

1-1 By: Shapiro, Seliger S.B. No. 101
1-2 (In the Senate - Filed November 13, 2006; January 29, 2007,
1-3 read first time and referred to Subcommittee on Higher Education;
1-4 April 30, 2007, reported adversely, with favorable Committee
1-5 Substitute from Committee on Education by the following vote:
1-6 Yeas 7, Nays 2; April 30, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 101 By: Shapiro

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to limitations on the automatic admission of undergraduate
1-11 students to general academic teaching institutions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 51.803 and 51.807, Education Code, are
1-14 amended to read as follows:

1-15 Sec. 51.803. AUTOMATIC ADMISSION: ALL INSTITUTIONS.

1-16 (a) Subject to Subsection (c), each ~~[Each]~~ general academic
1-17 teaching institution shall admit an applicant for admission to the
1-18 institution as an undergraduate student if the applicant graduated
1-19 with a grade point average in the top 10 percent of the student's
1-20 high school graduating class in one of the two school years
1-21 preceding the academic year for which the applicant is applying for
1-22 admission and:

1-23 (1) the applicant graduated from a public or private
1-24 high school in this state accredited by a generally recognized
1-25 accrediting organization or from a high school operated by the
1-26 United States Department of Defense;

1-27 (2) the applicant completed the curriculum
1-28 requirements established under Section 28.025 for the recommended
1-29 or advanced high school program, or an equivalent curriculum at a
1-30 high school to which that section does not apply; and

1-31 ~~(3) [To qualify for admission under this section,~~
1-32 ~~an applicant must submit an application before the expiration of~~
1-33 ~~any application filing deadline established by the institution~~
1-34 ~~and,] if the applicant graduated from a high school operated by the~~
1-35 ~~United States Department of Defense, the applicant is [must be] a~~
1-36 ~~Texas resident under Section 54.052 or is [be] entitled to pay~~
1-37 ~~tuition fees at the rate provided for Texas residents under Section~~
1-38 ~~54.058(d) for the term or semester to which admitted.~~

1-39 (b) To qualify for admission under this section, an
1-40 applicant must submit an application before the expiration of any
1-41 application filing deadline established by the institution.

1-42 (c) A general academic teaching institution is not required
1-43 to admit under Subsection (a) more than 60 percent of the
1-44 institution's first-time resident undergraduate students in an
1-45 academic year. If the number of applicants who qualify for
1-46 automatic admission to a general academic teaching institution
1-47 under Subsection (a) exceeds 60 percent of the institution's
1-48 enrollment capacity designated for first-time resident
1-49 undergraduate students, the institution may elect to offer
1-50 admission to those applicants as provided by this subsection and
1-51 not as otherwise required by Subsection (a). If the institution
1-52 elects to offer admission under this subsection, the institution
1-53 shall offer admission to those applicants by percentile rank
1-54 according to class standing based on grade point average, beginning
1-55 with the top percentile rank, until the applicants qualified under
1-56 Subsection (a) have been offered admission in the number estimated
1-57 in good faith by the institution as sufficient to fill 50 percent of
1-58 the institution's enrollment capacity designated for first-time
1-59 resident undergraduate students, except that the institution must
1-60 offer admission to all applicants with the same percentile rank. In
1-61 addition to those admissions, until applicants qualified under
1-62 Subsection (a) have been offered admission in the number estimated
1-63 in good faith by the institution as sufficient to fill 60 percent of

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

2-16 (d) Each general academic teaching institution that elects
 2-17 to offer admission to applicants as permitted by Subsection (c)
 2-18 shall:

2-19 (1) from money appropriated for the purpose, in the
 2-20 amount of \$4 million each state fiscal year, award financial
 2-21 assistance to resident undergraduate students who enroll at the
 2-22 institution;

2-23 (2) adopt a written policy to provide for recruiting
 2-24 and retention efforts directed at underrepresented groups such as
 2-25 racial or ethnic minority groups; and

2-26 (3) seek from civic and community leaders and
 2-27 organizations input regarding the impact of this section on student
 2-28 access to and academic success in higher education.

