

**House Bill 3826**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 51.803, Education Code, is amended to read as follows:

Sec. 51.803. AUTOMATIC ADMISSION: ALL INSTITUTIONS. (a) Each general academic teaching institution shall 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 and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant successfully completed:

(A) at a public high school, the curriculum requirements established under Section 28.025 for the recommended or advanced high school program; or

(B) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the recommended or advanced high school program; and

(3) ~~[. To qualify for admission under this section, an applicant must submit an application before the expiration of any application filing deadline established by the institution and,] if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is ~~[must be]~~ a Texas resident under Section 54.052 or ~~is~~ ~~[be]~~ entitled to pay tuition fees at the rate provided for Texas residents under~~

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Section 54.058(d) for the term or semester to which admitted.

(b) Subsection (a)(2) does not apply to an applicant who graduates from a high school that does not have the curriculum described by that subsection. An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A) or (B) is considered to have satisfied those requirements if the student completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

(c) To qualify for admission under this section, an applicant must:

(1) submit an application before the expiration of any application filing deadline established by the institution; and

(2) provide a high school transcript or diploma that satisfies the requirements of Subsection (d).

(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate:

(1) whether the student has satisfied or is on schedule to satisfy the requirements of Subsection (a)(2)(A) or (B), as applicable; or

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(2) if Subsection (b) applies to the student, whether the student has completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student.

(e) Each institution of higher education shall admit an applicant for admission to the institution as an undergraduate student if the applicant:

(1) is the child of a public servant listed in Section 615.003, Government Code, who was killed or sustained a fatal injury in the line of duty; and

(2) meets the minimum requirements, if any, established for purposes of this subsection by the governing board of the institution for high school or prior college-level grade point average and performance on standardized tests.

(f) After admitting an applicant under this section, the institution shall review the applicant's record and any other factor the institution considers appropriate to determine whether the applicant may require additional preparation for college-level work or would benefit from inclusion in a retention program. The institution may require a student so identified to enroll during the summer immediately after the student is admitted under this section to participate in appropriate enrichment courses and orientation programs. This section does not prohibit a student who is not determined to need additional preparation for college-level work from enrolling, if the student chooses, during the summer immediately after the student is admitted under this section.

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SECTION 2. Section 51.804, Education Code, is amended to read as follows:

Sec. 51.804. **ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED INSTITUTIONS.** For each academic year, the governing board of each general academic teaching institution shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, shall be admitted to the institution if the applicant:

(1) graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 25 percent of the applicant's high school graduating class; and

(2) satisfies the requirements of:

(A) Section 51.803(a)(2) or (b), as applicable to the student; and

(B) Sections 51.803(c)(2) and (d).

SECTION 3. Sections 51.805(a) and (e), Education Code, are amended to read as follows:

(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to

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SECTION 2. Section 51.804, Education Code, is amended to read as follows:

Sec. 51.804. **ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED INSTITUTIONS.** For each academic year, the governing board of each general academic teaching institution shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, shall be admitted to the institution if the applicant:

(1) graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 25 percent of the applicant's high school graduating class; and

(2) satisfies the requirements of Sections 51.803(c) and (d) and:

(A) satisfies the requirements of Section 51.803(a)(2) or (b), as applicable to the student; or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent.

SECTION 3. Sections 51.805(a) and (e), Education Code, are amended to read as follows:

(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to

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any general academic teaching institution if the student satisfies the requirements of Section 51.803(a)(2) or (b), as applicable to the student, and Sections 51.803(c)(2) and (d).

(e) This section does not apply to an institution that has an open enrollment policy, except that a student may apply to a general academic teaching institution that has an open enrollment policy only if the student satisfies the requirements described by Subsection (a).

