

Name: American Bar Association	Meeting Date: 06/23/2016	Response Submit Date: 05/25/2016	Status: Final Review	Type: Renewal Petition
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U.S. Department of Education

Staff Report

to the

Senior Department Official

on

Recognition Compliance Issues

Recommendation Page

1. **Agency:** American Bar Association
2. **Action Item:** Renewal Petition
3. **Current Scope of Recognition:** The accreditation throughout the United States of programs in legal education that lead to the first professional degree in law as well as freestanding law schools offering such programs. This recognition also extends to the Accreditation Committee of the Section of Legal Education (Accreditation Committee) for decisions involving continued accreditation (referred to by the agency as "approval") of law schools.
4. **Requested Scope of Recognition:** The accreditation throughout the United States of programs in legal education that lead to the first professional degree in law as well as freestanding law schools offering such programs. This recognition also extends to the Accreditation Committee of the Section of Legal Education (Accreditation Committee) for decisions involving continued accreditation (referred to by the agency as "approval") of law schools.
5. **Date of Advisory Committee Meeting:** June 23, 2016
6. **Staff Recommendation:** Continue the agency's recognition as a nationally recognized accrediting agency at this time, and require the agency to come into compliance within 12 months with the criteria listed below, and submit a compliance report due 30 days thereafter that demonstrates the agency's compliance.
7. **Issues or Problems:** It does not appear that the agency meets the following sections of the Secretary's Criteria for Recognition. These issues are summarized below and discussed in detail under the Summary of Findings section. -- The agency must provide the twelve resumes of staff with responsibilities for accreditation activities, as listed on the submitted organizational chart but not included as evidence, to be assessed for this criterion. [§602.15(a)(1)] -- The agency must provide the resumes for the four Council members and the one Data Policy & Collection Committee member not included in the documents provided for this criterion. [§602.15(a)(2)] -- The agency must amend its standards, policies and procedures to include an academic and an administrative member in its composition of the Appeals Panel and provide evidence that an academic and administrative member serves on the Appeals Panel in the one defined role to demonstrate compliance with this criterion. [§602.15(a)(3)] -- The agency standards, policies and procedures must be amended to clarify the requirements of the site evaluation questionnaire in lieu of the self-study. The agency must also provide evidence of these approved changes from the decision making bodies. [§602.16(a)(1)(viii)] -- The agency standards, policies and procedures must be amended to clarify the requirements of the self-study and the site evaluation questionnaire. The agency must also provide evidence of these approved changes from the decision making bodies. [§602.17(b)]

Executive Summary

Part I: General Information About The Agency

The American Bar Association established the Section of Legal Education and Admissions to the Bar (Council) in 1893, and the Council began to conduct accrediting activities in 1923. The Council is both an institutional and a programmatic accrediting agency. The Council currently accredits 199 legal education programs. Of the legal education programs accredited/approved by the agency, 19 are freestanding law schools and maintain independent status as institutions of higher education with no affiliation with a college or university. These law schools may use the agency's accreditation to establish eligibility to participate in HEA programs. Since the agency is a Title IV gatekeeper, it must meet the Department's separate and independent criteria or seek a waiver of those requirements. During this recognition period, the Department received 11 third party comments and one complaint for the American Bar Association on May 31, 2016. This complaint has not been reviewed by the Department at this time.

Recognition History

The then-Commissioner of Education initially recognized the Council in 1952. The agency has been recognized since that time. The agency was last reviewed for continued recognition in 2011, when the Assistant Secretary issued a decision in July 2011 that required the agency to come into compliance with several areas of the Secretary's criteria within twelve months, and submit a compliance report 30 days thereafter demonstrating the agency's compliance with the criteria cited in the decision letter. The agency was found compliant with the cited recognition criteria as noted in the July 23, 2013, decision letter. The agency submitted its petition for renewal of its recognition which is the subject of this analysis.

Part II: Summary Of Findings

602.15(a)(1) Staffing/Financial Resources

The agency must have the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition. The agency meets this requirement if the agency demonstrates that--

(a) The agency has--

(1) Adequate administrative staff and financial resources to carry out its accrediting responsibilities;

The agency demonstrates it has adequate administrative staff to carry out its accrediting responsibilities through a full-time staff of 18 persons with 2 vacant positions and a part-time staff of one that perform the accreditation responsibilities of the Council. The agency attests that the above mentioned staff is sufficient to serve the 203 law schools they accredit. A description of duties and bios were supplied for 17 of the 18 person staff. However, curriculum vitae's of the staff were not provided to assess whether their qualifications meet the duties of their outlined positions. In addition the agency must provide the job description of the one staff member that was not provided. The agency must also provide resumes or curriculum vitae's for the Accreditation Committee, Council, appeal panel members, and administrative staff in order to demonstrate these individuals are qualified to serve in their assigned positions.

The agency states that the annual accreditation budget is developed by the Council's Finance Committee, Managing Director and staff and then presented to the full Council for final approval. In addition to the development of the accreditation budget, the Finance Committee recommends annual fees that accredited law schools are assessed to the Council as well. However, the agency did not provide documentation regarding the qualifications of the members of the finance committee to demonstrate they are qualified to sever in that capacity.

The funds for the agency's budget is comprised of legal education accreditation fees evidenced by the scheduled of fees submitted by the agency; the American Bar Association Fund for Justice and Education (FJE) evidenced by the ABA Board of Governors Resolution, April of 1999; and surplus funds from the reserve fund balance evidenced in the narrative and the 2016 budget. The ABA FJE also states that the accreditation activities will be supported by the ABA, and that the budget "will not be subject to review by or in consultation with the Board of Governors or any other entity outside the Section."

Department staff has not received any complaints regarding the agencies inability to carry out its accreditation activities because of any issues relative to the criteria.

