

By: Shapiro, Seliger

S.B. No. 101

A BILL TO BE ENTITLED

AN ACT

1
2 relating to limitations on the automatic admission of undergraduate
3 students to general academic teaching institutions and to fees
4 charged to certain admitted students.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 51.803 and 51.807, Education Code, are
7 amended to read as follows:

8 Sec. 51.803. AUTOMATIC ADMISSION: ALL INSTITUTIONS.

9 (a) Subject to Subsection (c), each ~~[Each]~~ general academic
10 teaching institution shall admit an applicant for admission to the
11 institution as an undergraduate student if the applicant graduated
12 with a grade point average in the top 10 percent of the student's
13 high school graduating class in one of the two school years
14 preceding the academic year for which the applicant is applying for
15 admission and:

16 (1) the applicant graduated from a public or private
17 high school in this state accredited by a generally recognized
18 accrediting organization or from a high school operated by the
19 United States Department of Defense;

20 (2) the applicant completed the curriculum
21 requirements established under Section 28.025 for the recommended
22 or advanced high school program, or an equivalent curriculum at a
23 high school to which that section does not apply; and

24 (3) [~~To qualify for admission under this section,~~

1 ~~an applicant must submit an application before the expiration of~~
2 ~~any application filing deadline established by the institution~~
3 ~~and,~~ if the applicant graduated from a high school operated by the
4 United States Department of Defense, the applicant is [~~must be~~] a
5 Texas resident under Section 54.052 or is [~~be~~] entitled to pay
6 tuition fees at the rate provided for Texas residents under Section
7 54.058(d) for the term or semester to which admitted.

8 (b) To qualify for admission under this section, an
9 applicant must submit an application before the expiration of any
10 application filing deadline established by the institution.

11 (c) A general academic teaching institution is not required
12 to admit under Subsection (a) more than 60 percent of the
13 institution's first-time resident undergraduate students in an
14 academic year. If the number of applicants who qualify for
15 automatic admission to a general academic teaching institution
16 under Subsection (a) exceeds 60 percent of the institution's
17 enrollment capacity designated for first-time resident
18 undergraduate students, the institution may elect to offer
19 admission to those applicants as provided by this subsection and
20 not as otherwise required by Subsection (a). If the institution
21 elects to offer admission under this subsection, the institution
22 shall offer admission to those applicants by percentile rank
23 according to class standing based on grade point average, beginning
24 with the top percentile rank, until the applicants qualified under
25 Subsection (a) have been offered admission in the number estimated
26 in good faith by the institution as sufficient to fill 50 percent of
27 the institution's enrollment capacity designated for first-time

1 resident undergraduate students, except that the institution must
2 offer admission to all applicants with the same percentile rank. In
3 addition to those admissions, until applicants qualified under
4 Subsection (a) have been offered admission in the number estimated
5 in good faith by the institution as sufficient to fill 60 percent of
6 the designated enrollment capacity described by this subsection,
7 the institution shall offer to applicants qualified for automatic
8 admission under Subsection (a) admission in the same manner as
9 other applicants for admission as first-time undergraduate
10 students in accordance with Section 51.805, except that the
11 institution may not consider applicants other than those applicants
12 qualified under Subsection (a). After the applicants qualified for
13 automatic admission under Subsection (a) have been offered
14 admission under this subsection in the number estimated in good
15 faith as sufficient to fill 60 percent of the designated enrollment
16 capacity described by this subsection, the institution shall
17 consider any remaining applicants qualified for automatic
18 admission under Subsection (a) in the same manner as other
19 applicants for admission as first-time undergraduate students in
20 accordance with Section 51.805.

21 (d) Each general academic teaching institution that elects
22 to offer admission to applicants as permitted by Subsection (c)
23 shall:

24 (1) adopt a written policy to provide for recruiting
25 and retention efforts directed at underrepresented groups such as
26 racial or ethnic minority groups; and

27 (2) seek from civic and community leaders and

1 organizations input regarding the impact of this section on student
2 access to and academic success in higher education.