SECTION 4. Section 51.807, Education Code, is amended to read as follows:

Sec. 51.807. RULEMAKING. (a) The Texas Higher Education Coordinating Board may adopt rules relating to the operation of admissions programs under this subchapter, including rules relating to the identification of eligible students ~~[and the reporting requirements of Section 51.806].~~

(b) 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:

(1) whether a private high school is accredited by a generally recognized accrediting organization; and

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any general academic teaching institution if the student satisfies the requirements of Sections 51.803(c) and (d) and:

(1) satisfies the requirements of Section 51.803(a)(2) or (b), as applicable to the student; or

(2) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent.

(e) This section does not apply to an institution that has an open enrollment policy, except that a student may apply to a general academic teaching institution that has an open enrollment policy only if the student satisfies the requirements described by Subsection (a).

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(2) whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the recommended or advanced high school program.

No equivalent provision.

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SECTION \_\_. Subchapter D, Chapter 54, Education Code, is amended by adding Section 54.202 to read as follows:

Sec. 54.202. TOP 10 PERCENT HIGH SCHOOL GRADUATES. (a) This section only applies to a person who qualifies for automatic admission under Section 51.803.

(b) Each general academic teaching institution shall exempt a person to whom this section applies from the payment of tuition and special course fees, lab fees, and student teaching fees.

(c) The exemption from tuition under Subsection (b) does not apply to designated tuition charged under Section 54.0513.

(d) In order to continue to receive an exemption under this section after the person has received an exemption under this section for two or more academic years or the equivalent, a person must:

(1) enroll for a full course load for an undergraduate student, as determined by the coordinating board, in an undergraduate degree or certificate program at a general academic teaching institution; and

(2) have a cumulative grade point average of at least 2.5

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on a four-point scale or the equivalent on all coursework previously attempted at institutions of higher education, if the person is enrolled in any academic year after the person's second academic year.

(e) The legislature shall account in the General Appropriations Act for the exemptions authorized by Subsection (b) in a way that provides a corresponding increase in the general revenue funds appropriated to the institution.

(f) The legislature may appropriate money to the Texas Higher Education Coordinating Board to be used to reimburse general academic teaching institutions for reducing as provided by this subsection the amount of designated tuition charged under Section 54.0513 to persons receiving exemptions from tuition and fees under Subsection (b). Based on the amount of appropriations under this subsection available for each academic year, the coordinating board shall estimate the amount by which the designated tuition charged under Section 54.0513 to each person who receives an exemption from tuition and fees under Subsection (b) in that academic year may be reduced from the amount that the applicable institution would otherwise charge the person. The coordinating board shall distribute the amount of appropriations under this subsection available for the academic year to general academic teaching institutions in proportion to the number of semester credit hours for which the coordinating board estimates students will receive exemptions under Subsection (b) in that academic year at each institution. Each general

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academic teaching institution that receives money under this section shall reduce the amount of designated tuition charged to each student who receives an exemption under Subsection (b) by the amount determined by the coordinating board for that academic year.

SECTION 5. Section 51.803(e), Education Code, as added by this Act, applies beginning with admissions to general academic teaching institutions for the 2008-2009 academic year. Admissions to a general academic teaching institution 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.

Same as House version.

No equivalent provision.

SECTION \_\_. The change in law made by this Act in adding Section 54.202, Education Code, applies beginning with tuition, fees, and other charges for the 2008 fall semester. Tuition, fees, and other charges for a term or semester before the 2008 fall semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6. The commissioner of education shall adopt procedures to ensure that, as soon as practicable after this

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Act takes effect, each school district in this state provides written notification of the substance of Subchapter U, Chapter 51, Education Code, as amended by this Act, to each district student who, for the 2007-2008 school year, registers for one or more courses required for high school graduation. The commissioner may adopt rules under this section in the manner provided by law for emergency rules. Each district shall comply with the procedures adopted by the commissioner under this section.

SECTION 7. The changes in law made by this Act apply beginning with admissions to a general academic teaching institution for the 2008-2009 academic year. Admissions to a general academic teaching institution for an academic period before that academic year are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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