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Battle lines forming on college admission law

Bills range from repeal to tweaking of top 10 percent rule.

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State Sen. Jeff Wentworth doesn't mince words regarding a law that entitles students who graduate in the top 10 percent of their high school classes in Texas to attend the public university of their choice:

"I'm for repeal."

The San Antonio Republican filed a bill last week that would do just that. Thirteen other like-minded senators have signed on. A competing bill filed by Sen. Royce West, D-Dallas, would preserve the automatic admission law but stiffen the high school curriculum requirements for students accepted under its provisions. West has lined up support from 12 other senators.

Neither side enjoys enough legislative firepower at this juncture to guarantee that its bill will pass. But the stage is set for a vigorous debate and perhaps for a compromise. Two years ago, West successfully filibustered Wentworth's effort to limit the number of students admitted under the top 10 percent law.

The law was enacted in 1997 after a court case involving the University of Texas resulted in a ban on affirmative action in admission to the state's public colleges and universities. In 2003, the U.S. Supreme Court ruled in a separate case that race and ethnicity could be used as factors in admission.

In Wentworth's view, that ruling eliminated the need for the top 10 percent law. What's more, he argues, it is unfair to decide admission on one factor.

"What we need to do is unhandcuff admissions officers so they can consider the whole person," he said Tuesday.

Supporters of the top 10 percent law say it has helped diversify the state's two public flagship campuses, UT and Texas A&M University. They say it has broadened opportunities not only for blacks and Hispanics, but also for white students from rural areas. And they say there's nothing wrong with using more than one tool to achieve diversity.

"The top 10 percent law has worked well in Texas," said state Sen. Eliot Shapleigh, D-El Paso.

The law's practical application is limited mainly to UT and A&M. Most of the state's other public colleges and universities open their doors to virtually anyone who applies.

Top 10 percent students make up a growing portion of the student bodies at the two flagships.

Sixty-seven percent of the students from Texas who were admitted to UT in the fall of 2004 gained admission under the law, UT President Larry Faulkner said. Applications for fall 2005 admission are up about 9 percent, and so the proportion of top 10 percent students is also likely to rise, he said. Separately, UT uses race and ethnicity as factors in admissions.

Faulkner would like to see the automatic admission law modified so that his university would have to admit no more than 50 percent or 60 percent of its freshmen from Texas on the basis of class rank.

At A&M, 58 percent of Texas residents admitted in fall 2004 were top 10 percent graduates. The school is not using affirmative action, although administrators have been visiting urban schools and other under-represented areas in an effort to drum up applicants.

"We're going to live with the policy decision that the Legislature makes about top 10 percent," said Stanton Calvert, the A&M System's vice chancellor for governmental relations. "We believe we can make it work whatever decision they make."

A few other bills concerning automatic admission also have been filed. State Rep. Beverly Woolley, R-Houston, authored a measure mirroring Wentworth's proposal. Rep. Tony Goolsby, R-Dallas, has crafted a middle-ground offering that would limit automatic admission to the top 5 percent, starting in the 2009-10 school year.

Other key elected officials are beginning to weigh in as well. Rep. Jim Pitts, R-Waxahachie, who chairs the House Appropriations Committee, said Tuesday that he is open to modifying the law but opposed to repealing it.

"It's the only way a student at Palmer High School can go to UT-Austin," he said, referring to a small-town school in his district.

House Speaker Tom Craddick indicated that he would support repeal or a cap of some sort when he addressed UT and A&M representatives at the traditional "orange and maroon" lobbying day last week, UT spokesman Don Hale said.

Both Lt. Gov. David Dewhurst and Gov. Rick Perry have said the automatic admission law is causing too many well-qualified students to enroll in out-of-state schools because they can't get into UT or A&M.

Such students often hail from competitive high schools, such as Westlake in the Eanes school district and Alamo Heights in San Antonio.

When Meagan Metcalf was attending high school in Plano, she knew several students whose families moved to less competitive school districts for the sole purpose of ensuring a high class rank and therefore automatic admission to the flagships.

"I also know lots of people who couldn't get into UT and A&M who were very good students, probably better than some of the students from Podunk who got in," said Metcalf, 21, a senior advertising major at UT.

But Michael Johnston, a 22-year-old senior hoping to attend medical school, said current law provides an important measure of certainty for budding scholars: "It allows those who struggled to be in the top 10 percent a way of getting into school."

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