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Going Beyond 10%

Legislators reviewing the University of Texas system's admission policies are considering a multi-year moratorium on a current law that guarantees entrance for in-state students who finish in the top 10 percent of their high school class.

State Sen. Royce West floated the moratorium idea last week to the Senate subcommittee on higher education. West, an advocate of the "top 10 percent law," said he would consider a temporary reprieve in order to tell which colleges are acting in good faith to enroll a diverse student body. He has previously blocked consideration of major changes in the law. Texas was the first state to adopt such a program, intended to give students at traditionally underperforming high schools a better chance to get into the system, and to ensure a racially and ethnically diverse student body. A policy change — even a temporary one — could prompt other states to take a closer look at their programs.

Texas's policy was adopted in 1997 as a result of a U.S. Court of Appeals decision that made affirmative action illegal in Texas college admissions (a ruling that was overtaken by the U.S. Supreme Court). Admissions officers were allowed to consider race and ethnicity once again for the class that began in fall 2005. William Powers, president of the University of Texas at Austin and one of the law's biggest critics, said that the program hurts the university's ability to recruit students who are talented but not at the top of their classes. While the law applies to all universities in the system, it particularly affects UT-Austin because of its size and prestige.

"The law was passed at a time after Hopwood [the appeals court ruling on the use of race in admissions], when we had very few tools to diversify the campus," Powers said. "The top 10 percent rule had a positive effect in that regard. In the late 1990's, we had about 45 percent of our incoming Texas high school students coming because of the rule, but now that percentage (71 percent) is too high. We don't have the capacity to take all of them."

West said as the state's population continues to grow, UT-Austin and other campuses are going to need to increase their enrollments, and that that 71 percent of students coming in because of the law is "not that big of a number." He pointed out that the percentage is smaller for all students who are admitted into the system.

"I'm still behind the program 100 percent because kids in the state know what they have to do to get into our colleges. We have predictability," West said. "It's our responsibility to educate our own students first."

Data on freshmen starting their first year in the system from fall 1996 to fall 2005 show that an increasing number of in-state students — from 41 percent to 66 percent — are admitted to UT through the top 10 percent law. And from fall 2001 to fall 2003, university data reveal that some of Texas's minority students saw an increase in their

share of the overall applicant pool. Hispanic students made up 17 percent of the applicants in 2001, compared with 20 percent in 2003. Black and Native American students remained virtually level, and the numbers dropped slightly for Asian Americans.

The president said while the top 10 percent law has played a role in the diversification of the system, other outreach programs that target traditionally underperforming high schools have played a role. Powers, testifying before the state's higher education subcommittee, explained that he isn't looking to repeal the top 10 percent law. He said he would like to see changes made so that the percentage of in-state students admitted through the program drops to the 40 to 50 percent range. Powers said a moratorium isn't the best way to go about a change.

"We need to have consistency," he said. "It's important for students to have a target they can count on."

West said the subcommittee is scheduled to issue a report with its recommendations later this year.

— [Elia Powers](#)

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