

## **BILL ANALYSIS**

S.B. 2538  
By: Creighton  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, each general academic teaching institution is required to 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 to an institution of higher education. Currently, The University of Texas at Austin is not required to offer admission to applicants who qualify for automatic admission in excess of the number required to fill 75 percent of the university's enrollment capacity. The Supreme Court of the United States is expected to release a ruling this summer that could result in the elimination of the consideration of race in admissions holistic review. This decision would trigger a provision in the Texas law nullifying the current 75 percent cap in automatic admissions granted to UT Austin in 2009. UT Austin estimates this modification would result in 4,000 more students each year, increasing the freshman class from around 9,000 to 13,000. Over four years, 16,000 students would be added to the total undergraduate class and push institutional resources beyond capacity. S.B. 2538 seeks to address this issue by repealing a statute relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions to allow UT Austin to maintain its current admissions system with the 75 percent enrollment cap.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

S.B. 2538 repeals Section 51.803(k), Education Code, which prohibits The University of Texas at Austin from offering automatic admission, for an academic year after the 2017-2018 academic year, by percentile rank according to high school graduating class standing based on grade point average until the number of applicants have been offered admission in the number estimated in good faith by the university as sufficient to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students if, on the date of the deadline for applications for admission of first-time undergraduate students for that academic year, one the following conditions exist:

- an applicable final court order prohibits the university from considering an applicant's race or ethnicity as a factor in the university's decisions relating to first-time undergraduate admissions; or

- the university's governing board by rule, policy, or other manner has provided that an applicant's race or ethnicity may not be considered as a factor in such decisions.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.