

## **BILL ANALYSIS**

Senate Research Center

H.B. 2146  
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Education  
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Engrossed

### **DIGEST**

The Fifth U.S. Circuit Court of Appeals, in its Hopwood v. Texas decision in 1996, ruled that an affirmative action admissions program at the University of Texas Law School was unconstitutional. The ruling has been interpreted by the attorney general as voiding all such programs at public institutions of higher education in Texas. The Texas Higher Education Coordinating Board (board) has collected data on the gender and ethnicity of students enrolled in Texas colleges and universities since 1993. This bill will require the board to study minority participation in public higher education.

### **PURPOSE**

As proposed, H.B. 2146 requires the Texas Higher Education Coordinating Board to study minority participation in public 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. Amends Chapter 61C, Education Code, by adding Section 61.080, as follows:

Sec. 61.080. CONTINUING STUDY OF MINORITY PARTICIPATION IN HIGHER EDUCATION. Requires the Texas Higher Education Coordinating Board (board) to collect data and maintain a database relating to the participation of members of racial and ethnic minority groups in this state in public higher education, including data relating to minority applications, recruitment, admissions, retention, graduation, and professional licensing at both the undergraduate and graduate levels. Requires the board to maintain a continuous study of the data collected and of factors affecting the data.

SECTION 2. Sets forth regulations regarding a study of the effects of recent actions on minority groups and higher education to be conducted by the board. Requires the board to report its activities and the findings of the study to certain persons not later than December 1, 1998. Provides that this section expires January 1, 1999.

SECTION 3. Emergency clause.  
Effective date: upon passage.