3 (e) Regardless of whether a general academic teaching
4 institution elects to offer admission under Subsection (c), if the
5 number of applicants who qualify for automatic admission to the
6 institution under Subsection (a) exceeds 60 percent of the
7 institution's enrollment capacity designated for first-time
8 resident undergraduate students, the institution shall provide to
9 each school district, for dissemination to high school junior-level
10 students and to the parents of those students, notice of which
11 percentile ranks of high school senior-level students are
12 anticipated by the institution to be automatically offered
13 admission under Subsection (c) during the next school year if the
14 institution elects to offer admission under that subsection.

15 (f) This subsection applies only to a university system that
16 includes more than one general academic teaching institution.
17 Notwithstanding Subsection (c), in an academic year in which a
18 component general academic teaching institution of the university
19 system elects to offer admission to applicants as provided by
20 Subsection (c), if an applicant for admission as a first-time
21 resident undergraduate student who is qualified for automatic
22 admission under Subsection (a) is not admitted to the institution
23 under this section because the institution offers admission to
24 applicants under Subsection (c) and the applicant is otherwise
25 denied admission to the institution, the university system shall:

26 (1) treat the application as an application for
27 admission to any of the system's other component general academic

1 teaching institutions that for that same academic year do not offer
2 admission to applicants as provided by Subsection (c); and

3 (2) offer the applicant admission to each of those
4 other component institutions.

5 (g) After admitting an applicant under this section, the
6 institution shall review the applicant's record and any other
7 factor the institution considers appropriate to determine whether
8 the applicant may require additional preparation for college-level
9 work or would benefit from inclusion in a retention program. The
10 institution may require a student so identified to enroll during
11 the summer immediately after the student is admitted under this
12 section to participate in appropriate enrichment courses and
13 orientation programs. This section does not prohibit a student who
14 is not determined to need additional preparation for college-level
15 work from enrolling, if the student chooses, during the summer
16 immediately after the student is admitted under this section.

17 (h) Subsection (a)(2) does not apply to an applicant who
18 graduated from a public high school that does not offer the
19 curriculum established under Section 28.025 for the recommended or
20 advanced high school program.

21 (i) An applicant who does not satisfy the curriculum
22 requirements of Subsection (a)(2) is considered to have satisfied
23 those requirements if the high school from which the student
24 graduated indicates on the student's transcript that the student
25 completed the portion of the curriculum that was available to the
26 student but was unable to complete the curriculum solely because
27 courses necessary to complete the curriculum were unavailable to

1 the student at the appropriate times in the student's high school
2 career as a result of course scheduling, lack of enrollment
3 capacity, or another cause not within the student's control.

4 (j) This section expires August 31, 2015.

5 Sec. 51.807. RULEMAKING. (a) The Texas Higher Education
6 Coordinating Board may adopt rules relating to the operation of
7 admissions programs under this subchapter, including rules
8 relating to the identification of eligible students [~~and the~~
9 ~~reporting requirements of Section 51.806~~].

10 (b) The Texas Higher Education Coordinating Board in
11 consultation with the Texas Education Agency by rule shall
12 establish standards for determining for purposes of this subchapter
13 whether a person completed a high school curriculum that is
14 equivalent to the curriculum established under Section 28.025 for
15 the recommended or advanced high school program.

16 SECTION 2. Subsection (g), Section 28.025, Education Code,
17 is amended to read as follows:

18 (g) If a student, other than a student permitted to take
19 courses under the minimum high school program as provided by
20 Subsection (b), is unable to complete the recommended or advanced
21 high school program solely because necessary courses were
22 unavailable to the student at the appropriate times in the
23 student's high school career as a result of course scheduling, lack
24 of enrollment capacity, or another cause not within the student's
25 control, the school district, [~~shall indicate that fact~~]
26 student's transcript form described by Subsection (e), shall:

27 (1) indicate whether the student completed those

1 courses necessary to complete the program that were available to
2 the student; and

3 (2) identify those courses necessary to complete the
4 program that were unavailable to the student as a result of course
5 scheduling, lack of enrollment capacity, or another cause not
6 within the student's control.

