

Change in top 10% law unlikely

By Ellena F. Morrison

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AUSTIN - The push to overhaul the top 10 percent rule for admission to the state's public universities appeared dead Saturday after a Senate panel rejected the proposed changes.

The Senate Education Committee deadlocked 3-3 on a measure that would have altered the present policy of granting the top 10 percent of every high school's graduation class automatic acceptance into a state university.

"Well, that's the end of that for another year," said Education Committee Chairwoman Florence Shapiro, R-Plano. "It's dead."

Shapiro had presented a rewrite of a House-approved plan that would have required state universities to accept only 50 percent of their freshman classes from the top 10 percent of graduates.

Sen. Royce West, D-Dallas, who authored the 1997 law setting up the top 10 percent program as a tool to diversify state universities, said he was open to changes in the plan. But he said the House's idea went too far.

"We must work through the problem," he said. "But I cannot, and I will not, kill the integrity of the top 10 percent law."

Opponents have called the law unfair to students who just miss being in the top 10 percent because they attend demanding high schools.

Intended to boost black and Hispanic enrollment at the University of Texas at Austin and Texas A&M University-College Station, the two flagship state schools, the law has become a source of contention as more students battle for admission to these popular, nationally recognized universities.

In the eight years since the law was passed, the institutions have made modest gains in minority enrollment. At the same time, applications for admission to the two flagship universities have increased by about a third.

West has been in negotiations with UT-Austin officials but said no agreement has been reached.

Administrators have long called for change in the top 10 percent law, saying it prohibits admissions officials from considering all of a student's qualifications.

"I don't know what else I can do," West said. "But I am going to continue to work on it."

The cap, originally set to take effect for the 2006-07 admission process, would affect mainly UT-Austin and A&M-College Station. More than 70 percent of the fall 2005 UT-Austin freshman class was admitted under the law.

At A&M, about 47 percent of the members of the 2004 freshmen class were top 10 percent graduates.

"The evidence says that those kids admitted under the top 10 percent rule are doing as well or better than any other student group," said Sen. Steve Ogden, R-Bryan, an Education Committee member and supporter of the top 10 percent rule. "It is broadening diversity. These are public schools, and they are supposed to serve all the public."

The top 10 percent law was adopted after a 5th U.S. Circuit Court of Appeals decision made affirmative action illegal in Texas college admissions as a way to improve diversity.

In 2003, the U.S. Supreme Court ruled universities could use race as one of many decision-making factors in admissions.

In 2003, current Public Education Committee members West and Sen. Leticia Van de Putte, D-San Antonio, filibustered a bill that would have capped top 10 percent admissions.

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