

BILL ANALYSIS

Senate Research Center

S.B. 1868
By: Barrientos
Education
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As Filed

DIGEST

Currently, no Texas law exists for the consideration of African American race or Mexican American national origin as a factor for admission or to meet educational needs for certain actions and decisions of public institutions of higher education. Because the State of Texas is expected to increase in population to 20,119,000 by the year 2000, concern exists regarding how Texas will accommodate this growth, the accessibility of higher education, and how institutions of higher education will reflect the state's population. This bill authorizes institutions of higher education to use African American race or Mexican American national origin as a factor for admission or to meet educational needs of African American and Mexican American students for certain actions and decisions of public institutions of higher education.

PURPOSE

As proposed, S.B. 1868 authorizes institutions of higher education to use African American race or Mexican American national origin as a factor for admission or to meet educational needs of African American and Mexican American students for certain actions and decisions of public institutions of higher education.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. PURPOSE. Provides that the policies and requirements provided by this Act are intended to remedy the present effects of past discrimination by the State of Texas, its political subdivisions, and public institutions to promote the essential, fundamental, and compelling interests of Texas in order to provide equal opportunities for all Texans to participate in and enjoy the benefits of the state's system of higher education.

SECTION 2. UNDERGRADUATE PROGRAMS. Authorizes each general academic teaching institution, as defined by Section 61.003, Education Code, to consider African American race and Mexican American national origin as a factor in meeting certain requirements that affect undergraduate students. Requires each institution covered by this section to compare the proportions of African American and Mexican American undergraduate students at the institution to the proportions of African Americans and Mexican Americans graduating from public high school in this state. Requires an institution to continue to use African American race or Mexican American national origin as a factor in meeting certain requirements of undergraduate students, to the extent that an institution's enrollment proportion is lower than the proportion of the persons of the same group graduating from high school.

SECTION 3. GRADUATE AND PROFESSIONAL PROGRAMS. Authorizes each institution of higher education that offers a graduate or professional degree program, as defined by Section 61.003, Education Code, to consider African American race and Mexican American national origin as a factor in meeting certain requirements that affect graduate students. Requires each institution covered by this section to compare the proportions of African American and Mexican American students enrolled in each graduate or professional degree program at the institution to the proportions of African Americans and Mexican Americans receiving baccalaureate degrees from public institutions of higher

education in this state. Requires an institution to continue to use African American race or Mexican American national origin as a factor in admitting students to the program, and recruitment and retention for the program for the next six years.

SECTION 4. ANNUAL REVIEW AND REPORTS. Requires each public institution of higher education that uses race or national origin as a factor as provided by this Act to apply the same criteria to all students, using the same committees and same waiting lists and to minimize harm to any third parties. Requires each public institution of higher education to which this Act applies to evaluate its programs developed under this section to determine their effectiveness, the availability of equally or more effective alternatives, and the harm, if any, to third parties every year. Requires each institution to report on these matters to certain persons.

SECTION 5. Emergency clause.
Effective date: 90 days after adjournment.