



The State Bar *of California*

**OPEN SESSION
AGENDA ITEM
AUGUST 2019
COMMITTEE OF BAR EXAMINERS ITEM O-401**

DATE: August 13, 2019

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst, Office of Admissions

SUBJECT: Decision on the Santa Barbara and Ventura Colleges of Law Waiver to Teach Courses Off-Campus

EXECUTIVE SUMMARY

Santa Barbara and Ventura Colleges of Law (SBCVL) filed this Major Change Request seeking approval and ratification of its emergency, one-time decision to teach courses more than fifty-five miles from its campuses for the purpose of assisting students at Western State College of Law to further their progress toward their J.D. degrees. (Attachment A) SBVCL makes this request pursuant to Rules 4.164 and 4.165(F) of the Accredited Law School Rules and Guidelines for Accredited Law Schools.

BACKGROUND

An accredited law school must file a Major Change Request under Rule 4.164 when “sponsoring or offering for law study credit any individual seminar or class, other than from a branch campus, that will meet more than fifty-five miles from the law school’s principal facility or outside of California.” (Rule 4.165(F))

SBVCL maintains campuses and teaches classes in both Santa Barbara and Ventura, and also teaches courses online through a pilot Hybrid J.D. program that was started during the Fall 2018 semester.

SBVCL has filed this Major Change request seeking permission and ratification of its decision to teach a single summer session in Irvine, approximately 110 miles from the closest campus for the purpose of assisting students at Western State College of Law, since that school was facing significant uncertainty and was not able to offer the summer semester classes that it had offered in the past.

DISCUSSION

SBVCL is teaching courses more than fifty-five miles from the main campuses of SBVCL on a one-time emergency basis during the summer of 2019 specifically to help students at Western State College of Law in Irvine, California. Typically, a request like this would be submitted in advance of offering the course, but here, there were exigent circumstances. The status of Western State College of Law was very uncertain, and SBVCL did not know until the last minute whether the ABA would allow the students to apply these courses toward their degree or exactly how many students would register. Therefore, an advance request to the Committee would have been too speculative to describe fully. As a result, SBVCL took extensive steps to ensure that the courses complied with all Rules and Guidelines for Accredited Law schools, as described below.

Western States College of Law has been operating under the control of a federal receiver and its future has been uncertain for some months. Therefore, its students who were close to finishing their J.D. coursework at the end of the spring semester were eager to complete their degree coursework as quickly as possible, but their home law school was not offering a summer session as it had in the past, and it was unclear whether the school would be able to offer any other classes in the future.

SBVCL sought to help students at Western State College of Law as part of its mission “to provide access to law and law-related professions through emphasizing opportunity, academic excellence, and community engagement.” (See Attachment A, p. 1) SBVCL was uniquely situated to offer emergency classes in Irvine because of its formal association with partner TCS Educational Systems (TCS), which offered use of classroom space at a TCS partner school located in Irvine, The Chicago School of Professional Psychology.

While SBVCL hired Western States faculty to teach the courses and used that school’s syllabi to teach the courses, SBVCL also made sure that the courses complied with all Rules and Guidelines applicable to accredited law schools including format of the syllabus, examination guidelines and grading guidelines.

Moreover, SBVCL did not withhold or divert any resources from its own enrolled students in order to teach these emergency classes in Irvine. Ultimately, enrollment at Irvine included sixteen students in Estates, fifteen in Community Property and five in Negotiations, enabling over twenty students to move closer to earning their J.D. degrees.

RECOMMENDATION

It is recommended that the Committee approve SBVCL’s Major Change request ratifying the decision to offer Community Property, Estates, and Negotiations in Irvine on a one-time, emergency basis for the Summer 2019 session.

MOTION

Should the Committee agree with the above recommendation, the following motion would be appropriate:

Move that the Major Change request received from Santa Barbara and Ventura Colleges of Law under Rules 4.164 and 4.165(F) seeking approval and ratification of the decision to teach a summer 2019 session of courses on the topics of Estates, Community Property and Negotiations at the Chicago School of Professional Psychology in Irvine, California more than fifty-five miles from the school's campuses be received, filed and granted.

ATTACHMENT

- A. Major Change Request from Santa Barbara and Ventura Colleges of Law Waiver Regarding Teaching Courses Off-Campus



Santa Barbara Campus
 20 East Victoria Street
 Santa Barbara, CA 93101
 805.979.9860

Ventura Campus
 4475 Market Street
 Ventura, CA 93003
 805.765.9300

Committee of Bar Examiners
 State Bar of California
 180 Howard St.
 San Francisco, CA 94105

Re: Major Change Request Rule 4.165(F)

Dear Members of Committee of Bar Examiners:

The Santa Barbara and Ventura Colleges of Law (COL) is seeking a major change under Rule 4.164 and Rule 4.165(F) to offer for law school credit classes at a location more than 55 miles from the COL's principal campus. To aid Western State College of Law (WSCL) students caught in the Argosy closure, COL offered three courses in Irvine for WSCL students seeking to complete their J.D. degree. Because of the exigent circumstances, COL did not submit the Major Change Request ninety days before offering the courses. Given the circumstances, COL hopes the Committee will excuse its tardiness. The school does not intend to offer any additional courses at the Irvine campus.

