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Protect the Top 10% Rule for Texans: A Critical Law Providing Opportunities for Students across Texas

Submitted to

**Texas Senate Committee
on Higher Education**

Submitted by

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Introduction

UnidosUS is the nation's largest Hispanic civil rights and advocacy organization and has built a stronger country by creating opportunities for Hispanics for more than 50 years. In this time, we have advanced opportunities for Hispanic children and working families to achieve the highest level of health possible. In this capacity, UnidosUS and its Affiliate Network of nearly 300 local, community-based organizations work diligently to ensure that the needs of our community are met. The UnidosUS Texas-based Affiliates include 28 community-based organizations that invest more than \$775 million and employ more than 6,200 staff to provide direct services to approximately 240,000 Texans and challenge the social, economic, and political barriers that affect Hispanics at the national, state, and local levels.

This written testimony will focus on the important role the Top 10% Rule Law plays in benefitting students across Texas, especially students in rural areas, students of color, students from low-income families, and first-generation college students. For the purposes of this written testimony, we will reference the impact on the Top 10% Rule has had over the past 20 years at the University of Texas at Austin.

In absence of race-conscious policies, which are the most effective in closing racial/ethnic opportunity gaps in postsecondary enrollment, one study found that the top 10% rule generated proportionally acceptable racial/ethnic enrollment in Texas' state-funded universities. In fact, the study concluded that the Top 10% Rule coupled with culturally responsive student support programs could close further equity gaps in enrollment. Instituting a lower threshold cap will only stifle the rule's effectiveness as a tool to racially/ethnically diversify Texas' state-funded university student bodies.

What is the Top 10% Rule and what is SB 1091?

The Top 10% Rule is a Texas law passed in 1997. It was signed into law by then Governor George W. Bush on May 20, 1997. The law guarantees Texas students who graduated in the top 10% of their high school class automatic admission to all state-funded universities. The only exception is UT-Austin, which only automatically admits students from the top 7% of their class.

At UT-Austin, about 75% of its freshman class is selected automatically, based solely on those students' class rank. For the remaining 25% the university uses a subjective process, considering factors like applicants' essays, test scores and race.

SB 1091 by Senator Creighton would reduce the cap number of students that can enter Texas institutions via the Top 10% rule to 30%. UnidosUS opposes this law change and encourages all Senators on the committee to vote no on this bill. UT-Austin currently admits students on a rolling basis starting with the top 1% students, then 2%, and so forth until they hit their 75% cap. The result is that a student must be roughly in the top 7% of their class to be admitted into UT-Austin. If SB 1091 becomes law, then it would dramatically change the policy so much that it would no longer be a top 10% rule.

What has the Top 10% Rule meant for Texas Hispanics and other populations?

Since the adoption of the Top 10% Rule, the percentage of Hispanic students enrolled at the UT-Austin has and continues to increase. UT-Austin Latino enrollment increased from 14% of the entering freshmen class in 1997 (year before Top 10% Rule enacted) to 17% of the class in 2007 and 23% in 2017.

The Top 10% rule is also the principal admissions driver for Latino, Black and Asian American students into UT-Austin:

- 84% of admitted Latino students come from the Top 10% rule, as well as 74% of admitted Black students, 74% of admitted Asian American students, and 67% of admitted White students.
- Hispanics make up 33% of UT-Austin's top 7% admitted students, compared to white students who make up 34%. In contrast, UT-Austin's subjective admissions plan disproportionately favors White students, who comprise 49% non-Top 10% Rule admitted students, compared to 9% for Latino students.

Economic and Other Indicators

The Top 10% Rule is the best chance for students in families with lower incomes and with less formal education to get into UT-Austin:

- The Top 10% Rule opens the door for students in working-class families (under \$60,000 household income). 29% of admitted students via the top 10% rule come from working class families versus 13% of enrolled students of non-top 10% students.
- While the education level of parents is a huge indicator for UT-Austin enrollment overall, students in families with less formal education are 4 times more likely to be enrolled through the Top 10% rule. Of admitted students from families with a High School Diploma or less, 20% of students are admitted via the Top 10% Rule versus 5% of non-Top 10% Rule students.

A more diverse student body produces educational, social, and economic benefits for all students. Diversity fosters critical thinking and problem-solving skills, helps reduce racial isolation, dispels racial stereotypes, promotes cross-racial understanding, and builds leadership to prepare students for life after college. A group of Fortune 100 companies called student racial diversity "a business and economic imperative" in the global market (2015):

- Rural schools benefit from the Top 10% Rule, accounting for 84% of admitted rural students in 2018.
- Without the Top 10% rule, thousands of mostly Latino and Black students would likely have not been admitted to UT-Austin, while White students would have been the greatest beneficiaries. If the Top 10% Rule were to apply to less students looking to enter UT-Austin or other institutions would result in reduced minority student access to the state's universities at the expense of students from suburban affluent schools. Students attending large central city or suburban schools will most likely bear the brunt of the impact.

Conclusion

Texas is discussing ways to limit access of its top students to its institutions of higher learning when it should be ensuring equitable access to Texas's universities by maintaining the current blended admissions plan (Top Ten Percent Plan coupled with the subjective admissions plan). The cap put into place by SB 1091 would make attending public universities more difficult for high school students across the state who have worked hard and done their best with the opportunities they have. It would also reduce the racial, socioeconomic, and geographic diversity that are so important in schools.

Sources:

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