

HIGHER EDUCATION COMMITTEE - OTHER RESPONSIBILITIES

The Higher Education Committee has been assigned the Legislative Council responsibility to receive a report from the State Board of Higher Education before July 1, 2006, regarding implementation of a policy requiring all institutions to assess faculty and teaching assistant English communication skills, pursuant to North Dakota Century Code (NDCC) Section 15-10-42 (attached as an appendix).

STATUTORY PROVISIONS

North Dakota Century Code Section 15-10-13.1 provides that any professor, instructor, teacher, assistant, or graduate assistant at a state institution of higher education must exhibit written and verbal proficiency in the English language. Any deficiency must be remedied by special training or coursework provided by the institution.

North Dakota Century Code Section 15-10-42 provides that the State Board of Higher Education shall create a policy for all institutions under its control relating to the assessment of faculty and teaching assistant communication skills, including the ability to speak English clearly and with good pronunciation, the notification to students of opportunities to file complaints, the process for responding to student complaints, and the resolution of reported communication problems.

STATE BOARD OF HIGHER EDUCATION POLICY

State Board of Higher Education Policy 609, which was revised by the board in June 2005, provides that each institution shall establish a process for verifying communication skills, including written English language proficiency and ability to speak English clearly and with good pronunciation, of all personnel whose appointments include classroom instruction. Each institution is to:

- Develop the process and standards for validating and assessing proficiency through an inclusive process which recognizes the needs

of departments, programs, students, and faculty.

- Determine proficiency prior to employment.
- Provide a means of continuously improving communication proficiency of all instructors to meet or exceed defined standards.
- Establish a process for students and personnel affected by this policy to register concerns or file complaints and a process for notifying students of the policy and complaint process.
- Periodically review the effectiveness of the policy and provide reports to the board upon request.
- Establish procedures to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as well as federal and state constitutions and laws. The procedures shall include a mechanism to identify otherwise qualified personnel who may be unable to demonstrate requisite proficiency due to a disability or because of race, religion, or other protected characteristic.

PROPOSED STUDY PLAN

The following is a proposed study plan relating to the committee's other responsibilities:

1. Receive a report from the State Board of Higher Education before July 1, 2006, regarding implementation of a policy requiring all institutions to assess faculty and teaching assistant English communication skills, pursuant to NDCC Section 15-10-42.
2. Receive testimony from other interested persons.
3. Develop a recommendation and any bill draft necessary to implement the recommendation.
4. Prepare a final report for submission to the Legislative Council.

ATTACH:1