

AGENDA ITEM

134 NOVEMBER 2016

DATE: November 2, 2016

TO: Members, Admissions and Education Committee
Members, Board of Trustees

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: Proposed Amendments to Accredited Law School Rules re Branch Campuses – Return from Public Comment

EXECUTIVE SUMMARY

Earlier this year, the Committee of Bar Examiners (Committee) adopted revised *Guidelines for Accredited Law School Rules* (Guidelines) that established the process for California-accredited law schools (CALs) to seek and obtain Committee approval to open new, provisionally-approved branches or satellite campuses, which are permitted by the *Accredited Law School Rules* (Rules).

Shortly after the new Guidelines went into effect, several requests to open branch campuses were received. After review of those requests, several important issues with administering the new Guidelines became apparent, some of which involved the Rules as well as the Guidelines. Among them was whether a CALs that seeks to open and operate multiple branch campuses, in addition to its existing “home” campus, could administer each compliantly under the Rules and Guidelines. This issue focused on the scope of the responsibilities of the Dean of a multi-campus CALs and the minimum administrative staffing and academic resource levels needed so that each new campus was able to maintain its compliance with the accreditation standards, Rules and Guidelines.

Proposed amendments to the Rules and Guidelines that would provide an effective and efficient process for CALs to seek and obtain approval for new and possible multiple branch campuses were considered by the Committee during its April 2016 meeting. The Committee approved the proposed amendments in principle, subject to a period of public comment, which was approved by the Board Committee on Admissions and Education. The proposed amendments to the Rules and Guidelines (proposed amendments to the Guidelines that interpret the amendments to the Rules do not need approval by the Board of Trustees) were circulated for a period of public comment. No comments were received.

During its October 2016 meeting the Committee further considered final versions of the proposed rules and guidelines and adopted them, subject to the approval of the Board of Trustees.

BACKGROUND

Rule 4.105 of the Rules currently permit a California Accredited Law School (CALs) to apply for and receive approval to open a branch campus or satellite campus, and the Guidelines currently define what constitutes a branch or satellite campus. Under Guideline 15.1 a “branch campus of a law school is a location different from that originally approved where students may complete more than one half of the total number of units required to earn a Juris Doctor degree or may graduate with that degree or any law degree that the law school is authorized by the Committee to offer.” Guideline 15.2(A) establishes the process and timing for the Committee to approve the opening of a new branch or satellite campus. Guideline 15.2(B) requires that “[n]o less than 120 days before the proposed first day of classes at the branch or satellite campus, the Committee must approve or deny the law school’s proposal.” If the materials submitted by the law school confirm that the campus will be in “substantial compliance” with the Rules and all relevant Guidelines “as of the date of its opening,” the Committee will provide its approval” Thereafter, within 90 days of its actual opening, the law school must submit a report, certified by the Dean, to confirm that the new campus is, in fact, in substantial compliance with the Guidelines.

As provided in Guideline 15.3, an approved branch campus is to be considered “provisionally approved” until the law school is able to demonstrate that it is compliant with “all accreditation standards and operational requirements” found in the Rules and Guidelines. Finally, under Guideline 15.4, “[w]ithin two years of operating as a provisionally-approved branch campus, the Committee must conduct an inspection to determine whether the branch campus is to be deemed approved, continue to be provisionally approved or denied provisional approval.” Students enrolled in a provisionally-approved branch campus are not required to take the First-Year Law Students’ Examination if they successfully complete their first year of law study and are then advanced to their second year of law study.

A provisionally-approved branch campus may open without a pre-opening inspection. To receive Committee approval, “no less than 180 days before the proposed first day of classes of a branch or satellite campus, the law school must notify the Committee.” The notice must inform the Committee whether the new campus is to be a branch or satellite campus and when it will open. The notice must also provide all of the academic and operational documentation to be used by the faculty, students and staff at the new campus. Finally, the notice must have a certification signed by the CALs Dean to confirm that when the new campus opens it will be in “substantial compliance with all relevant academic and operational requirements set forth” in the Rules and Guidelines.

DISCUSSION

The proposed amendments to the Rules and Guidelines will offer clear operational requirements and a reasonable timetable (without a pre-opening inspection) for any CALs to receive the Committee’s approval to open a new branch or satellite campus.

The proposed amendments also address the extent to which a new four-year branch campus may rely upon the administrative, academic and operational resources of its “main” campus. Currently, a CALs with multiple branch campuses may collectively share the time, attention and presence of a single Dean and only a part-time administrator at each branch since there is no express requirement that a CALs Dean must be present at any one campus for any specific amount of time. Under the current and long-standing requirement of Guideline 4.1(A), each

CALS is only required to have “a competent dean who devotes adequate time to the managing and administering the affairs of the law school.”

The primary goal for making these amendments is to maintain minimum but compliant educational, administrative and operational support standards so that students enrolled at a CALS, regardless of which campus they attend, will receive the same legal education required by the Committee’s accreditation standards.

The Committee approved the proposed amendments in principle, subject to a period of public comment, which was approved by the Board Committee on Admissions and Education. The proposed amendments to the Rules and Guidelines (proposed amendments to the Guidelines that interpret the amendments to the Rules do not need approval by the Board of Trustees) were circulated for a period of public comment. No comments were received.

During its October 2016 meeting the Committee further considered the proposed amendments to the Rules and Guidelines, which included additional discussion of the proposed amendments with the CALS during a meeting held prior to the regular meeting of the Committee. The Committee adopted the proposed amendments to the Rules in the same form as they were circulated for public comment, which are attached as Attachment A, subject to the approval of the Board of Trustees.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

Rule 4.160 Standards, Rule 4.162 Periodic Inspection, Rule 4.165 Major Changes, Rule 4.170 Notice of Noncompliance, Rule 4.171 Inspection pursuant to Notice of Noncompliance, Rule 4.172 Probation, Accredited Law School Rules.

BOARD BOOK IMPACT

None

BOARD GOALS & OBJECTIVES

None

BOARD COMMITTEE RECOMMENDATIONS

If the Admissions and Education Committee agrees with the Committee’s recommendation to approve the proposed amendments to the Accredited Law School Rules, it should recommend that the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees approves the amendments to the Accredited Law School Rules regarding Branch Campuses as attached hereto, effective immediately.

ATTACHMENT LIST

A: Proposed Amendments to the *Accredited Law School Rules* re Branch Campuses