

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: June 2015 - O-401

DATE: June 16, 2015

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Amendments to Guideline 7.11 (Distance-Education Credit) of the *Guidelines for Accredited Law School Rules* - Request for Public Comment**

BACKGROUND

Guideline 7.11 of the *Guidelines for Accredited Law School Rules* restricts California-accredited law schools (CALs) as to the total amount of credit they may offer students for classes taught outside of a traditional classroom. Currently, the CALs are limited to a maximum of twelve semester units (or their quarter equivalent) of credit for classes offered in a J.D. degree program taught remotely using “distance learning” technology. Today, such technology relies almost exclusively upon the Internet to offer either a synchronous (“real time”) or asynchronous (taped video or audio lectures or written correspondence) virtual classroom. Guideline 7.11 also restricts the number of units to four that students may be taught using distance learning in a given semester and it bars the use of such technology in any class offered in the first year of law study.

Since Guideline 7.11 went into effect in 2009, the Internet-based technology used in all forms of distance-learning education has improved significantly and it is now common place in a variety of fixed-facility law schools, including those approved by the American Bar Association. As to the CALs, with the recent opening of new branch campuses, along with those already operating, many more J.D. curriculum classes are expected to be offered using distance-learning education as a cost-effective way to teach the same cohort of students studying at different campuses. For the CALs that already offer such classes, students reportedly appreciate the opportunity to reduce the number of days or evenings they must to commute to campus to attend classes in person.

Given these developments, the CALs Deans recently proposed several significant amendments to Guideline 7.11 to allow greater use of distance-learning technology in their J.D. degree curriculum. The key element of their proposal would remove the twelve-unit restriction and, instead, allow up to 50% of a J.D. degree curriculum to be taught using distance-learning technology and would allow the use of such technology to be used in classes offered in first-year classes. As initially proposed, the CALs Deans also sought to provide new definitions of what constitutes distance-learning instruction and how credit using such instruction should be calculated.

The CALS' proposal was reviewed, considered and voted upon at a meeting of the Advisory Committee on California Accredited Law School Rules (RAC). The RAC's recommendation to approve the CALS' proposal was shared with the Subcommittee on Educational Standards during its meeting on April 24th. At that meeting, however, no action on the proposal was taken as the item was considered informational. Generally, staff believes, with which the Subcommittee concurred, that before considering suggested amendments concerning the definition of distance-learning technology, other constituencies', such as registered unaccredited correspondence and distance learning law schools, input should be solicited. And, that to proceed with increasing the number of hours of allowed distance learning education at this time may be premature since the Committee's proposals related to allowing distance learning law schools to become accredited are currently pending.

Proceeding with a proposed amendment to Guideline 7.11 that would eliminate the prohibition of the use of distance-learning technology in first-year classes, however, may be appropriate for consideration at this time.

DISCUSSION

Attachment A eliminates language in the Guideline with regard to limiting when distance education classes may be taken.

The proposed amendment will be submitted to the RAC for its consideration and recommendation at its meeting prior to the upcoming meeting of the Committee.

RECOMMENDATION

It is recommended that the proposed amendment to Guideline 7.11 (Distance-Education Credit) of the *Guidelines for Accredited Law School Rules*, be approved in principle; that the proposed amendment be circulated for a 45-day public comment period; and following receipt of any public comments, that the proposed amendments and all comments received be referred to the RAC for its input prior to the Committee's consideration regarding their final adoption.

PROPOSED MOTION

Should the Subcommittee agree with the above recommendation, the following motion is suggested:

Move that the proposed amendment to Guideline 7.11 (Distance-Education Credit) of the *Guidelines for Accredited Law School Rules* in the form attached hereto, be approved in principle; that the proposed amendment be circulated for a 45-day public comment period; and following receipt of any public comments, the proposed amendment to Guideline 7.11 be referred to the RAC prior to the Committee's final action on the matter.