A BILL TO BE ENTITLED

AN ACT

relating to limitations on the automatic admission of undergraduate
students to general academic teaching institutions.

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

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

(a) Subject to Subsection (a-1), 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:

(A) successfully completed:

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

(ii) 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; 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; and

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

(a-1) Beginning with admissions for the 2010-2011 academic year, a general academic teaching 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. If the number of applicants who qualify for automatic admission to a general academic teaching institution under Subsection (a) exceeds 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students, the institution may elect to offer admission to those applicants as provided by this subsection and not as otherwise required by Subsection (a). If the institution elects to offer admission under this subsection, the institution shall 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 under Subsection (a) 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, except that the institution must offer admission to all applicants with the same percentile rank. In addition to those admissions, until 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 designated enrollment capacity described by this subsection, the institution shall offer to applicants qualified for automatic admission under Subsection (a) admission in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805, except that the institution may not consider applicants other than those applicants qualified under Subsection (a). After the applicants qualified for automatic admission under Subsection (a) have been offered admission under this subsection in the number estimated in good faith as sufficient to fill 50 percent of the designated enrollment capacity described by this subsection, the institution shall 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.

(a-2) In the manner prescribed by the Texas Education Agency and not later than April 15, a general academic teaching institution shall 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:

(1) 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

(2) the institution plans to offer admission under Subsection (a-1) during the next school year.

SECTION 2. 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, 2009.