

Class-Rank Plan Faces Trouble in Texas**Lauded by Bush, guarantee of college admission is now being challenged**

By KARIN FISCHER

Austin

When George W. Bush, then governor of Texas, signed legislation in 1997 that automatically admitted to a public university the top 10 percent of graduates from each high school in the state, he hailed it as a race-neutral way to diversify enrollment.

Once he was in the White House, his administration cited the Texas law in a legal brief before the U.S. Supreme Court opposing the use of racial preferences in college admissions in two landmark cases that involved the University of Michigan at Ann Arbor. The Supreme Court eventually ruled that institutions could use race-conscious admissions, although in a limited way.

Now many in Texas, including the current governor, Rick Perry, a Republican, are questioning whether the class-rank law is still needed. No fewer than 12 bills have been introduced in the Legislature this year to repeal or amend the law, including measures to cap automatic admissions at a certain share of the entering class or to limit the benefit to the top 5 percent of high-school graduates.

Opponents argue that the need for the law has been superseded by the Supreme Court's decisions. And they say the law has had unintended consequences, particularly at the University of Texas at Austin, the state's premier institution, where nearly three-quarters of the admissions offers to Texas seniors for this fall's freshman class were made on the basis of class rank.

Critics say the influx of top-10-percent students at the University of Texas -- and to a lesser extent, at Texas A&M University at College Station, the state's other flagship institution -- risks crowding out other qualified students, especially graduates of academically competitive high schools who did not rank in the top of their class. They point to SAT scores for freshmen at the Austin campus as cause for alarm, noting that in both 2003 and 2004, students outside the top 10 percent outscored their higher-ranking classmates on the test.

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"There is great concern expressed to me by alumni about the dumbing down of the University of Texas," says State Sen. Jeff Wentworth, a San Antonio Republican who has introduced a bill to eliminate the law.

But supporters of the class-rank plan say standardized exams are a poor predictor of college success. Top-10-percent students at UT-Austin have consistently outperformed their peers academically, they say, and their retention and graduation rates are higher as well.

Administrators at the Austin campus, who favor limiting the number of top-ranked students accepted, but who oppose the law, say it has been critical in allowing the university to rebuild diversity in its student body to a level comparable to the years before a 1996 federal-court ruling banned affirmative action in admissions at Texas colleges. Backers of the top-10-percent law also note that the Supreme Court decisions do not allow the widespread use of race. Indeed, the University of Texas now considers an applicant's race as part of a broad range of personal characteristics, while Texas A&M does not take race into account in admissions or financial-aid decisions.

"Top 10 percent is another tool to achieve diversity," says Sen. Royce B. West, chairman of the Texas Senate's higher-education committee, who two years ago filibustered an attempt to roll back the law. "If the president of the United States says this is the way to go, then why dismantle it?"

Debate over the top-10-percent law is fierce in the Texas Capitol these days. But just blocks away, on the University of Texas at Austin campus, the issue has created little furor, says Clinton D. Johnson, an associate editor of *The Daily Texan*, the campus newspaper.

That's because the majority of undergraduates now on the Austin campus were accepted under the automatic-admissions policy. While two other states, California and Florida, have their own version of class-rank plans, only Texas guarantees admission to a student's top-choice college, rather than simply to a campus within the public-university system.

In Texas that choice is increasingly Austin. The share of in-state freshmen who were accepted because of class rank, and enrolled, climbed from 41 percent in 1998 to 66 percent in 2004. By contrast, the number of top-10-percent students who have enrolled at Texas A&M has held steady at about 50 percent of the entering class.

Such a heavy concentration of students admitted under a single criterion has alarmed some faculty members at the University of Texas, who say they worry that high-school students have focused more on grades than on the critical-thinking skills they need to succeed in college.

Alan Constant, director of the UT Learning Center, an academic-support center that provides tutoring, peer mentoring, and study-skills advice, favors a proposal by Senator West to tie automatic admissions to completion of a required high-school curriculum. "If it's a good idea," he says of the 10-percent law, "then let's make sure they are prepared to do the work."

Larry R. Faulkner, president of the Austin campus, says if the law is not modified, the University of Texas will be "run over" by students admitted solely on the basis of class rank. Still, he opposes eliminating the law, and instead wants a plan that would limit automatic admissions to 50 percent of a college's student body. The highest-ranking students would be accepted first, and, once the cap was reached, the remaining top-10-percent applicants would be considered through the regular admissions process.

