

**Affirmative Action and the Texas Top 10% Percent Admission Law:
Balancing Equity and Access to Higher Education**

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Introduction

Since the mid-1960s U.S. colleges and universities with selective admissions have used race and ethnic preferences—“affirmative action”—to diversify their student bodies, specifically targeting historically underrepresented groups. Although the 1978 Supreme Court decision¹ outlawed use of quotas either to remedy past racial injustices or to approximate population composition, the Powell opinion invoked the First Amendment to endorse the value of institutional diversity both as an essential freedom for post-secondary institutions and as a means to achieve their educational missions. In the words of Justice Powell:

The atmosphere of ‘speculation, experiment and creation’—so essential to the quality of higher education—is widely believed to be promoted by a diverse student body....it is not too much to say that the ‘nation’s future depends upon leaders trained through wide exposure’ to the ideas and mores of students as diverse as this Nation of many peoples.

As the “Nation of many peoples” became even more diverse, organized opposition to affirmative action gained momentum, culminating in public referenda and lawsuits to end race preferences in college admissions. California voters passed Proposition 209 in 1996, outlawing consideration of race and ethnicity in college admissions, and two years later the Washington State electorate passed Initiative 200, which banned the use of race preferences. Law schools at both the University of Michigan and the University of Texas were sued, and the 1996 *Hopwood* decision² imposed a judicial ban on use of race preferences in college admissions throughout the jurisdiction of the 5th Circuit Court. As other universities defended their use of race-sensitive admissions practices, uncertainty about the future of affirmative action in

¹ *University of California Regents v. Bakke*, 1978.

² *Hopwood v. University of Texas* (5th Cir. 1996)

college admissions triggered a search for race-neutral alternatives that could produce diverse student bodies.

In one of the boldest of college admissions experiments, the 75th Texas legislature passed HB 588, which guarantees seniors who graduate in the top 10 percent of their class admission to any Texas public college or university. Admissions decisions for students who do not graduate in the top ten percent of their class are based on a broad range of objective and subjective criteria (see Long and Tienda, 2007; Barr, 2002). Signed into law on May 20, 1997, HB 588—popularly known as the top 10% law—sought not only to recover the drop in black and Hispanic representation at its flagship institutions following the judicial ban on affirmative action, but also to increase the number of high schools that sent students to the four-year public universities (Montejano, 2001; Barr, 2002). Architects of the top 10% law expected that large numbers of black and Hispanic students would qualify for the admission guarantee because Texas high schools are highly segregated (Tienda and Niu, 2006a). Political support for HB 588 derived from its adherence to race-neutral admission criteria that were applied uniformly to all high schools, irrespective of size, wealth, or location (Tienda and Sullivan, 2008).

Despite the apparent novelty of the Texas admission experiment, in fact, both public flagships—the University of Texas at Austin (UT) and Texas A&M University (TAMU)—have always weighed class rank heavily in their admissions decisions (Walker and Lavergne, 2001; Leicht and Sullivan, 2000). Even before the plan went into effect, college applicants who graduated in the top decile of their class were virtually ensured, albeit not guaranteed, admission to the public flagships. For example, at TAMU the admission rate of students who graduated in the top 10% of their high schools was 97

percent in 1996 and 100 percent since 1998 (Texas A&M, 2006). In effect, HB 588 largely transformed a *de facto* practice of admitting highly ranked students to a *de jure* guarantee of acceptance (Walker and Lavergne, 2001).

Rather, the distinctive features of the Texas post-*Hopwood* college admission regime are the disregard of test scores for students who graduate in the top decile of their class and the use of school-specific class rank as a measure of merit in addition to the ban on race preferences. Other things equal, moreover, the top 10% law should benefit black and Hispanic applicants who graduate in the top decile of their high school class because their test scores, which on average are lower than those of whites and Asians, are disregarded for purposes of admission (Alon and Tienda, 2007). Black and Hispanic students also are less likely than white students to attend high schools that offer advanced placement courses and a broad range of extracurricular activities which are evaluated favorably by college admissions officers (Long, 2004; Long and Tienda, 2008).

That the top 10% law was triggered by the judicial ban on affirmative action largely explains disproportionate research and policy attention on changes in campus diversity. Yet in crafting the legislation, the primary sponsor of HB 588, the late Irma Rangel, had a broader vision, namely to create a “fair, race-neutral admissions structure providing students from all backgrounds and [all] parts of the state an opportunity to continue their educations” (Giovanola, 2005). Specifically, HB 588 sought to recruit “the very best students **of each school** in the state” to the flagship universities (Montejano, 2001; emphasis in original).

