

By: Shapiro, et al.

S.B. No. 175

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the admission of undergraduate students to general
3 academic teaching institutions, including limitations on automatic
4 admission, and to scholarships for certain students.

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

6 SECTION 1. Section 51.803, Education Code, is amended by
7 amending Subsection (a) and adding Subsections (a-1), (a-2), and
8 (g) to read as follows:

9 (a) Subject to Subsection (a-1), each ~~Each~~ general
10 academic teaching institution shall admit an applicant for
11 admission to the institution as an undergraduate student if the
12 applicant graduated with a grade point average in the top 10 percent
13 of the student's high school graduating class in one of the two
14 school years preceding the academic year for which the applicant is
15 applying for admission and:

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

20 (2) the applicant:

21 (A) successfully completed:

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

1 (ii) at a high school to which Section
2 28.025 does not apply, a curriculum that is equivalent in content
3 and rigor to the recommended or advanced high school program; or

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

8 (3) if the applicant graduated from a high school
9 operated by the United States Department of Defense, the applicant
10 is a Texas resident under Section 54.052 or is entitled to pay
11 tuition fees at the rate provided for Texas residents under Section
12 54.058(d) for the term or semester to which admitted.

13 (a-1) Beginning with admissions for the 2010-2011 academic
14 year, a general academic teaching institution is not required to
15 admit under Subsection (a) more than 60 percent of the
16 institution's first-time resident undergraduate students in an
17 academic year. If the number of applicants who qualify for
18 automatic admission to a general academic teaching institution
19 under Subsection (a) exceeds 60 percent of the institution's
20 enrollment capacity designated for first-time resident
21 undergraduate students, the institution may elect to offer
22 admission to those applicants as provided by this subsection and
23 not as otherwise required by Subsection (a). If the institution
24 elects to offer admission under this subsection, the institution
25 shall offer admission to those applicants by percentile rank
26 according to class standing based on grade point average, beginning
27 with the top percentile rank, until the applicants qualified under

1 Subsection (a) have been offered admission in the number estimated
2 in good faith by the institution as sufficient to fill 50 percent of
3 the institution's enrollment capacity designated for first-time
4 resident undergraduate students, except that the institution must
5 offer admission to all applicants with the same percentile rank. In
6 addition to those admissions, until applicants qualified under
7 Subsection (a) have been offered admission in the number estimated
8 in good faith by the institution as sufficient to fill 60 percent of
9 the designated enrollment capacity described by this subsection,
10 the institution shall offer to applicants qualified for automatic
11 admission under Subsection (a) admission in the same manner as
12 other applicants for admission as first-time undergraduate
13 students in accordance with Section 51.805, except that the
14 institution may not consider applicants other than those applicants
15 qualified under Subsection (a). After the applicants qualified for
16 automatic admission under Subsection (a) have been offered
17 admission under this subsection in the number estimated in good
18 faith as sufficient to fill 60 percent of the designated enrollment
19 capacity described by this subsection, the institution shall
20 consider any remaining applicants qualified for automatic
21 admission under Subsection (a) in the same manner as other
22 applicants for admission as first-time undergraduate students in
23 accordance with Section 51.805. This subsection and Subsection
24 (a-2) have no effect after the eighth consecutive academic year in
25 which a general academic teaching institution has had the option of
26 electing to offer admission to applicants under this subsection.

27 (a-2) In the manner prescribed by the Texas Education Agency

1 and not later than April 15, a general academic teaching
2 institution shall provide to each school district, for
3 dissemination of the information to high school junior-level
4 students and their parents, notice of:

5 (1) which percentile ranks of high school senior-level
6 students are anticipated by the institution to be automatically
7 offered admission under Subsection (a-1) during the next school
8 year if:

9 (A) the number of applicants to the institution
10 during the current school year who qualify for automatic admission
11 to the institution under Subsection (a) exceeds 60 percent of the
12 institution's enrollment capacity designated for first-time
13 resident undergraduate students; and

14 (B) the institution plans to offer admission
15 under Subsection (a-1) during the next school year; and

16 (2) any scholarship program administered by the Texas
17 Higher Education Coordinating Board for the purpose of encouraging
18 students who qualify for automatic admission under Subsection (a)
19 to attend public institutions of higher education in this state.

