



The State Bar of California

OPEN SESSION AGENDA ITEM O-403 AUGUST 2020 COMMITTEE OF BAR EXAMINERS

DATE: August 21, 2020

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Inspection Report and Accreditation of St. Francis School of Law

EXECUTIVE SUMMARY

Saint Francis School of Law (St. Francis) is an unaccredited, distance law school that is seeking provisional or full accreditation. In April, the Committee of Bar Examiners (CBE) reviewed the law school's initial application, and ordered an inspection of the school to verify its finding that the school appeared to demonstrate at least substantial compliance with the Rules and Guidelines for Accredited Law Schools.

On June 9-11, 2020, the school was inspected. The inspection team observed that the school appears to be in compliance with the Rules and Guidelines for Accredited Law Schools and, therefore, recommends granting accreditation.

BACKGROUND

A registered, unaccredited school applies for accreditation by submitting an application and detailed self-study demonstrating how it currently complies with the Rules for Accredited Law Schools (rules) and Guidelines for Accredited Law Schools (guidelines). (Rule 4.121) The application includes a plan for program transition, including a plan for teaching-out currently enrolled law students in their current program or allowing students to apply to the accredited program, with all students being given a reasonable opportunity to complete their JD degrees. (Guideline 1.1(D)(1))

When the CBE reviews an application for provisional accreditation under Rule 4.123 and makes a finding that the school appears to be in substantial or full compliance with the rules and guidelines, the CBE then requires that an inspection be scheduled “to verify the information submitted by the law school and determine the extent of the law school's compliance with these [Accredited] rules.” (Rule 4.124)

After reviewing the resulting inspection report, the CBE may take one of three actions: 1) If the CBE makes a finding that the school has complied with the rules and guidelines, it may grant accreditation as of a date certain; 2) If the CBE makes a finding that the school has substantially complied with the rules and guidelines, then provisional accreditation for a fixed period of time is appropriate, and the school remains subject to the First-Year Law Students’ Examination requirement until such time as full accreditation is achieved; or 3) If the CBE makes a finding that the school has not established either substantial or full compliance, it may deny the application. (Rule 4.120)

The CBE considered St. Francis’ initial application for provisional or full accreditation in April 2020. After reviewing the law school’s detailed application, the CBE concluded that St. Francis had demonstrated at least substantial compliance with the accredited law school rules and directed that an inspection should be conducted.

The inspection took place on June 9-11, 2020 via remote process. It was conducted by the team of State Bar consultant Heather Georgakis, CBE Member Paul Kramer, and Professor Barbara Karlin, JD, LL.M., CPA, Golden Gate University. Though the inspection was conducted remotely, all elements that are typically part of an inspection were included.

The State Bar provided the school with an advance copy of the inspection report. (Attachment A) The school responded via letter in which it agreed with all recommendations from the team, and confirmed that, for each recommendation, it had either implemented the recommendation or provided evidence that it had taken the steps necessary to implement that recommendation upon the granting of provisional or full accreditation. (Attachment B)

DISCUSSION

Consistent with the CBE’s findings in April 2020, the inspection team verified that the school is operating in compliance with the rules and guidelines, except in areas where compliance is not possible until accreditation is earned. (Attachment A)

The inspection team made a short list of suggestions that are detailed below. The school agreed to each recommendation and advised that, subsequent to the inspection, the law school has implemented each recommendation or completed preparations to do so immediately upon a grant of provisional or full accreditation.

RECOMMENDED MANDATORY ACTIONS

- 1. Guideline 2.6(C):** It is recommended that the school republish its student discipline policy, as revised to provide for the written final determination required by the guideline.
- 2. Guidelines 2.7(A)(3), 7.7, and 7.8:** It is recommended that the school revise and republish its course repetition policy to clarify that the cumulative grade point average of a student who has repeated a course will be based upon the higher grade between the original and the repeated attempt.
- 3. Guidelines 4.4 (Accredited) and 4.5 (Unaccredited):** It is recommended that the school adopt, implement, and publish a faculty course load policy in the Faculty Handbook that complies with the guideline applicable to its status with the CBE.
- 4. Guideline 6.5(C):** It is recommended that the school adopt, implement, and publish an attendance policy that ensures that students receive course credit only if they have been actively engaged in at least 80 percent of verified active engagement activities for the course.
- 5. Guidelines 6.5(F) and (J):** It is recommended that if the school becomes accredited, it publish in its catalog a student course load policy that complies with guideline requirements.
- 6. Guidelines 6.6, 6.9, and 2.3(B):** It is recommended that the school revise, implement, and republish its policies with respect to the Legal Externship course to bring those policies into compliance with the guidelines.
- 7. Guideline 11.1:** It is recommended that if the school becomes accredited, it conduct an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether or not required disclosures and written policies adhere to the CBE's requirements.

