PURPOSE

1. This Policy and Procedure Statement is established to ensure compliance with Texas Education Code, Section 51.917. It explains the procedures that are used to assure that the university complies with a Legislative requirement that all Texas public universities that utilize teaching assistants, lab assistants, research assistants, lecturers, assistant professors, associate professors, and full professors whose primary language is not English establish a program or short course that will ensure that all courses (with the exception of foreign languages) will be clearly taught in the English language.

2. House Bill 638 was enacted by the 71st Legislature of the State of Texas in order to amend Chapter 51 of the Texas Education Code. The bill added Section 51.917, which was further amended by the 82nd Legislature. Section 51.917 as fully amended 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, lab assistants, research assistants, lecturers, assistant professors, associate professors, and full professors.

   b. 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 proficient in the use of English; 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.
d. This section does not prohibit a faculty member from providing individual assistance during course instruction to a non-English-speaking student in the native language of the student.

PROCEDURES AND RESPONSIBILITIES FOR INSTRUCTIONAL HIRING

3. The Texas State Intensive English (TSIE) Program Director, appointed by the Provost, is responsible for monitoring the Coordinating Board approved program that the university provides to meet the purposes described above. In the process of overseeing this program, the Program Director will work with a committee of representatives from areas which may include: Faculty Records, Graduate College, TSIE, International Office, Multicultural Student Affairs, Speech Language Hearing Clinic, Testing, Research-Support and Evaluation, and Undergraduate Admissions.

4. Individuals being interviewed for an instructional position at Texas State, in any of the categories defined as a "faculty member" in paragraph 2. a above, will be carefully evaluated prior to being hired, to ensure that they possess effective communication skills in the English language.

5. 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 as indicated in PPS 7.12, Attachment A. Evidence of compliance with Clear English standards is reported by candidates for an instructional position through the use of the English Proficiency Form in Attachment B. The English Proficiency Form with related evidence of mastery of the spoken English language must be included in the individual's hiring packet.

6. Each hiring package 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 as indicated in PPS 7.12, Attachment A. 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 Records by the end of the faculty member's first semester.

7. Instructional personnel whose primary language is not English and who fail to achieve a passing score on one of the approved tests on English proficiency as indicated in PPS 7.12, Attachment A, have one year to retake and pass one of the approved tests. Faculty may participate in the TSIE program to help prepare for the test. The Director of the 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 and then will be submitted to the academic dean for approval. Costs associated with taking or retaking the approved test of English proficiency and/or the English proficiency course will be paid by the faculty member. See Attachment C for diagram clarifying this process.

**PROCEDURES AND RESPONSIBILITIES RELATED TO CURRENT FACULTY**

8. It is the responsibility of academic deans and chairs/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 is able to effectively express himself/herself in the English language, the chair/director will: 1) conduct a personal interview with the faculty member; 2) interview a representative sample of students from each class or laboratory taught or supervised by that faculty member; and 3) provide the academic dean with a written assessment of the individual’s English language proficiency. The chair/director may address the problem through informal measures such as mentoring or visual aids.

9. The academic dean, in consultation with the Director of the TSIE and/or the department chair/director, will determine whether the individual should participate in the TSIE program. If it is determined that participation is necessary, the TSIE Director will develop the course of instruction following the procedures outlined in paragraph 7. Upon successful completion of the program TSIE will submit a notice of successful completion to Faculty Records.

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

11. Refusal by an individual to participate in any assessment of his/her academic English language competency, and/or 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.

12. 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, deans, department chairs/school directors and the 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.
CERTIFICATION STATEMENT

13. This PPS has been approved by the reviewer listed below and represents Texas State's Division of Academic Affairs policy and procedure from the date of this document until superseded.

Review Cycle: _____________________ Review Date: _____________________
Reviewer: ________________________ Date: _________________________
Approved: ________________________ Date: _________________________

Gene Bourgeois
Provost and Vice President for Academic Affairs

Texas State University-San Marcos
Provost and Vice President for Academic Affairs
Last Updated: March 26, 2013
Send comments and questions to: tg12@txstate.edu