

- SUBJECT:** Limiting automatic admissions to higher education institutions
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 7 ayes — Branch, Patrick, Clardy, Darby, Howard, Murphy, Raney
0 nays
2 absent — Alonzo, Martinez
- WITNESSES:** For — (*Registered, but did not testify:* JJ Baskin; Daniel Becka, Texas Exes; Robert Howden, Texans for Higher Education; Zack Jamail; Michael Morton, Invest in Texas; Michael Vitris)

Against — Marianna Anaya; Yannis Banks, Texas NAACP; Karolina Lyznik, MALDEF; Samantha Robles; (*Registered, but did not testify:* Sonya Rose Hernandez)

On — William Powers, The University of Texas at Austin; (*Registered, but did not testify:* Kedra Ishop, The University of Texas at Austin)
- BACKGROUND:** Under Education Code, secs. 51.801-51.809, with certain exceptions, each general academic teaching institution must admit a Texas 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.
- DIGEST:** HB 1843 would extend an exemption to the admissions rule that allows The University of Texas at Austin to cap its incoming freshman class enrollment at 75 percent of students automatically admitted through the top 10 percent program. The bill would move the sunset date of the exemption from the 2015-16 academic year to the 2017-18 academic year.

The bill also would repeal a part of the Education Code that prevents an institution of higher education from admitting students under the top 10 percent rule if a court order, applicable to the institution, prevents it from considering an applicant's race or ethnicity as a factor in undergraduate admissions.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

SUPPORTERS
SAY:

HB 1843 would put off the debate on extending UT's partial exemption from the top 10 percent rule until the next legislative session. This would grant the Legislature time to consider the expected ruling in the *Fischer* case by the Supreme Court of the United States. The case challenges the constitutionally, under the Fourteenth Amendment's Equal Protection Clause, of UT - Austin's use of race as a factor in undergraduate admissions decisions.

While it is hoped that the Supreme Court affirms the 5th Appellate Circuit's decision upholding current state law and policy, the outcome is uncertain and the ruling may come too late for the Legislature to consider a response this session. HB 1843 would grant state policy makers the time needed to weigh the resulting decision.

HB 1843 is not an attempt to reverse or repeal the progress made in UT admissions through the top 10 percent rule. The bill would put off the decision because no meaningful discussion or decision can be made on the issue before the Supreme Court rules on *Fischer*. The bill is intended to preserve the status quo and grant UT - Austin and state policy makers the most flexibility possible regardless of what the Supreme Court decides.

OPPONENTS
SAY:

By moving the date when UT - Austin's partial exemption from the top 10 percent rule would expire, the Legislature is putting off an important debate about minority admissions at the state's flagship university. The partial exemption from the top 10 percent rule should be allowed to expire in order to maximize minority enrollment. Any backtracking on the use of this effective tool for admitting minorities is unacceptable because there is no guarantee the Legislature would restore minority admission mechanisms in the future.