20 (g) The Texas Higher Education Coordinating Board by rule
21 shall develop and implement a program to increase and enhance the
22 efforts of general academic teaching institutions in conducting
23 outreach to academically high-performing high school seniors in
24 this state who are likely to be eligible for automatic admission
25 under Subsection (a) to provide to those students information and
26 counseling regarding the operation of this section and other
27 opportunities, including financial assistance, available to those

1 students for success at public institutions of higher education in
2 this state. Under the program, the coordinating board, after
3 gathering information and recommendations from available sources
4 and examining current outreach practices by institutions in this
5 state and in other states, shall prescribe best practices
6 guidelines and standards to be used by general academic teaching
7 institutions in conducting the student outreach described by this
8 subsection.

9 SECTION 2. Section 28.026, Education Code, is amended to
10 read as follows:

11 Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION. (a)
12 The board of trustees of a school district shall require each high
13 school in the district to post appropriate signs in each
14 counselor's office, in each principal's office, and in each
15 administrative building indicating the substance of Section 51.803
16 regarding automatic college admission. To assist in the
17 dissemination of this information, the school district shall:

18 (1) require that each high school counselor and class
19 advisor be provided a detailed explanation of the substance of
20 Section 51.803;

21 (2) provide each district student, at the time the
22 student first registers for one or more classes required for high
23 school graduation, with a written notification of the substance of
24 Section 51.803;

25 (3) require that each high school counselor and senior
26 class advisor explain to eligible students the substance of Section
27 51.803; and

1 (4) [~~3~~] provide each eligible senior student under
2 Section 51.803, at the commencement of a class's senior year, with a
3 written notification of the student's eligibility with a detailed
4 explanation of the substance of Section 51.803.

5 (b) The commissioner shall adopt forms to use in providing
6 notice under Subsections (a)(2) and (4). In providing notice under
7 Subsection (a)(2) or (4), a school district shall use the
8 appropriate form adopted by the commissioner.

9 (c) The commissioner shall adopt procedures to ensure that,
10 as soon as practicable after this subsection becomes law, each
11 school district provides written notification of the substance of
12 Section 51.803, as amended by the 81st Legislature, Regular
13 Session, 2009, to each district student who, for the 2009-2010
14 school year, registers for one or more courses required for high
15 school graduation. The commissioner may adopt rules under this
16 subsection in the manner provided by law for emergency rules. Each
17 district shall comply with the procedures adopted by the
18 commissioner under this subsection. This subsection expires
19 September 1, 2010.

20 SECTION 3. Chapter 56, Education Code, is amended by adding
21 Subchapter R to read as follows:

22 SUBCHAPTER R. SCHOLARSHIPS FOR STUDENTS GRADUATING

23 IN TOP 10 PERCENT OF HIGH SCHOOL CLASS

24 Sec. 56.481. PURPOSE. The purpose of this program is to
25 encourage attendance at public institutions of higher education in
26 this state by outstanding high school students in the top 10 percent
27 of their graduating class.

1 Sec. 56.482. DEFINITIONS. In this subchapter:

2 (1) "Coordinating board" means the Texas Higher
3 Education Coordinating Board.

4 (2) "Institution of higher education" has the meaning
5 assigned by Section 61.003.

6 (3) "Program" means the scholarship program
7 authorized by this subchapter.

8 Sec. 56.483. AWARD OF SCHOLARSHIP. (a) The coordinating
9 board shall award scholarships to eligible students under this
10 subchapter.

11 (b) An institution of higher education shall provide to a
12 student who receives a scholarship under the program for a semester
13 or other academic term:

14 (1) a credit in the amount of the scholarship, to be
15 applied toward the payment of any amount of educational costs
16 charged by the institution for that semester or term; and

17 (2) a check, electronic transfer, or other
18 disbursement of any remaining scholarship amount.

