

Top 10 percent law questioned

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State leaders are taking a closer look at a 1997 law designed to diversify college campuses. The Senate Subcommittee on Higher Education met Thursday to discuss the impact the "top 10 percent" law has had on admissions at public colleges and universities.

The U.S. Supreme Court last year ruled colleges and universities can use race as a factor, prompting legislators to question the necessity of the top 10 percent law.

The law calls for automatic admission to state colleges and universities for high school students graduating in the top 10 percent of their classes.

"There's no reason to think that different racial and ethnic groups will be equally represented, just like gentiles are not represented on the Texas faculty, just like whites are not represented in the NBA," UT professor Lino Graglia said.

Donte Shepard is an electrical engineering student at UT and said he's a living example that it works.

"It's pretty much an incentive for high school students to at least try to go to college ... There's a lot of deserving students that have opportunities they're going to miss out on," he said.

Representatives of the Mexican American Legal Defense and Educational Fund (MALDEF) echo his belief but say it shouldn't end there.

"The University of Texas program should institute a limited affirmative action program to allow for race to be considered among one of many factors to attend the universities in Texas," MALDEF policy analyst Luis Figueroa said.

Opponents believe admission should be based on merit, not race.

"The best solution would be to simply drop all racial concerns - to stop having the idea that selective educational institutions are representative institutions and people of all racial and ethnic groups should appear proportionally," Graglia said.

Princeton researcher **Marta Tienda** suggested students who get automatic admission should go to a school chosen by the state. She said distributing students to other schools could ease overcrowding at the University of Texas at Austin, and that a similar system is used in California.

Both opponents and proponents, like panelist and UT professor Douglas Laycock, agree that the law definitely needs to be revised, such as putting a cap on the number of students admitted.

"The people who complain about very strong students who took very tough schedules and wound up in the second 10 percent being squeezed out, they've got a legitimate gripe - so what I suggest to the committee is cap it at half the class," Laycock said.

Sen. Gonzalo Barrientos, D-Austin, hopes to keep the rule in place for another two years to study its impact. He said throwing it out altogether would be unreasonable.

The Texas NAACP and the League of United Latin American Citizens have called on Gov. Rick Perry to maintain the measure.

Perry's spokesman has said the governor believes it may be time to reconsider the law.

Lawmakers may tackle the issue during the next special session, if it's called. Otherwise, the discussion will have to wait until the next regular session.