RECOMMENDATIONS TO ASSIST IN MAINTAINING CONTINUED COMPLIANCE

- 1. Guideline 2.3(D)(1):** It is recommended that the school should address the required disclosure during new student orientation or otherwise to ensure students are informed.
- 2. Guidelines 6.2(J), 8.2, and 8.5:** It is recommended that the school should introduce its first-year students to the school's online legal research tools during orientation or within the curriculum, so students can take advantage of the service to enhance their studies.
- 3. Guideline 6.9:** It is recommended that the school should indicate the units of practical skills training provided by each course in the Catalog course descriptions, if any. This would better inform students as to the options available to them to select courses offering practical skills training.

As part of the inspection, the team reviewed the school's self-study, as well as a wide range of documents related to recruitment, admissions, school standards, faculty evaluations, and grading.. They also spoke with the governing board, administration, faculty, staff, and students.

In addition, the team and staff also discussed the school's proposed transition plan and found it to be compliant. Upper class students will be allowed to transfer right away in most cases if they are in good standing. Students who have not yet established an exemption from the First-Year Law Students' Examination will continue to study in the registered program until they pass that exam. After a transitional year, the school's curriculum would continue as it is currently structured, but the academic calendar would be restructured to remove timing elements that were related to that exam.

The inspection team recommends an initial grant of accreditation for a five year period with the next inspection to be set in spring 2025, unless the Committee finds that circumstances warrant an inspection sooner.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None - core business operations

RECOMMENDATIONS

It is recommended that the Committee accept the Inspection Report of St. Francis School of Law and adopt all recommendations made by the team, noting that the school has documented satisfaction of the recommendations in its response.

It is also recommended that the CBE grant accreditation to St. Francis School of Law effective immediately as to its part-time four-year JD program, as well as degree granting authority pursuant to that accreditation. It is also recommended that the school's next inspection be set for spring 2025.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made:

MOVE, that the Committee of Bar Examiners receive and file the inspection report of St. Francis School of Law; that it adopt all recommendations contained therein, and note the school's satisfaction of those recommendations.

FURTHER MOVE, that the Committee grant accreditation to St. Francis School of Law and its part-time, four-year JD program, as well as degree-granting authority pursuant to that accreditation, effective August 21, 2020.

FURTHER MOVE, that the school's next inspection to verify continued compliance will be set for spring 2025, unless the Committee determines that an inspection is required sooner.

ATTACHMENT(S) LIST

- A.** 2020 Inspection Report – St. Francis School of Law
- B.** Response from St. Francis School of Law



The State Bar of California

St. Francis School of Law Site Inspection for Provisional Accreditation

**Inspection Conducted
Pursuant to Rule 4.162 of the
Accredited Law School Rules On:**

June 9–11, 2020

Visitation Team:

Paul Kramer, Committee of Bar Examiners
Barbara Karlin, Vice-President Emerita and Professor, Golden Gate University
Heather Georgakis, Educational Standards Consultant

**REPORT ON SITE INSPECTION FOR THE PROVISIONAL ACCREDITATION OF
ST. FRANCIS SCHOOL OF LAW
895 DOVE STREET, 3RD FLOOR, NEWPORT BEACH, CA 92660**

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Introduction

A site inspection for provisional or full accreditation of the St. Francis School of Law (SFL) was conducted on June 9–11, 2020. The Visitation Team consisted of Paul Kramer, Committee of Bar Examiners (CBE); Barbara Karlin, Vice-President Emerita and Professor, Golden Gate University School of Taxation; and Heather Georgakis, Educational Consultant and Team Leader.

Although SFL is currently unaccredited, because the school is seeking accreditation, the team evaluated the school's substantial compliance, or compliance with the Accredited Law School Rules and Guidelines for Accredited Law School Rules.

