

# Uniform Admission Policy

Clarification Memorandum

Texas Higher Education Coordinating Board

December 18, 2009

1. Do the changes made to the Uniform Admission Policy statute by House Bill 3826 address only the top 10 percent automatic admission or all admission to Texas public universities?

No. Texas Education Code (TEC) Sections 51.801-51.809 and the changes made to several of these sections by House Bill 3826 address all admissions of first-time freshman students who graduate from accredited Texas public or private high schools. House Bill (HB) 3826 added curriculum requirements (completion of the Recommended or Advanced High School Program) or college readiness scores (ACT College Readiness Benchmarks or SAT of 1500) for these students.

HB 3826 also added a **relief provision** for a student graduating from an accredited Texas public or private high school. TEC Section 51.803(b) states:

An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

If the high school does not offer the required curriculum or the student could not complete the required curriculum for a cause not within the student's control, he/she must/may<sup>1</sup> be admitted as long as the high school provides the necessary certification.

In addition, **for Top 10 Percent Automatic Admission,**<sup>2</sup> HB 3826 requires that each applicant submit an application by the university's application deadline and that an official high school transcript or diploma be submitted. **For all admission to public universities,**<sup>2</sup> the transcript or diploma must, not later than the end of the student's junior year, indicate that he/she satisfied the curriculum requirements or is on schedule to do so, met the ACT or SAT assessment requirements, or was otherwise eligible under the relief provision.

2. Can a Texas public university admit a student who has not completed the Recommended/Advanced High School Program, or their equivalent, or met the ACT college readiness scores or earned at least a 1500 on the SAT, or met the requirements

---

<sup>1</sup> "must" for top 10 percent admission and "may" for all other admission

<sup>2</sup> Further clarification made December 18, 2009

of Section 51.803(b) which provides the relief provision as described in the answer to Question 1?

Yes. There is at least one exception to the admission requirements as outlined in the answer to Question 1 above. Each Texas public university must admit an applicant for admission to the institution as an undergraduate if the applicant is a child of a public servant listed in Section 615.003, Government Code, who was killed or sustained a fatal injury in the line of duty; and meets the minimum requirements, if any, established for this category of applicant by the university's governing board relating to high school or prior college-level grade point average and performance on standardized tests. See also the answer to Question 3.

3. If a first-time undergraduate student applies for admission but completed a curriculum prior to the implementation of the Recommended/Advanced High School Curriculum (i.e., adult student who graduated from a Texas high school), under what admission criteria would a Texas public university consider this student?

A first-time undergraduate student who graduated from an accredited Texas public or private high school prior to the application of the curriculum or the ACT/SAT test score requirements under HB 3826 would have to have completed the portion of the Recommended or Advanced High School Program, or of the curriculum equivalent in content and rigor that was available to the student, in order to be eligible for consideration for admission. However, a student applying under the top 10 percent automatic admission category must have graduated in one of the two school years preceding the academic year for which the applicant is applying for admission. Otherwise, he/she would then be considered under the top 25 percent category (TEC Section 51.804) or the other admissions category (TEC Section 51.805).

4. What role do the 18 admission considerations outlined in Section 51.805(b) of the statute play in the admission of a student by a Texas public university? Is the institution permitted to use these factors if a student has not completed the Recommended/Advanced High School Program, or their equivalent, met the ACT college readiness scores, earned at least a 1500 on the SAT, or met the requirements of section 51.803(b) which provides the relief provision as described in the answer to Question 1?

The 18 admissions factors outlined in TEC Section 51.805(b) would be elements that a university considers when an applicant is eligible for admission under the "other admissions" provision of the Uniform Admission Policy but **only after** the applicant has met the curriculum or the ACT/SAT test score requirements or finds relief from these requirements under the relief provision.

5. For a student of an accredited Texas public or private high school, who determines whether the student has completed all or some portion of the Recommended/Advanced High School Curriculum and whether the content is of equivalent rigor and content?

