Memorandum

To: The Council
From: Standards Review Subcommittee
Date: April 23, 2019
Re: Proposed Changes to the Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs

The SRS reviewed proposed changes to the Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools and is recommending that the attached draft be approved for Notice and Comment.

This draft proposes merging the Summer/Intersession Criteria and the Semester/Year-Long Criteria. This will result in two distinct sets of criteria related to international study—one for programs operated by an ABA-approved law school outside of the U.S. and one for students enrolling at a non-U.S. institution and earning credit toward their J.D. (“Criteria for Accepting Credit for Student Study at a Foreign Institution”). The Summer/Intersession Criteria and the Semester/Year-Long Criteria were nearly identical prior to the last revision to the Summer/Intersession Criteria in 2016. The key differences, and how this draft reconciles those differences, are outlined below.

1. The number of faculty required:
   a. Summer/Intersession: requires at least one tenured, tenure-track, or full-time faculty member from the ABA-approved law school and a program director; however, these can be the same person.
   b. Semester/Year-Long: requires a program director who must be a tenured, tenure-track, or full-time faculty member from the ABA-approved law school and, in addition to the director, at least one person from the law school who is either a tenured, tenure-track, or full-time faculty member; a full-time administrator who works with study abroad or international programs; or a full-time visiting professor. (This is relatively new—the Criteria used to require another member of the full-time faculty to serve as the second person onsite.)
   c. The attached draft requires one tenured, tenure-track, or full-time faculty member from the ABA-approved law school (basically adopting the requirements of the Summer/Intersession Criteria).

2. The library resources:
a. Summer/Intersession: “if course materials... are not self-contained, then adequate library resources must be available.”

b. Semester/Year-Long: “the program must have or must provide acceptable access to a library and study facility adequate for its academic program....”

c. This draft matches the requirements of the Summer/Intersession Criteria, which seems appropriate in light of the way technology now provides access to many library resources.

3. Required Site Visits:

The proposed revision would move Semester programs more in line with the current Summer/Intersession program requirements, resulting in the following:

a. Programs would only be subject to a site visit in their second year of operation (for new programs) or if there were any issues that came to our attention through questionnaires, the sabbatical site visit process, student complaints, etc.

b. Programs offered to a law school’s own students (not open to students from other law schools) and not cosponsored with another ABA-approved law school, would not require ABA-approval or a site visit in the second year of operation.

A final issue for consideration is whether to retain the requirement that a substantial portion of the educational program must relate to the socio-legal environment of the host country or have an international or comparative focus. The SRS is in favor of retaining this requirement, which will ensure that an approved foreign program offers a curriculum that provides a perspective beyond U.S. law.