



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, DC 20202

September 22, 2016

Barry A. Currier
Managing Director, Accreditation and Legal Education
ABA Section of Legal Education and Admissions to the Bar
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Dear Mr. Currier,

I am writing to inform you of my decision on the renewal of the recognition of the American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (ABA). Department of Education staff and the National Advisory Council on Institutional Quality and Integrity (NACIQI) have each made recommendations to me. These recommendations were made under Sections 114 and 496 of the Higher Education Act of 1965 (HEA), as amended, and pursuant to relevant statutory and regulatory provisions.

Department staff recommended that I continue ABA's recognition as a nationally recognized accrediting agency at this time, require the agency to come into compliance within 12 months of the date of this letter with the criteria listed below,¹ and submit a compliance report due 30 days thereafter that demonstrates the agency's compliance.

- 34 C.F.R. §602.15(a)(1)
- 34 C.F.R. §602.15(a)(2)
- 34 C.F.R. §602.15(a)(3)
- 34 C.F.R. §602.16(a)(1)(viii)
- 34 C.F.R. §602.17(b)

NACIQI recommended that I continue ABA's recognition as a nationally accrediting agency at this time, limit the scope of the agency's recognition to exclude the accreditation of any new institutions and programs, require the agency to come into compliance within 12 months of the same criteria listed above, plus 34 C.F.R. §§ 602.19(b) and 602.20, and submit a compliance report due 30 days thereafter that demonstrates the agency's compliance.

¹ The entire text of the criteria may be found in 34 C.F.R. Part 602.

As required, I considered the full record, which included the agency's petition, the final staff report from the Department of Education, the transcript of the agency appearance before NACIQI on June 22, 2016, NACIQI's recommendation, and the comments submitted under 34 C.F.R. §602.35 by both ABA and Department of Education staff after the NACIQI meeting.

Having reviewed the record before me, I agree that ABA is out of compliance with the five criteria identified in the final Department of Education staff report, but I did not find enough evidence in the record to find ABA out of compliance with 34 C.F.R. §§602.19(b) and 602.20.

Accordingly, I continue the Department's recognition of ABA as a nationally recognized accrediting agency, with the scope of recognition as detailed below, with up to 12 months from the date of this letter for ABA to achieve compliance and submit a compliance report within 30 days thereafter documenting compliance, and to permit the Department to review and make a final recognition decision in light of the compliance report under the procedures set forth in 34 C.F.R. Part 602, Subpart C.

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.

You should submit your compliance report using the Department's electronic submission system. The system can be accessed at:

opeweb.ed.gov/aslweb


Material that cannot be submitted electronically may be forwarded in hard copy. Please submit four copies of any hard copy material to the Accreditation Group, U.S. Department of Education, 400 Maryland Avenue, SW, #6W243, Washington DC 20202.

I am confident that ABA will be able to come into full compliance with all the criteria cited above by the deadline, and document compliance in its compliance report within 30 days thereafter. However, I wish to remind you that if ABA does not, the Department may be compelled to limit, suspend or terminate ABA's recognition. Such action is required because of Section 496(l) of the Higher Education Act, a provision added in 1998, that requires the limitation, suspension, or termination of any agency found to be either in noncompliance with the criteria for recognition or ineffective in its performance with respect to those criteria. Alternatively, the law allows the agency to be given up to 12 months to come into compliance.

If the agency fails to come into compliance within the specified time frame, the law requires termination of the agency's recognition, unless it is determined that the time frame for coming into compliance should be extended for good cause. Senate Report, No. 105-181 (May 4, 1998) indicates there is an expectation on the part of Congress that extensions will be granted only rarely and only upon a showing of good cause by the agency. The period the Department is providing in this letter for achieving compliance with the criteria cited above constitutes the maximum time frame (12 months) the law allows you to correct the deficiencies noted in the Department staff analysis.

We appreciate the work of ABA to improve the quality and success of U.S. postsecondary education. Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emma Vadehra', with a long horizontal flourish extending to the right.

Emma Vadehra
Chief of Staff