

U.S. Department of Education
Staff Report
to the
National Advisory Committee
on
Institutional Quality and Integrity

RECOMMENDATION PAGE

1. **Agency:** American Bar Association, Council and the Accreditation Committee of the Section of Legal Education and Admissions to the Bar (1952/2001¹)
 2. **Action Item:** Petition for renewal of recognition.
 3. **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.
 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 extends to the Accreditation Committee of the Section of Legal Education for decisions involving continued accreditation (referred to by the agency as approval) of law schools.
- NOTE: The agency's request in its response to §602.17(e), that the Accreditation Committee be included in the agency's scope of recognition, if granted, will enable the agency to comply with the requirements of the criterion.
5. **Date of Advisory Committee Meeting:** December 4-6, 2006.
 6. **Staff Recommendation:** The Department staff recommends that the National Advisory Committee on Institutional Quality and Integrity advise the Secretary (i) to grant continued recognition to the American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (the "agency"), for a period of 18 months and (ii) to direct the

¹ The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.

agency to provide the Department with interim compliance reports demonstrating compliance with the Criteria for Recognition (34 C.F.R. Part 602) concerning the issues identified in the Summary of Findings. As part of these reports, for each law school considered by the Council and the Accreditation Committee during the period of continued recognition, the Council and the Accreditation Committee must submit the following documents and information three weeks after each Council meeting: (i) the portions of each self-study and site evaluation report submitted that concern, pertain, or discuss in any way compliance with the Council's Standard 212 and Interpretations 212-1 to 212-3 (collectively, "212" or the "diversity standard"); (ii) the portion of any other school submission that is directed to compliance with diversity standard; (iii) the portions of training modules/handbooks that concern, pertain, or discuss in any way the diversity standard; (iv) any and all materials (such as questionnaires and similar documents and items) through which the Council and the Accreditation Committee monitors compliance with the diversity standard; (v) any and all transcripts related in any way to compliance with 212; (vi) the minutes of meetings of the Council; (vii) the minutes of meetings of the Accreditation Committee; and (viii) the relevant portions of any other documents generated by the agency that discuss the interpretation of, or compliance with, the diversity standard.

The Council and the Accreditation Committee must also address all other issues cited in the staff analysis in their petition for renewal recognition due by December 5, 2007.

Staff also recommends that the NACIQI recommend that the Secretary grant the agency's request to include the Accreditation Committee in the agency's scope of continued recognition as the agency's decision-making body for decisions involving continued approval of law schools.

7. Issues or Problems:

The record supports the conclusion that the agency does not comply with several regulations and that several compliance issues exist. These are identified below and discussed in detail in the SUMMARY OF FINDINGS section of this report.

- The agency must strengthen the training provided to Accreditation Committee members and demonstrate that it provides comprehensive training to new Council members that include the agency's policies, procedures, and standards (§602.15(a)(2)).
- The agency must modify its policies to state that both educators and practitioners will be included on the Council, and the Accreditation Committee (§602.15(a)(4)).

- The agency must clearly define in measurable terms what its standard is regarding bar passage rates (§602.16(a)(1)(i)).
- The agency must adopt its interpretation, as proposed, of its standard addressing academic calendars. (§602.16(a)(1)(vii)).
- The agency must either request a change to the agency's scope of recognition to explicitly identify and appropriately recognize the agency's decision-making bodies or revise its process to authorize the Accreditation Committee to make accrediting recommendations only. (§602.17(e)).
- The agency must define and demonstrate that it consistently applies its standards when making accrediting decisions (§602.18). The agency must demonstrate that it has effective controls against the inconsistent application of its standards, particularly in regard to Standard 212 and Interpretations 212-1 through 212-3 (§602.18(a)). The agency must also demonstrate its enforcement of Standard 212 and Interpretations 212-1 through 212-3 without reference to unpublished standards (§602.18(b)).
- The agency must demonstrate that it consistently enforces its policies regarding the maximum time for a law school to come into compliance with its standards (§602.20(a)).
- The agency must adopt revisions to its policies, as proposed, to adhere to the requirements of §602.20. It also must demonstrate that it has taken immediate adverse action in accordance with the Secretary's definition of an adverse action against schools that have not come into compliance within the maximum timeframes allowed by this section of the regulation or granted extensions for good cause (§602.20(b)).
- The agency must formalize its standards review process by identifying the actions it will take in reviewing its standards and provide documentation of its implementation to include the involvement of its communities of interest (§602.21(a) and (b)).
- The agency must augment good practice by adopting the changes, as proposed, to incorporate within its written policy a requirement that the agency make a site visit within six months as required by this section of the Criteria (§602.22(c)).

- The agency must ensure that it makes available to the public the standards that it uses to make accreditation decisions including any previously unpublished "common law." (§602.23(a)).
- The agency needs to provide additional information about its proposed Grievance Committee and to adopt a written procedure for its handling of complaints lodged against the agency itself that complies with the requirements of this section of the criteria (§602.23(c)).
- The agency must adopt modifications, as proposed, to its written policies to require that a site visit will occur within six months. (§602.24(b)).
- The agency must modify its written policies to state that it will notify the public within 24 hours with regard to a final decision to place an institution/program on probation or to withdraw its approval. (§602.26(c)).
- The agency must demonstrate that it provides the Department with information regarding any proposed changes that might alter its scope of recognition or compliance with the Department's Criteria (§602.27(d)).
- The agency must adopt its proposed revision to its policy to promptly review any institution/program under an adverse action by another recognized accrediting agency to determine if it should also take an adverse action against the institution/program and to demonstrate that it follows its policy. (§602.28(d)).