Not surprisingly, opponents complained that the percent plan disguises the use of race in admissions, and like affirmative action, excludes deserving applicants by giving

preference to allegedly less qualified candidates (Barr, 2002; Tienda and Niu, 200b). Rather than privileging minority students, who are presumed to be under-qualified for admission to selective institutions by critics of affirmative action, opponents of the top 10% law claim that using a single measure of “merit” favors students from underperforming *schools*. Essentially the Texas top 10% law altered the terms of the debate about privilege and access to the flagship universities by changing the exclusion criteria from *individual attributes*—namely race and Hispanic origin—to *high school quality*. Yet, with few exceptions (e.g., Montejano, 2001), most analyses of the impact of HB 588 have focused on changes in race and ethnic of freshmen classes, ignoring potential changes in the number and composition of “feeder” high schools (Barr, 2002; Staff, 1997; Long and Tienda, 2007). At issue is whether, to what extent, and in what ways the new admission regime restored diversity at the public flagships while also broadening access by increasing the pool of feeder high schools represented at the University of Texas at Austin and Texas A&M University.

To address these questions, we first provide a thumbnail sketch of demographic trends that determine the pool of college-eligible students, and summarize research that evaluated the impact of HB 588 in diversifying the two flagship campuses. Subsequently we consider whether the top 10% law fostered changes in high school sending patterns, which Representative Rangel envisioned as a key mechanism to broaden college access in Texas. The concluding section discusses the broader implications of percent plans in promoting equity and broadening access to post-secondary institutions.

HB 588 and the Demography of Higher Education

Even before the judicial ban on race preferences in college admissions and the top 10% law, the system of higher education in Texas experienced rising pressure from a higher than average demographic growth rate. The State of Texas recorded double-digit population growth rates since 1960, rose from fourth to second rank based on population size between 1970 and 1990 (Leicht and Sullivan, 2000), and continues to grow faster than the national average. Between 2000 and 2006 the population of Texas grew 12 percent, compared to about 6 percent for the nation as a whole (U.S. Census Bureau, 2007). Because births are the major component of growth, Texas also has a large school-age population. During the 1990s, Texas rose from 9th to 5th in the proportion of population under 19 (Leicht and Sullivan, 2000). By 2005, 28 percent of Texas residents was under age 18, compared with the national population share of 25 (U.S. Census Bureau, 2007).

Like other states where fertility of foreign-born women spurred population growth, Texas witnessed an increase in the size of high school graduate cohorts during the 1990s. Tienda and Sullivan (2008) report that between 1994 and 2004 the number of public high school graduates grew only 19 percent nationally, compared with 50 percent in Texas, 30 percent in California, 25 percent in Florida, and a meager 10 percent in New York State. These estimates are conservative because data for 2003 and 2004 were projected from earlier data that have already been surpassed. In Texas, for example,

actual annual increases in 2003 and 2004 exceeded the projections by 3 and 5 percent, respectively.³

National growth in the number of high school graduates is expected to slow over the next decade to a meager 2 percent. Even as other states witness modest increases or slight declines in their college-eligible population, in both Texas and Florida the number of public high school graduates is projected to grow at rates well above the national average. These anticipated changes in the number of high school graduates have direct implications for future college enrollment trends. Specifically, high levels of immigration coupled with above-replacement fertility not only keep the population young, but also continue to diversify the ethno-racial composition of the state (Tienda and Mitchell, 2006). Owing to their younger age structure, Hispanics comprise a higher share of the Texas school-age population compared with persons ages 25 and over (Murdock, et al., 2003).

In Texas, immigration and differential fertility also altered the ethno-racial composition of the college-eligible population. As Table 1 shows, between 1994 and 2004, the number of Texas high school graduates increased 50 percent, albeit unevenly among demographic groups. Despite their elevated high school drop-out rates, the number of Hispanics who earned diplomas rose 78 percent during the decade. Consequently, the Hispanic share of high school graduates rose six percentage points between 1994 and 2004, the period covering the change in admission regime. During this decade the number of white high school graduates rose only 29 percent, hence their cohort share of diploma recipients fell from 56 to 48 percent, while the shares of black

³ The WICHE projections on which Tienda and Sullivan (2007) base their calculations for 2003 and 2004 are 231,577 and 233,045 graduates, respectively. According to TEA data, actual 2003 and 2004 statistics are 238,109 and 244,165 graduates, respectively.

and Asian graduates inched up by one percent point each. These shifts in the composition of Texas high school graduates foretell the shape of things to come—only about one in three high school graduates is projected to be white by 2014. Whether this translates to greater campus diversity depends both on college admission regimes and college readiness of future cohorts.

