

America's Newspapers

Estimated printed pages: 4

South Florida Sun-Sentinel (Fort Lauderdale, FL)

June 13, 2004

Edition: Broward Metro

Section: NATIONAL

Page: 1A

Index Terms:

COLLEGE STUDENT POLICY CONTROVERSY

WEALTHY CHAFE AT TEXAS RECIPE FOR DIVERSITY

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Dateline: AUSTIN, Texas

Article Text:

Texas legislators thought they had found the ideal alternative to race-based affirmative action.

Seven years ago, after a federal court outlawed the use of race in the admissions policies of the state's public universities, the Legislature came up with an answer.

It passed a law guaranteeing admission to the top 10 percent of the graduating class from any public or private high school. After a few years of hard work, diversity was restored and other states, including Florida and California, adopted similar approaches. The law looked like a success.

But the 10 percent rule, which seemed to skirt the tricky issue of race so deftly, is coming under increasing attack these days as many wealthy parents complain that their children are not getting a fair shake. A consensus seems to be building that some change is necessary.

Parents whose children have been denied admission to the University of Texas at Austin, the crown jewel of Texas higher education, argue that some high schools are better than others, and that managing to stay in the top 25 percent at a demanding school should mean more than landing in the top 10 percent at a less rigorous one. The dispute shows how hard it is to come up with a system for doling out precious but scarce spots in elite universities without angering someone.

Neither in Florida nor in California have the rules generated the kind of opposition that has developed here.

The president of the University of Texas at Austin, Dr. Larry R. Faulkner, says the law -- which has pulled students from rural areas and from battered urban schools onto his campus -- may need adjustment. The rule, he says, takes away discretion from the university's admissions office, making it harder to shape a class and ensure that certain kinds of students, such as musicians, are included.

He has endorsed the idea of capping the number of students who may be admitted under the rule at, perhaps, half of all first-year students.

Gov. Rick Perry has also expressed concern, saying the rule was prompting qualified students to leave the state. "I really don't see how it has worked the way people projected it would work," Perry said this month. "And I think, across the board, Texans see it as a

problem."

Modifying the rule will be the subject of a Texas Senate committee hearing this month; the soonest any change is likely to be made is when the full Legislature meets early next year.

What Texas decides may hold lessons for other states. The approach embodied by the law, which was passed while President Bush was governor, has been championed as a model by Rod Paige, the U.S. secretary of education.

In many ways, the 10 percent rule has transformed the student population on the Austin campus. For one thing, the number of schools that send their graduates to the University of Texas has risen by a third, from just over 600 to more than 800.

And, according to the admissions office, the new freshman class will be, for the first time, more diverse than classes were before the 5th U.S. Circuit Court of Appeals struck down affirmative action in higher education in 1996. Of the 6,341 students who have sent in deposits so far, the university classifies 3,536 as Anglo, 298 as black, 1,146 as Hispanic and 1,128 as Asian. In addition, 23 are classified as American Indian and 210 as "other."

Any change in the rule raises the touchy subject of class, because those demanding change tend to be concerned about students at the state's elite high schools in wealthy areas, while defenders of the rule say they are worried about students from poorer rural and urban neighborhoods.

"It's a big-time social class story," said **Marta Tienda**, a Princeton University professor of sociology and public affairs who has studied the effects of the rule. "School type is the proxy for social class."

Guidance counselors and administrators at rural schools question the motives behind changing the rule.

"The state of Texas has done a great thing by offering this opportunity to get our most gifted students into a challenging educational setting," said Cherri S. Franklin, principal of the public junior and senior high school in Marfa. "And the rich people don't want them there." She emphasized that she was speaking for herself and not the school system. The school in Marfa, about 200 miles southeast of El Paso, is small, graduating about 30 students a year, so only a few become eligible under the rule, Franklin said. But without the rule, she said, that opportunity might vanish.

Critics of the rule say that students from poor high schools without the resources of wealthier institutions are not ready for the work at an elite public university, and that too many graduates of high-powered high schools are leaving the state for college when they do not get into the University of Texas.

"Those kids are not prepared," said Douglas S. Craig, a lawyer in Houston whose son, Charles, was not accepted at the university. Charles Craig went to the University of Colorado at Boulder instead, Craig said, adding that getting into the top 10 percent at his son's selective private high school was very difficult.

Bianca Williams, 22, a graduating senior, said that some of her friends had struggled initially in college-level classes, but that they all adjusted and have done well.

"I felt like I was prepared," said Williams, who described her Houston high school, Klein Forest High, as economically and racially mixed. "Just because you're from an inner-city school doesn't mean you're not equipped to handle" the University of Texas, she added.

Russell Lloyd, an incoming first-year student from an elite public high school in the

Austin area, said the admissions process should take into account a high school's strengths and weaknesses. "There ought to be a way to rework it so you can admit students from these small schools" in poorer areas, he said, without penalizing students from elite public and private schools.

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Record Number: 0406130083