COL decision to hold courses in Irvine for WSCL students is consistent with its mission "to provide access to law and law-related professions through emphasizing opportunity, academic excellence, and community engagement."

In March 2019, Argosy University suddenly closed, leaving students scrambling. WSCL was among the schools affected. The school received court permission to remain open through the end of the May to allow students in their final year to complete their degree and sit for the California bar exam in July 2019. Over 300 WSCL students, including many part-time students just one or two semesters from graduation, were left wondering if and how they would complete their degree.

Susan Keller, the associate dean at WSCL contacted COL to ask if the school was willing to participate in a potential teach-out program for WSCL students seeking to complete their degree. The teach-out program would be triggered only if WSCL announced it was permanently closing and only if the receiver, the accreditors, and the Department of Education approved it. COL readily agreed to be one of several schools to welcome WSCL students if the school were to close.

Meanwhile, WSCL students began to independently call COL, among other schools, to see if there were any courses available in the summer. Dean Keller informed COL that WSCL normally offered Estates, Community Property, and Negotiations in the summer, all courses required in WSCL's curriculum. While COL offers each of those courses, it doesn't usually include those courses in its summer curriculum. Nonetheless, Dean Gardina worked closely with Dean Keller to devise a solution where WSCL students could take the courses in Irvine.

COL was able to find an Irvine location through its affiliation with TCS Education System.¹ TCS's affiliates include The Chicago School of Professional Psychology (TCSPP) which has a campus in Irvine.² TCSPP readily agreed to open its campus to the WSCL students at no charge to COL.

Dean Keller introduced Dean Gardina to the three WSCL adjunct faculty who usually taught Estates, Community Property, and Negotiations. The three faculty agreed to teach the courses and COL hired them for that purpose. Pursuant to Guidelines 6.5(D)(1), Dean Keller and Dean Gardina worked to create a schedule that met the credit hour and semester length requirements. Dean Gardina then sought approval from the COL Curriculum Committee to ensure that the course syllabi met COL scholastic standards. (Guideline 7.11)

WSCL students interested in taking the courses submitted their names to the WSCL Registrar and she sent the names to the COL Registrar confirming that the students had been granted permission to take the courses at COL and that they would be allowed to transfer the credits back to complete their degrees. At the time the courses started, it was unclear if WSCL would be allowed to remain a degree granting institution so to ensure that all students understood the uncertainty, COL had the students sign an Enrollment Acknowledgement Form before enrolling them in the courses. Consistent with Guideline 7.12, COL enrolled WSCL students as "Students at Large" under the school's written policy.

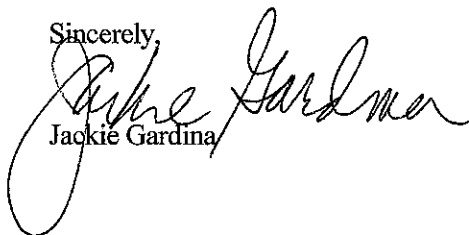
Professor	Course	Schedule	Enrollment
Jason Blonska	Community Property	M/W 4:20-6:20	15
Scott Feig	Estates	M/W 6:40-9:50	16
Paul Smith	Negotiations	T/Th 6:40-8:40	5

The faculty and students were required to follow all COL policies and CBE requirements. To ensure compliance with Guideline 6.5(C), faculty submitted attendance sheets for each class. In addition, exams will follow the COL format, consistent with CBE requirements. The faculty submitted their exams for review and approval (Guideline 6.11) and the faculty will use the same grading standards employed in all COL required courses. (Guideline 6.12)

By the end of the summer term, COL will have helped over 20 WSCL students to move step closer to their J.D. degree.

I look forward to answering any questions that the Committee may have.

Sincerely,


Jackie Gardina

¹ In 2010, it sought and received Committee approval to affiliate with TCS Education System (TCS), a non-profit network of higher education institutions—each with its own board, leadership team, accreditation, mission and organization. TCS is an Illinois 501(c)3 non-profit organization as well as a 509(a)3 Type II Supporting Organization, which is a nonprofit entity that carries out its exempt purposes by supporting other nonprofit organizations.

² TCSPP Irvine campus is located at 4199 Campus Dr. Suite 400, Irvine, CA 92612.