

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: April 2016 – O-401

DATE: April 25, 2016

TO: Subcommittee on Educational Standards

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: Proposed Additional Disclosures by California Accredited Law Schools and SB 1281 Revised

BACKGROUND

At its March 18, 2016 meeting, the Committee of Bar Examiners (Committee) took the following action:

It was moved, seconded and duly carried that the matter of requiring additional disclosures by law schools accredited by the Committee be referred to the Committee's Advisory Committee on California Accredited Law School Rules for discussion and recommendation.

Since then, however, Senate Bill 1281 (Block) has been revised to require not only unaccredited law schools to provide certain additional disclosures, but also California Accredited Law Schools (CALs).

The language in the bill as it is revised on April 18, 2016 says:

"SECTION 1. Section 6061.7 is added to the Business and Professions Code, to read:

6061.7. (a) ~~In addition to the disclosure statement required by Section 6061, any~~ Any law schools not approved by the American Bar Association shall publicly disclose on its Internet Web site, with a link from the Internet home page under "Admissions," all of the following information:

- (1) Admissions data.
- (2) ~~Tuition and~~ Tuition, fees, ~~living costs,~~ and financial aid.
- (3) Conditional scholarships.
- (4) Enrollment data, including academic, transfer, and other attrition.
- (5) Number of full-time and part-time faculty, professional

librarians, and administrators.

(6) ~~Class Average class sizes for first year and upper class required courses and the number of seminar, clinical, and cocurricular clinical offerings.~~

(7) Employment outcomes for graduates.

(8) Bar passage data.

(b) (1) The information in subdivision (a) shall be disclosed ~~in manner that is either identical to, or substantially equivalent to, the American Bar Association's Standard 509 Information Report.~~ *and published on the law school's Internet Web site in a standardized information report that is readily accessible to current and prospective students in a manner that is complete, accurate, and not misleading to a reasonable student or applicant.*

(2) *The State Bar may create a standardized information report template.*

(3) *All law schools described in subdivision (a) shall include the standardized information report as part of the annual compliance report required from all law schools that are not approved by the American Bar Association and are regulated by the examining committee of the State Bar.*

(4) *A law school may use the information report template to comply with the information disclosure required under subdivision (a).*

(c) A law school *described in subdivision (a)* shall publicly disclose on its Internet Web site, in a readable and comprehensive manner, all of the following information on a current basis:

(1) Refund policies.

(2) Curricular offerings, academic calendar, and academic requirements.

(3) Policies regarding the transfer of credit earned at another institution of higher education.

(d) The law school's transfer of credit policies shall include, at a minimum, both of the following:

(1) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution.

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

(e) All information that a law school reports, publicizes, or distributes *pursuant to this section* shall be complete, accurate, and not misleading to a reasonable law school student or applicant. A law school shall use due diligence in obtaining and

verifying such information.

(f) A law school shall distribute the data required under paragraph (3) of subdivision (a) to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

~~—(g) Schools shall be considered in compliance if they report the data required by Standard 509 of the American Bar Association's Standards and Rules of Procedure for Approval of Law Schools, as that standard may be amended.~~

~~—(h)~~

(g) For the purposes of this section, the following definitions apply:

(1) "Curricular offering" means only those courses offered in the current and past two academic years.

(2) "Conditional scholarship" means any financial aid award, the retention of which is dependent upon the student maintaining a minimum grade point average or class standing, other than that ordinarily required to remain in good academic standing.

(3) *"Bar passage data" means the most current cumulative bar pass rates defined and reported by the examining committee of the State Bar.*

(4) *"Employment outcomes for graduates" means the results of a survey by the law school, taken three years after graduation, that breaks down the employment rate of graduates in each of the first three years after graduation, including the rate of employment of graduates in jobs where a Juris Doctor degree is required by the employer and the rate of employment of graduates in jobs where a Juris Doctor degree is an advantage in employment.*

(5) *"Admissions data" means information from the most recently enrolled fall semester class including total number of applications, the total number of accepted students, and the 75th, 50th, and 25th percentile scores for the undergraduate grade point averages and law school admission test scores of admitted students."*

DISCUSSION

The amended language appears to supersede the action of the Committee, as proposed additional disclosures by the CALS may become law as a matter of course. It should also be noted that a copy of a letter that was sent on behalf of the CALS, which advises Senator Marty Block that the CALS were in favor of the legislation, was received.

The Committee on several occasions has indicated its desire to have the schools it regulates provide as much information as possible to incoming students and the public.

It would be appropriate for the Committee to recommend to the Board of Trustees that it support the amended legislation.

RECOMMENDATION

It is recommended that the Subcommittee recommend to the Committee that it take action recommending that the Board of Trustees support Senate Bill 1281 (Block) in its current form.

PROPOSED MOTION

If the Subcommittee agrees with the recommendation, the following motion should be made:

Move, that Senate Bill 1281 (Block) in its current form, which requires schools regulated by the Committee to provide additional disclosures on their websites, be supported and that the Board of Trustees be asked to support the legislation on behalf of The State Bar of California.