MEMORANDUM

TO:           Interested Persons and Entities

FROM:         Diane Bosse, Council Chair
              Barry A. Currier, Managing Director of Accreditation and Legal Education

DATE:         January 13, 2020

SUBJECT:      ABA Standards and Rules of Procedure – Matters for Notice and Comment

At its meeting held on November 21-23, 2019, the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment proposed revisions to the Standards and Rules of Procedure of the ABA Standards and Rules of Procedure for Approval of Law Schools that are required by the new Department of Education regulations that were released on November 1, 2019 and become effective on July 1, 2020.

A notice was sent on December 9, 2019 that included proposed revisions for the following:

1. Retroactive application of accrediting decisions
   • Rule 2
2. Provisional approval
   • Rule 22
   • Rule 29
   • Standard 102
   • Standard 103
3. Substantive change
   • Rule 24
   • Standard 105
4. Appeal
   • Rule 39
5. Other
   • Rule 27
It has come to our attention that important language was missing regarding the changes to Rule 24(h) and Standard 105(c) on substantive change. This information has been added and appears below in bold.

All proposed revisions and accompanying explanations are published on the Section’s website:
https://www.americanbar.org/groups/legal_education/resources/notice_and_comment/

We solicit and encourage written comments on Rule 24(h) and Standard 105(c). A hearing on the proposed changes is scheduled for Wednesday, February 19, 2020 at 1 p.m. The hearing will be held at Le Meridian Tampa (601 N. Florida Ave., Tampa, FL 33602)

Please address written comments on Rule 24(h) and Standard 105(c) to Diane Bosse, Council Chair. Please send comments and requests to speak at the hearing to Mary Kearin (mary.kearin@americanbar.org) by Friday, January 31, 2020.

Requests to speak about Rule 24(h) and Standard 105(c) at the hearing received after January 31, 2020, will be accommodated if possible. Written comments received after January 31, 2020, may not be included in the materials considered by the Council at its February 20-22, 2020 meeting.

**Changes to Proposed Rule 24(h) and Standard 105(c) on Substantive Change:**

**Explanation of Changes:**

The Department added additional items of substantive change requiring a school on probation or equivalent status to seek prior approval. The proposed language prevents a school on probation or a school that has received a finding of significant non-compliance with one or more standards under Rule 11(a)(4), from receiving acquiescence in a substantive change, unless the law school can show the substantive change will assist the law school in making progress toward achieving full compliance.

**Redline:**

Rule 24: Application for Acquiescence in Substantive Change

(h) A Law School shall not receive acquiescence in a substantive change if the law school is on probation or receives a finding of significant non-compliance with one or more Standards under Rule 11(a)(4), has been subject to such action by the Council over the prior three academic years, or is under a provisional certification under Title IV of the Higher Education Act of 1965, as amended, unless the law school can show the substantive change will assist the law school in making progress toward achieving full compliance.
Standard 105. Acquiescence for Substantive Change in Program or Structure

(c) A law school may not apply for acquiescence in a substantive change if the law school is on probation or receives a finding of significant non-compliance with one or more Standards under Rule 11(a)(4), has been subject to such action by the Council over the prior three academic years, or is under a provisional certification under Title IV of the Higher Education Act of 1965, as amended, unless the law school can show the substantive change will assist the law school in making progress toward achieving full compliance.