

AGENDA ITEM

131 JULY 2016

DATE: July 5, 2016

TO: Members, Admissions and Education Committee
Members, Board of Trustees

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: Recommendation for Support of SB 1281 re Additional Disclosures for Law Schools Regulated by the Committee of Bar Examiners

EXECUTIVE SUMMARY

On February 19, 2016, Senator Block introduced Senate Bill 1281 (Block), which if ultimately approved and signed by the Governor would add Section 6061.7 to the California Business and Professions Code that would mandate certain additional disclosures by unaccredited law schools. Senate Bill 1281 has since been amended to require the California Accredited Law Schools (CALS) also to provide the same disclosures as those required for the unaccredited law schools.

The Committee of Bar Examiners considered this matter at its April 2016 meeting, and took action in support of the legislation and is seeking the Board of Trustees' support on behalf of the State Bar of California.

BACKGROUND

According to the Legislative Counsel's Digest on Senate Bill 1281 (Block):

Existing law requires any law school that is not accredited by the examining committee of the State Bar to provide every student with a disclosure statement, subsequent to the payment of any application fee but prior to the payment of any registration fee, that contains, among other things, a statement that the law school is not accredited and the number and percentage of students who have taken and who have passed the first-year law student's examination and the final bar examination in the previous five years, or since the establishment of the school, whichever time is less, as specified.

This bill would additionally require a law school that is not accredited by the examining committee of the State Bar to post specified disclosures required by the American Bar Association's Standards and Rules for Procedure for Approval of Law Schools on the law school's Internet Web site. The bill would additionally require a law school that is not accredited by the examining committee of the

State Bar that has a bar passage rate below ____ over the previous three years to display its passage rate on its Internet Web site adjacent to, and in the same type size and font as, the law school's name.

The bill was revised on April 18, 2016 as follows:

"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 Committee of Bar Examiners (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. The Committee considered this matter at its April 2016 meeting, and took action in support of the legislation and is seeking the Board of Trustees' support on behalf of the State Bar of California.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

Section 6061.7 of the California Business and Professions Code

BOARD BOOK IMPACT

None

BOARD GOALS & OBJECTIVES

None

BOARD COMMITTEE RECOMMENDATIONS

The Admissions and Education Committee recommends that the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees supports Senate Bill 1281 (Block) in the April 2016 version of the bill, which requires schools regulated by the Committee to provide additional disclosures on their websites, on behalf of the State Bar of California.