Analyst Remarks to Response:

In response to the draft analysis, the agency provided additional information and documentation to address the previous staffing concerns as evidenced in Exhibits A-F and QQ. Specifically, the agency has provided staff bios and organizational charts from its website defining the job descriptions and responsibilities of its staff (exhibits A-1 and QQ). However, the agency has still not provided resumes for twelve of its staff members responsible for accreditation activities for the 203 law schools it accredits for Department staff to assess the sufficiency of the staff credentials and qualifications to administer its accreditation activities in an effective manner within its scope of recognition. The agency has also provided resumes and bios for the Accreditation Committee members and resumes for the Appeals Panel members (exhibits C-F). However, the agency included the Council members bios, and all but four of the resumes of the Council for analysis as noted in 602.15(a)(2) Competency of Representatives.

Lastly, the agency provided additional clarification on the qualifications of the Finance Review Committee for the Department to assess. The agency attests that members of the Finance Committee have various backgrounds that support their role on the committee, including the professional background of the Chair as a CPA and partner in a significant regional accounting firm and others who have managed budgets in their professional work. The agency also provided a roster and resumes of all of the Finance Committee members to demonstrate their qualifications and credentials to sever in this capacity (exhibits D-E).

602.15(a)(2) Competency of Representatives

(2) Competent and knowledgeable individuals, qualified by education and experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures, to conduct its on-site evaluations, apply or establish its policies, and make its accrediting and preaccrediting decisions, including, if applicable to the agency's scope, their responsibilities regarding distance education and correspondence education;

The agency states that the accreditation processes are performed by the council, accreditation committee, managing director, and appeals panel. The council has primary authority to determine compliance with agency standards; the accreditation committee makes recommendations to the council on various issues; the managing director oversees and reports all accreditation matters to the council and assures legal requirements are followed for law school accreditation; and the appeals panel considers appeals on denial or withdrawal of accreditation.

The agency's bylaws, standards, and rules of procedure for approval of law schools describe the criteria and composition of the Accreditation Committee, Council, appeals panel members, on-site evaluators, and team chairs. The rosters included as evidence identify the selection of qualified evaluators and decision makers as described in the written policies and procedures, however no curriculum vitae have been included demonstrating the qualifications via education and experience for the decision making bodies (which include the Accreditation Committee, Council, and appeals panel) for Department staff to review to ensure compliance with this criteria. The agency needs to provide documentation that would attest to the qualifications of site team members to serve in their respective roles.

The site evaluation teams consist of legal educators, practitioners, and a judge as demonstrated during the site visit observed by Department staff in February 2016 and within agency policies. The agency provided the internal operating practices as evidence which specifically outlines the qualifications needed for and the training of site team members, as well as the evaluation of site team reports by the managing director.

The agency provided training materials for the aforementioned groups as evidence. The materials are created to ensure understanding of the standards, policies, procedures in their perspective roles as a decision and policy-makers as well as the evaluators reviewing the application of standards, policies and procedures during site visits.

The site evaluators training materials include distance education. However, formal training on distance education was not evident in the meeting agenda or materials. In accordance with 602.27(a) (5) the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The Department also expects that all of the personnel involved in accreditation activities will have received training regarding the accreditation and evaluation of distance education programs. As noted previously the agency provided no evidence of those involved in accreditation activities regarding distance education.

Also, the Data Policy & Collection Committee is introduced as part of the accreditation internal operating practices for legal education and admission to the bar. The role of the Data Policy & Collection Committee is not defined within the bylaws or standards and rules of procedure for approval of law schools, yet internal operating practices submitted as evidence by the agency states that the committee operate under the accreditation domain. The qualifications and the definition of the Data Policy and Collection Committee must be explained as it relates to accreditation

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to competency of representatives as evidenced in Exhibits B-C and F-G in addition to further explanation of exhibits 10-11, 15, 17-19 and 21. Specifically, the agency included in the response resumes of the members of the Appeals Panel and Accreditation Committee but only some of the resumes for the Council and Data Policy & Collection Committee members (exhibits B-C and F-G). The agency also provided additional detail on the training of all entities involved in accreditation activities outlining the focus of these training workshops.

Finally, the agency clarified the role of the Data Policy & Collection Committee as it relates to the accreditation process of the agency. The agency attest s that the Data Policy & Collection Committee role is to continue a dialogue between the schools and the Council on the most effective and efficient ways to collect and report the data that is required to operate the agency's accreditation process which falls under the Special Committees of Article X, section 2 within the agency Bylaws (exhibit 15). The agency provided the roster for the Data Policy & Collection Committee members and all but one of the resumes for the members (exhibits 21 and G). However, the exclusion of the resumes causes the agency to remain out of compliance with the criteria.

602.15(a)(3) Academic/Administrator Representatives

(3) Academic and administrative personnel on its evaluation, policy, and decision-making bodies, if the agency accredits institutions;

The agency provided evidence to demonstrate that its evaluation and decision-making bodies, which include its appeals panel, contain academic and administrative personnel. For example, the bylaws state that the Council shall include legal educators, practitioners, members of the judiciary, and representatives of the public; the internal operating practices state site team evaluator teams shall include, as appropriate, educators, practitioners, administrative personnel, and judges; and the appeals panel, and the group of alternates, shall include legal educators, practitioners, members of the judiciary, and representatives of the public as stated in the rules of procedure for approval of law schools. However, the agency standards do not distinguish the composition of its appeals panel when acting in the capacity of institution accreditor for freestanding institutions for Department staff to review and assess for compliance. The composition requirements differ depending on whether the agency is accrediting a program or a free-standing law school. For institutions, academic and administrator participation is required and for programs educator and practitioner participation is required on appeals panels.

The agency provided documentation of the written policies, identifying the required qualifications and experience of the members of the site team evaluators and the decision making bodies (Accreditation Committee, Council, and appeals panel), but did not provide curriculum vitae's demonstrating the members' credentials. The agency's composition of site visit evaluation teams, as well as the internal and external policy and decision-making bodies for accreditation are described and represent academic and administrative personnel. However, the agency must provide a site visit report to demonstrate that academic and administrative personnel serve on site visit teams when accrediting free-standing law schools.

Analyst Remarks to Response:

In response to the draft analysis, the agency provided additional information and documentation to address the previous concerns related to academic and administrative representatives as evidenced in exhibits B-C, F and H-I and further explanation of exhibits 11-14 and 16. Specifically, the agency included in the response the roster and resumes of the Accreditation Committee (exhibits 13 and C) along with the roster and some of the resumes (exhibits 12 and B) for the Council as noted in 602.15(a)(2) Competency of Representatives.

