

No. 1990-76

AN ACT

SB 539

Requiring institutions of higher education to evaluate their faculties for fluency in the English language; providing for certifications as to that fluency; imposing penalties; and conferring powers and duties upon the State Board of Education.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the English Fluency in Higher Education Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Board.” The State Board of Education.

“Department.” The Department of Education of the Commonwealth.

“Instructional faculty.” Every member of an institution of higher education, other than visiting faculty but including graduate teaching assistants, who teaches one or more undergraduate credit courses at a campus of that institution within this Commonwealth except:

- (1) such courses that are designed to be taught predominately in a foreign language;
- (2) student participatory and activity courses such as clinics, studios, seminars and laboratories;
- (3) special arrangement courses such as individualized instruction and independent study courses; and
- (4) continuing education courses.

Section 3. Evaluation of fluency.

Each institution of higher education operating in this Commonwealth shall evaluate its instructional faculty for fluency in the English language in the classroom. Such fluency shall be evaluated using varied and appropriate criteria, such as personal interviews, peer, alumni and student observations and evaluations, publications, professional presentations, tests or any other appropriate criteria which effectively evaluates such fluency.

Section 4. Certification.

By September 1 of each year, each institution of higher education operating in this Commonwealth must file with the department a certification stating that the instructional faculty members hired either since the effective date of this act or hired subsequent to the last annual certification are fluent in the English language, as provided in section 3.

Section 5. Noncompliance.

If an institution of higher education operating in this Commonwealth does not comply with section 4, the Secretary of Education may impose a \$10,000 penalty for each course taught by an uncertified faculty member, as provided for in sections 3 and 4.

Section 6. Regulations.

The board shall promulgate regulations to implement sections 4 and 5.

Section 7. Effective date.

This act shall take effect in 60 days.

APPROVED—The 9th day of July, A. D. 1990.

ROBERT P. CASEY