Table 1 about Here

The two defining features of Texas population change—rapid increase and accelerating ethno-racial diversification—will intensify pressure on the public higher education system as growing numbers compete for spots at the selective institutions. The Texas Higher Education Coordinating Board predicts that enrollment in public universities, community colleges, technical colleges, and private colleges will rise 15 percent between 2000 and 2010 (THECB, 2001). Enrollment at Texas public universities is projected to rise about 14 percent by 2010 compared with six percent for the private institutions. The failure of the 4-year post-secondary system to keep pace with population growth created a college squeeze that manifests as intensified competition for access to the most selective public institutions (Tienda and Sullivan, 2008).

These conditions of rapidly growing demand for slots at post-secondary institutions coupled with slower growth of supply pose formidable public policy challenges for institutions seeking to equalize college access to under-represented groups. As important, the college squeeze creates an environment conducive to fundamental attribution errors, namely assuming that the top 10% law is responsible for falling admission rates among white students and those who attend the most competitive secondary schools (Jaschik, 2007; Haurwitz, 2007; Tienda and Sullivan, 2008). To wit,

affirmative action was blamed for squeezing out nonminority students with high standardized test scores, as a spate of lawsuits and public referenda attest, the top 10% law is criticized for squeezing out high-achieving students from the most competitive high schools by giving preference to highly ranked students from low performing schools. The next section reviews evidence in support of these claims.

Trends and Differentials in College-Going Behavior at the Public Flagships

Despite the intentions of Texas legislators to protect the hard-earned diversity at the public flagships, the change in college admission regimes from affirmative action to the percent plan can not guarantee increased diversity of selective colleges and universities because enrollment of rank-eligible minority graduates presumes *both* that they will apply for admission and have the financial means to enroll. Percent plans operating under statutory or judicial bans on race preferences may dampen the propensity of talented minority students to apply for admission if they do not realize that they qualify for the guarantee or if they perceive campus climate as unwelcoming (Niu, et al., 2008). Furthermore, the admission guarantee could also alter the college choice set of rank-eligible minority and nonminority students in different ways, making the net effect ambiguous (Niu, et al., 2006; Long and Tienda, 2008). Finally, the surge in the number of Texas high school graduates implies not only a growing demand for college access, but because the admission guarantee is school-specific, also an increase in the number of rank-eligible students.

To evaluate the success of the top 10% law in restoring campus diversity in Texas, we assess application, admission and enrollment trends at the University of Texas

at Austin (UT) and Texas A&M University in College Station (TAMU), the two most selective among Texas public institutions.⁴ Both institutions considered race and ethnicity in their admissions decisions prior to the *Hopwood* decision, and both reported admission rates well below other public two- and four-year institutions (THECB, 1998). Combined, UT and TAMU enroll 23 percent of the student body attending four year public institutions in Texas (THECB, 2001). For perspective, the UT-Austin campus was one of the two the largest campuses in the U.S. in 2006, with a student body over of 48 thousand (The College Board, 2007).⁵ Enrollment at the Texas A&M College Station campus was approximately 45 thousand in that year. Undergraduates represent 77 and 82 percent, respectively, of the student body, and the freshman class alone constitutes approximately one quarter of all students.⁶

Admission Rates

Most evaluations of the top 10% law conclude that the top 10% law is less efficient than affirmative action in achieving diversity of enrolled students, but none explicitly quantified the differential impact over time and across institutions.⁷ With few exceptions, empirical assessments of the percent plan's success are based on enrollment, even though the law provides *admission* guarantees to rank-eligible students. Long and Tienda's (2007) assessment of the top 10% law is a notable exception in that these authors evaluate changes in the racial and ethnic composition of *admissions* at the two public flagships and Texas Tech University following the judicial ban on affirmative

⁴ Private institutions in Texas are bound by the *Hopwood* decision, but not by HB 588.

⁵ With 48,562 students, Ohio State University registered just over 400 more students than UT-Austin.