The school was last inspected by the CBE in September 2016 and was found to be compliant with the Rules and Guidelines for Unaccredited Law Schools, which were the appropriate rules to govern that inspection.

SFL is a registered, unaccredited, distance-learning law school with offices in Newport Beach, California. Its mission is "to produce graduates who are capable of practicing law immediately upon graduation through an accessible, high-quality program that emphasizes practical skills."

Founded in 2011 as a for-profit corporation, the school became a nonprofit entity after it was acquired in 2013 by Baker College (Baker), a regionally accredited private institution based in Flint, Michigan. Baker enrolls approximately 7,000 students in undergraduate and graduate programs, both online and on campuses located primarily in Michigan's lower peninsula.

SFL offers a four-year, 130-quarter unit Juris Doctor (JD) program. Instruction is delivered online over two 24- to 26-week terms, comprised of quarters of instruction, during which students attend synchronous class sessions two nights per week and complete most other academic tasks asynchronously. Total program tuition is \$44,000, calculated based on current annual tuition of \$11,000; there is also a \$100 program fee, payable at the time of initial registration.

If SFL became accredited, the JD program would be restructured to include an academic year of four 12-week terms; students would complete two terms back-to-back and then have a short break before another two-term cycle. Course content would remain largely the same, except that students would no longer take a required designed to prepare students to take and pass the First-Year Law Students' Examination (FYLSE).

Since 2017, SFL operations have been overseen by Dean Gregory Brandes, a graduate of Loyola University Chicago School of Law, and assisted by Registrar Tammy Carr and Director of Academic

Excellence Karen Travis. As of September 2019, the faculty also included 25 adjunct instructors. All hold degrees from law schools approved by the American Bar Association (ABA) and all are licensed to practice law, including 15 who are State Bar of California licensees.

In September 2019, SFL had a total enrollment of 54 students. First-year students are enrolled twice per year; upper-level students begin courses at various times. The school only admits students with degrees at the bachelor's level or beyond; 67 percent of the students currently enrolled have advanced degrees. Sixty percent of SFL's students are women and approximately 35 percent self-identify as other than Caucasian.

An accredited school must maintain a minimum cumulative five-year bar passage rate (MPR) on the California Bar Examination of at least 40 percent among its graduates who take the exam. SFL does so, with a 2019 MPR of 60.0 percent and a 2020 MPR of 56.3 percent, as calculated using the formula enumerated in Guideline 12.1.

According to the 2020 JD Disclosure Statement, the cumulative pass rate for SFL students on the FYLSX is approximately 82 percent through the October 2019 administration. The pass rate for all SFL takers was 71 percent for the June 2019 administration and 60 percent for the October 2019 administration. These pass rates are well above average for an individual FYLSX administration, which is generally around 20 percent.

The team found St. Francis School of Law to be compliant with the Accredited Law School Rules and Guidelines for Accredited Law School Rules after a review of the curriculum, learning platform, admissions, scholastic standards, faculty, legal research resources, facilities, records, Dean, administrators, and faculty.

Recommended Action by the CBE

The team recommends that the CBE receive and file this Periodic Inspection Report, approve the team's recommended and suggested actions, grant full accreditation to St. Francis School of Law, and schedule its next periodic inspection for the spring of 2025, unless the CBE deems an earlier visitation is necessary.

Recommended Mandatory Actions

- 1. Guideline 2.6(C):** It is recommended that the school republish its student discipline policy, as revised to provide for the written final determination required by the guideline.
- 2. Guidelines 2.7(A)(3), 7.7, and 7.8:** It is recommended that the school revise and republish its course repetition policy to clarify that the cumulative grade point average of a student who has repeated a course will be based upon the higher grade between the original and the repeated attempt.

3. **Guidelines 4.4 (Accredited) and 4.5 (Unaccredited):** It is recommended that the school adopt, implement, and publish a faculty course load policy in the Faculty Handbook that complies with the guideline applicable to its status with the CBE.
4. **Guideline 6.5(C):** It is recommended that the school adopt, implement, and publish an attendance policy that ensures that students receive course credit only if they have been actively engaged in at least 80 percent of verified active engagement activities for the course.
5. **Guidelines 6.5(F) and (J):** It is recommended that if the school becomes accredited, it publish in its catalog a student course load policy that complies with guideline requirements.
6. **Guidelines 6.6, 6.9, and 2.3(B):** It is recommended that the school revise, implement, and republish its policies with respect to the Legal Externship course to bring them into compliance with the guidelines.
7. **Guideline 11.1:** It is recommended that if the school becomes accredited, it conduct an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether or not required disclosures and written policies adhere to the CBE's requirements.

