Reality Check
Texas Top Ten Percent Plan

Princeton Researcher Looks at UT and Texas A&M

by Tony P. Martinez and Alison P. Martinez

Texas officials say the Top Ten Percent Law has not made it easier for students from minority groups to get into college.

"That are the tolerable limits of inequality in higher education, and who thought about it?" Marta Tendel demands.

Tender's Texas Higher Education Opportunity Project analyzed data from the University of Texas (UT)-Austin and Texas A&M University College Station to determine the impact of the Texas Top Ten Percent Law, and to recommend how Texas can serve the higher education needs of an expanding population.

Tender's research finds that growth in Texas public higher education capacity has not kept up with growth in high school graduates, especially Hispanic graduates. There aren't enough seats in college classrooms for all the qualified students. That's the problem, she concludes. But they're arguing about race!

Of Mexican-American background, Tender was the first in her family to go to college—she honors college of Michigan State University (MSU). She went on to graduate school at the University of Texas-Austin thanks to a Ford Foundation fellowship. Now she is the Maurice P. Druon '22 Professor in Demographic Studies and Professor of Sociology and Public Affairs at Princeton University. The Ford Foundation, the William and Flora Hewlett Foundation, the Andrew W. Mellon Foundation, and the National Science Foundation fund her studies.

Top Ten Percent Law

The issue involving Texas universities today much more than a decade, when the Center for Individual Rights (CIR) which describes itself as a conservative public interest law firm, recruited several rejected law school applicants, including a young mother named Cheryl Hopwood, to sue the UT law school. UT had rejected Hopwood's law school application despite her high LSAT score, while admitting minority applicants with lower scores. In 1996, Hopwood and CIR won their appeal to the Fifth Circuit Court of Appeals. The Hopwood ruling outlawed affirmative action in public and private higher education in Texas, Louisiana, and Mississippi.

In Texas, the only two public campuses exercising race-sensitivity in admissions had been UT and A&M—and African-Americans and Hispanics were still underrepresented in their student bodies. Now, with affirmative action allowed in admissions or financial aid, both institutions found it impossible even to maintain previous rates of minority admissions, let alone keep pace with the increasing population of minority high school graduates.

By way of record, the Texas Legislature in 1997 passed House Bill 588, popularly known as the "Top Ten Percent Law". The law provided that any students graduating in the top 10 percent of their high school class are guaranteed admission to the public college or university of their choice.

The idea—which left Tender and many other principled educators angry—was to take advantage of longstanding residential and educational segregation. Some say schools serve almost entirely minority students, a 10 percent swath would have to include many minority students. Under the new law, proponents reasoned, the most able minority applicants could get into the state's most selective institutions, even if their standardized test scores looked too low.

One result of the new law has turned out as predicted: these students who achieved so well in high school are doing very well in college, regardless of some low standardized test scores. UT President Larry Faulkner writes, "Top 10 percent students, at every level of the SAT earn grade point averages that exceed those of non-top 10 percent students having SAT scores that are 200 to 300 points higher."

Other results have not been as predicted. In large part because the law has taken effect not within a stable or gradually changing environment, but rather in an environment of explosive, wrenching, unexpected change.

Increasing College Applicants

"When you look at the demographics of Texas," Tender explains, "you'll see that although two Hispanic Whites form a higher share of graduates, because they have a higher graduation probability. Hispanics are 32 percent of high school graduates in 2005. They are outweighing White. The hopes of demographics is changing the contours of the state 40 dramatically, that if we don't get more Hispanic students into colleges—and soon—the state of Texas is going to suffer in terms of productivity."

At the same time, "Higher education in Texas is a big bargain."

Tender says. "Graduate tuition and fees at UT this year total $5,546. The price of education in Texas is highly subsidized, she observes. As poorer-income families lose social and middle-income families lose college savings in the unstable stock market, subsidized tuition at flagship state schools begins to look pretty attractive. From 1997 to 2000 alone, UT applications increased 43 percent.

Completion Interests. Privileged students are taking multiple advanced
placement courses in search of ever-higher GPA's. "There are students who have a 4.0 average—ever had a B—and they're still not in the top 10 percent," reports Isabella Cunningham, professor and chair of the UT Advertising Department, and chair of UT's Task Force on Enrollment Strategy.

Top 10 percent high school graduates have pre-empted 75 percent of the seats available to Texas resident freshmen at UT and A&M this year. That leaves only 1 out of 4 in state admissions subject to the institutions' holistic admissions selection procedures.

In fact, with more and more students earning high school diplomas and 1 out of 10 legally entitled to attend whichever campus they prefer, "If the Top Ten Percent Law continues to be implemented, there is no way we can control enrollment" at UT, Cunningham predicts. "We'll have about 60,000 or 65,000 students in the near future." The Task Force has recommended that UT restrict undergraduate enrollment to 45,000 for the next several years, so as to maintain and improve the quality of the undergraduate educational experience.

"Also the law does not necessarily guarantee that we will maintain our diversity level," Cunningham notes. "And so our proposal is to cap Top Ten enrollment between 50 and 60 percent, then use our holistic admission, which will take into consideration race and ethnicity, to admit the rest of the freshmen. This would allow us in a thoughtful process to bring in the students who give the university the wanted diversity.