19 (c) An amount paid under Subsection (b)(2) may be applied
20 only to any usual and customary cost incurred by the student to
21 attend the institution of higher education.

22 Sec. 56.484. INITIAL ELIGIBILITY FOR SCHOLARSHIP. To be
23 eligible for a scholarship under this subchapter, a student must:

24 (1) have graduated from a public or accredited private
25 high school in this state while ranked in the top 10 percent of the
26 student's graduating class, subject to Section 56.486(b);

27 (2) have completed the recommended or advanced high

1 school curriculum established under Section 28.025 or its
2 equivalent;

3 (3) have unmet financial need, as defined by
4 coordinating board rule;

5 (4) enroll as a first-time freshman student in an
6 institution of higher education not earlier than the 2010-2011
7 academic year and not later than the 16th month after the date of
8 the student's high school graduation;

9 (5) be a Texas resident under Section 54.052; and

10 (6) comply with any other eligibility requirements
11 established by coordinating board rule.

12 Sec. 56.485. AMOUNT OF SCHOLARSHIP; LIMITATION.

13 (a) Except as provided by Subsections (b) and (c), the amount of a
14 scholarship for each semester or other academic term in which an
15 eligible student is enrolled at an institution of higher education
16 is an amount not to exceed the student's tuition. The coordinating
17 board shall issue to each eligible student a certificate indicating
18 the amount of the scholarship awarded to the student.

19 (b) The coordinating board may award a bonus amount, not to
20 exceed an additional \$1,000 for each semester or other academic
21 term, to each eligible student who:

22 (1) is classified as a junior or senior at an
23 institution of higher education;

24 (2) has declared a major in a field with a workforce
25 shortage, as determined by coordinating board rule; and

26 (3) makes satisfactory academic progress as required
27 by Section 56.488.

1 (c) The legislature shall account in the General
2 Appropriations Act for the exemptions authorized by Subsection (a)
3 in a way that provides a corresponding increase in the general
4 revenue funds appropriated to the institution of higher education.

5 (d) The coordinating board shall issue to each eligible
6 student a certificate indicating the amount of the scholarship
7 awarded to the student.

8 Sec. 56.486. APPLICATION PROCEDURE. (a) The coordinating
9 board shall establish application procedures for the program. The
10 procedures may require an officer of the applicable high school or
11 school district to verify the eligibility of a student to receive a
12 scholarship under the program.

13 (b) The coordinating board may permit a student to establish
14 initial eligibility based on the student's class rank at the end of
15 the student's seventh semester in high school. The board may revoke
16 an initial scholarship awarded to a student who subsequently loses
17 eligibility based on the student's class rank on graduation from
18 high school.

19 (c) The coordinating board may consider applications
20 received after the application deadline only if sufficient funding
21 for scholarships remains after the board awards scholarships to all
22 eligible students who applied on or before the deadline.

23 (d) The coordinating board shall establish procedures to
24 notify each eligible student of the receipt of a scholarship under
25 the program and to enable an institution of higher education to
26 verify the award of a scholarship to a student who is enrolled at
27 that institution.

1 Sec. 56.487. CONTINUING ELIGIBILITY FOR SCHOLARSHIP.

2 (a) After establishing eligibility to receive an initial
3 scholarship under the program, a student may continue to receive
4 additional scholarships during each subsequent semester or other
5 academic term in which the student is enrolled at an institution of
6 higher education if the student:

7 (1) has unmet financial need, as defined by
8 coordinating board rule;

9 (2) makes satisfactory academic progress as required
10 by Section 56.488;

11 (3) submits to the institution transcripts for any
12 coursework completed at other public or private institutions of
13 higher education; and

14 (4) complies with any other eligibility requirements
15 established by coordinating board rule.

16 (b) If a student fails to meet any of the requirements of
17 Subsection (a) after completing a semester or other academic term,
18 the student may not receive a scholarship during the next semester
19 or other academic term in which the student enrolls. A student may
20 become eligible to receive a scholarship in a subsequent semester
21 or term if the student:

22 (1) completes a semester or term during which the
23 student is not eligible for a scholarship; and

24 (2) meets all the requirements of Subsection (a).

