

BILL ANALYSIS

C.S.S.B. 175
By: Shapiro
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas law requires each general academic teaching institution in the state 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.S.B. 175 authorizes 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.S.B. 175 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.S.B. 175 requires a general academic teaching institution, 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 elective provisions set forth by the bill during the next school year if the number of applicants during the current school year who qualify for automatic admission 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.S.B. 175 differs from the original by establishing that the substitute relates to limitations on the automatic admission of undergraduate students to a general academic teaching institution, whereas the original relates to the admission of undergraduate students to general academic teaching institutions, including limitations on automatic admission, and to scholarships for certain students.

C.S.S.B. 175 differs from the original by setting the cap on the percentage of a general academic teaching institution's incoming class of first-time undergraduate students that the institution must admit under the automatic admissions statutes at 50 percent, rather than at 60 percent as in the original. The substitute differs from the original by using that 50 percent cap as the basis for authorizing such institution to admit qualified applicants under the elective procedure provided by the bill if the number of qualified applicants exceeds the 50 percent cap, rather than the 60 percent cap as in the original.

C.S.S.B. 175 differs from the original by requiring an institution, if it elects to offer admissions under the provisions outlined in 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 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 first-time resident undergraduate students, rather than 50 percent as in the original. The substitute specifies that the percentile rank is according to high school graduating class standing, whereas the original specifies percentile rank according to class standing. The substitute provides for the remaining 10 percent up to the 50 percent cap to be filled in the same manner as provided by the original for the 10 percent of automatic admissions between 50 percent and 60 percent.

C.S.S.B. 175 removes a provision in the original providing that the provision authorizing the admissions procedures above and a provision requiring the dissemination of certain information to high school junior-level students and their parents relating to automatic admission and a scholarship program for students graduating in the top 10 percent of their high school class administered by the Texas Higher Education Coordinating Board have no effect after the eighth consecutive academic year in which a general academic teaching institution has had the option of electing to offer admission to applicants under the bill's provisions.

C.S.S.B. 175 removes a provision in the original requiring a general academic teaching institution to provide to each school for dissemination of the information to high school junior-level students and their parents, notice of any scholarship program administered by the Texas Higher Education Coordinating Board for the purpose of encouraging students who qualify for automatic admission under the provisions of this bill to attend public institutions of higher education in this state.

C.S.S.B. 175 removes a provision in the original requiring the coordinating board by rule to develop and implement a program to increase and enhance the efforts of general academic teaching institutions in conducting outreach to academically high-performing high school seniors in Texas who are likely to be eligible for automatic admissions.

C.S.S.B. 175 removes a provision in the original requiring a school district to provide each district student with a written notification of the substance of the automatic admission provisions, in addition to requiring that each high school counselor and class advisor be provided a detailed explanation of the substance of those provisions, which the counselor and senior class advisor then explain to eligible students.

C.S.S.B. 175 removes temporary provisions from the original requiring the commissioner to adopt procedures to ensure that each school district provides written notification of the substance of the automatic admission provisions to each district student who, for the 2009-2010 school year, registers for one or more classes required for high school graduation. The substitute removes a provision from the original authorizing the commissioner to adopt rules in the manner provided by law for emergency rules and requiring each district to comply with the commissioner-adopted procedures.

C.S.S.B. 175 removes a subchapter in the original establishing a scholarship program for students graduating in the top 10 percent of their high school classes and setting forth requirements for the establishment, implementation, student eligibility, procedures, and funding specifics related to the scholarship program. The substitute removes a provision in the original requiring the coordinating board to adopt rules to administer the scholarship program as soon as practicable and to begin awarding scholarships under the program for the first academic year for which money is appropriated for the purpose.