That approach has been criticized by both supporters and opponents of the class-rank plan as unworkable and as undermining the fundamental promise of the class-rank law.

"It's gotten to the point where it is a cancer on UT and Texas A&M," says Lee P. Moncrief, a Houston businessman who has organized opposition to the law. "You don't get rid of cancer by cutting out only half of it."

'Necessary but Not Sufficient'

Even advocates of class-rank plans concede that the plans alone are not adequate to achieve diversity. Both the University of Texas at Austin and Texas A&M at College Station have undertaken outreach efforts to high schools that traditionally have not sent many students to their campuses. This year the University of Texas will spend \$5.5-million on scholarships designed to attract graduates of those high schools, many of whom are first-generation college students and members of minority groups, says Lawrence W. Burt, director of the university's office of student financial services.

The university's Longhorn Opportunity Scholars Program, which provides scholarships to top-ranked students at 70 such high schools, does not simply hand students a check. It also provides them with academic support, such as free tutoring, a single adviser for all four years, and internship and research opportunities.

Still, the adjustment to a large university can be a challenge, say Sammy Morales and Heather G. Aguirre, both sophomores in the program.

"You do feel like you're always playing catch-up [to students from wealthier schools], but you can't focus on that," says Mr. Morales, who is from San Antonio. "You have to keep running your own race."

Ms. Aguirre, who is from Laredo and wants to be a doctor, adds, "You just have to work twice as hard."

Both students say few of their high-school classmates left home to attend college, even many of those who ranked in the top 10 percent, because they did not want to leave their families or worried they might not succeed on the university level. "I think I'm something of an exception," Ms. Aguirre says.

Even at Austin, the pair are something of an exception. Although the number of high schools that send students to the University of Texas has increased from 795 in 1996 to 943 in 2004, about

equal numbers of "new senders" are rural, predominantly white high schools, says David Montejano, chairman of the Center for Latino Policy Research at the University of California at Berkeley, who studied the issue as a professor at Texas at Austin.

Twenty-one percent of the students automatically admitted to the 2004 freshman class at Austin were Hispanic, compared with nearly 35 percent of Texas high-school graduates the same year, according to the Texas Education Agency. There was a similar disparity for black students, who made up 5 percent of the top-10-percent enrollees, but 13.6 percent of high-school graduates.

Michael A. Olivas, a University of Houston law professor who helped draft the original law and opposes its repeal, said the diversity figures prove the class-rank law is a "necessary but not sufficient piece of legislation." The University of Texas, he says, "hasn't yet earned bragging rights."

Squeezed Out?

While the statistics highlight who is getting into the University of Texas under the class-rank plan, many are equally concerned about who is not being admitted.

Douglas Craig's son Charlie graduated in the top quarter of his class two years ago at St. John's School, an academically competitive private institution in Houston. Despite having scored 1390 on the SAT, Charlie was told he would be accepted at the University of Texas at Austin only if he spent his freshman year at another college in the university system. If his first-year grades were high enough, he could transfer as a sophomore. He decided to attend the University of Colorado at Boulder instead.

"We knew what the rule was," says his father, a lawyer and an alumnus of the Austin campus, "but no one appreciated how quickly the exception to the rule became so few."

The law also affects home-schooled students like Benjamin J. Fizzell, who opted to spend his first two years at Austin Community College before transferring to Texas at Austin. Home-schooled students cannot be automatically admitted because the Texas law applies only to accredited high schools. "It's reverse discrimination," says Mr. Fizzell, now a junior and chairman of the campus chapter of the Young Conservatives of Texas, which opposes the law.

But Marta Tienda, a professor of sociology and demographic studies at Princeton University who has studied the law, says there is little evidence that students from academically competitive high schools are being squeezed out. Graduates from just 30 high schools made up a little more than a quarter of Austin's freshman class in 2004.

High-school counselors say many of their students who are not in the top 10 percent continue to win acceptance to the flagship campuses, although they may be required to attend summer school or to transfer in as college sophomores. The real impact could be in future years, especially if top-10-percent students continue to favor the University of Texas, says Sherry Sunderman, coordinator of guidance and counseling in the Conroe School District near Houston.

But many high-school students already believe they won't be accepted by the University of Texas if they are not in the top 10 percent, says Douglas J. Dempster, associate dean of the College of Fine Arts at Austin. That's not the case in the arts program, where only about half the students were among their high school's top graduates and where admission is based on the quality of an applicant's portfolio or performance. Last year, applications were flat, Mr. Dempster says.