Suggestions for Enhanced Compliance

1. Pursuant to Guideline 2.3(D)(1), the school should address the required disclosure during new student orientation or otherwise to ensure students are informed.
2. Pursuant to Guidelines 6.2(J), 8.2, and 8.5, the school should introduce its first-year students to the school's online legal research tools during orientation or within the curriculum, so students can take advantage of the service to enhance their studies.
3. Pursuant to Guideline 6.9, the school should indicate the number of units of practical skills training provided by each course in the Catalog course descriptions.

Submission of Self-Study

St. Francis School of Law submitted a self-study to assist the team in its assessment of the school's compliance with the Rules and Guidelines. Dean Brandes also responded to requests for follow-up information, and that information was considered when drafting this report.

Conduct of Site Visit

Due to travel and meeting limits related to the COVID-19 pandemic, the inspection visit was conducted via videoconference, and the school consented to this format. The team first met with President Jill Langen and Dean Brandes, and then discussed governance matters with SFL Trustees. In the afternoon, the team addressed academic and operational topics with Registrar Carr, Professor Travis, and Senior Director of Human Resources Tracey Rigdon, and met with a

group of 20 students thereafter. The team had the opportunity to observe real-time class sessions during the evening.

On the second day, the team met with SFL's President and Dean, and then with groups of Baker College personnel in the following areas: faculty development, library, curriculum development, computer platforms, student services, technical support, admissions, marketing, and institutional research. The team ended the day by meeting with 12 adjunct instructors and viewing class sessions.

The visit concluded on the third day with a discussion of finances with Baker College Vice-President of Finance Lynne Higham and an exit interview with President Langen and Dean Brandes.

During and after the visit, team members reviewed course materials online. At the Consultant's request, SFL had invited students to email comments about the school, and she reviewed all responses. Finally, a sample of digital records and materials were inspected, including applicant and student files, administrative files, course syllabi, instructional materials, grading records, exams, assignments, and student answers.

SPECIFIC FINDINGS AS TO THE CBE'S RULES AND GUIDELINES

Below are the team's findings, conclusions, and recommendations as to the school's compliance with the Rules and Guidelines.

Rule 4.160(A): Lawful Operation. The law school must operate in compliance with all applicable federal, state and local laws and regulations (Guideline 1.6)

The school appears to comply with applicable federal, state, and local laws.

SFL is a California-based nonprofit corporation in good standing with the California Secretary of State. The school has been recognized as a tax-exempt entity by the federal Internal Revenue Service and the California Franchise Tax Board, and operates pursuant to a current business license with the City of Newport Beach. The institution that owns SFL, Baker College, is a tax-exempt entity headquartered in Owosso, Michigan. (Guideline 2.4)

Standard operating procedures (SOP) have been established to maintain compliance with applicable laws. The SOP are regularly reviewed, amended, and updated by the Dean and Registrar, and include comprehensive policies and procedures to comply with the Americans with Disabilities Act (ADA) and related laws, Health Insurance Portability and Accountability Act (HIPAA), and Family Educational Rights and Privacy Act (FERPA).

The Catalog informs students of their rights under the ADA and FERPA (Guidelines 1.6 and 2.3) Policies addressing civil rights are also stated, including grievance procedures. The school provides access to prevention programs on alcohol and drug abuse and sexual violence.

As noted below, SFL is compliant with California Business and Professions Code section 6061.7 requiring schools overseen by the CBE to post a specific list of statistics about the school's programs. The report was properly updated and posted in early 2020 as required by the statute.

Rule 4.160(B): Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs (Guidelines 2.1–2.10; Business and Professions Code Sections 6061.7(a) and 6061.7(c))

As required by Guideline 2.1, the school appears to be honest and forthright in its affairs.

A review of the SFL website and publications confirmed that the school has provided current, consistent information about its accreditation status, academic programs, faculty, and services to the public and students. Policies are clearly stated in an organized manner in the Catalog, which includes student handbook information, and the Faculty Handbook. The school has enough personnel to deliver programs and services as promised (Guideline 2.3)

SFL has managed its financial affairs with integrity. Adequate safeguards are in place to protect against financial fraud and impropriety, and the school has clearly disclosed its tuition and fees. (Guideline 2.2) As discussed below, the SFL refund policy meets Guideline 2.2(B) requirements.