The agency provided the resumes and roster of the Appeals Panel members (exhibits 14 and F).

The agency states in its narrative that in practice the Appeals Panel contains an educator and academic who is a former law school dean and an academic and educator who is a very experienced site evaluator. However, it is unclear to the Department if the educator/academic Appeals Panel member serves the one or dual role when making accreditation decisions since the criteria require that a single individual fulfill one defined category/role at a time. Also, the agency's Rules of procedure, Rule 35 (d) states that the Appeals Panel, and the group of alternates, shall each include legal educators, practitioners, members of the judiciary, and representatives of the public (exhibit 16). Yet, this composition of members does not designate an academic and administrative member as a requirement.

Lastly, the agency provided additional documentation on the composition of the on-site team evaluators to demonstrate the inclusion of academic and administrative personnel. In particular, the agency provided an on-site team chart listing on-site evaluators names and role on a site visit (exhibit 11); an excerpt from a site visit report identifying the on-site team evaluators; along with resumes citing the qualifications of the evaluators for the visit (exhibits H-I).

602.15(a)(4) Educator/Practitioner Representatives

(4) Educators and practitioners on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;

The agency has outlined the composition of its evaluation, appeals, and overall policy/decision making bodies within their bylaws, and standards and rules of procedure for approval of law schools. The Council, which is responsible for determining compliance with standards, has twenty-one members; of which, five are officers, fifteen members-at-large, three public members and one law student member consisting of legal academics, practicing lawyers, judges, and public members. The agency provided a roster of the council to demonstrate this composition.

The accreditation committee, which is comprised of legal educators, practitioners, members of the judiciary, and public members, are responsible for making recommendations to the council on matters relating to the accreditation of law schools. The responsibility and authority of the accreditation committee is delegated to it by the council. The agency provided a roster of the accreditation

committee's composition as well.

The site evaluation teams, which are responsible for conducting comprehensive examination of the law school or program, are appointed by the senior staff in the Managing Director's Office, in consultation with the Managing Director per the agency evidence and narrative. The site teams are composed of professors and deans, clinical professors, librarians, law school administrator, judges, lawyers and university administrators. Also, per the agency, internal operating practices, site evaluation teams must be of sufficient size to accomplish the purposes of the site evaluation. However, the site visit report submitted by the agency does not include the composition of the site team for Department staff to review and assess the agency's compliance with the criteria.

The agency provided documentation describing the appeals process. The appeals panel considers appeals for denial or withdrawal of approval. The appeals panel is comprised of three members, containing one legal educator, one judge or practitioner, and one public member. The rosters of the aforementioned members were submitted as evidence. However, the qualifications and the resumes/curriculum vitae's of these members are not included for Department staff to review and assess.

Analyst Remarks to Response:

In response to the draft analysis, the agency provided additional information and documentation to address the previous concerns as evidenced in exhibits 11-14, 16, 29-30, B, C, F and J-3. Specifically, the agency provided additional documentation on the composition of the on-site team evaluators for the redacted site visit reports submitted previously. The unredacted site visit report cover pages (exhibit J); on-site team chart listing indicating evaluators names and role on a site visit (exhibit 11); and resumes of these evaluators citing their qualifications for the visit (exhibits J-1-3) demonstrate the inclusion of education and practitioner representatives on site teams. The agency narrative references exhibit V, experience list for site team members, but is not included as evidence.

Also, the agency's Rules of procedure, Rule 35 (d) states that the Appeals Panel, and the group of alternates, shall each include legal educators, practitioners, members of the judiciary, and representatives of the public (exhibit 16). In 602.15(a)(3), the agency provided the resumes and roaster of the Appeals Panel members (exhibits 14 and F), Accreditation Committee members (exhibits 13 and C) along with the roaster and some resumes for the Council members (exhibits 12 and B) to demonstrate adherence to the requirement of educator/practitioner representatives on their decision making bodies.

602.15(b) Recordkeeping

(b) The agency maintains complete and accurate records of--

- (1) Its last full accreditation or preaccreditation reviews of each institution or program, including on-site evaluation team reports, the institution's or program's responses to on-site reports, periodic review reports, any reports of special reviews conducted by the agency between regular reviews, and a copy of the institution's or program's most recent self-study; and**
- (2) All decisions made throughout an institution's or program's affiliation with the agency regarding the accreditation and preaccreditation of any institution or program and substantive changes, including all correspondence that is significantly related to those decisions.**

The agency provided the internal operating practices as evidence which outline the maintenance of records. With specific regards to accreditation reviews, the agency maintains all associated documents for two review cycles. The agency has also identified the retention timeframe for decision letters by the managing director for accreditation committee, council, and appeals panels as indefinitely along with their responses from the law school; and all other correspondence significantly related to those decisions. However, the agency standard does not specifically address the maintenance of substantive change records which is required by the criteria.

Analyst Remarks to Response:

In response to the draft analysis, the agency provided additional information and documentation to address the previous concerns as evidenced in exhibits 46-53, DDD-JJJ, LLL, NNN-QQQ. Specifically, the agency provided additional documentation and clarification on the indefinite retaining of substantive/major change requests along with full cycle reviews of these requests as evidenced in the submitted exhibits, demonstrating compliance with the criteria.

602.16(a)(1)(i) Student Achievement

(a) The agency must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. The agency meets this requirement if -

(1) The agency's accreditation standards effectively address the quality of the institution or program in the following areas:

(i) Success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of course completion, State licensing examination, and job placement rates.

The agency's accreditation standards demonstrate the review of various aspects of student achievement through its requirements of a rigorous program with established learning objectives that utilize formative and summative assessment and bar passage rates. Standards 301, 302 and 314 specify the agency's requirements and interpretations in the areas of program objectives, learning outcomes, and the assessment of student learning. For example, the agency requires in standard 302-learning outcomes that "a law school shall establish learning outcomes that shall, at a minimum, include competency in (d) other professional skills needed for competent and ethical participation as a member of the legal profession;" and the agency interpretation-302-1 stating "For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation." The agency has submitted as evidence a completed annual questionnaire the law schools are required to complete to ensure compliance with the agency standards.

