

By: Fletcher

H.B. No. 1212

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the collection and use of certain applicant information
3 by public institutions of higher education.

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

5 SECTION 1. Section 51.762(i), Education Code, is amended to
6 read as follows:

7 (i) In addition to other information considered appropriate
8 by the board, the board by rule shall require each institution to
9 collect information regarding gender, citizenship or immigration
10 status [~~ethnicity~~], and date of birth as part of the application
11 process and report this information to the board.

12 SECTION 2. Section 51.805(c), Education Code, is amended to
13 read as follows:

14 (c) Except as provided by Section 51.8051, a [A] general
15 academic teaching institution may review other factors in making an
16 admissions decision.

17 SECTION 3. Subchapter U, Chapter 51, Education Code, is
18 amended by adding Section 51.8051 to read as follows:

19 Sec. 51.8051. CONSIDERATION OF RACE AND ETHNICITY
20 PROHIBITED. An institution of higher education, as defined by
21 Section 61.003, may not consider an applicant's race or ethnicity
22 in determining admissions to the institution or to any certificate
23 or degree program, including a graduate, postgraduate, or
24 professional degree program.

1 SECTION 4. Subchapter Z, Chapter 51, Education Code, is
2 amended by adding Section 51.9243 to read as follows:

3 Sec. 51.9243. PROHIBITION ON COLLECTION OF INFORMATION
4 REGARDING RACE, ETHNICITY, OR RELIGION OF APPLICANTS. (a) In this
5 section, "institution of higher education" has the meaning assigned
6 by Section 61.003.

7 (b) An institution of higher education may not request,
8 collect, or maintain information, including a photograph, that
9 indicates the race, ethnicity, or religion of an applicant for
10 admission to the institution or to a certificate or degree program,
11 including a graduate, postgraduate, or professional degree
12 program, at the institution.

13 (c) If the collection of information indicating the race,
14 ethnicity, or religion of an applicant for admission to an
15 institution of higher education is required by federal law, the
16 institution may designate an employee or office of the institution
17 to collect the required information. The employee or office may not
18 be associated with the admissions office of the institution. The
19 employee or office may not disclose or provide the collected
20 information to any person other than a person required to receive
21 the information by federal law. When all requirements under
22 federal law for maintaining the information or providing the
23 information to another person have been satisfied, the institution
24 shall immediately destroy all copies of the collected information
25 and may not give or otherwise distribute the information to any
26 other person, including any employee or officer of the institution.

27 (d) Information indicating the race, ethnicity, or religion

1 of an applicant for admission to an institution of higher education
2 or to a certificate or degree program at the institution that was
3 received, requested, or collected for admission before the
4 2012-2013 academic year may not be used by the institution for
5 admission purposes after that academic year. When all requirements
6 under federal law for maintaining the information or providing the
7 information to another person have been satisfied, the institution
8 shall immediately destroy all copies of the information.

9 (e) This section does not prohibit the request for or
10 receipt, collection, or retention of information relating to race,
11 ethnicity, or religion:

12 (1) for bona fide research, if the information does
13 not identify a person as an applicant for admission to an
14 institution of higher education; or

15 (2) of students enrolled in an institution of higher
16 education.

17 SECTION 5. The changes in law made by this Act apply
18 beginning with admissions and admission applications at public
19 institutions of higher education for the 2012-2013 academic year.

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2011.