⁶ For A&M, see <http://www.tamu.edu/opir/reports/student.html>; for UT see <http://www.utexas.edu/student/admissions/research/index.html>.

⁷ When the fate of the lawsuit against the University of Michigan was uncertain, administrators who sought campus diversity as a way of enhancing educational missions touted the success of the top 19% law. See Faulkner, 2000; 2002.

action and the shift to the top 10% regime. They show that the elimination of affirmative action and the implementation of the top-10% policy had sizable effects on the racial and ethnic composition of the Texas public flagships—but the winners and losers differed across institutions and over time. Consistent with reports by the Texas Higher Education Coordinating Board (1998), Long and Tienda find that both UT-Austin and Texas A&M offered significant advantages to black and Hispanic applicants prior to the *Hopwood* decision.

Both public flagships responded to changes in admission policies by shifting the weights they placed on applicant characteristics in ways that boosted the admissions probabilities of black and Hispanic applicants. These changes, however, did not fully compensate for the effects of the ban on affirmative action decision in lowering the odds of admission for blacks and Hispanics. Public universities were unable (or did not sufficiently attempt) to proxy race and ethnicity using other applicant attributes, although UT's Personal Achievement Index (PAI) sought to weight extracurricular and extraordinary circumstances in their admission decisions in ways that could have boosted minority applicants' admission probabilities. Finally, the authors find no evidence that Texas Tech University gave substantial preferences to minority applicants in the pre- or post-*Hopwood* period, and changes in TTU's post-*Hopwood* admissions policy lowered the probability of acceptance for minority applicants.

Application and Enrollment

Although the judicial and statutory bans on the use of race-sensitive criteria were aimed at institutional decisions about who to admit, there is mounting evidence that they also impacted application behavior and enrollment decisions of admitted students (Brown

and Hirschman, 2006; Long and Tienda, 2008). For example, Long (2004) finds that the elimination of affirmative action in Texas and California lowered minority students' propensity to apply to the most selective institutions. Similarly, Brown and Hirschman (2006) show that the decrease in minority representation at University of Washington after Initiative 200 banned affirmative action largely stemmed from changes in application rather than admission rates.

Nevertheless, the impact of the changed admission regimes on application behavior must be understood against the rapid growth of the college-eligible population during the period that admission regimes changed. In fact, both public flagships faced application pressures before and after the judicial ban on affirmative action, but particularly UT, where the number of applications surged from around 17,000 in 1996 to more than 27,000 in 2006 (The University of Texas at Austin, 2006). At TAMU, applications increased more modestly, rising from approximately 15,000 to more than 17,000 between 1996 and 2006 (Texas A&M University, 2006). Constrained by their physical carrying capacity, rejection rates rose at both institutions, however at UT a temporary increase in the size of the freshman class from 2000 through 2002 delayed the rise in rejection rates until 2003. As the share of applicants qualified for automatic admission rose, rejections increasingly involved applicants who were not in the top 10% of their senior class, but would be admissible based on other service and academic criteria. That many rejected applicants were graduates of highly competitive high schools that historically sent large numbers of students to UT and TAMU fueled criticism of the law (Jaschik, 2007).

To illustrate the initial impacts of the changed admission regime on college-going behavior in Texas, we use administrative data on applicants, admittees and enrollees for the period 1992-2002, which includes five years of the affirmative action regime (1992 – 1996) and five years of the top 10% regime (1998 – 2002).⁸ Table 2 summarizes the composition of in-state student applicant, admission and enrollee pools at the two public flagships before the *Hopwood* decision and under the top-10% admission regime. The uneven results are striking. At Texas A&M, the share of applications from black and Hispanic students fell slightly, while those from Asian origin students rose. White students comprised an increasing share of admittees and enrollees at Texas A&M. In contrast, at UT-Austin, the share of applications from black students increased, while those from Hispanic applicants were not significantly changed. White students experienced an increase in their raw numbers, but a drop in their share of applicants, admittees, and enrollees. The decline in white students' share of enrollees at UT-Austin was offset by the strong increase in Asian students' share. Thus, the competition for a fixed number of slots at UT-Austin along with the new admissions policy largely advantaged Asian students at the expense of white students.

Table 2 about Here

If enrollment diversity at the public flagships is the intended goal of the uniform admission law, the data reported Table 2 show declining shares of underrepresented minority students at both institutions (significantly so at Texas A&M). Although the share of white students declined at UT-Austin, the 3.4 percentage point drop was largely due to an increase in enrollment of Asian origin students, not blacks or Hispanics. At

⁸ 1997 was a transition year when the judicial ban on affirmative action was in force, but the top 10% law had not yet been implemented.