The agency outlines test requirements utilized for law school bar passage rate adherence to standard 316 a. The agency standard states a law school must demonstrate that students graduating from a law school in the last five calendar years must have 75 percent or more of these graduates who sat for the bar passed a bar examination; or in at least three of these calendar years, 75 percent of the students graduating in those years and sitting for the bar have passed a bar examination. In either scenario, the law school must report bar passage results from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year to be compliant with the agency standard. However, the agency does not provide an explanation as to how these percentages were obtained or how the agency determines that this is an appropriate measure/benchmark. The agency indicates that distance education is part of their scope of recognition, but did not provide documentation of a distance education review for the Department to assess.

As noted in 602.15 (a)(2), in accordance with 602.27(a) (5) the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

The law school must also demonstrate that in three or more of the five most recently completed calendar years, the school's annual first-time bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions. To be deemed compliant, the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. The agency further defines the consequences of a law school found out of compliance in these areas.

The agency's standards and rules of procedure for approval of law schools includes other standards and interpretations on student achievement that state requirements of the law school in which site visit evaluators to assess. Examples of this are found in standard 303 and its interpretations on academic standards and achievements through defined requirements for good standing and graduation; grading system requirements as defined in Standard 505; and standard 511 which states student services requirements for academic advising and support. The law school submits a site evaluation questionnaire (SEQ) which is reviewed prior to the visit, assessed according to the standards onsite and then reported on based upon the evidence assessed by the site evaluators. The agency provided evidence of the SEQs, and site visit reports demonstrating the review of the standards. The Department staff observed an on-site evaluation in February 2016 in which the six site team evaluators reviewed the standards by assigned categories and cross referenced their findings with the documentation from the SEQ and supplemental documentation submitted by the law school.

The agency requires law schools to submit annual questionnaires to serve as an interim monitoring mechanism between the required

site visits of the law school utilizing 15 performance data indicators" (PDIs) to ensure compliance with standards. The agency provided evidence of an annual questionnaire with PDI's that evaluate areas of performance including bar passage rate, attrition, and percentage of graduates for whom employment status is unknown. However, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but the letters are not included as evidence.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Specifically, the agency narrative provided an explanation of bar passage as a measure/benchmark for graduation along with the research and reasoning surrounding the standard for ultimate bar pass rate of 75 percent.

The agency initially submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(ii) Curricula

(a)(1)(ii) Curricula.

The agency's standards and rules of procedure for approval of law schools address curriculum requirements for law programs leading to the Juris Doctorate degree, which is within the agency's scope of recognition, in Chapter three. Specifically, standard 303-Curriculum outlines student requirements for satisfactory completion which includes one course of at least two credit hours in professional responsibility that includes substantial instruction in various areas of the legal profession; faculty supervised writing experiences one in the first year and at least one additional writing experience after the first year; and one or more experiential course. The law school must also provide opportunities to students for law clinics or field placement(s); and participation in pro bono legal services.

The agency's revised standards now include standard 302-learning outcomes, which requires the establishment of learning outcomes including competency in (a) knowledge and understanding of substantive and procedural law; (b) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) other professional skills needed for competent and ethical participation as a member of the legal profession. The agency included the managing director's guidance memo on learning outcomes (in Section 602.16(a)(i)) to provide guidance and interpretations of the new standard. The memo acknowledges that "Although the traditional legal curriculum, which purports to teach students to "think like a lawyer," will remain at the center of law schools' J.D. programs, schools should measure how successful their students are in mastering that skill and in bridging the gap between it and other lawyering skills." During the site evaluation, Department staff observed the Dean and faculty describing how the law school addresses these standards.

Standard 201-law school governance ensures that the dean and the faculty have the primary responsibility and authority for planning, implementing, and administering the program of legal education of the law school, which includes curriculum, methods of instruction and evaluation, admissions policies and procedures, and academic standards. The agency provided evidence of the review of the aforementioned curriculum standards through SEQ's and site visit reports in addition to the Department staff observation at a site visit demonstrating the evaluation of the curriculum standards.

The site visit report examples meet the requirements of this criterion for regular programs and demonstrate the agency's review and assessment of curriculum. However, the agency indicates that distance education is part of their scope of recognition and standards, but did not provide documentation of a distance education review for the Department to assess.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Also, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of the review of this standard, but they are not included as evidence for staff to review the council's action.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(iii) Faculty

(a)(1)(iii) Faculty.

The agency's standards require faculty of the law schools to possess a high degree of competence reflected in their qualifications and experience that would enable the law school to operate in compliance with the agency's standards and carry out its program of legal education. The number of full-time faculty is determined by the size of the student body and the opportunity for students to meet individually with full-time faculty members; the nature and scope of the program of legal education; and the opportunities for the full-time faculty to adequately fulfill its teaching obligations, conduct scholarly research, participate effectively in the governance of the law school, and provide service to the legal profession and the public. This standard further stipulates that a full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution; and a faculty member is presumed to not be full-time faculty if regularly engaging in law practice or having an ongoing relationship with a law firm or other business, thus deeming them non-compliant with this standard. Unless the law school is able to demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the law school to the same extent expected of other full-time faculty the individual is not considered within the size of full-time faculty, as noted in standard 402. The site visit reports and SEQ submitted as evidence demonstrate the evaluation and review of this standard but not the council decision (see staff determination in 602.16(a)(1)(ii)) .

Additional standards within Chapter four of the agency's standards and rules of procedure for approval of law schools identify specific requirements for full-time faculty to teach substantially all of the first one-third of each student's coursework and more than half of all of the credit hours or two-thirds of the student contact hours during the academic year. Distance Education standards speak to faculty requirements which include their regular monitoring of student efforts and providing opportunities for communication with students. The agency narrative and standards also address the responsibilities of the full-time faculty-standard 404 and the professional environment for faculty as addressed in standard 405

The agency's standards and interpretations for faculty specifically indicate the agency's expectations for compliance which include distance education programs. The sample site team reports, SEQ's and Department staff observation of a site visit, and other documentation provided by the agency, demonstrate the agency's application of its standards regarding faculty in Chapter four of the standards and rules of procedure for approval of law schools. Distance education is part of their scope of recognition and standards, but the agency did not provide documentation of a distance education review for the Department to assess.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

In addition the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but is not included as evidence.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits.

Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(iv) Facilities/Equipment/Supplies

(a)(1)(iv) Facilities, equipment, and supplies.

The agency's standards 701 and 702 state general and specific requirements for law school facilities, equipment, and supplies. Specifically, standard 701 requires the law school to have the infrastructure, hardware and software resources available to support the students, staff and the overall legal education program; and the law school's financial resources are able to maintain and adopt new technology. Standard 702 requires law schools to have suitable class, seminar and study rooms for faculty and staff; a law library, office space for full-time faculty members; facilities and equipment that meet all applicable health and safety codes; space for equipment and records; space for clinical programs including privacy and security for client files; and reasonable access and accommodations to persons with disabilities, consistent with applicable law. A law school is not in compliance with these standards if its facilities, equipment, technology, or technology support have a negative and material effect on the school's ability to operate.

The Department staff site visit observation and agency evidence, including SEQs and site visit reports, demonstrate that the site visit teams evaluate the law school's facilities, including library and clinical accommodations, thus adhering to the agency's facilities standards. However, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but is not included as evidence. The agency also indicates that distance education is part of their scope of recognition, but did not provide documentation of a distance education review for the Department to assess for this criterion.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(v) Student Complaints

(a)(1)(v) Fiscal and administrative capacity as appropriate to the specified scale of operations.

The agency's standard 202 within the standards and rules of procedure for approval of law schools states that the current and anticipated financial resources available to the law school shall be sufficient for it to operate in compliance with the standards and to carry out its program of legal education; obtain annual accounting and explanation for all charges and costs assessed against resources generated by the law school (only for university associated law schools); and given the opportunity to present its recommendations on budgetary matters to the university administration before the budget for the law school is submitted to the governing board for adoption. Non-compliance with this standard is identified as a law school's current and/or anticipated financial condition having a negative and material effect on the school's ability to operate.

The agency's SEQs and site visit reports included as evidence demonstrate the response, review and evaluation of this criterion. Specifically, the SEQ example from the law school provides answers to standards related questions about the dean and the faculty's responsibility and authority for planning, implementing, and administering the program of legal education for the law school. The SEQ identifies requirements for the appointment of the dean and faculty along with their roles in governing the law school. The site visit team then reports on the administrative structure through the review of the SEQ documents and the onsite evaluation. The Department staff observed site team members verifying SEQ information through, faculty interviews, group discussions with faculty at lunch and small group meetings with the dean and selected faculty during the course of the visit. However, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but is not included as evidence. The agency also indicates that distance education is part of their scope of recognition, but did not provide documentation of a distance education review for the Department to assess for this criterion.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(vi) Fiscal/Administrative Capacity

(a)(1)(vi) Student support services.

The agency's standard 508 stipulates the requirements for academic advising and student support services law schools are to make available to all students, regardless of enrollment or scheduling option, including maintenance of accurate student records, academic advising and counseling, financial aid and debt counseling, and career counseling to assist students in making sound career choices and obtaining employment. If a law school does not provide these student services directly, it shall demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources. Standard 309 further requires a law school to provide academic advising for students that communicates academic standards, graduation requirements, and guidance on course selection and academic support affording students a reasonable opportunity to complete the program of legal education, graduate, and become members of the legal profession.

The agency's evidence of SEQ questionnaires include responses to questions specifically related to student services provided by the law school and site team reports review and evaluation of student support services provided by various administrative staff and departments of the law school. In addition, the department staff observed the site visit team interviewing staff and evaluating the maintenance of student records, including registrations for classes, exam administration, and student tracking matrices. However, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but is not included as evidence.

The agency also provided information and documentation regarding its student support services expectations for programs that include distance education. The specific example is for a school that provides a significant amount of its program via distance education, and the added annual reporting requirements for the program regarding student support services. However, the agency provides an example allowing an institution to grant more than 15 credits hours for distance education, which is a variance to Standard 306. The agency explains reasoning and outcome of the variance request but does not include in its standards formal procedures or processes for this type of request, especially with the agency's scope now including distance education. The agency does not include written policies or procedures to address these types of approvals within the rules of procedure or substantive change request types. The agency also does not provide a full cycle of review of this programs request for Department staff to review.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

The agency also provided additional clarification on the variances established with their standards. The agency explained their written policies and procedures that allow variances to one or more of its standards. In particular, the agency provided the application, review and decision letters (exhibits Q, R, and 60) of the variance request discussed in the original petition submission for the analyst to assess. The inclusion of these documents demonstrates compliance with the criteria.

602.16(a)(1)(vii) Student Support Services

(a)(1)(vii) Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.

The agency's standards and rules of procedure for approval of law schools addresses recruiting of faculty, not students, admissions practices, academic calendars, catalogs, publications, grading, and advertising in standards 501-503, 509 and 308. Specifically, standard 501 -admission and its interpretations require law schools to maintain sound admission policies and practices consistent with the standards, mission, and objectives of its program of legal education. Law schools should not admit applicants who do not appear capable of satisfactorily completing the program or admittance to the bar; or readmit a student who has been disqualified previously for academic reasons. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file. Law schools under standard 502 and 503 requires a bachelor's degree that has been awarded by an institution that is accredited by an accrediting agency recognized by the United States Department of Education and a valid and reliable admission test assessing the applicant's capability of satisfactorily completing the school's program of legal education for admission into its J.D. degree program. However, the agency standards do not address the recruitment of students per the criteria. The agency must amend its standards to include policies and procedures relative to the recruitment of students.

Agency standard 509-required disclosures and 308-academic standards identify the requirements of the law school to publicize information. Per standard 509, all information that a law school reports, publicizes, or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. The law school also publicly discloses on its website, information about various areas including but not limited to admissions data, tuition and fees, living costs, financial aid, bar passage, etc. Standard 308 requires law schools to adopt, publish, and adhere to sound academic standards, including those for regular class attendance, good standing, academic integrity, graduation, and dismissal. Written due process policies with regard to taking any action that adversely affects the good standing or graduation of a student should also be adopted, publicized and adhered to by the law school.