2-29 (e) Regardless of whether a general academic teaching
 2-30 institution elects to offer admission under Subsection (c), if the
 2-31 number of applicants who qualify for automatic admission to the
 2-32 institution under Subsection (a) exceeds 60 percent of the
 2-33 institution's enrollment capacity designated for first-time
 2-34 resident undergraduate students, the institution shall provide to
 2-35 each school district, for dissemination to high school junior-level
 2-36 students and to the parents of those students, notice of which
 2-37 percentile ranks of high school senior-level students are
 2-38 anticipated by the institution to be automatically offered
 2-39 admission under Subsection (c) during the next school year if the
 2-40 institution elects to offer admission under that subsection.

2-41 (f) This subsection applies only to a university system that
 2-42 includes more than one general academic teaching institution.
 2-43 Notwithstanding Subsection (c), in an academic year in which a
 2-44 component general academic teaching institution of the university
 2-45 system elects to offer admission to applicants as provided by
 2-46 Subsection (c), if an applicant for admission as a first-time
 2-47 resident undergraduate student who is qualified for automatic
 2-48 admission under Subsection (a) is not admitted to the institution
 2-49 under this section because the institution offers admission to
 2-50 applicants under Subsection (c) and the applicant is otherwise
 2-51 denied admission to the institution, the university system shall:

2-52 (1) treat the application as an application for
 2-53 admission to any of the system's other component general academic
 2-54 teaching institutions that for that same academic year do not offer
 2-55 admission to applicants as provided by Subsection (c); and

2-56 (2) offer the applicant admission to each of those
 2-57 other component institutions.

2-58 (g) After admitting an applicant under this section, the
 2-59 institution shall review the applicant's record and any other
 2-60 factor the institution considers appropriate to determine whether
 2-61 the applicant may require additional preparation for college-level
 2-62 work or would benefit from inclusion in a retention program. The
 2-63 institution may require a student so identified to enroll during
 2-64 the summer immediately after the student is admitted under this
 2-65 section to participate in appropriate enrichment courses and
 2-66 orientation programs. This section does not prohibit a student who
 2-67 is not determined to need additional preparation for college-level
 2-68 work from enrolling, if the student chooses, during the summer
 2-69 immediately after the student is admitted under this section.

3-1 (h) Subsection (a)(2) does not apply to an applicant who
 3-2 graduated from a public high school that does not offer the
 3-3 curriculum established under Section 28.025 for the recommended or
 3-4 advanced high school program.

3-5 (i) An applicant who does not satisfy the curriculum
 3-6 requirements of Subsection (a)(2) is considered to have satisfied
 3-7 those requirements if the high school from which the student
 3-8 graduated indicates on the student's transcript that the student
 3-9 completed the portion of the curriculum that was available to the
 3-10 student but was unable to complete the curriculum solely because
 3-11 courses necessary to complete the curriculum were unavailable to
 3-12 the student at the appropriate times in the student's high school
 3-13 career as a result of course scheduling, lack of enrollment
 3-14 capacity, or another cause not within the student's control.

3-15 Sec. 51.807. RULEMAKING. (a) The Texas Higher Education
 3-16 Coordinating Board may adopt rules relating to the operation of
 3-17 admissions programs under this subchapter, including rules
 3-18 relating to the identification of eligible students [~~and the~~
 3-19 ~~reporting requirements of Section 51.806~~].

3-20 (b) The Texas Higher Education Coordinating Board in
 3-21 consultation with the Texas Education Agency by rule shall
 3-22 establish standards for determining for purposes of this subchapter
 3-23 whether a person completed a high school curriculum that is
 3-24 equivalent to the curriculum established under Section 28.025 for
 3-25 the recommended or advanced high school program.

3-26 SECTION 2. Subsection (g), Section 28.025, Education Code,
 3-27 is amended to read as follows:

3-28 (g) If a student, other than a student permitted to take
 3-29 courses under the minimum high school program as provided by
 3-30 Subsection (b), is unable to complete the recommended or advanced
 3-31 high school program solely because necessary courses were
 3-32 unavailable to the student at the appropriate times in the
 3-33 student's high school career as a result of course scheduling, lack
 3-34 of enrollment capacity, or another cause not within the student's
 3-35 control, the school district, [~~shall indicate that fact~~] on the
 3-36 student's transcript form described by Subsection (e), shall:

3-37 (1) indicate whether the student completed those
 3-38 courses necessary to complete the program that were available to
 3-39 the student; and

3-40 (2) identify those courses necessary to complete the
 3-41 program that were unavailable to the student as a result of course
 3-42 scheduling, lack of enrollment capacity, or another cause not
 3-43 within the student's control.

