

BILL ANALYSIS

Senate Research Center
83R2230 KSD-D

S.B. 1530
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Higher Education
3/26/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1530 extends The University of Texas at Austin's (UT-Austin) exception to the Top 10 Percent Rule from the 2015-2016 academic year to the 2017-2018 academic year. Additionally, the bill eliminates obsolete provisions applicable to student enrollment prior to the 2009-2010 academic year.

The bill will allow UT-Austin to maintain its exception (subject to the sunset provision) if a federal judicial decision holds that race or ethnicity may not be used as a factor in admissions. Under S.B. 1530, UT-Austin may lose its exception if a federal judicial decision holds that race or ethnicity may be used as a factor in admissions and if the governing board implements a rule or policy prohibiting the use of race or ethnicity as a factor in admissions.

As proposed, S.B. 1530 amends current law relating to the admission of undergraduate students to public institutions of higher education.

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. Amends Sections 51.803(a-3) and (k), Education Code, as follows:

(a-3) Prohibits The University of Texas at Austin (UT-Austin), notwithstanding Subsection (a-1) (relating to UT-Austin not being required to offer admission to applicants who qualify for automatic admission), from offering admission under that subsection for an academic year after the 2017-2018, rather than the 2015-2016, academic year.

(k) Prohibits a general academic teaching institution from offering admission under Subsection (a-1) for an academic year if, on the date of the institution's general deadline for applications for admission of first-time undergraduate students for that academic year:

(1) federal law as then interpreted by applicable federal judicial decisions does not prohibit, rather than a final court order applicable to the institution prohibits, the institution from considering an applicant's race or ethnicity as a factor in the institution's decisions relating to first-time undergraduate admissions; and

(2) the institution's governing board by rule, policy, or other manner has provided that an applicant's race or ethnicity is prohibited from being considered as a factor in the institution's decisions relating to first-time undergraduate admissions for that academic year, rather than except that this subdivision does not apply to an institution that did not consider, on or before June 1, 2009, an applicant's race or ethnicity as a factor in its admissions of first-time resident undergraduate students for the 2009-2010 academic year.

SECTION 2. Effective date: upon passage or September 1, 2013.