The documentation provided by the agency in the form of SEQ's and site visit reports demonstrates adherence to several areas of the criteria. However, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but those letters are not included as evidence. Department staff observation of the site team included the law school's demonstration of their website, review of admission, and the review of school syllabi's, catalogs and grading systems. However, the agency SEQs and site team reports do not speak to the recruitment efforts for students and the agency's standards and rules of procedure for approval of law schools does not have a standard that specifically speaks to student recruitment. In addition, distance education is part of the agency's scope of recognition and standards, but the agency did not provide documentation of a distance education review for the Department to assess.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an

expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Specifically, the agency narrative provided an explanation of Standard 501, which requires law schools to have sound admissions policies and practices. The agency attests that these "sound admissions policies and practices" includes recruitment of students and is evaluated through the site evaluation questionnaire (SEQ , pages 18-19) and the site visit report (questions 61-65). The full cycle review for school A demonstrates compliance with the requirements for this criterion.

Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(viii) Recruiting & Other Practices

(a)(1)(viii) Measures of program length and the objectives of the degrees or credentials offered.

The agency's measures of program length and the objectives of the degrees or credentials offered are found in standards 301 and 311. Standard 301 requires law schools to establish and publish learning outcomes while maintaining a rigorous program of legal education that prepares its students for admission to the bar and effective, ethical, and responsible participation as members of the legal profession. A description of learning outcomes is also required for distance education. Standard 311 requires not fewer than 83 credit hours for graduation of which 64 of these credit hours require attendance in regularly scheduled classroom sessions or direct faculty instruction; completion no earlier than 24 months and no later than 84 months; do not permit a student to be enrolled at any time in coursework that exceeds 20 percent of the total credit hours required by that school for graduation; and credit for a J.D. degree is only given for course work taken after the student has matriculated in a law school. Description of learning outcomes is also required for distance education.

The agency submitted documentation on standard 204-self study, which is submitted six weeks prior to the on-site review. The agency has adopted the site evaluation questionnaire to serve as a form of the self study. The agency submitted as evidence a guidance memo regarding compliance with Standard 204 and site evaluation workshop training materials on the self-study requirements.

The agency provided SEQs and site visit reports demonstrating the review of these criteria in addition to Department staff's observation of an on-site evaluation. The agency has not provided a self-study demonstrating the changes mentioned in standard 204. In section 602.16(a)(1)(i), the agency narrative states that each law school is required to complete the SEQ (which now serves as the self-study), six weeks before its site visit. However, the agency's standards and rules of procedure for approval of law school standard 204 states that a self-study is comprised of (a) a completed site evaluation questionnaire, (b) a statement of the law school's mission and of its educational objectives in support of that mission, (c) an assessment of the educational quality of the law school's program, (d) an assessment of the school's continuing efforts to improve educational quality, (e) an evaluation of the school's effectiveness in achieving its stated educational objectives, and (f) a description of the strengths and weaknesses of the law school's program of legal education. The agency indicates distance education as part of their scope of recognition, but has not provided evidence of a review of distance education program for Department staff to assess. Also, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but is not included as evidence.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a

distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Specifically, the agency has updated standard 204 for law schools when submitting a self-study as evidenced in the agency memo (exhibit 73) announcing new interpretations for the standard as to rid the agency of duplication of efforts by the law school. The agency now requires law schools to submit a comprehensive site evaluation questionnaire in lieu of the separate self-study document, which must include all of the parts of standard 204. The agency has provided a site evaluation questionnaire, now entitled self-study (exhibits S, T and U) as part of the full cycle of review for this criterion. However, the agency standards do not reflect this new requirement. Standard 204 and the subsequent sections of the agency standards still identify the self-study and site evaluation questionnaire as separate requirements with separate definitions as cited in 602.17(b).

Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(ix) Program Length

(a)(1)(ix) Record of student complaints received by, or available to, the agency.

The agency's standard and interpretations of standard 510-student complaints implicating compliance with the standards states that a law school shall establish, publish, and comply with policies for addressing student complaints; and a law school shall maintain a record of student complaints submitted during the most recent accreditation period including the resolution of the complaints. This standard defines a complaint and the requirement that law school's policies on student complaints address procedures for filing and addressing complaints, appeal rights, if any, and timelines.

The agency provided law school SEQs that described the law schools student complaint and appeals procedure along with a site visit reports that reviewed and discussed the evaluation of the student complaint information at the law school. Department staff observed the site evaluators interview students about the complaint policy and review student materials that described the policies and procedures for student complaints provided by the law school. However, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standard review, but is not included as evidence for Department staff to review and assess. The agency also does not demonstrate its review of students enrolled in distance education programs.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(a)(1)(x) Title IV Responsibilities

(a)(1)(x) Record of compliance with the institution's program responsibilities under Title IV of the Act, based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency; and

The agency's standard 507-student loan programs requires law schools to demonstrate reasonable steps to minimize student loan defaults, including provision of debt counseling at the inception of a student's loan obligations and again before graduation. The standard interpretations state that student loan default rates of a law school's graduates are relevant in assessing the extent to which a law school complies with this standard; and for a law school not affiliated with a university, the school's student loan cohort default rate is sufficient if it is not greater than 10% for any of the three most recently published annual cohort default rates. Failure to comply with Title IV of the Higher Education Act of 1965, as amended, or having a student loan cohort default rate greater than the rate permitted by Title IV is cause for review of a law school's compliance with the Standards. A school shall demonstrate that it has resolved all areas of deficiency identified in financial or compliance audits, program reviews, or other information provided by the United States Department of Education. The agency also indicates that distance education is part of their scope of recognition, but did not provide documentation of a distance education review of a school or program relative to this criterion.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs .

The agency explains in the narrative and provides evidence of SEQs and site visit report questions that demonstrate the review of this standard. However, the annual questionnaires provided were blank which does not allow staff to review the agency for compliance, and the application of its standards. Also, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but is not included as evidence.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.16(b)(c) Distance/Correspondence Education

(b) If the agency only accredits programs and does not serve as an institutional accrediting agency for any of those programs, its accreditation standards must address the areas in paragraph (a)(1) of this section in terms of the type and level of the program rather than in terms of the institution.

