

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1383 (McCarty) – As Amended April 1, 2019

SUBJECT: Public postsecondary education: admission by exception

SUMMARY: Establishes a process for the University of California (UC) and the California State University (CSU) to use in granting admissions by exception. Specifically, **this bill, as proposed to be amended:**

- 1) Defines “admissions by exception” as a process whereby a UC or CSU campus admits applicants who do not meet the eligibility requirements for admission to the UC or CSU system, or guaranteed admission to a UC or CSU campus, but who demonstrate high potential for academic success and leadership.
- 2) Prohibits a UC or CSU campus from admitting any student by admission by exception unless approved, prior to the student’s admission, by at least three campus administrators - which may include, but is not limited to, the chancellor, president, vice-president, vice chancellor, provost, or director of admissions for the campus – and the faculty member recommending the student for admission by exception.
- 3) Provides that, notwithstanding (2), a campus may admit by exception, without the approval process specified above, a California resident who is receiving an institution-based scholarship to attend the campus.
- 4) As the bill amends the Donahoe Higher Education Act, its provisions will apply to UC only to the extent that the UC Regents adopt a resolution making the provisions applicable.

EXISTING LAW:

- 1) Establishes the UC, to be administered by the Board of Regents, with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. (California Constitution Article IX, Section 9)
- 2) Establishes the CSU, governed by the Board of Trustees with respect to educational policy, finance, employee relations, campus planning, and facilities, among other areas. (Education Code Section 89500, et seq.).

FISCAL EFFECT: None

COMMENTS: *Purpose.* The author refers to the recent college admissions scandal – stemming from a federal criminal investigation known as “Operation Varsity Blues” – which has resulted in numerous bribery and fraud charges against wealthy parents seeking to get their children into elite universities. According to the author, “This scandal not only undermines the public’s trust in the college admissions process, but it further perpetuates the opportunity gap in our college

system. Equally disturbing is the fact that qualified California students were undoubtedly squeezed out and denied admission. For every student admitted through bribery, there was an honest and talented student that was rejected.”

“Legislation is necessary to resolve this problem as there is currently not enough oversight in the college admissions process as it relates to special admissions, also known as ‘admission by exception’. Currently, a student can be admitted through the special admissions process with only one college or university administrator approving the admission. There needs to be greater checks and balances if we are keep this type of fraud from happening again in the future.”

AB 1383 would require every admission by exception at UC or CSU to be pre-approved by at least campus administrators. The only exception to this requirement would be when a California resident is being admitted by exception and receiving an institution-based scholarship, such as an athletic scholarship.

UC Admissions Eligibility. UC is expected to draw from the top 12.5 percent of California high school graduates for freshman admission. Historically, UC has set its admission criteria to align with this freshman eligibility pool. Specifically, UC traditionally has required completion of a set of college preparatory work, certain grades in those courses, and certain scores on standardized tests. UC typically has adjusted its admission criteria in response to freshman eligibility studies, with UC tightening its criteria if found to be drawing from a pool larger than 12.5 percent of high school graduates and loosening its criteria if drawing from a smaller pool. For both freshman and transfer applicants, eligibility guarantees admission to the UC system but not to a particular campus, thus many applicants who are eligible under the systemwide criteria are not necessarily offered admission to the campus or campuses of their choice.

According to UC, each campus is granted the flexibility to develop admission policies and practices designed to meet local priorities and needs based on their applicant pool and level of selectivity, so long as such campus policies and practices align with Regents’ policy and Academic Senate regulations. The campus admission policies are approved by the campus Academic Senate, and local admissions practices come under their purview.

UC Admissions by Exception. According to UC, admission by exception is used sparingly and typically reserved for students with non-traditional educational backgrounds such as homeschooled students, students from rural locations, extraordinarily disadvantaged circumstances (e.g., foster care, chronic homelessness), or students with special talent in the arts or athletics who narrowly miss UC’s admission requirements. When applicants demonstrate exceptional talent, potential or accomplishments in specific areas, including athletics and the arts, but appear ineligible for admission, they are identified for further review.

Under the UC Regents’ Policy 2105 (July 1996), the proportion of students admitted by exception is limited to 6 percent of newly-enrolled freshman and 6 percent of newly-enrolled transfer students. Within the 6 percent limits, up to 4 percent may be drawn from disadvantaged students (low socio-economic backgrounds or having experienced limited educational opportunities) and up to 2 percent from other students (such as athletes).

UC indicates that the pool of applicants receiving admission by exception over the last several years has constituted less than 2 percent of all newly enrolled students systemwide, and thus has been far below the limits described above. In 2017-18, UC enrolled 519 total California residents

(254 freshmen) and 456 total nonresidents (367 freshman) under admission by exception, which was 1.5 percent of the total enrollment of 65,646 (1.3 percent of 46,004 enrolled freshmen).

