined by the Texas Higher Education Coordinating
6 Board are ineligible for tuition equalization grants under
7 Subchapter F, Chapter 61.

8 SECTION 3. Each public or private institution of higher
9 education in this state shall submit the first report required by
10 Section 51.4035, Education Code, as added by this Act, not later
11 than July 1, 2008.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.