

U. Texas-Austin: Hearing weighs merits of Texas top 10 rule

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By Rachna Sheth, Daily Texan (U. Texas-Austin)

AUSTIN, Texas -- Legislators, academics and university officials

debated the controversial top 10 percent law Thursday at a hearing held by the Texas Senate Subcommittee on Higher Education.

Officials and faculty from the University of Texas and Texas A&M University Systems as well as professional outside witnesses testified. Some who support the measure say the rule increases racial and ethnic diversity, while others support it because it does not take race or ethnicity into consideration.

Opponents say the rule has not brought the preferred amount of diversity onto Texas campuses. Others say it gives an unfair advantage to those who attend minority high schools or "play it safe" and maintain a high GPA by avoiding challenging courses.

Committee member Sen. Gonzalo Barrientos, D-Austin, who helped co-write the law granting admission to the top 10 percent of graduating high school seniors to state universities, said that unless evidence proves the state statute has negatively impacted performance, Texas "should be reluctant to overhaul the law in any major way."

Committee member Sen. Kyle Janek, R-Houston, said the law gives hope to students who don't believe they are college material by giving them an arbitrary criterion to aspire to in order to attend college.

"That's powerful stuff. I don't want to diminish that hope factor," Janek said.

Curt Levey, the director of legal and public affairs at the Washington, D.C.-based Center for Individual Rights, extolled the top 10 percent rule as a milestone in achieving diversity without race-based criteria.

"I am here to urge the Texas Legislature to continue the historic effort it began seven years ago, when it formally ended the use of racially separate or two-track admissions standards in favor of a single admissions standard for all students, regardless of race," Levey said.

The year after the Hopwood v. Texas decision handed by the 5th Circuit U.S. Court of Appeals banned the use of race in admissions decisions, data collected by the University showed that minority enrollment dipped. In subsequent years, numbers rose back to previous levels, with Hispanic and Asian-American enrollment increasing 1-to-2 percentage points. However, the numbers have not been ideal, said Bruce Walker, vice provost and director of admissions at UT-Austin.

"I don't think the top 10 percent in and of itself or by itself has had the great dramatic effect we hoped for," Walker said. "Our success with African-American students has been a disappointment -- we seem

stubbornly stuck at 4 percent."

UT Regent Scott Caven said he would personally prefer to see the top 10 percent rule be thrown out because minority enrollment numbers have stagnated. With the previous system of holistic review that included race as a criterion, the data shows an "upwardly sloping curve," Caven said.

A logical compromise would be to cap the number of students automatically admitted under the top 10 percent law at 50 percent of the freshman class and use a holistic review process for the rest, said Brent Chaney, president of UT Student Government. Douglas Laycock, a professor at the UT law school, and **Marta Tienda**, a UT Austin alumna who is conducting a study at Princeton University called "The Texas Top 10 Percent Project," also recommended a 50-percent cap.

"We don't believe that students in the University can be judged just in one way," Chaney said. "We want dynamic students."