

## **BILL ANALYSIS**

Senate Research Center  
88R1464 CXP-D

S.B. 2538  
By: Creighton  
Subcommittee on Higher Education  
4/12/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Subject to Texas Education Code Section 51.803(a), 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 to a higher education institution. Under Section 51.803(a-1), The University of Texas at Austin (UT-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 Education Code – Section 51.803(k) – nullifying the current law 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. This proposal repeals Section 51.803(k) of the Education Code and allow UT-Austin to keep its current admissions system under Section 51.803(a-1) with the 75 percent enrollment cap.

As proposed, S.B. 2538 amends current law relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Repealer: Section 51.803(k) (relating to prohibiting a general academic teaching institution from offering certain admission for an academic year after the 2017–2018 academic year if certain criteria are met on the date of the institution's general deadline for applications for admission of first-time undergraduate students for that academic year), Education Code.

SECTION 2. Effective date: upon passage or September 1, 2023.