**Clear English Requirements AA/PPS No. 04.01.11**

 **Issue No. 4**

 **Effective Date: 06/10/2022
 Next Review Date: 04/01/2025 (E3Y)**

**Sr. Reviewer: Associate Provost**

**POLICY STATEMENT**

*Texas State University ensures all courses, with the exception of foreign language courses, are taught in English and that English is used effectively by faculty.*

**01. PURPOSE**

01.01 This policy and procedure statement is established to ensure compliance with [Texas Education Code, Section 51.917](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm). It explains the procedures used to assure that Texas State University implements the legislative requirement that all Texas public universities utilizing teaching assistants, lab assistants, research assistants, lecturers, clinical professors, assistant professors, associate professors, and full professors whose primary language is not English establish a program or short course to ensure that all courses (with the exception of foreign languages) are taught in the English language and that English is used effectively by faculty.

01.02 [House Bill 638](https://lrl.texas.gov/legis/billSearch/billdetails.cfm?billFileID=6281) was enacted by the 71st Legislature of the State of Texas in order to amend [Chapter 51 of the Texas Education Code](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm). The bill added [Section 51.917](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm), which was further amended by the 82nd Legislature, and now reads (in part) as follows:

a. “Faculty member" means a person who teaches a course offered for academic credit by an institution of higher education, including teaching assistants, instructional assistants, lab assistants, research assistants, lecturers, assistant professors, associate professors, and professors, including those in clinical, research, and practice positions.

1. The governing board of each institution of higher education shall establish a program or a short course, the purpose of which is to:

1) assist faculty members whose primary language is not English to become more proficient in the use of English; in a teaching setting; and

2) ensure that courses offered for credit at the institution are taught in the English language and that all faculty members are proficient in the use of the English language.

c. A faculty member may use a foreign language to conduct foreign language courses designed to be taught in a foreign language.

 This section does not prohibit a faculty member from providing individual assistance during course instruction to a non-English-speaking student in the student’s native language.

**02. PROCEDURES AND RESPONSIBILITIES FOR INSTRUCTIONAL HIRING**

02.01 The Texas State Intensive English (TSIE) program staff located in the Office of Distance Learning, appointed by the provost and vice president of Academic Affairs (VPAA), is responsible for monitoring the Texas Higher Education Coordinating Board-approved program provided by the university to meet the purposes described above. In the process of overseeing this program, the program director will consult with representatives from areas, which may include: Faculty and Academic Resources; The Graduate College; TSIE, International Affairs; Speech Language Hearing Clinic; Testing, Evaluation, and Measurement Center; and Undergraduate Admissions.

02.02 Individuals being interviewed for an instructional position at Texas State, in any of the categories defined as a faculty member herein, will be carefully evaluated prior to being hired to ensure that they possess effective communication skills in the English language.

02.03 All individuals being considered for a faculty position, as defined herein, must provide evidence deemed sufficient by the appropriate dean that English is their primary language or that they have sufficiently mastered the spoken English language by making a passing score on one of the [Approved Tests of English Proficiency](https://gato-docs.its.txstate.edu/jcr%3A4b955282-fda4-4b81-987e-b06eea2b966b/Approved%20Tests%20of%20English%20Proficiency.doc). Evidence of compliance with clear English standards is reported by candidates for an instructional position through the use of the approved [English Proficiency form](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps7/PPS7-12AttB.doc). The [English Proficiency form](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps7/PPS7-12AttB.doc), with related evidence of mastery of the spoken English language, must be included in the individual’s hiring packet.

02.04 Each hiring packet submitted for instructional personnel whose primary language is not English should include a passing score report on one of the [Approved Tests of English Proficiency](https://gato-docs.its.txstate.edu/jcr%3A4b955282-fda4-4b81-987e-b06eea2b966b/Approved%20Tests%20of%20English%20Proficiency.doc). Individuals who have not completed the test by their hire date must take the test at the first available date. Test results must be on file in Faculty and Academic Resources by the end of the faculty member’s first semester.

02.05 Instructional personnel whose primary language is not English and who fail to achieve a passing score on one of the [Approved Tests of English Proficiency](https://gato-docs.its.txstate.edu/jcr%3A4b955282-fda4-4b81-987e-b06eea2b966b/Approved%20Tests%20of%20English%20Proficiency.doc) have one year to retake and pass. Faculty may participate in the TSIE program to help prepare for the test. The director of TSIE will review initial test scores as a part of a comprehensive language proficiency assessment and prescribe an improvement program designed to meet the needs of the individual in question. An outline of the prescribed program will be signed by the participating faculty member and appropriate chair or director and will then be submitted to the academic dean for approval. Costs associated with taking or retaking the approved test of English proficiency and the English proficiency course will be paid by the faculty member (see the [diagram](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps7/PPS7-12AttC.doc) for clarification on the process).

**03. PROCEDURES AND RESPONSIBILITIES RELATED TO CURRENT FACULTY**

03.01 It is the responsibility of academic deans and chairs or directors to monitor the English proficiency of current faculty and to address deficiencies where there is a need. If there is reasonable doubt that the individual can effectively express themselves in the English language, the chair or director will:

 a. conduct a personal interview with the faculty member;

 b. interview a representative sample of students from each class or

 laboratory taught or supervised by that faculty member; and

1. provide the academic dean with a written assessment of the individual’s English language proficiency. Concurrently, the chair or director may address the problem through informal measures and actions.

03.02 The academic dean, in consultation with TSIE program staff and the department chair or director, will determine whether the individual should participate in the TSIE program. If it is determined that participation is necessary, TSIE program staff will develop the course of instruction following the procedures outlined above. Upon successful completion of the program, TSIE will submit a notice of successful completion to Faculty and Academic Resources.

03.03 The appropriate dean may determine that reevaluation and additional prescribed instruction may be necessary in certain cases.

03.04 Refusal by an individual to participate in any assessment of their academic English language competency, and prescribed instruction, or failure to satisfactorily demonstrate proficiency in the use of the English language as described in this policy, may result in appropriate action being taken by the university.

03.05 University policy does not permit discrimination against any person on any basis prohibited by law, including discrimination on the basis of national origin. The provost and VPAA, deans, department chairs, school directors, and program directors will take such steps as are necessary to avoid discrimination on the basis of national origin in the implementation, operation, and evaluation of this program.

**04.** **REVIEWERS OF THIS PPS**

04.01 Reviewer of this PPS includes the following:

Position Date

Associate Provost April 1 E3Y

**05. CERTIFICATION STATEMENT**

This PPS has been approved by the following individuals in their official capacities and represents Texas State Academic Affairs policy and procedure from the date of this document until superseded.

Associate Provost; senior reviewer of this PPS

Provost and Vice President for Academic Affairs