

BILL ANALYSIS

Senate Research Center

H.B. 2330
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Education
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 1996, a federal court struck down the use of race-based affirmative-action policies in Texas higher education admissions. In response to the ruling, the 75th Texas Legislature, Regular Session, 1997, enacted H.B. 588, which guaranteed automatic admission to any public college or university in the state for those Texas students who graduate in the top 10 percent of their high school classes. The intent of this legislation was to provide greater access to public higher education by increasing geographic, socioeconomic, and racial/ethnic representation, without using race as an admissions criterion.

While the impact of this initiative on diversity continues to be debated, the impact of a single criterion admissions policy has become problematic. By mandating, without limitation, that institutions base admissions on a single factor, the state has significantly restricted the ability of a student to be admitted based on holistic file-review.

H.B. 2330 caps at 50 percent, the number of students an institution is required to admit under the "Top 10 Percent Law." In admitting students up to the 50 percent level, institutions would be required to give priority to those students who have completed the advanced high school program or equivalent curriculum. Once those students have been offered admission, the remaining students will be offered admission by percentile rank according to the graduating class standing based on grade point average.

RULEMAKING AUTHORITY

Rulemaking authority expressly granted to the commissioner of education in SECTION 1 (Section 28.0252, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 5 (Section 51.807, Education Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 28, Education Code, by adding Section 28.0252, as follows:

Sec. 28.0252. COMPUTATION OF HIGH SCHOOL GRADE POINT AVERAGE. (a) Authorizes the commissioner of education (commissioner) to develop a standard method of computing a student's high school grade point average that provides for additional weight to be given to each honors course, advanced placement course, international baccalaureate course, or course for dual high school and college-level credit completed by a student. Requires the method must provide for advance placement courses and dual credit courses to be weighted equally.

(b) Requires a school district to use the standard method developed under this section to compute a student's high school grade point average, and requires the student's grade point average computed in that manner to be used in determining the student's eligibility for automatic college admission under Section 51.803 (Automatic Admission: All Institutions).

(b-1) Provides that Subsection (b) applies only to students entering grade nine during or after the 2007-2008 school year. Provides that this subsection expires September 1, 2010.

(c) Authorizes the commissioner to adopt rules necessary to implement this section.

SECTION 2. Amends Section 51.803, Education Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Provides that this subsection is subject to Subsections (c) and (d).

(c) Requires a general academic teaching institution to reserve for admissions under Subsection (a) not less than 50 percent of the institution's enrollment capacity designated for first-time undergraduate students. Provides that Subsection (a) does not apply to the portion of the institution's enrollment capacity designated for first-time undergraduate students that is not reserved for admissions under Subsection (a). Requires the institution to take certain admissions procedures if the number of applicants who qualify for automatic admission to a general academic teaching institution under Subsection (a) exceeds the number of spaces reserved by the institution for admissions under Subsection (a), except as provided by Subsection (d).

(d) Requires the institution, if the number of applicants qualified for admission under Subsection (c)(1) exceeds the number of spaces reserved by the institution for admission under Subsection (a), to offer admission to those applicants by percentile rank according to graduating class standing based on grade point average, beginning with the top percentile rank, until a sufficient number of applicants have been offered admission to fill those spaces, except that the institution is required to offer admission to all applicants with the same percentile rank. Requires the institution to consider any remaining applicants qualified for automatic admission under Subsection (a), including remaining applicants qualified for admission under Subsection (c)(1), in the same manner as other applicants for admission as first-time freshmen students in accordance with Section 51.805 (Other Admissions).

SECTION 3. Amends Subchapter U, Chapter 51, Education Code, by adding Section 51.8035, as follows:

Sec. 51.8035. AUTOMATIC ADMISSION OF APPLICANTS COMPLETING CORE CURRICULUM AT ANOTHER INSTITUTION. (a) Defines "core curriculum" and "institution of higher education."

(b) Requires a general academic teaching institution to admit an applicant for admission to the institution as a transfer undergraduate student who meets certain criteria.

(c) Requires transfer semester credit hours from a different institution of higher education and semester credit hours earned by examination to be included in determining whether the person completed the core curriculum at an institution of higher education.

SECTION 4. Amends Section 51.805(b), Education Code, to provide that it is the intent of the legislature that all institutions of higher education adopt admissions policies that further the goals of "Closing the Gaps," the state's master plan for higher education, and pursue academic excellence by considering students' academic achievements in decisions related to admissions.

SECTION 5. Amends Section 51.807, Education Code, to require the Texas Higher Education Coordinating Board after consulting with the Texas Education Agency by rule to establish standards for determining for purposes of this subchapter whether a person completed a high school curriculum that is equivalent to the curriculum established under Section 28.025 (High School Diploma and Certificate; Academic achievement Record) for the advanced high school program.

SECTION 6. Makes application of this Act prospective to the 2006-2007 academic school year.

SECTION 7. Makes application of Section 51.8035, Education Code, as added by this Act, prospective to the 2006 spring semester.

SECTION 8. Effective date: September 1, 2005.