Under TEC Section 51.807, after consulting with TEA, the Coordinating Board is required to establish standards to make this determination. According to rules adopted by the Coordinating Board October 29, 2009 and effective November 26, 2009, the

public or private school would be responsible for providing the appropriate determination as follows:

- a. The public high school must indicate, in a form and manner prescribed by the Commissioner of Higher Education, whether the student has completed all or a portion of the Recommended or Advanced High School Program or of the curriculum equivalent in content and rigor, as applicable, that was available.
- b. The private high school must indicate, in a form and manner prescribed by the Commissioner of Higher Education, whether the student has completed all or a portion of the Recommended or Advanced High School Program or of the curriculum equivalent in content and rigor, as applicable, that was available.

For a Texas public high school, that information would appear on the transcript, also known as the Academic Achievement Record. For a Texas private high school, that information would be provided on a Coordinating Board *Texas Private High School Certification*, either TPHSC Form 1 or Form 2. Form 1 is for a student who entered the 9th grade before the 2007-2008 school year. Form 2 is for a student who entered the 9th grade in the 2007-2008 school year or later. Two forms are necessary since the Recommended High School Program changed with the passage of House Bill 3 in the 81st Texas Legislature (2009).

6. (A) Under the provision in HB 3826 that requires the admission of a child of a public servant who was killed or sustained a fatal injury in the line of duty, how is the university expected to verify this information? (B) Does this provision require full admission or would summer provisional admission be permissible?

(A) Each institution of higher education must admit an applicant for admission as an undergraduate student if the applicant: (1) is a child of a public servant (as set forth in Section 615.003 of the Texas Government Code) who was killed or sustained a fatal injury in the line of duty; and (2) meets any minimum requirements established for such applicants by the institution's governing board relating to high school or prior college-level grade point average and performance on standardized tests. The institution is "expected to verify this information," as it deems necessary and appropriate in a reasonable manner of its choosing.

(B) Regardless of whether an institution establishes minimum requirements for applicants who are children of public servants who were killed or sustained a fatal injury in the line of duty, an institution, pursuant to Section 51.803(f), after *admitting* a student may, under certain circumstances, require the student "to enroll during the summer immediately after the student is admitted...to participate in appropriate enrichment courses and orientation programs." Summer provisional admission, therefore, appears to be impermissible.

7. (A) Are homeschooled students considered as attending a 'private school'? (B) Who determines whether homeschooled students have completed all or some portion of the Recommended or Advanced High School Program and whether its content is of equivalent rigor and content? (C) Will the certification form be available to homeschooled applicants?

(A) and (B) The Texas Supreme Court, in the case of Texas Education Agency v. Leeper, 893 S.W. 2d 432 (1994), held that “Texas law does not require children who are taught in legitimate home schools to attend public schools.” Id. at 435. The Court viewed legitimate home schools as those encompassing the teaching, in a bona fide manner, of “a curriculum designed to meet certain basic educational goals, including a study of good citizenship.” Id.

The Texas Legislature, in 2003, enacted Section 51.9241 of the Texas Education Code, issuing a policy declaration on home schooling. The referenced Supreme Court case, along with Section 51.924, provide responses to questions (A) and (B). The Section states, in relevant part:

(a) In this section:

(1) “Institution of higher education” has the meaning assigned by Section 61.003.

(2) “Nontraditional secondary education” means a course of study at the secondary school level in a nonaccredited private school setting, including a home school.

(b) Because the State of Texas considers successful completion of a nontraditional secondary education to be equivalent to graduation from a public high school, an institution of higher education must treat an applicant for admission to the institution as an undergraduate student who presents evidence that the person has successfully completed a nontraditional secondary education according to the same general standards as other applicants for undergraduate admission who have graduated from a public high school.

(c) An institution of higher education may not require an applicant for admission to the institution as an undergraduate student who presents evidence that the person has successfully completed a nontraditional secondary education to:

(1) obtain or submit evidence that the person has obtained a general education development certificate, certificate of high school equivalency, or other credentials equivalent to a public high school degree; or

(2) take an examination or comply with any other application or admission requirement not generally applicable to other applicants for undergraduate admission to the institution.

(C) The certification form is to be made available to “homeschooled applicants.”

8. How does a Texas public university consider the admission of a student who graduates from an out-of-state, including international or unaccredited Texas high school, or is the recipient of a GED?

Pursuant to Section 51.803(b):

An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school

career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

Therefore, an applicant for admission holding a GED must attain the appropriate score on the ACT or SAT for admission to a general academic teaching institution. See also answers to Questions 3 and 5.