

Memorandum

To: Council, Section of Legal Education and Admissions to the Bar

From: Bucky Askew, Consultant

**Re: Required Amendment to Standards
Transfer of Credit Policies**

Date: May 15, 2010

The amendments to the Higher Education Opportunity Act in August 2008 include a requirement that accrediting agencies confirm that institutions have transfer of credit policies. Accrediting agencies are expected to have policies in place by September 2010.

Proposed revision to Standard 509 to include Transfer of Credit Policy

Standard 509. BASIC CONSUMER INFORMATION

(a) A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

(b) A law school must publicly disclose on its website, in a readable and comprehensive manner, its policies regarding the transfer of credit earned at another institution of higher education. The school's transfer of credit policies must include, at a minimum:

(i) Any established criteria the law school uses regarding the transfer of credit earned at another institution; and

(ii) A list of institutions, if any, with which the law school has established an articulation agreement.

Background Information on proposed change

A. Relevant provisions:

Sec. 602.24 Additional procedures certain institutional accreditors must have.

...

(e) Transfer of credit policies. The accrediting agency must confirm, as part of its review for initial accreditation or preaccreditation, or renewal of accreditation, that the institution has transfer of credit policies that--

(1) Are publicly disclosed in accordance with Sec. 668.43(a)(11); and

(2) Include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.

§ 668.43 Institutional information.

Text of section effective July 1, 2010.

(a) Institutional information that the institution must make readily available to enrolled and prospective students under this subpart includes, but is not limited to—

.....

(11) A description of the transfer of credit policies established by the institution which must include a statement of the institution's current transfer of credit policies that includes, at a minimum--

(i) Any established criteria the institution uses regarding the transfer of credit earned at another institution; and

(ii) A list of institutions with which the institution has established an articulation agreement.

**B. Compliance Factors suggested by the Department of Education
(from Guide to the Accrediting Agency Recognition Process, U.S. Department of
Education, February 2010)**

Section 602.24(e), Compliance Factors:

The agency must confirm during its on-site review of an institution that it has transfer of credit policies that are publicly disclosed and that the publication specifies the criteria the institution has established regarding transfer of credit earned at another institution.

C. Message sent to Deans in October 2009

Sent: Tue 10/20/2009 8:32 AM

Subject: Adoption of a Transfer of Credit Policy -- PLEASE NOTE

Dear Law School Deans and Associate Deans:

We are writing to alert you of certain requirements found in the Higher Education Opportunity Act (HEOA), signed by President Bush in August 2008. In particular, HEOA requires that accrediting agencies recognized by DOE, such as the Council of the Section of Legal Education, confirm that institutions accredited by the agency have transfer of credit policies. These policies, adopted by the school, must be publicly disclosed and must include a statement of the criteria established by the school regarding the transfer of credit earned at another institution of higher education.

The Council of the Section, through the Standards Review Committee, will be developing a Standard consistent with the requirements of HEOA and will adopt it once DOE issues final regulations later this year. In terms of what this means for schools, the Accreditation Committee, Council and site teams will begin asking schools to demonstrate compliance once a Standard is adopted, which could be as early as spring 2010.

In light of the above, this is what we recommend of ABA-approved law schools:

If your school does not already have a transfer of credit policy, you should begin working on one as soon as possible. Your school's transfer policy must be

publicly disclosed through the school's website and other appropriate school communications. The policy must be stated in a "readable and comprehensible manner" and, at a minimum, include: (1) the criteria the school uses regarding transfer of credit, and (2) a list of the institutions of higher education (if any) with which the school has an articulation agreement. (An "articulation agreement" is a formal agreement between two or more institutions with the purpose of facilitating transfer of credit between the institutions.)

We will continue to be in touch with schools as we move forward with the adoption of a transfer of credit Standard. In the interim, please do not hesitate to contact us should you have any questions going forward.