

BILL ANALYSIS

Senate Research Center
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S.B. 2119
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1997, Texas established the Top Ten Percent Rule, which allowed students graduating in the top ten percent of their high school class automatic admissions into any Texas public institution of higher education. In particular, this policy has limited who can attend The University of Texas at Austin (UT). An institution, such as UT, should have the ability to consider criteria other than only an applicant's high school rank when making admission decisions. Almost two decades later, diversity at colleges and universities in Texas still does not mirror student body demographics with those of the state.

Using class rank as the sole admissions factor for a majority of students admitted into Texas' flagship universities is outdated. S.B. 2119 repeals Texas' Top Ten Percent Rule, which would allow Texas' higher education institutions to determine their own admissions criteria and develop more appropriate policies for increasing diversity.

As proposed, S.B. 2119 amends current law relating to eliminating the automatic admission of students to certain public institutions of higher education and scholarships for certain students who qualify for automatic admission.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board (THECB) is rescinded in SECTION 11 (Section 51.803, Education Code) of this bill.

Rulemaking authority previously granted to THECB and the commissioner of education is rescinded in SECTION 11 (Section 51.803, Education Code) of this bill.

Rulemaking authority is expressly granted to THECB in SECTION 13 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 51.805, Education Code, to read as follows:

Sec. 51.805. ELIGIBILITY TO APPLY FOR ADMISSION; FACTORS CONSIDERED IN ADMISSIONS.

SECTION 2. Amends Section 51.805, Education Code, by amending Subsections (a) and (b) and adding Subsections (a-1) and (a-2), as follows:

(a) Authorizes a graduating high school student, rather than a graduating student who does not qualify for admission under Section 51.803 (Automatic Admission: All Institutions) or 51.804 (Additional Automatic Admissions: Selected Institutions), to apply to any general academic teaching institution (GATI) if the student fulfills certain criteria.

(a-1) Provides that a student who does not satisfy the curriculum requirements prescribed by Subsection (a)(1)(A) (relating to authorizing a graduating high school student to apply to any GATI if the student successfully completed certain curriculum requirements at a public high school) or (B) (relating to authorizing a graduating high school student to apply to any GATI if the student successfully completed a certain curriculum at a certain

high school) is considered to have satisfied those requirements if the student completed the portion of the foundation high school program curriculum or of the applicable curriculum equivalent in content and rigor that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of certain causes not within the student's control.

(a-2) Requires a student's official transcript or diploma, for purposes of Subsection (a)(1)(A) and not later than the end of the student's junior year, to indicate whether the student has satisfied or is on schedule to satisfy applicable requirements of Subsection (a)(1)(A) or (B) or, if Subsection (a-1) applies to the student, whether the student has completed the portion of the foundation high school program curriculum or of the applicable curriculum equivalent in content and rigor that was available to the student.

(b) Deletes existing text requiring the GATI, after admitting students under Sections 51.803 and 51.804, to admit other applicants for admission as undergraduate students.

SECTION 3. Amends Section 28.026, Education Code, as follows:

Sec. 28.026. New heading: NOTICE OF REQUIREMENTS FOR FINANCIAL AID. (a) Requires the board of trustees of a school district (board) and the governing body of each open-enrollment charter school (governing body) that provides a high school to require each high school in the district or provided by the charter school, as applicable, to post appropriate signs in certain locations stating the curriculum requirements for financial aid authorized under Title 3 (Higher Education), rather than to require each high school in the district or provided by the charter school, as applicable, to post appropriate signs in certain locations indicating the substance of Section 51.803 regarding automatic college admission and stating the curriculum requirements for financial aid authorized under Title 3. Requires the district or charter school, to assist in the dissemination of that information, to require that each school counselor and class advisor at a high school be provided a detailed explanation of the curriculum requirements for financial aid, rather than requires each school counselor and class advisor at a high school be provided a detailed explanation of the substance of Section 51.803 and the curriculum requirements for financial aid; and provide each district or school student, at a certain time, with a written notification, including a detailed explanation in plain language, of the curriculum requirements for financial aid and the benefits of completing the requirements for that financial aid, rather than of the substance of Section 51.803, the curriculum requirements for financial aid authorized under Title 3, and the benefits of completing the requirements for that automatic admission and financial aid. Deletes existing text requiring the district or charter school to require that each school counselor and senior class advisor at a high school explain to eligible students the substance of Section 51.803; and, not later than a certain date, provide each senior student eligible under Section 51.803 and each student enrolled in the junior year of high school who has a certain grade point average, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.

(b) Requires the commissioner of education (commissioner) to adopt forms, including specific language, to use in providing notice under Subsection (a)(2), rather than under Subsections (a)(2) and (4). Requires a school district or open-enrollment charter school, in providing that notice, rather than in providing notice under Subsection (a)(2) or (4), to use the appropriate form adopted by the commissioner. Requires that the notice, rather than the notice to a student and the student's parent or guardian under Subsections (a)(2) and (4), be on a single form that contains signature lines to indicate receipt of notice by the student and be signed by the student's counselor in addition to being signed by the student, rather than to be on a single form that contains signature lines to indicate receipt of notice by the student and the student's parent or guardian. Deletes existing text requiring that the notice under Subsection (a)(2) be signed by the student's counselor in addition to being signed by the student and the student's parent or guardian.