The school has complied with Guideline 2.3(D)(1)-(4) (Unaccredited Rules), which mandates that registered schools must disclose certain information in specific ways. Disclosures are properly set forth on—or linked from—the SFL Admissions webpage, including information required by Business and Professions Code section 6061.7.

Though the school complies with State Bar disclosures as to the potential limits on licensure in the practice of law in jurisdictions outside California for graduates of schools regulated by the CBE, the team suggests that SFL cover that topic during new student orientation or otherwise in further detail, as during the visit, a number of students expressed confusion and concern about the issue.

SFL operates as a nonprofit entity (Guideline 2.4) and does not compensate individuals based on the number of persons enrolled, applying for admission, or registering (Guideline 2.5)

The policy on nonacademic discipline was revised during the visit and is now fully compliant with Guideline 2.6. Sanctions range in severity from reprimand to permanent expulsion and include all sanctions required by Guideline 2.6(A). The school should now republish its student discipline policy as revised to provide for the written final determination required by Guideline 2.6(C).

The Catalog clearly communicates the school's academic standards. To graduate, students must earn a minimum cumulative grade point average of 3.0, complete at least 130 quarter units of coursework, and pass all required courses, including nine quarter units of practical skills training (Guideline 2.7)

Grading practices are detailed in the Catalog. Students are informed that anonymous grading is generally not used (Guideline 2.7(A)(5)). In addition to other assessments, final exams are given in all courses except those requiring substantial written or oral work.

In most courses, SFL uses a letter grade system, from A to F without D, with plus and minus points. Each letter grade represents a defined level of academic achievement, from Outstanding to Failure. Pass/Fail grades are given in a few courses, such as Legal Externship and Independent Study. Course-specific policies are stated in each syllabus, including the basis for the course grade and the expected composition of the final exam (Guideline 2.7(B))

Course repetition policies are discussed below in the section on Scholastic Standards. (Guideline 2.7(A)(3))

SFL has clearly stated its requirements for retention, academic good standing, advancement on probation, and graduation. Academic standing is determined after each quarter; SFL gradually increases the minimum GPA required to advance to the next quarter based on a four-level “step scale.” By the time a student has earned 33 quarter units, roughly at the start of the second year, they must have a cumulative GPA of at least 3.0 to advance.

Probation policies are reasonable. A student with a cumulative GPA below good standing may advance on probation as long as they continue to earn a term GPA that meets the applicable step scale requirement. Dismissal occurs when a student fails the first quarter, earns a term GPA below that required by the step scale after the second or subsequent quarter on probation, or fails a course and thus cannot meet the step scale requirement for that quarter.

SFL has adopted and published a multipronged approach to the authentication of student work. Key elements include the use of RPNOW software to remotely proctor exams, the taking of attendance at real-time class sessions, the use of technology to track student participation, and in some cases, the verification of hours by faculty members and site supervisors. (Guideline 2.7(C))

Students receive their final exam grades within two or three weeks of the exams; grades on other assessments are returned within approximately one week. (Guideline 2.7(D))

Through the learning management system, students are able to review their exams and other assessments together with their own answers, rubrics, and model answers. (Guideline 2.7(E))

As stated in the Catalog, students may seek review of their grades based upon clerical or calculation error, capriciousness, arbitrariness, or departure from the grading criteria provided in the course syllabus. Grade challenges are decided initially by the Faculty Academic Committee (FAC); the FAC’s decision may be appealed to the Dean. (Guidelines 2.7(F) and (G))

SFL protects the privacy of student records and communications. In disclosing student information, SFL follows the regulations and guidelines of the federal Family Educational Rights and Privacy Act (FERPA). The school does not publish a student directory, but students are

informed of their rights to withhold consent for publication of directory information (Guideline 2.8). As discussed below, reasonable security and backup procedures are followed to protect the school's computer systems, communications systems, and records. (Guideline 2.9)

Services and activities provided by SFL are publically stated in the Catalog and on the website; these services appear to be adequately supported. Instructors and administrators provide academic counseling, and upper-level students are able to enroll in an elective Legal Externship course. The school does not offer clinical opportunities (Guidelines 2.10(A)-(B)).

