

October 5, 2006

MEMORANDUM

To: Dr. Layton R. McCurdy, Chairman, and Members, Commission on Higher Education

From: Dr. Bettie Rose Horne, Chair, and Members, Committee on Academic Affairs and Licensing

Consideration of Annual Report on Compliance with the English Fluency Act in Higher Education, FY 2005-2006

Background

In 1991 the General Assembly passed the English Fluency in Higher Education Act. This Act required each public higher education institution to submit an annual report to the Commission, based upon a compliance plan that each institution had been required to develop. Under the law, the Commission was given the responsibility of developing and implementing policies and procedures consistent with the General Assembly's intent to ensure that faculty members at the public institutions in the State can communicate effectively even when English is not their first language.

In the language of the Act in Section (C)(2) each institution was required to submit as part of its compliance plan an assurance that an adequate procedure exists for students to report grievances concerning the inability of instructors to be understood in their spoken or written English. In Section (D)(2), the Act further requires that each institution must report annually the number of grievances filed by students under the provisions of (C)(2) and the disposition of those grievances.

On November 3, 1994, the Commission on Higher Education required that each institution of public higher education in South Carolina publish a clear, complete summary of the institution's policy on English Fluency in Higher Education *either* in

both the catalog and student handbook *or* in the Academic Section and the Student Affairs Section (for institutions with a unified publication) of the unified publication on campus policies.

At its meeting on November 2, 1995, the Commission further required that all institutions must demonstrate for the current reporting year (i.e., in this case, the period beginning July 1, 2005, and ending with the conclusion of the Spring Semester 2006) that they are fully in compliance with the requirements regarding publication of the law's provisions in the Catalog and Student Handbook.

Discussion

All institutions of public higher education had submitted their reports to the Commission on Higher Education by June 4, 2006, for the recently completed academic year of 2005-2006. The data submitted in those reports show that with two exceptions all of the State's 33 public institutions are fully in compliance with the publication of the required student information under the law and Commission policy. The exceptions are Greenville Technical College and Horry-Georgetown Technical College. Both reported that they only have a reference in the Academic Affairs section of their unified catalog/student affairs handbook. However, staff has received written confirmation that these omissions will be corrected with the publication of new unified documents early in 2007.

Since the passage of the English Fluency Act in Higher Education by the General Assembly in 1991, the Commission has issued fifteen annual reports (including the current one) to the chairmen of the committees in the House and Senate with jurisdiction in educational matters. In all the previous fourteen reports a total of six student complaints had been received. In the current year's reports from the institutions no student grievance was reported at any of the thirty-three public institutions.

The minimal use of the grievance policy by students throughout the state suggests that public institutions of higher education have been highly accountable in the hiring and retention of faculty who are capable of communicating well in the English language for purposes of teaching and advising students. In summary, students appear to be satisfied in all public institutions with the level of communication they are receiving from instructors whose first language is not English. For the past academic year, faculty members whose first language is not English are apparently meeting the expectations of the General Assembly for their ability to communicate effectively with students.

On October 6, 2005, the Commission requested that the General Assembly consider revising the annual requirement for reporting data for this report. That request was made, but the General Assembly did not take action on it.

Greenville Technical College and Horry-Georgetown Technical College will rectify their unified student affairs/academic affairs document in the 2007 printing of these documents to follow state policy requiring two statements to appear about the legitimacy of student grievances under the provisions of the English Fluency in Higher Education Act.

Recommendation

The Committee on Academic Affairs and Licensing recommends that the Commission approve this report and transmit copies of it, as required by law, to the appropriate chairpersons of the education committees of the General Assembly.

In keeping with the Commission's decision of October 6, 2005, copies of this report sent to the leaders of the General Assembly will include a request that the legislative leadership consider amending this law to make institutional reporting on this Act less than once per academic year.