As a result of the recent admissions scandal, UC's Office of Ethics, Compliance, and Audit Services is overseeing an internal review of the admissions policies and processes, including admissions by exception, at every UC campus. The initial phase of that review is expected to be completed in May or June of this year.

CSU Admissions Eligibility. The CSU defines its eligibility pool by an "eligibility index" that combines grade point average (GPA) and standardized test scores from the SAT or ACT. In general, a student with a lower GPA needs a higher standardized test score. In addition, students must obtain a grade of "C" or higher in certain college preparatory coursework. CSU periodically adjusts this index to capture the top one-third of high school graduates.)

Although the Master Plan's eligibility policy promises access to every eligible applicant who applies, CSU's budgetary resources in any given year are finite. The General Fund appropriation for CSU in the annual budget act typically is based on a target enrollment level that the university is expected to serve. The statewide Chancellor's office must work with campuses to manage enrollment demand to achieve enrollment totals close to their targeted levels, while still ensuring that all eligible applicants are offered an enrollment slot.

One enrollment management tool is "impaction," whereby the systemwide admissions criteria can be raised above the systemwide requirements for certain programs or groups of students. In contrast to most other enrollment management techniques (which still guarantee a spot for all eligible applicants to a campus), impaction allows campuses or programs to deny admission to applicants who do not meet enhanced requirements beyond statewide eligibility.

CSU Admissions by Exception. CSU policy provides for admission by exception for a "disadvantaged applicant," defined as someone who comes from a low-income family and who has the potential to perform satisfactorily on the college level but who has been and appears to be unable to realize that potential without special assistance because of economic or educational background. In addition, other applicants who are not disadvantaged and do not meet CSU's admission requirements may be admitted by exception. (This could include athletes, for example.) The number of such admissions for each of these two categories of applicants cannot exceed a level equal to 4 percent of CSU's total first-time undergraduate enrollment during the previous academic year. Each CSU campus is provided an allotment of exceptions by the Chancellor's office, and the final decision to admit students by exception is made at the individual campus level.

In 2018-19, CSU enrolled 1,410 students who were admitted by exception, or just over 1 percent of new undergraduate enrollment in the prior year, and far below the allowable limit under CSU's policy. The total included 486 disadvantaged applicants and 924 non-disadvantaged applicants.

Background on Admissions. In 1960, California adopted the Master Plan for Higher Education - a unique framework document intended to guide the state through the ensuing decades of intense demand for college education. The original 1960 Master Plan report and subsequent reviews are not themselves in state law. Instead, they are reports that were commissioned by the Legislature.

Many significant principles expressed by the Master Plan, however, have been adopted in statute. The Donahoe Higher Education Act (1960) codified many Master Plan recommendations, such as defining the distinct missions of the three public segments, establishing a Board of Trustees for CSU, and creating a coordinating council for higher education. Significant principles from the original Master Plan remain uncoded, however, including the eligibility targets for admission to UC and CSU. These eligibility policies require UC and CSU to admit freshmen students from among the top 12.5 percent and 33 percent, respectively, of the state's high school graduates.

Comment. Time did not permit an opportunity to review existing campus-by-campus procedures for approving admissions by exception or to evaluate the extent to which they vary from the approval requirements of this bill. Such procedures are in place, however, and at least in the case of UC, will be reviewed in the forthcoming audit. UC does take issue with the assertion that only one administrator approves these admissions currently, noting that such applications pass through several hands before a final determination is made. UC also notes that, in the case of student athletes, the overwhelming majority are highly qualified applicants admitted through the normal admissions process.

Whether the approval process required by this bill is the "right one," can be considered as this bill moves forward. For example, it might not be preferable for a campus president or chancellor, or other top-tier campus officials, to be involved *in any way* in *any* individual admissions decision. Another option could be establishing a review committee, appointed by campus leaders, specifically for admissions by exception.

Amendments. The amendments, which are reflected in this analysis, are clarifying and reflect the author's intent. The author concurs with the amendments, but for timing purposes, they will be taken in the Appropriations Committee.

Related Legislation.

AB 697 (Ting), also on today's committee agenda, prohibits a postsecondary educational institution from participating in the Cal Grant program if the institution provides preferential treatment in admissions to an applicant with a relationship to a donor or alumni of the institution.

ACR 64 (McCarty), also on today's committee agenda, requires that the CSU Trustees and the UC Regents conduct a study on the usefulness, effectiveness, and need for the SAT and ACT to determine student admissions.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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