Texas A&M, enrollment shares of black and Hispanic students fell relative to their pre-*Hopwood* levels. Thus, the Texas A&M campus is less diverse under the uniform admission regime compared to the pre-*Hopwood* period. Former president Gates claimed that the main problem “was not so much that too few minority students were applying or gaining admission, but that too few were choosing to enroll” (Schmidt, 2005). Ultimately, legislators will seek results on the desired outcome — enrollment.

High Schools as Sources of Unequal College Access

Shifts in application, admission and enrollment trends at the Texas public flagships can not be attributed directly to changes in the admission regimes because the top 10% law was accompanied by additional changes that altered its overall impact. In addition to the changing demography of higher education, two noteworthy changes are the expansion of publically funded financial aid and the development of an aggressive outreach program designed to recruit and provide merit scholarships to rank-eligible students who graduate from high schools with low college-going traditions (Domina, 2007; Walker and Lavergne, 2001). Stated differently, the Hopwood decision “forced university administrators to become more and more innovative in finding ways to encourage minority enrollment” (Barr, 2002: 5).

Authors of HB 588 were cognizant that a handful of “feeder” schools sent a disproportionate number of students to the public flagships; hence the legislation was designed to broaden the pool of high schools that sent students to UT and TAMU (Montejano, 2001; Barr, 2002). Recognizing that financial considerations were significant barriers to college attendance for many economically disadvantaged students

who qualified for the admission guarantee, administrators at UT and TAMU created two scholarship programs, the Longhorn Opportunity Scholarship and Century Scholarships, respectively (Domina, 2007; Walker and Lavergne, 2001). These programs were targeted to secondary schools that serve large numbers of poor students, which became the focus of aggressive outreach and recruitment of top-ranked graduates. Although the racial mix of high schools was not (and could not be) considered in selecting the Longhorn and Century high schools, because minority students are more likely than white or Asian students to attend poor schools (Tienda and Niu, 2006a), black and Hispanic students were expected to qualify for scholarships at these schools. As of the 2005-2006 school year, there were 58 and 70 high schools, respectively, participating in the Century and Longhorn programs (Domina, 2007).⁹ These changes in financial aid were further bolstered by the implementation of the TEXAS Grant program, which provides tuition assistance to students who demonstrate financial need and complete the state's recommended college preparatory curriculum (Domina, 2007).¹⁰

Accordingly, we evaluate whether, as aspired by its sponsors, HB 588 has succeeded in broadening college access to the public flagships for students from all parts of Texas and all socioeconomic backgrounds (Barr, 2002). Specifically, for UT and TAMU, respectively, Tables 3 and 4 consider changes in the composition of applicant and admit pools as well as admission rates according to type of high school attended. For these comparisons applicants to both institutions were classified according to a five-category school typology that sorted schools into three strata—affluent, poor and

⁹ Domina (2007:203) reports that although neither program guarantees that all students who qualify for the admission guarantee will receive a scholarship, in practice nearly every student from a participating school who matriculates at UT or TAMU receives an award.

¹⁰ Because these state funds are based strictly on financial need, they can be combined with other federal and private scholarship funds, including the Longhorn and Century scholarships.

average—based on the share of economically disadvantaged students.¹¹ Affluent schools are defined as the quartile of high schools with the lowest share of economically disadvantaged students; poor schools include the quartile of high schools with the highest share of economically disadvantaged students, and average schools represent the remainder. Because a subset of 28 high schools sent over one-quarter of the freshman class to the public flagships before the top 10% regime went into effect, these schools are separately identified, as are the subset of poor schools that were targeted for Longhorn and Century Scholarships (Tienda and Niu, 2006b).