"I'm very concerned they're not even applying, that they're self-selecting," he says.

Legislative hearings on the top-10-percent law before the Texas Senate's higher-education committee last month stretched over six-and-a-half hours. More than 60 people signed up to testify.

Although opinion polls taken as the legislative session began showed strong support for the existing law, there appears to be little consensus among lawmakers about what direction to take on admissions policy for public universities. No one approach has emerged as a clear favorite, as lawmakers seek to pass a bill before the Legislature adjourns May 30.

No matter what the Legislature decides, says Ms. Tienda, the Princeton professor, the top-10-percent debate is likely to be only the first act in a continuing drama. The state's college-age population has increased 42 percent in recent years, she notes, while the number of enrollment slots at state colleges has grown by only 16 percent.

"The real issue is the college squeeze that's taking place," Ms. Tienda says. "That's the real Hamlet on this stage."

PROPOSALS TO CHANGE TEXAS' CLASS-RANK LAW

The Texas Legislature is considering 12 bills to change a state law that automatically admits to any public university the top 10 percent of graduates from each high school in the state. Here are some of the features of the bills:

Complete repeal (2 bills)

These identical bills would repeal automatic admissions to public universities for the top 10 percent of high-school graduates.

Floating cap (3 bills)

Two bills would limit automatic admissions to 50 percent of the entering class at any Texas university, which means the precise number of graduates admitted could change from year to year. If the number of automatically qualifying applicants exceeds the cutoff, the highest-ranking students would be admitted first, under the provisions of the first bill. The remaining students would be considered part of the regular admissions process.

The second bill would first admit the top 10 percent of graduates who have completed a

recommended high-school curriculum. The university would then conduct a lottery to fill the remaining automatic-admissions slots. The rest of the students would be considered during the regular admissions process.

The third bill would allow any college that fills 70 percent or more of its entering class with top-10-percent students to limit automatic admissions to just 65 percent for the following year's freshman class. Top-10-percent students not admitted to the university of their choice would be accepted to another institution within the system.

Top 5 percent (2 bills)

These bills would promise automatic admission only to the top 5 percent of high-school graduates. To be eligible, students would also have to complete a recommended curriculum. The difference between the two bills: one would affect students applying to college in 2006, while the other would not take effect until 2010.

Systemwide admission (1 bill)

The legislation would not guarantee admission to a particular college, but would promise top-10-percent graduates admission to at least one campus within a public-university system. Students would be asked to rank the colleges in their order of preference, and the university system would be required to make a "reasonable effort" to accommodate the students' preferences.

Recommended curriculum (1 bill)

The bill would require students to complete a specific curriculum to gain automatic admission to a state university.

Transfer students (2 bills)

One bill would permit students who earn associate degrees with a 3.0 grade-point average to be automatically admitted to a Texas university. But there is a catch: The provision would not apply if the university already has filled 50 percent of the spaces in its entering class with top-10-percent students.

The other bill does not have that caveat, and it would apply to students transferring from both two-year and other four-year institutions. Those students must also have qualified for automatic admission at the time of their high-school graduation. To gain automatic admission, students would have to complete a core curriculum with a grade-point average of 3.25.

Football exemption (1 bill)

The bill would exempt a college from complying with the top-10-percent law if its freshman class is as racially and ethnically diverse as its football team.

SOURCE: Texas Legislature

ARE TOP-RANKED STUDENTS BETTER?

Since 1997, Texas high-school graduates who rank in the top 10 percent of their classes have been eligible to receive automatic admission to any public university in the state. Those students have increasingly selected the University of Texas at Austin, leading administrators there to advocate placing a cap on the percentage of automatic admissions in each freshman class. Here is how top-10-percent students compare with other Texas high-school graduates on the Austin campus from the year before the law took effect through 2003:

	1996	1997	2000	2003
College freshmen				
Top-10-percent students	42%	37%	47%	70%
Other students	58%	63%	53%	30%
Mean SAT score				
Top-10-percent students	1253	1249	1226	1223
Other students	1197	1180	1205	1257
Freshman grade-point average				
Top-10-percent students	3.21	3.23	3.26	3.24
Other students	2.65	2.64	2.86	3.05
One-year retention rate				
Top-10-percent students	89.7%	91.6%	93.2%	93.1%
Other students	84.1%	82.7%	89.5%	92.6%

SOURCE: University of Texas at Austin

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