

BILL ANALYSIS

Senate Research Center
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S.B. 175
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Top 10 Percent law in Texas has limited students who can attend The University of Texas at Austin (UT). Soon it will affect Texas A&M University as well. In 2008, 81 percent of the Texas residents in the freshmen class at UT were automatically admitted under the Top 10 Percent law. At this rate, Top 10 Percent law admissions will likely be at 100 percent by 2013. No other institution of higher education in the state is forced to use only one criteria for student admission.

A university needs the flexibility to consider criteria other than high school rank, such as test scores, special talents, leadership ability, personal achievements, or other relevant aspects of what the student can offer the academic environment. This bill places a cap on automatic admissions, limiting to 50 percent the percentage of the incoming class that must be admitted under that law. The remaining 50 percent of the class will be selected based on a holistic review. If a college or university receives more applicants qualified for automatic admission than the number of automatic admission slots available, the college or university must admit those qualified applicants based on percentile rank, starting from the top one percent down. Once an institution reaches 50 percent all students within that percentile will be accepted and all remaining top 10 percent students will enter the general applicant pool. Additionally, to be considered for automatic admission, the student must complete the recommended or advanced high school curriculum. This bill maintains the purpose of the Top 10 Percent provision while giving colleges and universities the flexibility they need to carry out their educational mission and maintain a more well-rounded student body.

As proposed, S.B. 175 amends Section 51.803 (Automatic Admission: All Institutions), Education Code, to require a general academic teaching institution to admit under the Top 10 Percent provision no more than 50 percent of the institution's first-time resident undergraduate students in an academic year, if the number of applicants who qualify for automatic admission exceeds 50 percent of the institution's enrollment capacity for that group. The bills sets forth the manner in which the institution must offer admission to applicants up to that 50 percent level and to those remaining applicants qualified for automatic admission. S.B. 175 sets forth requirements relating to the dissemination of certain information to school districts and to high school junior-level students and their parents relating to automatic college admission.

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, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows.

(a) Provides that the provisions of this subsection are subject to Subsection (a-1).

(a-1) Provides that an institution is not required to admit under Subsection (a) more than 50 percent of the institution's first-time resident undergraduate students in an academic year. Authorizes the institution to elect to offer admission to those applicants as provided in this subsection and not otherwise required by Subsection (a) if the number of applicants who qualify for automatic admission to a institution under Subsection (a)

exceeds 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students. Requires that the institution offer admission to all applicants with the same percentile rank, if the institution elects to offer admission under this subsection, and to those applicants by percentile rank according to graduating class standing based on grade point average, beginning with the top percentile rank, until the applicants qualified under Subsection (a) have been offered admission in the number estimated in good faith by the institution as sufficient to fill 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students. Requires the institution to consider any remaining applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805 (Other Admissions).

(a-2) Requires a general academic institution, in the manner prescribed by the Texas Education Agency (TEA) 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 Subsection (a-1) 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 under Subsection (a) exceeds 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students, and the institution plans to offer admission under Subsection (a-1) during the next year.

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 the school district, to assist in the dissemination of this information, to perform certain duties, including 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 nonsubstantive changes.

(b) Requires the commissioner of education (commissioner) to adopt forms to use in providing notice under Subsections (a)(2) and (4). Requires a school district, in providing notice under Subsection (a)(2) or (4), 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 81st Legislature, Regular Session, 2009, to each district student who, for the 2009-2010 school year, registers for one or more courses required for high school graduation. Authorizes 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, 2010.

SECTION 3. Makes application of Section 51.803, Education Code, prospective to the 2010-2011 academic year.

SECTION 4. Effective date: upon passage or September 1, 2009.