

College top 10% law is targeted

UT puts hope in bills that would end or ease applicants' guarantee

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By HOLLY K. HACKER / The Dallas Morning News

Test scores, personal essays and letters of recommendation are all well and good. But at the University of Texas at Austin, another factor in the admissions process keeps trumping all the others.

Class rank.

For every 10 freshmen starting at UT this fall, seven are expected to enroll under the state's top 10 percent law, which guarantees high school students in the top 10 percent of their class a spot at the Texas public university of their choice.

UT leaders say the law has tied their hands during the admissions process. While there's nothing they can do about the newest crop of Longhorns, officials are looking to the Legislature for relief in future years. Lawmakers have filed several bills that would do anything from tweak the law to abolish it. At least one bill is set for a vote on the Senate floor this week, and others are being discussed in committee.

The top 10 percent law was passed in 1997, in response to a federal court ruling that banned racial preferences in college admissions. The law's rationale: By guaranteeing admission to a select group of students at every high school in the state, there'd be a better chance of preserving diversity.

No school has been affected as much as UT-Austin. In 1998, 39 percent of incoming students were admitted under the law. That figure has risen each year to where this fall, UT officials predict that it will be more than 70 percent.

"It's really a question of too much of a good thing," UT President Larry Faulkner said Monday. "It's not a question of students coming here ill-equipped or being unsuccessful. ... The issue is simply to have a full range of skills that we have to have in a freshman class, we have to be able to consider some things besides class rank."

At the state's other flagship university most affected by the law, there is less resistance. Texas A&M President Robert Gates says he does not want the law abolished.

In terms of the law's effects, A&M leaders see their school about two or three years behind UT. About half of this fall's freshman class will enroll under the top 10 law, A&M officials predict. That's up a bit from last year's 47 percent.

Mark Weichold, dean of undergraduate education, said: "I think Texas A&M benefits from having the law. It gives a young person in high school something to strive for."

He added, "We would be comfortable with an amendment if that's the wisdom of the Legislature."

Dr. Faulkner has said he would like a cap added, so no more than half of students would have to be admitted under the law. That would still help preserve racial and ethnic diversity while giving college leaders more say in who gets admitted, he said. That means admitting students with musical or mathematical talents who didn't make the class-rank cut.

Some state leaders say the law is no longer necessary. Two years ago, the U.S. Supreme Court ruled that race could be a limited factor in college admissions – making the earlier federal ruling, *Hopwood vs. Texas*, moot.

"I'd do away with it tomorrow," Gov. Rick Perry recently told the editorial board of *The Dallas Morning News*.

He said the law hurts students who excel in other areas besides class rank – and it's driving them to universities outside Texas.

"The top 10 percent [law] is the best thing that ever happened to LSU and Arkansas and Oklahoma," Mr. Perry said.

A measure by Sen. Jeff Wentworth, R-San Antonio, would throw out the law completely.

Rep. Tony Goolsby, R-Dallas, wants to make the law apply to only the top 5 percent of students.

Rep. Geanie Morrison, R-Victoria, would require that at least half the freshman spots be saved for top 10 percent students – as Dr. Faulkner at UT supports.

Sen. Royce West, D-Dallas, who helped write the law, would keep it but require students to take harder classes for automatic admission.

Some Texans believe the law is still needed and say it has helped diversify UT and Texas A&M. This year, in fact, UT has admitted its most diverse freshman class, officials say.

Dr. Faulkner attributes it to several factors: Students and parents are more aware of the top 10 law, and the state is growing more diverse as a whole. Additionally, UT returned to using race as a factor in admissions this year for the first time since 1996.

Nick Christensen, a senior at MacArthur High School in Irving, said he favors some type of admissions cap with the law. He used to attend Cistercian Preparatory School, a selective Catholic school in Irving. He said he and his classmates would be at a disadvantage for two reasons: Cistercian doesn't calculate class rank, and it was very demanding and fast-paced compared with many public schools.

"I think everybody at Cistercian could easily be in the top 10 percent at a public school," Nick said.

Ms. Morrison said she and Mr. West continue to have "an open dialogue" on the future of the law.

She said she thinks the law has helped to bring more minority students to campus – a trend she would like to see continue, especially now that race can be considered in admissions.

"I think it's been a good piece of legislation in how it's also diversified where people come from across the state," Ms. Morrison said. "The top 10 has done very well."

Staff writer Christy Hoppe contributed to this story.

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