

# College selectivity and the Texas top 10% law

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## Abstract

This paper addresses how institutional selectivity influences college preferences and enrollment decisions of Texas seniors in the presence of a putatively race-neutral admissions policy—the top 10% law. We analyze a representative survey of Texas high school seniors as of spring, 2002, who were re-interviewed 1 year later to evaluate differences in selectivity of college preferences and enrollment decisions according to three criteria targeted by the new admissions law: high school type, class rank and minority group status. Results based on conditional logit estimation produce three major conclusions. First, Texas seniors, and top decile graduates in particular, are highly responsive to institutional selectivity. Second, graduates from feeder and resource-affluent high schools are more likely, whereas their counterparts who graduated from resource-poor, Longhorn or Century scholarship high schools are less likely, to choose selective institutions as their first preference. Both for first college preference and enrollment decisions, blacks and Hispanics are less likely than whites to opt for selective colleges. Third, although disparities in selectivity of college preferences by high school type and minority group status persist among top decile graduates, these do not carry into actual matriculation—a result we attribute to the selection regime governing application and enrollment decisions.

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## 1. Introduction

Texas engaged in a bold experiment in response to the 5th Circuit Court's decision in *Hopwood v. University of Texas Law School*, which judicially banned consideration of race in college admissions decisions. The brainchild of a team of administrators and faculty who sought to protect institutional diversity, H.B.588—passed in 1997 and implemented fully by 1998—guarantees automatic admission to all seniors who graduate in the top decile of their class. The top 10%

law, as H.B.588 is popularly known, allows rank-eligible graduates to select a public post-secondary institution where they would exercise their admission guarantee.<sup>1</sup>

H.B.588 was designed to broaden access to public post-secondary institutions by fostering greater geographic, socioeconomic and race/ethnic representation among seniors ranked in the top decile of their class. Several recent studies have addressed the institutional consequences of the top 10% law (Tienda, Leicht, Sullivan, Maltese, & Lloyd, 2003), determinants of college intentions (Bellessa-Frost, 2004), and actual

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<sup>1</sup>Although private institutions within the jurisdiction of the 5th circuit were bound by the *Hopwood* ruling, only public institutions were subject to the automatic admission guarantee.

college enrollment under the plan (Tienda & Niu, 2004), but none have considered how institutional selectivity influences college choice. Yet, the long-standing national controversy about affirmative action revolves around access to *selective* institutions, not college access in general (Bowen & Bok, 1998). For Texas, this issue lies at the core of a raging debate in the State about the relative merits of race sensitive admissions versus the percent plan in determining who gains access to the public flagships (Irving, 2004; Laird, 2003; LeBas, 2003; Moses, 2004; Wilson, 2003). More generally, interest in institutional quality (selectivity) has grown because of rising demand for relatively fixed numbers of places at selective institutions (Bowen & Bok, 1998); because of successful institutional marketing activities (McDonough, 1994); and because of claims that post-graduation returns depend on the quality of institution attended (Bowen and Bok, 1998; Hossler, Braxton, & Coopersmith, 1989; Hoxby, 2001).<sup>2</sup>

In this paper we evaluate differences in the selectivity of college preferences and enrollment decisions of Texas seniors according to three criteria targeted by affirmative action and the top 10% law, namely, minority group status, high school type and class rank. The empirical analysis addresses three questions. First, how does institutional selectivity figure into students' college preferences and enrollment decisions? Second, does minority group status and the type of high school attended influence students' responsiveness to college selectivity? Finally, focusing only on seniors ranked in the top decile of their class, how does race/ethnicity and high school type influence their responsiveness to college selectivity? These questions, but the latter two in particular, are germane for addressing whether H.B.588 broadens access to and promotes diversity at the selective public colleges and universities in Texas.

To motivate the empirical analysis, Section 2 provides a brief synopsis of the college choice literature and derives a theoretical framework for the empirical analysis. Following a thumbnail sketch of the Texas Higher Education Opportunity Project (THEOP), in Section 3 we describe the survey data and operational measures of the core variables. Section 4 presents and discusses results of conditional logit models predicting both expressed first preference and actual enrollment decisions, focusing on the interaction between institutional selectivity and the debated policy levers, namely class rank, race/ethnicity and high school type. The final section discusses how selection operates through stages of the college decision process under a uniform admission regime.

We find that most differentials in college enrollment are eliminated for seniors who graduated in the top

decile of their class, but differentials in college preference persist according to type of high school attended and minority group status. This puzzle has a straightforward interpretation, namely that the students who succeed in enrolling are a highly selective sub-sample of those who qualify for the admission guarantee. According to census 2000, blacks and Hispanics comprised 56% of Texas's college-age population. Two years later, when our survey was conducted, 43% of high school graduates were black or Hispanic, and despite pervasive segregation that increases the odds that under-represented groups graduate in the top decile of their class, only 32% of top decile students are black or Hispanic (Tienda & Niu, 2004). Moreover, the admissions guarantee does not guarantee enrollment. Of those who actually matriculated in 2002, black and Hispanic students comprised only 19% of first-time freshmen at UT and only 12% at Texas A&M. Thus, H.B. 588 may be a necessary condition to broaden college choice, but it is clearly insufficient.

## 2. Modeling college choice

Until the early 1980s, few analysts empirically examined how and why students make the college choices they do (Chapman, 1981; Fuller, Manski, & Wise, 1982; Manski & Wise, 1983). Weiler (1994) claims that the circumstances governing college choice are not well understood partly because admissions are becoming more competitive at selective institutions (McDonough, 1994); partly because the empirical tools to estimate dynamic multi-state decision models were not readily available until recently (Behrman, Kletzer, McPherson, & Schapiro, 1998; Soss, 1974); and partly—perhaps mostly—because of the sheer magnitude and complexity of the choice process (Hossler et al., 1989).<sup>3</sup>

Recent empirical analyses of college choice represent students' behavior using a random utility model, which is estimated using conditional logit techniques (Long, 2003; Manski & Wise, 1983; McFadden, 1974; Montgomery, 2002).<sup>4</sup> Presumably, students choose the institution that yields the highest utility from all options in their college choice set. We adopt this analytical approach to examine college decision-making under the top 10% regime, focusing on the institutional selectivity of seniors' *stated*

<sup>3</sup>McDonough and Antonio (1996) report about 3600 possible college choices, but both Barron's and U.S. News and World Report list less than half as many.

<sup>4</sup>Despite the requirement of the strong IIA assumption, the conditional logit model is the best estimation strategy currently available for the college choice problem. Using the Hausman test (Hausman & McFadden, 1984), we tested the validity of the IIA assumption with our data. For results, see <http://www.texastop10.princeton.edu/publications.htm>.

<sup>2</sup>For a less positive assessment of the returns to institutional quality, see Dale and Krueger (1998).

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