

**SUBJECT:** Open enrollment for Texas undergraduate schools

**COMMITTEE:** Higher Education — committee substitute recommended

**VOTE:** 8 ayes — Rangel, Solis, Bailey, Cuellar, Dunnam, Kamel, Rabuck, E. Reyna  
0 nays  
1 absent — Rodriguez

**WITNESSES:** For — Al Kauffman, Mexican American Legal Defense Fund; Michael Olivas  
Against — None

**DIGEST:** CSHB 858 would require general academic colleges and universities to admit certain undergraduates through a process of open enrollment. Schools enrolling more than 30,000 students in the previous academic year would have to admit one percent of their undergraduates through open enrollment. Those enrolling fewer than 30,000 students would have to admit two percent of undergraduates through this process.

The open enrollment process would apply to all applicants who had earned a high school diploma or the equivalent and who were not admitted under another admissions policy. If the number of applications exceeded the number of spaces available for open enrollment, schools would use a lottery system to admit applicants. Schools could require students admitted through open enrollment to enter in the summer term.

CSHB 858 would take effect September 1, 1997, and apply to admissions for academic years beginning with the 1998-1999 academic year.

**SUPPORTERS SAY:** CSHB 858 would provide a reasonable means of ensuring that youth all across Texas have an opportunity to continue their educations. This has long been a goal of Texas colleges and universities, which recognize that standardized test scores are not necessarily the ultimate indicator of educational success and that other factors should be taken into account in

making admissions decisions. These include the motivation to succeed, which cannot be measured by a test but often is the spark that drives a student to excel. Young people who have attained a high-school diploma or its equivalent and who want to go on to post-secondary school are demonstrating a commitment to education and should be allowed at least the opportunity to show what they can do in a university setting. CSHB 858 would both provide students with this opportunity and give universities new flexibility in making admissions decision by creating an open enrollment process.

Two Texas universities — Texas Southern University and the University of Houston Downtown — already use open enrollment, and with enviable results. Both institutions maintain a high caliber of academic work as well as significant diversity in the student body. The student population of the University of Houston Downtown, for example, is 29 percent Anglo, 25 percent black, and 30 percent Hispanic.

The goals of public universities should not be inconsistent with the successful education of the state's student population. CSHB 858 would be an important component of a statewide admissions system promoting that worthwhile objective. Open enrollment would be a first step toward developing a comprehensive admissions system. Such a system cannot be established overnight; there are complex legal questions and basic issues of equity and fairness that are involved. In the meantime, Texas colleges and universities need legislative direction about interim measures they can take to ensure their student populations are diverse and their admissions policies fair.

**OPPONENTS  
SAY:**

Texas institutions of higher education institutions are now facing important decisions regarding admissions policies. In the past, the Legislature has wisely left decisions regarding admissions policies up to the individual schools. Universities should retain the authority to make such decisions and implement policies that best suit their individual needs and that will best help them meet their goals and educate their student bodies.

Furthermore, CSHB 858 would not resolve the underlying issues of affirmative action that are now confronting Texas universities. At best, it would address a small piece of the larger question of how to develop and

implement race-neutral and equitable admissions policies. Such a piecemeal approach to managing higher education admissions would be incompatible with a long-term, cohesive vision for higher education in Texas.

OTHER  
OPPONENTS  
SAY:

CSHB 858 would burden universities operating with a cap in their enrollments. If the Legislature mandates that certain individuals be admitted to Texas universities, it should lift enrollment caps to allow those universities to accommodate the new students.

Coveted positions in Texas universities should not be assigned by lot but rather carefully assigned in order to best match the needs of the student with those of the university. There should be some measure other than a lottery to select from pool of applicants for open admissions.

NOTES:

The committee substitute deleted provisions requiring that a shortage of open enrollment admissions slots be made up in subsequent years and that universities report on reasons for shortages to the Higher Education Coordinating Board.