



Court Ruling on the English Benchmark Requirement for Graduation in Taiwan

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Introduction

Assessing language proficiency is not only an important task but also a sensitive issue. This is especially true in Taiwan and much of Asia where testing is strongly ingrained in the culture (Sims, 2015). In an attempt to improve students' English aptitude and their global market competitiveness, many Asian countries require their university students to reach a certain level or score on English proficiency exams in order to graduate (Pan, 2014). With the encouragement of the Ministry of Education (MOE), most universities in Taiwan require their students to pass certain language proficiency tests in order to graduate (Hsieh, 2017). By passing a standardized English test before graduation, the Ministry of Education and universities hope students can prove their English competence, thus increasing students' competitive edge for future employment and advanced studies.

Background

According to Wu and Lee (2016), over 90% of universities in Taiwan have implemented an English graduation benchmark requirement. Most universities have set the graduation requirement at the B1 level of the Common European Framework of Reference for Languages (CEFR). Within universities, some departments may set a higher level for their students. If students fail to reach this standard, most universities provide alternative methods (backdoors) to help students to fulfill their language exit requirements. These alternative methods include remedial English courses followed by passing the university's own internal proficiency exams, or simply additional courses taught in English.

Court Ruling

In January of 2017, a student in the Law Department at National Chengchi University filed litigation against the school for forcing students to take outside commercial tests as the English Exit Requirement. The student challenged the legality of the graduation benchmark policy despite having a TOEIC score of

855, which fulfilled the school's English exit requirement. On August 24, 2018, Taipei High Administrative Court turned down her suit on the grounds of university autonomy. The decision affirmed that Chengchi University had the right to set its own English Exit Requirement regulations; however, the court ruling stipulated that students should be allowed to enroll in courses to fulfill the English Exit Requirement without first getting a failing score on a paid exam. In other words, the court ruled that universities can set their own graduation benchmark policies, as long as they do not require students to pay for an exam before being allowed to enroll into a course to fulfill the exit requirement. A 2018 news article by Hu Yunyun and Xie Fangyu regarding the lawsuit reported:

...亦即限定學生應先參加校外之外語能力檢核，未達標準者，須辦理成績登錄及系級及核定之後，始得修習學分兩小時課程部分，對於原本外語能力即有欠缺，必須修習校內外語進修課程以提升其外語能力之學生，要求一定要先參加校外外語能力檢核「不通過」後，始得修習，設此先後順序，並不合理，已逾越大學以教學為目的之宗旨，故此部分已逾越大學自治之合理、必要範圍，應屬無效。(107年度判字第488號)

... forcing low English proficiency students, who need to take English courses to improve, to pay for an English proficiency test hosted by off-campus institutes first and then upload their failing scores for departmental approval before taking a 2-hour English course as an alternative for the English exit requirement is not reasonable, conflicts with university autonomy, and is also against the teaching-oriented purpose of a university; hence it is invalid. (Hu & Xie, 2018)

Ramifications

Even before the lawsuit was settled, some universities reexamined and revised their English exit policies. On May 4, 2017, National Taipei University of Education became the first university to rescind its English Exit Requirement. It is interesting to note that National Chengchi University abolished its English Exit Requirement on January 8, 2018 before the Taipei High Administrative Court ruled in its favor on August 24, 2018. A phone call to National Changhua University of Education revealed that it is in the process of revising their regulations to abolish their English exit requirement.

Other universities are taking a different approach. For example, universities such as National Sun Yat-sen University, National Taiwan Normal University, and Tunghai University have created their own internal English proficiency exams, which are free of charge to their students. Students, who do not achieve the required standard on these in-house exams, can use their universities' alternative methods (backdoors) to fulfill their language exit requirements because they do not have to pay for these exams. It is interesting to note that before the court ruling, some departments at Tunghai University had their graduation benchmark set at the B2 level of the CEFR. Now all departments at the university have set their standard at the B1 level because the proficiency exam designed at that school only assesses whether a student has reached the B1 level (Sims, 2016) and not at a higher level.

Some universities do not require their students to take an exam, but offer them incentives to do so. For example, National Tsing Hua University currently requires eight English credits to graduate, but students who have reached a certain score on a standardized English exam can waive two of these credits.

Discussion

Because of the recent court ruling, some national universities in Taiwan are abolishing their policies of using standardized English proficiency exams as graduation requirements. It would not be surprising if other universities soon follow suit and abolish their English exit requirements as well. Many universities and teachers modified their curriculum and instruction to help students to pass these English exit exams.

Now that passing these exams may no longer be required to graduate, the influence these exams have in the classroom may change as well. There may be less “teaching for the test” and more focus on “language learning.”

The biggest losers of the court ruling may be language testing institutions and cram schools. Exams are big business in Taiwan. If fewer universities in Taiwan require their students to reach a certain level or score on standardized English proficiency exams in order to graduate, the total number of people taking these exams in Taiwan will decrease. This will cause a loss of income for language testing institutions such as the Education Testing Service (ETC) and the Language Training and Testing Center (LTTC), the administrators of the two most commonly used exams (TOEIC and GEPT) for the benchmark in Taiwan. Moreover, fewer students may attend the many cram schools that help students prepare for these exams.

Taiwan’s international ranking on exams such as the TOEIC has decreased over the last decade. Currently, most university students in Taiwan are required by their university to take one of these exams, even low-proficiency students. If fewer students on the lower end of the spectrum are required by their university to take these exams, Taiwan’s international ranking on these exams may increase. Quite simply, in the future fewer students with lower levels of English may take these exams, thus increasing Taiwan’s overall scores on these exams.

Conclusion

The Ministry of Education and universities in Taiwan hoped to give university students a competitive edge by proving their English competence by passing a standardized English test before graduation. On the surface this sounds good, but this is based on the notion that the best way to have universities’ English good enough to compete in the global arena is to require ALL students to pass an exam before being allowed to graduate from university. There are several problems with this approach. Most of these problems focus around the misconception that English education should focus on helping students “pass” exams and not necessarily helping them to learn the language. However, the biggest problem as related to the recent court ruling is requiring ALL students to “pass” an exam. Most universities had backdoor courses that would allow those students who did not reach the required threshold on these exams to still graduate. The recent court ruling closed many of these backdoors. Universities had to make a difficult decision between not allowing some students to graduate or abolishing their English graduation benchmark policies completely. Many universities decided that without a backdoor, their English graduation requirements was too high of a bar for all students. Quite simply, the recent court ruling put a real bite into their language exit requirement. This triggered more pain than many universities were willing to bear.

In the short time since the court ruling, university responses have been threefold. The first being that universities are abolishing their English exit requirements completely. Many universities may find this approach the easiest option to implement because it does not require any addition resources or personnel. The second response has been universities are creating their own exams. However, the construction of an appropriate English proficiency exam with a high reliability and validity is no minor task. Not only are the creation of these exams time consuming, but also many universities do not have the means and personnel with the necessary expertise to create such exams. The third response has been universities are offering incentives to take exams, but not requiring students to take them. This approach may be the best option for universities that want their students to take a recognized standardized English proficiency, but still offer a means for students who did not reach a certain level or score to still graduate. Only time will tell the full ramifications of the court ruling.

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Court case reference:

Taipei High Administrative Court. 107 年度 判字 第 488 號.