At its meeting on August 8, 2011, the ABA House of Delegates concurred in changes to the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The changes became effective immediately.

Standards and Rule of Procedure for Approval of Law Schools

**Standard 512. STUDENT COMPLAINTS IMPLICATING COMPLIANCE WITH THE STANDARDS**

(a) A law school shall establish, publish, and comply with policies with respect to addressing student complaints.

(b) A law school shall maintain a record of student complaints submitted during the most recent accreditation period. The record shall include the resolution of the complaints.

(c) A “complaint” is a communication in writing that seeks to bring to the attention of the law school a significant problem that directly implicates the school’s program of legal education and its compliance with the Standards.

*Interpretation 512-1*

A law school’s policies on student complaints must address, at a minimum, procedures for filing and addressing complaints, appeal rights if any, and timelines.

**Standard 306. DISTANCE EDUCATION**

(a) A law school may offer credit toward the J.D. degree for study offered through distance education consistent with the provisions of this Standard and Interpretations of this Standard. Such credit shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school’s regular curriculum approval process.

(b) Distance education is an educational process characterized by the separation, in time or place, between instructor and student. It includes courses offered principally by means of:

1. technological transmission, including Internet, open broadcast, closed circuit, cable, microwave, or satellite transmission;
2. audio or computer conferencing;
3. video cassettes or discs; or
4. correspondence.
(c) A law school may award credit for distance education and may count that credit toward the 45,000 minutes of instruction required by Standard 304(b) if:

1. there is ample interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration; and
2. there is ample monitoring of student effort and accomplishment as the course progresses.

(d) A law school shall not grant a student more than four credit hours in any term, nor more than a total of 12 credit hours, toward the J.D. degree for courses qualifying under this Standard.

(e) No student shall enroll in courses qualifying for credit under this Standard until that student has completed instruction equivalent to 28 credit hours toward the J.D. degree.

(f) No credit otherwise may be given toward the J.D. degree for any distance education course.

(g) A law school shall establish a process that is effective for verifying the identity of students taking distance education courses and 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.

…

Interpretation 306-10
Methods to verify student identity as required in 306(g) include, but are not limited to: (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.

Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE

Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change. Subject to the additional requirements of subsections (1) and (2), acquiescence shall be granted only if the law school establishes that the change will not detract from the law school’s ability to meet the requirements of the Standards.

(1) If the proposed major change is the establishment of a degree program other than the J.D. degree, the law school must also establish that it meets the requirements of Standard 308.

(2) If the proposed major change involves instituting a new full-time or part-time division, merging or affiliating with one or more approved or unapproved law schools, acquiring another law school or educational institution, or opening a Branch or Satellite campus, the law school must also establish that the law school is in compliance with the Standards or that the proposed major change will substantially enhance the law school’s ability to comply with the Standards.
Interpretation 105-1
Major changes in the program of legal education or the organizational structure of a law school include:
(1) Instituting a new full-time or part-time division;
(2) Changing from a full-time to a part-time program or from a part-time to a full-time program;
(3) Establishing a two-year undergraduate/four year law school or similar program;
(4) Establishing a new or different program leading to a degree other than the J.D. degree;
(5) A change in program length measurement from clock hours to credit hours;
(6) A substantial increase in the number of clock or credit hours that are required for graduation;
(7) Merging or affiliating with one or more approved or unapproved law schools;
(8) Merging or affiliating with one or more universities;
(9) Materially modifying the law school’s legal status or institutional relationship with a parent institution;
(10) Acquiring another law school, program, or educational institution;
(11) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;
(12) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;
(13) Opening of a Branch campus or Satellite campus;
(14) A change in control of the school resulting from a change in ownership of the school or a contractual arrangement; and
(15) A change in the location of the school that could result in substantial changes in the faculty, administration, student body, or management of the school;
(16) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;
(17) The addition of a permanent location at which the law school is conducting a teach-out for student’s at another law school that has ceased operating before all students have completed their program of study;
(18) A significant change in the mission or objectives of the law school; and
(19) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period.

Interpretation 105-6
The Council has delegated to the Accreditation Committee the authority to grant acquiescence in the types of major changes listed in Interpretations 105-1 (4), (5), and (6), and 16.

Rule 20. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School
(a) This Rule governs consideration of applications for acquiescence in a major change in the organizational structure of an approved law school, including, without limitation:
(1) Materially modifying the law school’s legal status or institutional relationship with a parent institution;

(2) Merging or affiliating with one or more approved or unapproved law schools;

(3) Acquiring another law school, program, or educational institution;

(4) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;

(5) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;

(6) Opening of a Branch campus or a Satellite campus at which a student could take the equivalent of 16 or more semester credit hours toward the law school’s J.D.;

(7) Merging or affiliating with one or more universities;

(8) A change in the control of the school resulting from a change in the ownership of the school or a contractual arrangement;

(9) A change in the location of the school that could result in substantial changes in the faculty, administration, student body or management of the school;

(10) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;

(11) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;

(12) A significant change in the mission or objectives of the law school; or

(13) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period.

(b) For purposes of this Rule:

(1) Any of the changes in organizational structure listed in Rule 20(a) may amount to the closure of an approved law school and the opening of a different law school. If the Accreditation Committee determines, after written notice and an opportunity for written response, that such a change does amount to the closure of an approved law school and the opening of a different law school, it shall so notify the law school(s). If the Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the
Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.