Table 3 about Here

Notwithstanding claims that HB 588 privileges students from low performing high schools to the detriment of students from the most competitive high schools, for the state as a whole, feeder high students maintain their advantage in access to UT, at least through 2002. Graduates from feeder schools comprised a larger share of the applicant and admittee pools under the top 10% regime compared with affirmative action, and their admission likelihood also rose slightly. Although the shares of applicants and admittees from poor and Longhorn high schools dropped, their admission likelihood actually increased appreciably. This change is due almost entirely to the larger representation of top 10% graduates from Longhorn schools in the applicant pool even as the share of top decile students from poor high schools contracted. The diverging outcomes for top-ranked students from Longhorn and other poor schools not targeted for outreach and scholarship support underscores the need for financial aid for an admission guarantee to broaden access to underrepresented groups (Alon, 2007). In fact, students from Longhorn schools who graduated in the second decile of their class were even less likely

¹¹ The quartile distribution is computed on an annual basis so that new schools can be accommodated.

to be admitted to UT after the top 10% law went into effect compared with their chances under the affirmative action regime. By comparison, the admission probability for students from feeder and affluent high schools remained unchanged across the two regimes.

Table 4 about Here

At TAMU, admission rates fell for applicants from feeder, affluent and average high schools and remained unchanged for students from poor and Century schools under the top 10% regime compared with affirmative action. Largely this resulted because of the larger number of applicants relative to the number of slots. Unlike UT, TAMU did not temporarily increase the size of its undergraduate class to accommodate the surge in applications.¹² Applicants and admittees from feeder and affluent high schools remained unchanged as a share of the respective pools across the two admission regimes, but unlike Longhorn school applicants to UT, the share of Century school students in TAMU's applicant and admittee pools fell under the top 10% regime. The lower admission rates took their greatest toll among second decile applicants from feeder and affluent schools, whose enrollment probabilities fell by 11 and 7 percentage points, respectively. Admission rates of feeder and affluent school applicants ranked at or below the third decile also dropped considerably.

At both TAMU and UT, applicants from average high schools were the key beneficiaries of the top 10% admission regime, which largely was driven by students who graduated in the top two deciles of their high school classes. This result indicates some broadening of access to the public flagships in that it requires a redistribution of slots

¹² This decision proved unsustainable owing to the carrying capacity of the Austin campus, hence admission rates plummeted at UT after the size of the admitted class was scaled back (Tienda and Sullivan, 2008).

away from applicants who graduate from affluent and feeder schools. Even if this is a laudable social goal sought by the sponsors of the legislation and even if this is a direct consequence of the surge in demand stemming from rapid demographic growth, students from affluent and feeder schools who are denied admission will consider the admission regime unfair.

Conclusion

For several reasons, percent plans are inferior alternatives to affirmative action as a strategy to diversify college campuses (Long, 2004; Long and Tienda, 2007), or as we show, to broaden access to students who graduate from high schools with low college traditions. The most important is that admission mandates can only indirectly influence application behavior, which is a prerequisite for admission (Brown and Hirschman, 2006; Domina, 2007; Long and Tienda, 2008). Second, an admission guarantee can not ensure enrollment, which is particularly difficult for minority and low income students, especially those who graduate from high schools with low college going traditions (Tienda and Niu, 2006b). Finally, college choices appear to be highly constrained by the type of high school attended (Niu, et al, 2006; Niu and Tienda, 2008). At best, the top 10% regime tempered the decline in minority enrollment at the Texas public flagships, but the changing demography of the state reinforced this possibility. Neither affirmative action nor a percent plan, however, can resolve the tensions inherent in rationing scarce resources—in this instance, admission slots—against rising demand and competition for access to the most selective universities.

The highly uneven institutional consequences of HB 588 (Long and Tienda, 2007; 2008) also call into question the appropriateness of an admission regime that is so heavily predicated on a single metric—class rank. The unequal institutional impacts of the automatic admission regime on students’ application and enrollment behavior partly reflect (1) differences in location of the two institutions—a diverse capital city versus a small town over an hour from a major city (Tienda and Sullivan, 2008); (2) differences in the timing and comprehensiveness of outreach efforts to high schools with low college-going traditions (Domina, 2007); and (3) differences in institutional legacy whereby TAMU was deemed less appealing to minority students (Schmidt, 2005).¹³

We hasten to emphasize that the outcomes we describe are best described as short-term impacts. At this writing the top 10% admission regime has been in effect for a full decade and both intended and unintended consequences are more pronounced. For example, UT has had to contend with rising saturation with students who qualify for the admission guarantee, which has limited the ability of administrators to balance the undergraduate class. This problem has been less serious at TAMU, which has struggled, instead, to attract African American students who qualify for admission (either automatic or using multiple criteria). The divergent experiences of the two public flagships attest that a single-metric admission regime is not well suited to achieve common goals across post-secondary institutions that likely draw most of their applicants from different pools of sending schools.

