

## **BILL ANALYSIS**

C.S.H.B. 52  
By: Branch  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires almost all public universities in Texas to admit applicants who are Texas high school graduates who graduate in the top 10 percent of their graduating classes. This statute has created a significant challenge for certain public institutions in Texas that find it increasingly difficult to accommodate all of the top 10 percent students as well as other qualified students. Many students in competitive, high-performing high schools have outstanding test scores and academic records but are not able to attend Texas' flagship universities.

C.S.H.B. 52 allows universities to place a cap on the number of students admitted under the "top 10 percent rule."

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 52 amends the Education Code to provide that a general academic teaching institution, beginning with admissions for the 2010-2011 academic year, is not required to admit more than 50 percent of the institution's incoming class of first-time resident undergraduate students in an academic year under the provisions requiring the automatic admission of student applicants who have graduated with a grade point average in the top 10 percent of their respective high school graduating classes within the preceding two years and who satisfy certain other criteria. The bill authorizes the institution to elect to offer admission to applicants who qualify for automatic admission, if the number of qualified applicants exceeds 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students in a manner as provided by the bill and not as otherwise required for the automatic admission of the designated student applicants. The bill requires the institution, if the institution elects to offer admission as provided by the bill, to offer admission to those applicants by percentile rank according to high school graduating class standing based on grade point average, beginning with the top percentile rank, until the applicants qualified for automatic admission have been offered admission in the number estimated in good faith by the institution as sufficient to fill 40 percent of the institution's enrollment capacity designated for full-time resident undergraduate students, except that the institution must offer admission to all applicants with the same percentile rank. The bill requires the institution to offer admission, in addition to those admissions and until applicants qualified for automatic admission have been offered admission in the number estimated in good faith by the institution as sufficient to fill 50 percent of the designated enrollment capacity, to applicants who qualify for automatic admission in the same manner as the institution offers admission to other applicants who qualify for automatic admission as first-time undergraduate students in accordance with the alternative qualifying provisions of the uniform admissions policy, except that the institution may not consider applicants other than those applicants qualified for automatic admission. The bill requires the institution, after the applicants qualified for automatic admission have been offered admission in the number estimated in good faith as sufficient to fill 50 percent of the designated enrollment capacity, to consider any remaining applicants qualified for automatic admission in the same manner as other applicants for admission as first-time undergraduate students in accordance with the alternative qualifying

provisions of the uniform admission policy.

C.S.H.B. 52 requires a general academic teaching institute, in the manner prescribed by the Texas Education Agency and not later than April 15, to provide to each school district, for dissemination of the information to high school junior-level students and their parents, notice of which percentile ranks of high school senior-level students are anticipated by the institution to be automatically offered admission under the automatic admission policy the institution has elected as described above during the next school year if the number of applicants to the institution during the current school year who qualify for automatic admission to the institution exceeds 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students and the institution plans to offer admission under the institution's policy described above during the next school year.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 52 provides that the institution, beginning with admissions for the 2010-2011 academic year, is not required to admit more than 50 percent of the institution's first-time resident undergraduate students in an academic year under the provision for automatic admission rather than requiring the institution, not later than the preceding January 1 of each academic year, to reserve for admissions not less than 40 percent of the institution's enrollment capacity designated for first-time resident undergraduate students as in the original.

C.S.H.B. 52 removes related provisions from the original applicable to an institution that does not reserve the required minimum percentage of the institution's enrollment capacity designated for first-time resident undergraduates for admissions under the automatic admission provision and exempting any unreserved percentage, if an institution does reserve some enrollment capacity for qualified applicants under the automatic admissions provisions, from the application of those provisions.

C.S.H.B. 52 differs from the original by authorizing an institution to elect to offer admission to those applicants in a manner provided by this substitute and not as required by the automatic admissions provision if the number of applicants who qualify for automatic admission under this provision exceeds 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students. Whereas the original required an institution to offer admissions to students qualifying for automatic admission in the manner specified by the original if the number of qualifying applicants exceeded the percentage of capacity reserved for such students. The substitute differs from the original by requiring the institution, if it elects to offer admissions under the provisions of the substitute, to offer admission by percentile rank in the manner described until the applicants qualified for automatic admissions have been offered admission in the number estimated as sufficient to fill 40 percent of the institution's enrollment capacity designated for first-time resident undergraduate students, whereas the original requires the institution to offer admission to those qualified applicants in the manner described until a sufficient number of applicants have accepted admission offers to fill the percentage reserved by the institution.

C.S.H.B. 52 adds a provision not in the original providing criteria, after 40 percent of an institution's enrollment capacity designated for first-time resident undergraduates has been filled as described above, for the admission of other similarly qualified applicants, including applicants who qualify under alternate provisions of the uniform admissions provisions as applicable, in a number estimated as sufficient to fill 50 percent of the designated enrollment capacity and providing criteria for the admission of any remaining qualified applicants after 50 percent of that capacity is reached.

C.S.H.B. 52 adds a provision not in the original to require each general academic teaching

institute, not later than April 15, to provide to each school district, for dissemination of the information to high school junior-level students and their parents, notice of which percentile ranks of high school senior-level students are anticipated by the institution to be automatically offered admission during the next school year if the number of qualified applicants exceeds 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students and the institution plans to offer admission under the policies and procedures described above.

C.S.H.B. 52 removes a provision from the original requiring the Texas Higher Education Coordinating Board to adopt rules relating to the admission of students as soon as practicable after the effective date of the bill and removes a provision from the original requiring an institution to reserve a percentage of enrollment capacity for the 2010 fall semester not later than January 1, 2010. The substitute provides for immediate effect if it receives the necessary two-thirds vote in each house, or on September 1, 2009, rather than taking effect September 1, 2009, as in the original.