(2) Factors that shall be considered in making the determination of whether the events listed in subsection (1) above constitute the closure of an approved law school and the opening of a different law school include, without limitation, whether such events are likely to result in (a) significant reduction in the financial resources available to the law school; (b) significant change, present or planned, in the governance of the law school; (c) significant change, present or planned, in the overall composition of the faculty and staff at the law school; (d) significant change, present or planned, in the educational program offered by the law school; or (e) significant change, present or planned, in the location or physical facilities of the law school.

(3) Opening of a Branch campus by an approved law school is treated as the creation of a different law school. After the law school has obtained prior acquiescence of the Council in the major change caused by the opening of a Branch campus, the Branch campus also shall apply for provisional approval under the provisions of Standard 102 and Rule 4 no later than October 15 of the second academic year of operation of the Branch campus. A law school seeking to establish a Branch campus shall submit to the Consultant, as part of its application, a business plan that contains the following information concerning the proposed Branch campus: a description of the educational program to be offered; projected revenues, expenditures and cash flow; and the operational, management and physical resources of the proposed Branch campus.

(4) After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether any other proposed structural change constitutes the creation of a different law school. If the Accreditation Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.

(c) If a different school will be created as a result of the major structural change, the different school may apply for approval pursuant to provisions of Rule 4. If the different school demonstrates that it is in full compliance with the Standards as provided in Standard 103, the Committee shall recommend that it be fully approved. Such recommendation may be conditioned upon further site evaluation visits or other requirements. If the different school is not in full compliance with the Standards, but it substantially complies with each of the Standards as provided in Standard 102, the Committee shall recommend that it be provisionally approved. The Committee may also recommend that the school will be allowed to seek full approval in a period of time shorter than that provided in Standard 103.

(d) Whether or not the Accreditation Committee determines that the proposed change will create a different law school, the law school’s request for acquiescence by the Council in the proposed major change in organizational structure shall be considered under the provisions of Rule 21, and will become effective upon the decision of the Council.
Rule 24. Complaints Concerning Law School Non-Compliance with the Standards

…

(b) Any person may file with the Consultant on Legal Education a written complaint alleging non-compliance with the Standards for the Approval of Law Schools by an approved law school.

   (i) Except in extraordinary circumstances, the complaint must be filed within one calendar year of the facts on which the allegation is based. Pursuit of other remedies does not toll this one calendar year limit.

   (ii) Complaints must be in writing using the form "Complaint Against an ABA-Approved Law School" and must be signed. The form is available online and from the Office of the Consultant on Legal Education.

   (iii) Anonymous complaints will not be considered.

   (iv) A complaint that has been resolved will not be subject to further review or reconsideration unless subsequent complaints about the school raise new issues or suggest a pattern of significant noncompliance with the Standards not evident from the consideration of the previously resolved complaint.

   (v) The Consultant or designee may, with the concurrence of the chairperson of the Accreditation Committee, defer the complaint proceedings if a party to the proceedings files or has filed a claim in another forum.

…
At its meeting on August 8, 2011, the ABA House of Delegates concurred in changes to Standards 105 and 512 and Rules 20 and 24 of the Standards and Rules of Procedure for Approval of Law Schools. These changes were required to bring the Section into compliance with United States Department of Education (“DOE”) regulations.

The changes to Standard 105 and Rule 20 were approved by the Council at its meeting in March 2011 to be circulated for Notice and Comment. A public hearing was held on May 5, 2011, and the changes were approved at the Council’s June 10-11, 2011, meeting.

The changes to Standard 512, Standard 306, and Rule 24 were approved by the Council at its June 2011 meeting to be circulated for Notice and Comment. A public hearing was held on July 8, 2011, and the changes were approved at the Council’s August 4-5, 2011, meeting.

1. **Standard 512 Student Complaints**

The new Standard codifies the Council’s practice to require site teams to review law school records of student complaints; clarifies the responsibility of law schools to maintain records of student complaints; and complies with Department of Education requirements that the Council’s requirement be specifically stated in the Standards.

2. **Standard 306. Distance Education**

The new Standard complies with Department of Education requirements that accrediting agencies must have a standard that addresses verification of student identity.

3. **Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE**

4. **Rule 20. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School**

The changes to Standard 105 and Rule 20 conform to new DOE regulations regarding major changes in a school’s program of legal education. A proposed major change requires a school to apply to the Accreditation Committee and, in most instances, to the Council as well, for acquiescence before the school can implement the major change. The most common major change applications the Section currently receives are for creating a new degree-granting program in addition to the J.D. (e.g., a new LL.M. program) and opening of a satellite or branch campus. The additional major changes, each of which is required by DOE regulations, that would require an application for acquiescence are:

--contracting with another educational entity that is not certified to participate in Title IV, whereby a student could earn 25 percent or more of the course credits required for graduation from the approved law school [proposed Interpretation 105-1(16); Rule 20(a)(10)];

--the addition of a permanent location at which a law school will be conducting a teach-out for students at another law school that has ceased operations [proposed Interpretation 105-1(17); Rule 20(a)(11)];
--a significant change in the mission or objectives of the law school [proposed Interpretation 105-1(18); Rule 20(a)(12)] and,
--the addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period. [proposed Interpretation 105-1(19); Rule 20(a)(13)]

The amendments to Rule 20 also clarify that decisions are effective upon the decision of the Council and cannot be retroactive.

5. **Rule 24. Complaints Concerning Law School Non-Compliance with the Standards**

The new Standard complies with Department of Education requirements that policies of an accrediting agency may not prevent the agency from considering complaints against an institution/program when that institution/program is involved in litigation or other actions by a third party.