SECTION 4. Amends Section 29.911(b), Education Code, as follows:

(b) Deletes existing text requiring the grade-appropriate information regarding the pursuit of higher education provided by certain schools to students during the designated week, as required, to include information regarding, among certain other information, automatic admission of certain students to GATIs as provided by Section 51.803. Redesignates existing Subdivision (4) as Subdivision (3) and makes a nonsubstantive change.

SECTION 5. Amends Section 33.007(b), Education Code, as follows:

(b) Deletes existing text requiring the information about postsecondary education provided by a school counselor to the student and the student's parent or guardian during the first and subsequent year of a student's enrollment in a high school or at the high school level in an open-enrollment charter school, as required, to include information regarding, among certain other information, automatic admission of certain students to GATIs as provided by Section 51.803. Redesignates existing Subdivisions (8) and (9) as Subdivisions (7) and (8).

SECTION 6. Amends Section 33.009(d), Education Code, as follows:

(d) Requires a career counseling academy developed under this section (Postsecondary Education and Career Counseling Academies) to provide counselors and other postsecondary advisors with knowledge and skills to provide counseling to students regarding postsecondary success and productive career planning and to include information relating to general academic performance requirements for admission to an institution of higher education (IHE), rather than to include information relating to general academic performance requirements for admission to an IHE, including the requirements for automatic admission to a GATI under Section 51.803.

SECTION 7. Amends Section 39.0232(b), Education Code, as follows:

(b) Prohibits a student's performance on an end-of-course assessment instrument from being used in determining the student's class ranking for any purpose or as a sole criterion in the determination of whether to admit the student to a GATI in this state, rather than to prohibit a student's performance on an end-of-course assessment instrument from being used in determining the student's class ranking for any purpose, including entitlement to automatic college admission under Section 51.803 or 51.804.

SECTION 8. Amends Section 51.4032, Education Code, to require a report submitted by a GATI or medical and dental unit as defined in Section 61.003 (Definitions) to include a description of any plans, policies, or programs developed or implemented by the GATI to recruit and retain students from certain underrepresented groups, rather than to require a report submitted by a GATI or medical and dental unit to include separate demographic breakdowns of the students admitted under Sections 51.803, 51.804, and 51.805 and a description of any plans, policies, or programs developed or implemented by the GATI to recruit and retain students from certain underrepresented groups.

SECTION 9. Amends Section 51.842(a), Education Code, as follows:

(a) Deletes existing text authorizing certain programs of a GATI or medical or dental unit, in making certain admissions or scholarship decisions, to consider whether the applicant was automatically admitted to a GATI as an undergraduate student under Section 51.803. Redesignates existing Subdivision (11) as Subdivision (10) and makes a nonsubstantive change.

SECTION 10. Amends Section 56.3041(b), Education Code, to provide that, for the purposes of Subsection (a)(2)(A) (relating to initial eligibility for a Texas grant), a student who graduated under the recommended or advanced high school program is considered to have successfully completed the curriculum requirements for the foundation high school program, rather than is

considered to have successfully completed the curriculum requirements of Section 51.803(a)(2)(A)(i) (relating to certain curriculum requirements at a public high school).

SECTION 11. Repealer: Section 33.007(c) (relating to requiring certain school counselors to explain the requirements of automatic admission to a GATI to certain students), Education Code.

Repealers: Sections 51.803 (Automatic Admission: All Institutions), 51.8035 (Automatic Admission of Applicants Completing Core Curriculum at Another Institution), 51.804 (Additional Automatic Admissions: Selected Institutions), and 51.8045 (Graduates of Certain Special High School Programs), Education Code.

Repealer: Subchapter R (Scholarships for Students Graduating), Chapter 56 (Student Financial Assistance), Education Code.

SECTION 12. Provides that the changes in law made by this Act to Subchapter U (Uniform Admission Policy), Chapter 51 (Provisions Generally Applicable to Higher Education), Education Code, apply beginning with admissions to an IHE for the 2019-2020 academic year. Provides that admissions to an IHE for an academic year before that academic year are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 13. Provides that the repeal by this Act of Subchapter R, Chapter 56, Education Code, does not affect a student initially awarded a scholarship under that subchapter for a semester or other academic term before the effective date of this Act. Authorizes a student who initially receives a scholarship for a semester or other academic term before that date to continue to receive a scholarship under Subchapter R, Chapter 56, Education Code, as that subchapter existed immediately before the effective date of this Act, to the extent funds are available for that purpose and as long as the student remains eligible for a scholarship under the former law. Requires the Texas Higher Education Coordinating Board to adopt rules to administer this section and notify each student who receives a scholarship in the 2018-2019 academic year of the provisions of this section.

SECTION 14. Effective date: January 1, 2019.