Rule 4.160 (C): Governance. The law school must be governed, organized, and administered so as to provide a sound educational program (Guidelines 3.1–3.3; 4.1–4.2)

The governance and administrative structures at SFL support a sound educational program.

The President and Chief Administrative and Executive Officer of SFL is Dr. Jill Langen. Dr. Langen is currently the Provost of Baker College and formerly served for many years as Vice-President of the Baker College Center of Graduate and Professional Studies. Dr. Langen reports to SFL's seven-member Board of Trustees, whose members have expertise in business, finance, and higher education. The Chair, Dr. F. James Cummins, is a retired college president; the Board also includes the current President and CEO of Baker College, Dr. Bart Daig. The Board meets biannually.

The team reviewed several years of meeting minutes and confirmed that the Board is engaged in strategic planning and oversight, including approval of the school's budget. The Board has delegated day-to-day management to the administration and respects the role of the faculty as to academic matters. (Guideline 3.2)

SFL also has a four-member Board of Advisors that meets as needed to advise Dean Brandes on the JD program and curriculum. Current members include practicing attorneys and executives in the areas of educational technology and professional responsibility. (Guideline 3.3)

Rule 4.160(D): Dean and Faculty. The law school must have at each campus, including any approved branch campus, a competent dean, a qualified administrator, an adequate administrative staff, and a competent faculty that devotes adequate time to administration, instruction and student counseling. (Guidelines 4.1–4.9)

The administration and faculty comply with Rule 4.106(D) and related guidelines.

Dean Gregory Brandes was appointed in late 2017. As chief operations manager at SFL and head of the faculty, he is responsible for academic, discipline, policy, and personnel decisions. Dean Brandes graduated from Loyola University Chicago School of Law, and is a member of the Illinois and Colorado state bars. After practicing law for a decade, Dean Brandes became involved in legal education. He was a founding faculty member and eventually the Dean of Concord Law School, and also served as Dean of San Francisco Law School.

Dean Brandes has written and spoken extensively on online learning and assessment in legal education. He coedited a guide by the Working Group on Distance Learning in Legal Education and served on Phase II of California's Task Force on Admissions Regulation Reform. Dean Brandes has also participated in several CBE initiatives, including the Rules Working Groups I and II and the Rules Advisory Group (RAC). He now serves on the Committee of State Bar Accredited and Registered Schools (CSBARS). He is well-qualified for his position of law school dean. (Guideline 4.1(A) and (B))

Other full-time administrators include Director of Academic Excellence and Associate Professor of Law Karen Travis, BS, MA, JD, and Registrar Tammy Carr, BA, MBA. Numerous Baker College personnel support SFL with expertise in areas such as admissions, finance, human resources, infrastructure security, library services, and technical support. All appear to be knowledgeable and effective in their roles. (Guideline 4.1(C))

The faculty includes 25 adjunct professors; all but one are graduates of schools approved by the American Bar Association (ABA) and licensed to practice law, including 15 who are State Bar of California licensees. Faculty members are assigned to teach doctrinal or skills courses in the areas of their professional experience; many had significant teaching experience before joining the SFL faculty. (Guideline 4.6)

Appointed by the Dean, a three-member Faculty Academic Committee (FAC) holds the primary responsibility for deciding academic appeals. The Dean receives input from the FAC and other instructors on admissions standards and decisions, curricular changes, course updates, grading and academic disqualification matters, and academic policies.

Faculty meetings are held from one to four times per year; meeting information decks and video recordings are archived for later review. Meetings typically include discussion of academic policies, bar exam and FYLSX results, and compliance issues. (Guideline 4.2)

The school has enough faculty to administer a sound JD program. The January 2020 Business and Professions Code section 6061.7 Disclosure states that the average class size is nine students in required courses, and SFL reported a student-faculty ratio of one faculty member to two students in the Winter 2020 Enrollment Agreement. (Guideline 4.3)

SFL faculty course loads comply with Unaccredited Guideline 4.5; after the inspection visit, the school submitted a proposed faculty course load policy that complies with Accredited Guideline 4.4, and that will be implemented if the school becomes accredited. The school should now adopt, implement, and publish a faculty course load policy in the Faculty Handbook that complies with the guideline applicable to its status with the CBE.