3-44 SECTION 3. Section 28.026, Education Code, is amended to
 3-45 read as follows:

3-46 Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION.
 3-47 (a) The board of trustees of a school district shall require each
 3-48 high school in the district to post appropriate signs in each
 3-49 counselor's office, in each principal's office, and in each
 3-50 administrative building indicating the substance of Section 51.803
 3-51 regarding automatic college admission. To assist in the
 3-52 dissemination of this information, the school district shall:

3-53 (1) require that each high school counselor and class
 3-54 advisor be provided a detailed explanation of the substance of
 3-55 Section 51.803;

3-56 (2) provide each district student, at the time the
 3-57 student first registers for one or more classes required for high
 3-58 school graduation, with a written notification of the substance of
 3-59 Section 51.803;

3-60 (3) require that each high school counselor and senior
 3-61 class advisor explain to eligible students the substance of Section
 3-62 51.803; and

3-63 (4) [~~(3)~~] provide each eligible senior student under
 3-64 Section 51.803, at the commencement of a class's senior year, with a
 3-65 written notification of the student's eligibility with a detailed
 3-66 explanation of the substance of Section 51.803.

3-67 (b) The commissioner shall adopt forms to use in providing
 3-68 notice under Subsections (a)(2) and (4). In providing notice under
 3-69 Subsection (a)(2) or (4), a school district shall use the

4-1 appropriate form adopted by the commissioner.
4-2 (c) The commissioner shall adopt procedures to ensure that,
4-3 as soon as practicable after this subsection becomes law, each
4-4 school district provides written notification of the substance of
4-5 Section 51.803, as amended by the 80th Legislature, Regular
4-6 Session, 2007, to each district student who, for the 2007-2008
4-7 school year, registers for the first time for one or more courses
4-8 required for high school graduation. The commissioner may adopt
4-9 rules under this subsection in the manner provided by law for
4-10 emergency rules. Each district shall comply with the procedures
4-11 adopted by the commissioner under this subsection. This subsection
4-12 expires September 1, 2008.

4-13 SECTION 4. Section 51.4032, Education Code, as added by
4-14 Chapter 694, Acts of the 79th Legislature, Regular Session, 2005,
4-15 is amended to read as follows:

4-16 Sec. 51.4032. ANNUAL REPORT OF PARTICIPATION IN HIGHER
4-17 EDUCATION. Not later than December 1 [~~July 31~~] of each year and in
4-18 the form prescribed by the coordinating board, each general
4-19 academic teaching institution and medical and dental unit as
4-20 defined in Section 61.003 shall provide to the Texas Higher
4-21 Education Coordinating Board and shall publish on the institution's
4-22 website a report describing the composition of the institution's
4-23 entering class of students. The report must include a demographic
4-24 breakdown of the class, including a breakdown by race, ethnicity,
4-25 [and] economic status, and high school class standing. A report
4-26 submitted by a general academic teaching institution or medical and
4-27 dental unit as defined in Section 61.003 must include separate
4-28 demographic breakdowns of the students admitted under Sections
4-29 51.803, 51.804, and 51.805 and a description of any plans,
4-30 policies, or programs developed or implemented by the institution
4-31 to recruit and retain students from underrepresented groups such as
4-32 racial or ethnic minority groups.

4-33 SECTION 5. The change in law made by this Act applies
4-34 beginning with admissions to institutions of higher education for
4-35 the 2008-2009 academic year. Admissions to an institution of
4-36 higher education before that academic year are governed by the law
4-37 in effect before the effective date of this Act, and the former law
4-38 is continued in effect for that purpose.

4-39 SECTION 6. The Texas Higher Education Coordinating Board
4-40 shall adopt rules relating to the admission of students under
4-41 Section 51.803, Education Code, as amended by this Act, as soon as
4-42 practicable after the effective date of this Act.

4-43 SECTION 7. This Act takes effect September 1, 2007.

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