(c) If the agency has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, the agency's standards must effectively address the quality of an institution's distance education or correspondence education in the areas identified in paragraph (a) (1) of this section. The agency is not required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education;

The agency attests that distance education institutions or programs do not have separate standards. However, in section 602.16(a) (1)(vi) Student Support Services the agency approved an institutions request for variance to Standard 306, allowing the institution to grant more than 15 credits hours for distance education which is not consistent with the standard requirement for non-distance education programs under the agency's standard 306. The agency must also provide documentation to demonstrate the review of distance education programs in all required standards sections.

As noted previously, in accordance with 602.27(a) (5), the agency notified the Department on June 16, 2014, requesting that the

accreditation of distance education programs be included in its scope of recognition. As noted in aforementioned criterion such an expansion of scope is effective on the date the Department receives the notification. At the next full recognition review the Department expects the agency to demonstrate its ability to evaluate distance education. The agency has not provided evidence of such a review. The agency needs to inform the Department if it still has a need or desire to accredit programs via distance. The agency also needs to inform the Department when it will be able to demonstrate to the Department (through its evaluation of a distance education program) that it has the ability to evaluate such programs and that all entities involved in accreditation activities have been trained in the accreditation and evaluation of distance education programs.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition.

602.17(b) Self-Study

(b) Requires the institution or program to prepare, following guidance provided by the agency, an in-depth self-study that includes the assessment of educational quality and the institution's or program's continuing efforts to improve educational quality;

The agency provided a guidance memo and site evaluator workshop training materials in 602.16(a)(1)(viii) outlining clarity to standard 204, but has not reflected these updates in the self-study section 602.17(b) of the petition.

Analyst Remarks to Response:

As mentioned in 602.16(a)(1)(viii), the agency has updated standard 204 for law schools when submitting a self-study as evidenced in the agency memo (exhibit 73) announcing new interpretations for standard 204 to rid the agency of duplication of efforts by the law school. The agency now requires law schools to submit a comprehensive site evaluation questionnaire in lieu of the separate self-study document. The agency has provided a site evaluation questionnaire, now entitled self-study (exhibits S, T and U) as part of the full cycle of review for this criterion. However, the agency standards do not reflect this new requirement. Standard 204 and the subsequent sections of the agency standards states that a self-study is comprised of a completed site evaluation questionnaire and five other components. The agency also does not provide approvals of this change by the decision making bodies.

602.17(f) Report on Compliance & Student Achievement

(f) Provides the institution or program with a detailed written report that assesses--

- (1) The institution's or program's compliance with the agency's standards, including areas needing improvement; and**
- (2) The institution's or program's performance with respect to student achievement; and**

The agency provided a decision letter template as evidence in meeting these criteria. However, the agency narrative indicates the inclusion of decision letters A and B (exhibit 31 and 32) demonstrating the results of this standards review, but is not included as evidence. As the agency only provided a template, Department staff is not able to assess compliance with these criteria.

The agency provided a sample accreditation committee decision letter on rule 12-proceedings to determine compliance with standards in general. The decision letter provided does not demonstrate a review of the SEQ and site visit report determinations from schools A and B to fully assess that these criteria are met.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Initially, the agency submitted decision letters 31 and 32 to the Department a month after the renewal petition submission. The Analyst discovered discrepancies within the documents that were submitted late, thus finding the agency out of compliance with the criteria, which was discussed with the agency during follow up communication. The original agency documents were heavily redacted which made it unclear to the Department the connection between the documents to assess them for compliance with the criteria. The agency response has now included a table outlining the documents submitted as they relate to the redacted name of the schools

designating all documents affiliated with schools A, B, and C. The documents submitted now contain full cycles of review for these schools, including a decision letter from April 2016 for school C, to demonstrate compliance with the criteria.

602.17(g) Student Verification

(g) Requires institutions that offer distance education or correspondence education to have processes in place through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the course or program and receives the academic credit. The agency meets this requirement if it--

(1) Requires institutions to verify the identity of a student who participates in class or coursework by using, at the option of the institution, methods such as--

(i) A secure login and pass code;

(ii) Proctored examinations; and

(iii) New or other technologies and practices that are effective in verifying student identity; and

(2) Makes clear in writing that institutions must use processes that protect student privacy and notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.

The agency's standard 306-distance education requires a law school shall establish an effective process for verifying the identity of students taking distance education courses and that also protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment. The agency provided evidence of a SEQ and site visit report of the review and evaluation of student verification methods. However, the agency standards do not include policies and procedures that specifically adhere to the requirements of the criteria.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria as evidenced in the submitted exhibits. Specifically, the agency response includes evidence and an explanation of the updates to the site report template addressing distance education (exhibit RR). The question on distance education is a new addition to the revised site report template in which the agency provided amended site report questions to address distance education to demonstrate compliance with the criteria. Moving forward, the distance education question will be added to the site evaluation questionnaire and report template.

602.19(b) Monitoring

(b) The agency must demonstrate it has, and effectively applies, a set of monitoring and evaluation approaches that enables the agency to identify problems with an institution's or program's continued compliance with agency standards and that takes into account institutional or program strengths and stability. These approaches must include periodic reports, and collection and analysis of key data and indicators, identified by the agency, including, but not limited to, fiscal information and measures of student achievement, consistent with the provisions of §602.16(f). This provision does not require institutions or programs to provide annual reports on each specific accreditation criterion.

The agency has established approaches to monitoring their accredited law schools. In particular, the accreditation committee is responsible for the interim monitoring of the accreditation status of the law schools. The interim monitoring includes an annual questionnaire with fifteen performance data indicators (PDIs) that are reviewed and evaluated by the accreditation committee. The PDIs include review of bar passage rate/ admit rate, student faculty ratio, net revenue, enrollment, attrition, and employment status. The data obtained from the PDIs is then compared to current year data or the two preceding years' data to ascertain trends that may indicate a law school is out of compliance with a standard. Law schools receive decision letters on the findings and are required to respond. The PDI report is also forwarded to site visit teams for follow-up and review if a site visit is pending; or the accreditation committee may require additional documentation from the law school. If the school does not comply to the committee's request for

information, a formal proceeding with respect to the law schools compliance to standards is conducted by the agency.

