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Researcher tells state Senate committee top 10 percent law ought to be revised

Texas system could choose campus, professor suggests

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AUSTIN (AP) — Students who are granted automatic admission to Texas universities through the state's top 10 percent law should go to a school selected by the state and not by the student, a researcher told lawmakers Thursday.

Marta Tienda, professor of sociology and public affairs at Princeton University, told a Senate committee on higher education that a similar system is used in California.

Distributing students to other schools could ease overcrowding at the state's flagship University of Texas at Austin, she said.

The committee is considering changes to the top 10 percent law, which grants automatic admission to students who graduate in the top 10 percent of their high school class. The committee heard testimony Thursday about the measure's impact.

The top 10 percent law was adopted in 1997, at a time when colleges were banned from using race as a factor. But 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.

At the University of California System, the top 4 percent of students are guaranteed admission, then enrolled at the campus designated by the system.

“The question before the Texas Legislature is how to ration slots in higher education when the demand far exceeds the supply, especially at the public flagships,” said

Tienda, who has spent about five years studying the state's admissions law.

Democrats and Republicans, including President Bush, have supported the law as a race-neutral method of ensuring diversity. But the University of Texas and other schools have complained that the law hampers universities' ability to select students based on other factors, such as musical talent or hardship.

The University of Texas and other schools have suggested capping the number of top 10 students at 50 percent of incoming freshmen. At UT, about 70 percent of incoming freshmen in 2003 were admitted under the top 10 percent law.

Tienda testified that a cap would restore flexibility to strapped admissions officers while maintaining educational opportunities for all students.

The Texas NAACP and the League of United Latin American Citizens have called on Gov. Rick Perry to maintain the measure. But Perry's spokesman has said the governor believes it may be time to reconsider the law.

Perry has voiced concern about a “brain drain,” in which some Texas students who did not graduate in the top 10 percent are leaving the state to attend college.

But **Tienda** argued Thursday that no evidence supports the argument and most students who leave the state listed out-of-state universities as their top choice.

While UT credits the law for its most diverse freshman class in the school's history, a Virginia-based think tank is calling the law "racially discriminatory."

"The Texas Legislature has the opportunity to pass landmark legislation that guarantees every Texan the right to be judged by the content of his character and not by the color of his skin," said Linda Chavez, president of the Center for Equal Opportunity. "The University of Texas for some reason seems to have a problem understanding this principle."

In written testimony submitted to the committee, the center claimed that the legislation was adopted with the "purposeful intent of increasing the amount" of Hispanic and black students on campus, therefore in violation of the law.

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