What is less debatable is that the indirect HB 588 has triggered powerful mechanisms that, combined with the changing demography of the state and the automatic

¹³ Until 1963, Texas A&M was a military-training college that was off-limits to black and female students, and compared to the Austin campus, is characterized by a more conservative culture than UT (Schmidt, 2005).

admission regime, have broadened access to the public flagships to high achieving students from the entire state of Texas. By strengthening ties between the top universities and high schools with low college going traditions, the Longhorn and Century Scholars program has begun to improve high school climate (Domina, 2007) and raise the number of economically disadvantaged students who attend the public flagships. Thus, even if HB 588 is rescinded in response to rising political opposition (Haurwitz, 2007), changes in high school sending patterns can persist, provided that financial incentives are maintained for needy students.

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Table 1. Composition of Public High School Graduates: Texas, 1994-2014 (%)

	1994	2004	% Δ	2014
Black	12	13	65	12
Hispanic	29	35	78	44
Asian	3	4	81	6
White	56	48	29	37
Total Gra	163	244	50	265

Source: Texas Education Agency, Texas Public School Statistics, Pocket Edition, 1994-1995 & 2004-2006

Table 2. Composition of In-State Student Applicant, Admission and Enrollee Pools^a under Affirmative Action and Top 10% Regimes: Texas A&M and Austin

(In Percent)

Student Characteristics ^b	Applicants		Admittees		Enrollees		
	<i>Affirmative Action</i>	<i>Top 10%</i>	<i>Affirmative Action</i>	<i>Top 10%</i>	<i>Affirmative Action</i>	<i>Top 10%</i>	
	1992-1996	1998-2002	1992-1996	1998-2002	1992-1996	1998-2002	
<i>Texas A&M University</i>							
Black	4.7	3.9 *	5.1	3.5 *	4.1	2.8 *	
Hispanic	13.6	11.8 *	15.1	11.7 *	12.8	9.7 *	
Asian	5.4	6.4 *	5.3	5.8 *	3.5	3.6	
White	75.0	75.7	73.4	77.1 *	78.8	82.5 *	
N	54,585	65,404	42,564	48,489	25,802	30,442	
<i>University of Texas at Austin</i>							
Black	4.7	5.1 *	4.1	4.4	4.2	3.9	
Hispanic	17.3	16.9	17.7	16.1 *	15.6	15.2	
Asian	14.1	16.4 *	14.5	17.8 *	15.1	18.8 *	
White	63.1	60.1 *	63.1	60.4 *	64.5	61.1 *	
N	54,652	62,266	41,189	48,867	26,112	31,908	

Source: Texas Higher Education Opportunity Project (THEOP) administrative data.

a: Students from Texas high school with senior class size greater than 9 students.

b: The race/ethnic categories do not sum to 100% because the "other" category (Native American and unspecified) are not shown.

*: $p \leq .001$ for pre- post-*Hopwood* comparison.

Table 3. Composition of In-State Student Applicant and Admit Pools and Admission Likelihood Before and After Hopwood: UT-Austin^a (in percent)

High School Type ^b	Applicants		Admittees		% Applicants Admitted	
	<i>Affirmative</i>		<i>Affirmative</i>		<i>Affirmative</i>	
	<i>Action</i>	<i>Top 10%</i>	<i>Action</i>	<i>Top 10%</i>	<i>Action</i>	<i>Top 10%</i>
	1992-1996	1998-2002	1992-1996	1998-2002	1992-1996	1998-2002
All						
Feeder	23.2	25.5 ***	23.2	25.5 ***	73.9	76.7 ***
Affluent	32.7	29.1 ***	32.8	28.8 ***	74.0	75.9 ***
Average	20.1	23.6 ***	20.9	24.5 ***	76.5	79.6 ***
Poor	7.6	6.1 ***	7.7	6.2 ***	74.5	78.1 ***
Longhorn	4.0	3.4 ***	3.7	3.5	69.0	79.9 ***
N	59,023	69,521	43,576	53,221	59,023	69,521
Top10%						
Feeder	16.2	17.6 ***	16.6	17.8 ***	99.1	99.1
Affluent	33.4	29.9 ***	33.8	30.0 ***	97.8	98.5 ***
Average	25.7	30.7 ***	25.7	30.7 ***	96.9	98.1 ***
Poor	11.7	9.6 ***	11.5	9.5 ***	94.5	97.3 ***
Longhorn	5.7	6.2 *	5.3	6.1 ***	90.7	96.1 ***
N	22,818	27,148	22,078	26,659	22,818	27,148
Second 10%						
Feeder	22.7	26.0 ***	25.8	29.2 ***	93.0	92.8
Affluent	35.4	32.8 ***	36.0	33.3 ***	83.1	84.0
Average	21.5	27.4 ***	19.9	26.0 ***	75.7	78.1 *
Poor	6.9	5.7 ***	5.5	4.3 ***	65.0	62.5
Longhorn	3.4	2.3 ***	2.5	1.4 ***	59.3	50.2 **
N	13,042	13,896	10,657	11,480	13,042	13,896
3rd Decile and Lower						
Feeder	30.3	32.7 ***	34.0	36.3 ***	52.5	58.8 ***
Affluent	30.4	26.6 ***	27.5	23.4 ***	42.2	46.7 ***
Average	13.9	14.9 ***	11.9	12.5	40.1	44.5 ***
Poor	4.0	2.9 ***	2.2	1.7 **	25.8	32.0 **
Longhorn	2.6	1.2 ***	1.6	0.7 ***	29.5	28.5
N	23,163	28,477	10,841	15,082	23,163	28,477