The agency has provided as evidence the interim monitoring policy, a blank annual questionnaire, interim monitoring decision letters and distance education variance approval. The Department staff is not able to assess compliance with this criterion based on the evidence the agency provided. In particular, the blank annual questionnaire does not demonstrate implementation.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria, as evidenced in the submitted exhibits. Specifically, the agency response includes evidence and an explanation of the interim monitoring of a law school, which includes the annual questionnaire, school response, data indicator report, and decision letter (exhibits 39 and FF-HH). The submission and review of the aforementioned documents demonstrates compliance with the requirements for this criterion.

602.19(e) Distance/Correspondence Headcount Increase

(e) Any agency that has notified the Secretary of a change in its scope in accordance with §602.27(a)(5) must monitor the headcount enrollment of each institution it has accredited that offers distance education or correspondence education. If any such institution has experienced an increase in headcount enrollment of 50 percent or more within one institutional fiscal year, the agency must report that information to the Secretary within 30 days of acquiring such data.

The agency describes the interim monitoring requirements it employs that includes an annual questionnaire with fifteen questions reviewing various accreditation requirements. Specifically, question fourteen of the performance data indicators solicits information on student enrollment. The agency provided a completed PDI as evidence for this criterion along with the interim monitoring policy and enrollment rates. However, in 2014 the agency's scope of recognition changed to include distance education. The interim monitoring requirements do not provide separate processes for distance education or current procedures for distance education. Also, the interim monitoring requirements do not include when notification to the Secretary is made for increase in enrollment as a result of distance education programs nor has the agency provided documentation of such notifications or informed Department staff that no situation that would warrant notification have occurred.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition.

602.20(a) Enforcement Timelines

(a) If the agency's review of an institution or program under any standard indicates that the institution or program is not in compliance with that standard, the agency must--

- (1) Immediately initiate adverse action against the institution or program; or**
- (2) Require the institution or program to take appropriate action to bring itself into compliance with the agency's standards within a time period that must not exceed--**
 - (i) Twelve months, if the program, or the longest program offered by the institution, is less than one year in length;**
 - (ii) Eighteen months, if the program, or the longest program offered by the institution, is at least one year, but less than two years, in length; or**
 - (iii) Two years, if the program, or the longest program offered by the institution, is at least two years in length.**

The agency's written policies within the standards and rules of procedure for approval of law schools, specifically Rule 12 - proceedings to determine compliance with standards in general, describes the process used by the accreditation committee to

determine compliance with the standards. Rule 12 reflects that the time allotted for all corrective action begins with identification of a law school's non-compliance with the agency's standards. The agency identifies a maximum 2-year timeframe, as required by this criterion, since the agency only accredits programs two years or longer in length. The agency provided documentation of the rules of procedure, a decision letter demonstrating the application of rule 12 and decision from the 2015 meeting as evidence. However, the evidence presented does not exhibit a timeline of actions for a particular school from beginning to end including initial contact of the school, the school's response, review of the school, and council action (i.e., reaccreditation or termination) for the Department staff to assess adherence to the criteria.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the previous concerns related to the criteria, as evidenced in the submitted exhibits. Specifically, the agency provided a cycle of review of school F demonstrating the enforcement timelines adhered to during the cycle of review of a law school out of compliance with an agency standard. Exhibits II-OO includes the site visit report, out of compliance letter, and decision letters for school F along with school F's responses to each. The submission and review of the aforementioned documents demonstrates compliance with the requirements for this criterion.

602.22(a)(2)(i-vii) Types of Substantive Change

(2)The agency's definition of substantive change includes at least the following types of change:

- (i) Any change in the established mission or objectives of the institution.**
- (ii) Any change in the legal status, form of control, or ownership of the institution.**
- (iii) The addition of courses or programs that represent a significant departure from the existing offerings of educational programs, or method of delivery, from those that were offered when the agency last evaluated the institution.**
- (iv) The addition of programs of study at a degree or credential level different from that which is included in the institution's current accreditation or preaccreditation.**
- (v) A change from clock hours to credit hours.**
- (vi) A substantial increase in the number of clock or credit hours awarded for successful completion of a program.**
- (vii) If the agency's accreditation of an institution enables the institution to seek eligibility to participate in title IV, HEA programs, the entering into a contract under which an institution or organization not certified to participate in the title IV, HEA programs offers more than 25 percent of one or more of the accredited institution's educational programs.**

The agency's standards and rules of procedure for approval of law schools contain all of the aforementioned types of substantive change requests required by 602.22(a)(2)(i-vii). Specifically in Standard 105 and Rule 29 of the agency's standards and rules of procedure, a listing of the required types and ten additional agency types of substantive requests are included for approval by the agency. The evidence provided by the agency demonstrates that it is requiring institutions to obtain the agency's decision making bodies' approval of substantive changes prior to the inclusion of such changes in the institution's accreditation, thus, meeting the requirements of the criteria.

The agency attests that substantive change requests have not been received for changes to the established mission or objectives since the last review. However, the agency has not included evidence documenting other areas of substantive change request for this criterion or informed Department staff that no additional substantive change request have been received by the agency.

Analyst Remarks to Response:

In response to the draft analysis, the agency withdrew distance education from their scope of recognition and provided additional information and documentation to address the other concerns related to the criteria. To adhere to the confidentiality rules of the

agency as highlighted within exhibit 16, the agency redacted information about a school, but it was unclear to the Department the connection between the redacted documents. The agency response now provides clear documentation identification and full cycles of review for substantive change types that the agency has addressed per the definition for this criteria. Exhibits 46-53, DDD-JJJ, LLL, and NNN-QQQ evidence compliance with the criteria.

Part III: Third Party Comments

Staff Analysis of 3rd Party Written Comments

The Department received eleven comments recommending the continued recognition of the agency. The commenters were all external constituents of the agency. The comments support the agency's rigorous standards that measure the quality of law schools in all areas of 602.16.