7 SECTION 3. Section 28.026, Education Code, is amended to
8 read as follows:

9 Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION.

10 (a) The board of trustees of a school district shall require each
11 high school in the district to post appropriate signs in each
12 counselor's office, in each principal's office, and in each
13 administrative building indicating the substance of Section 51.803
14 regarding automatic college admission. To assist in the
15 dissemination of this information, the school district shall:

16 (1) require that each high school counselor and class
17 advisor be provided a detailed explanation of the substance of
18 Section 51.803;

19 (2) provide each district student, at the time the
20 student first registers for one or more classes required for high
21 school graduation, with a written notification of the substance of
22 Section 51.803;

23 (3) require that each high school counselor and senior
24 class advisor explain to eligible students the substance of Section
25 51.803; and

26 (4) [~~3~~] provide each eligible senior student under
27 Section 51.803, at the commencement of a class's senior year, with a

1 written notification of the student's eligibility with a detailed
2 explanation of the substance of Section 51.803.

3 (b) The commissioner shall adopt forms to use in providing
4 notice under Subsections (a)(2) and (4). In providing notice under
5 Subsection (a)(2) or (4), a school district shall use the
6 appropriate form adopted by the commissioner.

7 (c) The commissioner shall adopt procedures to ensure that,
8 as soon as practicable after this subsection becomes law, each
9 school district provides written notification of the substance of
10 Section 51.803, as amended by the 80th Legislature, Regular
11 Session, 2007, to each district student who, for the 2007-2008
12 school year, registers for the first time for one or more courses
13 required for high school graduation. The commissioner may adopt
14 rules under this subsection in the manner provided by law for
15 emergency rules. Each district shall comply with the procedures
16 adopted by the commissioner under this subsection. This subsection
17 expires September 1, 2008.

18 SECTION 4. Section 51.4032, Education Code, as added by
19 Chapter 694, Acts of the 79th Legislature, Regular Session, 2005,
20 is amended to read as follows:

21 Sec. 51.4032. ANNUAL REPORT OF PARTICIPATION IN HIGHER
22 EDUCATION. Not later than December 1 [~~July 31~~] of each year and in
23 the form prescribed by the coordinating board, each general
24 academic teaching institution and medical and dental unit as
25 defined in Section 61.003 shall provide to the Texas Higher
26 Education Coordinating Board and shall publish on the institution's
27 website a report describing the composition of the institution's

1 entering class of students. The report must include a demographic
2 breakdown of the class, including a breakdown by race, ethnicity,
3 ~~[and]~~ economic status, and high school class standing. A report
4 submitted by a general academic teaching institution or medical and
5 dental unit as defined in Section 61.003 must include separate
6 demographic breakdowns of the students admitted under Sections
7 51.803, 51.804, and 51.805 and a description of any plans,
8 policies, or programs developed or implemented by the institution
9 to recruit and retain students from underrepresented groups such as
10 racial or ethnic minority groups.

11 SECTION 5. Subchapter D, Chapter 54, Education Code, is
12 amended by adding Section 54.202 to read as follows:

13 Sec. 54.202. TOP 10 PERCENT HIGH SCHOOL GRADUATES.

14 (a) This section applies to a person who was admitted and enrolled
15 under the automatic admission provisions of Section 51.803(c).

16 (b) Each general academic teaching institution shall exempt
17 a person to whom this section applies from the payment of tuition
18 and special course fees, lab fees, and student teaching fees.

19 (c) The exemption from tuition under Subsection (b) does not
20 apply to designated tuition charged under Section 54.0513.

21 (d) In order to continue to receive an exemption under this
22 section after the person has received an exemption under this
23 section for two or more academic years or the equivalent, a person
24 must:

25 (1) enroll for a full course load for an undergraduate
26 student, as determined by the Texas Higher Education Coordinating
27 Board, in an undergraduate degree or certificate program at a

1 general academic teaching institution; and

2 (2) have a cumulative grade point average of at least
3 2.5 on a four-point scale or the equivalent on all coursework
4 previously attempted at institutions of higher education, if the
5 person is enrolled in any academic year after the person's second
6 academic year.