a: Students from Texas high school with senior class size greater than 9 students.

b: The high school type categories do not sum to 100% because the "missing/private" category are not shown.

*, **, ***: p<=.05, **, p<=.01, ***, p<=.001 for two regime comparison.

Source: the administrative data component of the Texas Higher Education Opportunity Project (THEOP).

Table 4. Composition of In-State Student Applicant and Admit Pools and Admission Likelihood Before and After Hopwood: Texas A&M (in percent)

High School Type ^b	Applicants		Admittees		% Applicants Admitted	
	<i>Affirmative</i>		<i>Affirmative</i>		<i>Affirmative</i>	
	<i>Action</i> 1992-1996	<i>Top 10%</i> 1998-2002	<i>Action</i> 1992-1996	<i>Top 10%</i> 1998-2002	<i>Action</i> 1992-1996	<i>Top 10%</i> 1998-2002
All						
Feeder	19.4	20.5 ***	18.0	18.3	72.4	65.6 ***
Affluent	34.5	33.3 ***	33.8	32.3 ***	76.4	71.5 ***
Average	24.0	25.7 ***	25.4	28.3 ***	82.5	81.1 **
Poor	8.7	6.0 ***	9.5	7.0 ***	85.3	85.6
Century	3.6	2.5 ***	3.9	2.9 ***	84.2	85.1
N	59,114	70,040	46,114	51,591	59,114	70,040
Top10%						
Feeder	11.1	11.5	11.2	11.5	99.3	100.0 ***
Affluent	33.8	33.1	33.9	33.1	98.0	99.9 ***
Average	31.2	34.9 ***	31.1	34.9 ***	97.5	99.9 ***
Poor	13.3	10.1 ***	13.3	10.1 ***	97.4	100.0 ***
Century	4.9	3.8 ***	4.9	3.8 ***	96.5	100.0 ***
N	22,994	25,598	22,496	25,576	22,994	25,598
Second 10%						
Feeder	18.4	20.3 ***	20.4	21.1	92.2	81.2 ***
Affluent	38.3	36.8 **	38.1	35.4 ***	82.3	75.4 ***
Average	26.2	28.5 ***	24.9	28.6 ***	79.0	78.5
Poor	7.7	5.4 ***	7.3	5.2 ***	78.1	75.9
Century	3.3	2.1 ***	3.0	2.2 ***	74.8	80.6
N	12,964	15,241	10,752	11,931	12,964	15,241
3rd Decile and Lower						
Feeder	28.2	28.5	27.8	28.2	54.8	47.7 ***
Affluent	33.0	31.6 ***	30.1	28.2 ***	50.6	43.1 ***
Average	15.7	16.2	15.9	16.1	56.1	47.9 ***
Poor	4.7	2.8 ***	4.9	3.0 ***	58.1	50.2 ***
Century	2.4	1.6 ***	2.9	2.0 ***	66.4	58.3 **
N	23,156	29,201	12,866	14,084	23,156	29,201

a: Students from Texas high school with senior class size greater than 9 students.

b: The high school type categories do not sum to 100% because the "missing/private" category are not shown.

*: p<=.05, **: p<=.01, ***: p<=.001 for two regime comparison.

Source: the administrative data component of the Texas Higher Education Opportunity Project (THEOP).