25 (c) Except as provided by Section 56.489(b), a student's
26 eligibility for a scholarship under the program ends on the fourth
27 anniversary of the first day of the semester or other academic term

1 for which the student was awarded an initial scholarship under the
2 program.

3 Sec. 56.488. SATISFACTORY ACADEMIC PROGRESS. (a) For each
4 academic year in which a student receives one or more scholarships
5 under the program, the student must:

6 (1) complete for that year:

7 (A) at least 75 percent of all credit hours
8 attempted, as determined by the institution of higher education in
9 which the student is enrolled; and

10 (B) at least 30 credit hours or the number of
11 credit hours needed to complete the student's degree or certificate
12 program, whichever is less; and

13 (2) except as permitted by Subsection (b), maintain an
14 overall grade point average of at least 3.25 on a four-point scale
15 or its equivalent for all coursework attempted at any public or
16 private institution of higher education.

17 (b) A student who receives a bonus amount under Section
18 56.485(b) must maintain during the student's junior or senior year
19 an overall grade point average of at least 3.00 on a four-point
20 scale or its equivalent for all coursework attempted at any public
21 or private institution of higher education.

22 Sec. 56.489. EXCEPTION FOR HARDSHIP OR OTHER GOOD CAUSE.

23 (a) Each institution of higher education shall adopt a policy to
24 allow a student who fails to make satisfactory academic progress as
25 required by Section 56.488 to receive a scholarship in a subsequent
26 semester or other academic term on a showing of hardship or other
27 good cause, including:

1 (1) a showing of a severe illness or other
2 debilitating condition that could affect the student's academic
3 performance; or

4 (2) an indication that the student is responsible for
5 the care of a sick, injured, or needy person and that the student's
6 provision of care could affect the student's academic performance
7 or any other cause deemed acceptable by the coordinating board.

8 (b) An institution of higher education may extend the
9 eligibility period described by Section 56.487(c) in the event of
10 hardship or other good cause as provided by the institution's
11 policy adopted under Subsection (a).

12 (c) An institution of higher education shall maintain
13 documentation of each exception granted to a student under this
14 section and shall provide timely notice of those exceptions to the
15 coordinating board.

16 Sec. 56.490. PUBLICATION OF PROGRAM INFORMATION. (a) The
17 coordinating board shall publish and disseminate general
18 information and rules for the program as provided by Subsection (b)
19 and as otherwise considered appropriate by the board.

20 (b) The coordinating board shall provide application
21 instructions to:

22 (1) each school district and each institution of
23 higher education; and

24 (2) an individual student on request.

25 Sec. 56.491. REIMBURSEMENT. (a) Each institution of
26 higher education that provides scholarships under the program to
27 eligible students enrolled at the institution is entitled to

1 reimbursement by the coordinating board of the amounts provided.
2 The institution must request reimbursement in the manner specified
3 by coordinating board rule.

4 (b) On approval of an institution's request for
5 reimbursement, the coordinating board shall direct the comptroller
6 to transfer the appropriate amount to the institution. The
7 institution may use the transferred funds as reimbursement for any
8 credits provided to students under this subchapter, to reimburse
9 students for charges previously paid to the institution, or to make
10 scholarship payments to students, as applicable.

11 Sec. 56.492. RULES. The coordinating board shall adopt
12 rules as necessary to administer the program under this subchapter.

13 SECTION 4. (a) The Texas Higher Education Coordinating
14 Board shall adopt rules to administer Subchapter R, Chapter 56,
15 Education Code, as added by this Act, as soon as practicable after
16 the effective date of this Act. For that purpose, the coordinating
17 board may adopt the initial rules in the manner provided by law for
18 emergency rules.

19 (b) The Texas Higher Education Coordinating Board shall
20 begin awarding scholarships under Subchapter R, Chapter 56,
21 Education Code, as added by this Act, for the first academic year
22 for which money is appropriated for that purpose, except that the
23 coordinating board may not award scholarships under that subchapter
24 for an academic year before the 2010-2011 academic year.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2009.