7 (e) The legislature shall account in the General
8 Appropriations Act for the exemptions authorized by Subsection (b)
9 in a way that provides a corresponding increase in the general
10 revenue funds appropriated to the institution.

11 (f) The legislature may appropriate money to the Texas
12 Higher Education Coordinating Board to be used to reimburse general
13 academic teaching institutions for reducing as provided by this
14 subsection the amount of designated tuition charged under Section
15 54.0513 to persons receiving exemptions from tuition and fees under
16 Subsection (b). Based on the amount of appropriations under this
17 subsection available for each academic year, the coordinating board
18 shall estimate the amount by which the designated tuition charged
19 under Section 54.0513 to each person who receives an exemption from
20 tuition and fees under Subsection (b) in that academic year may be
21 reduced from the amount that the applicable institution would
22 otherwise charge the person. The coordinating board shall
23 distribute the amount of appropriations under this subsection
24 available for the academic year to general academic teaching
25 institutions in proportion to the number of semester credit hours
26 for which the coordinating board estimates students will receive
27 exemptions under Subsection (b) in that academic year at each

1 institution. Each general academic teaching institution that
2 receives money under this section shall reduce the amount of
3 designated tuition charged to each student who receives an
4 exemption under Subsection (b) by the amount determined by the
5 coordinating board for that academic year.

6 SECTION 6. Effective September 1, 2015, Subchapter U,
7 Chapter 51, Education Code, is amended by adding Section 51.8035 to
8 read as follows:

9 Sec. 51.8035. AUTOMATIC ADMISSION: ALL INSTITUTIONS.

10 (a) Each general academic teaching institution shall admit an
11 applicant for admission to the institution as an undergraduate
12 student if the applicant graduated with a grade point average in the
13 top 10 percent of the student's high school graduating class in one
14 of the two school years preceding the academic year for which the
15 applicant is applying for admission and the applicant graduated
16 from a public or private high school in this state accredited by a
17 generally recognized accrediting organization or from a high school
18 operated by the United States Department of Defense. To qualify for
19 admission under this section, an applicant must submit an
20 application before the expiration of any application filing
21 deadline established by the institution and, if the applicant
22 graduated from a high school operated by the United States
23 Department of Defense, must be a Texas resident under Section
24 54.052 or be entitled to pay tuition fees at the rate provided for
25 Texas residents under Section 54.058(d) for the term or semester to
26 which admitted.

27 (b) After admitting an applicant under this section, the

1 institution shall review the applicant's record and any other
2 factor the institution considers appropriate to determine whether
3 the applicant may require additional preparation for college-level
4 work or would benefit from inclusion in a retention program. The
5 institution may require a student so identified to enroll during
6 the summer immediately after the student is admitted under this
7 section to participate in appropriate enrichment courses and
8 orientation programs. This section does not prohibit a student who
9 is not determined to need additional preparation for college-level
10 work from enrolling, if the student chooses, during the summer
11 immediately after the student is admitted under this section.

12 SECTION 7. The change in law made by this Act in adding
13 Section 54.202, Education Code, applies beginning with tuition,
14 fees, and other charges for the 2008 fall semester. Tuition, fees,
15 and other charges for a term or semester before the 2008 fall
16 semester are covered by the law in effect immediately before the
17 effective date of this Act, and the former law is continued in
18 effect for that purpose.

19 SECTION 8. The change in law made by this Act applies
20 beginning with admissions to institutions of higher education for
21 the 2008-2009 academic year. Admissions to an institution of
22 higher education before that academic year are governed by the law
23 in effect before the effective date of this Act, and the former law
24 is continued in effect for that purpose.

25 SECTION 9. The Texas Higher Education Coordinating Board
26 shall adopt rules relating to the admission of students under
27 Section 51.803, Education Code, as amended by this Act, as soon as

1 practicable after the effective date of this Act.

2 SECTION 10. This Act takes effect September 1, 2007.