"The University of Texas has a service to perform for the state of Texas," Cunningham declares, "to educate its future leaders. They don't all come from the top 10 percent of the class. The policy we recommend will allow flexibility while at the same time enabling us to control enrollment."

"We need more of a commitment from the state in terms of investment to create more flagship institutions," Cunningham continues. "We know that strengthening other campuses would help a lot in educating these top students. We want to keep the talent in state."

"We are committed to a diverse campus," Cunningham concludes, "and that means diversity not only in students but in faculty and staff as well. We believe that in order to attract the right ethnic and cultural mix of students, we need to have in place the right mix of faculty and staff—very working very hard on that. It will take some time."

Tienda salutes UT's "valiant" efforts to bring in minority students through outreach targeted to those high schools that rarely send students to UT, and through targeted financial aid, without taking race into account. This year's freshman class includes 36.6 percent Hispanic students, an all-time record for UT.

"This class is a great compliment to the hard work of the entire university community," states Bruce Walker, director of admissions. "We have never given up on our aspiration to have highly qualified and more representative freshman classes since the loss of affirmative action."

As The Hispanic Outlook went to press, UT announced a return to race-sensitive admissions within the guidelines established by the US Supreme Court's University of Michigan decisions, effective autumn 2005. Faulkner called the change "central to this university's primary mission of educating leaders for the future."

AdHoc has undertaken targeted outreach efforts, guaranteed $5,000 scholarships to first-generation college students, and abolished its legacy admissions preference, but the university does not intend to resume race-sensitive admissions. "My recommendations to the board of regents regarding admissions...involve two objectives about which I feel quite strongly," states President Robert M. Gates. "The first objective...is for Texas A&M better to serve all of the citizens of the state of Texas, and that includes a better record in attracting and enrolling minorities. The second objective is that students at Texas A&M should be admitted as individuals, on personal merits—and on no other basis.

"An area of special emphasis will be getting minority students who meet our standards and are admitted actually to enroll. In the 2002-03 academic year, only 44 percent of African-American, 48 percent of Hispanic, and 53 percent of enrollees were Asian, who are admitted and then attend the university.

"We intend to remain young men and women with extraordinary lives, admis- sive process, in which judgment is based on potential and personal achievements."

Increasing Controversy

Tienda research disputes publicized allegations that UT is flooding flagship ill-prepared minorities out into better-qualified student ranks just below the top 10 percent. "In fact," she writes, "the probability of students from the second decile (80th to 90th percentile) actually rose...and, most importantly, Tienda identifies 23 "leader" high schools that second-decile graduates go to institutions. These schools privileged education, which show up in eloquent admissions essays, and in highly standardized test scores, and which foster a sense of ethnic pride.

Before Hopwood, UT admitted 89 percent of second-decile candidates from leader schools. After Hopwood, UT admitted 25 percent of second decile candidates. "The fact is that the most graduates from these schools are admitted to the most selective schools, and they are not accepted anywhere," states Hopeid. Before Hopwood, A&M admitted 25 percent of second-decile candidates from leader schools. After Hopwood, A&M admitted 25 percent of second-decile candidates from leader schools. "The fact is that the most graduates from these schools are admitted to the most selective schools, and they are not accepted anywhere," states Hopeid.

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"Many Hispanic students are first-generation college goers. They don't understand high levels of indebtedness to go to school," Tendal explains. "It seems like a horrendous amount of money, and there are no guarantees, but you still have to pay off—it's not a risk they're willing to take.

"That's why both UT and A&M came up with scholarship programs, ETS's Longhorn Opportunity Scholars and A&M's Century Scholars. They targeted schools that were resource-poor and had low traditions of sending students to their institutions. Oftentimes that's what it takes: the financial wherewithal."

"Another issue is that sometimes the families are not accustomed to letting their son or daughter leave home and go live on their own," the researcher adds. It's farther from Brownsville to Austin than it is from Charlotte, N.C., to Philadelphia, Pa. "If the parents have low levels of education, and our people disproportionately do, then they don't understand the circumstances under which this decision could be very beneficial."

"The Top Ten Percent plan has given one powerful message: everybody in the state of Texas is eligible to compete," Tendal believes. She has found that high school students who know a lot about the law are five times more likely to plan on attending a four-year college than those who didn't know about the law.

"Education is our society's key allocation system for generating inequality," Tendal declares. "Minorities, especially Hispanic, disproportionately tend to enter post-secondary education through community colleges. They tend to work part-time or full-time while going to school. Life interferes and, as a result, their chances of eventually completing the four-year degree are much lower."

"In places like Pictocan, if you're admitted, you get detailed, intensive advising. The college pours resources into it. So we have a 96 percent graduation rate.

You can't do that at large state institutions. So the question is, what alternative functional substitutes are in place to make sure that the students succeed? Our institutions of higher education need to become very staff-heavy in order: to provide students the advice and guidance they need to make their way through the leaky educational pipeline, and to make proper choices for their own interests, not their parents' interests."

"I gave a lecture in which I said that Texas has to invest more in education. My listeners answered, 'Well, you know, we've having a budget crisis.' I said, 'Excuse me, top right there. Texas is one of the wealthiest states in the country, and Texas has to get its priorities straight.'"

Tony and Allison Martinez are writers based in Santa Fe, New Mexico. Tony was an educator; Allison, a research librarian.