Instructors are expected to develop and maintain their teaching skills and subject matter expertise. New faculty must complete an online orientation course. Faculty training is provided at faculty meetings, as well as needed otherwise, by Faculty Developer Julia Keider, who serves as

instructional effectiveness support staff for the school. Faculty development resources are also available through Baker College's Center for Teaching Excellence. (Guideline 4.6)

SFL conducts faculty evaluation according to a process that complies with Guidelines 4.7 and 4.8. Evaluations are based on end-of-course student evaluations, observation of live class sessions, and review of faculty interactions with students through the LMS. Recently, evaluations have been conducted by faculty development personnel, who provide detailed suggestions for improvement and citations to additional resources for teaching and learning.

SFL's academic freedom policy is set forth in the Catalog and Faculty Handbook. (Guideline 4.10)

Rule 4.160(E): Educational Program. The law school must maintain a sound program of legal education. (Guidelines 1.8, 6.1–6.14)

SFL's four-year, 130-quarter unit online JD program is quantitatively and qualitatively sound. If granted accreditation, the school would offer a JD program with the same basic educational content, but with a modified term structure as permitted by the guidelines.

Under Guideline 6.5(A), students in an accredited program must complete a minimum of 1,200 hours of "Verified Academic Engagement" (VAE) over at least 120 quarter units, or the equivalent of 80 semester units. Each quarter unit represents ten hours of verified or tracked academic engagement (VAE) and 20 hours of untracked preparation and homework, totaling 30 hours of study. SFL's JD program requires completion of 130 quarter units, or 1,300 hours of study, which is 100 hours of VAE more than the required minimum of 1,200 hours for accredited schools, therefore the JD program would be compliant in terms of total hours of study.

Guideline 6.5(B) permits students to perform VAE through distance-learning technology. SFL students take one course at a time, typically completing a four-unit course in six weeks; courses include synchronous and asynchronous elements. Students must participate in 90-minute live class sessions, held twice weekly by WebEx videoconference, during which they engage in professor-led Socratic discussions. They also use Canvas, an online learning management system (LMS) to complete assignments, take timed quizzes and tests, participate in discussion boards, and receive feedback from instructors.

SFL calculated the time students would take to complete each VAE and non-VAE course activity, based on study logs, time studies, research, and reference to externally documented standards. The school has validated its initial calculations by reviewing data on live class attendance, LMS usage, and study logs submitted by students. In addition to tracking attendance, SFL collects study log information for validation purposes. In independent study and externship courses, however, VAE is recorded by each student in a study log and then verified by a faculty supervisor or externship site supervisor.

Guideline 6.5(C) mandates that a student attend at least 80 percent of VAE for each course. SFL has provided that students may be withdrawn for failure to attend "at least 85 percent of the

course.” Although the school’s method of calculating attendance has not been fully compliant with the guideline, following the inspection visit, the school submitted a fully compliant policy. SFL should adopt, implement, and publish an attendance policy that ensures that students receive course credit only if they have been actively engaged in at least 80 percent of VAE for the course.

If SFL became accredited, the JD program would be restructured to include an academic year of four 12-week terms; students would complete two terms back-to-back and then have a short break before another two-term cycle. Currently, SFL students complete either a full term of 48 to 52 weeks, or a half term of 24 to 26 weeks. As part-time students, they typically complete 32 to 34 units per year, including 320 to 340 hours of VAE.

SFL students take one course at a time, typically completing one course at time over six weeks, with each course being worth four quarter-units. This represents a total of 40 hours of VAE and just under seven hours of VAE per week. Guidelines 6.5(F) and (J) require part-time students to take a typical course load of no less than six VAE hours per week, and no more than ten. The school has created a written policy in compliance with the guidelines; if the school becomes accredited, it should publish the policy in the Catalog.

Guideline 6.5(K) requires schools to use current recognized books or other materials; SFL appears to do so.

SFL is compliant with requirements on course syllabi, instructional formats, and limits on class size, under Guidelines 6.5(L) through (N).

The school offers a Legal Externship Course worth four quarter units; it is a pass/fail elective for students in their fourth year, or in some cases, their third year. It is structured to include both assignments and fieldwork at pre-approved sites. SFL arranges placements and a faculty member oversees student participation and maintains records as required by Guideline 6.6. Students may take the Legal Externship course only once.

SFL has agreed to make certain changes necessary to bring its Legal Externship Course into compliance with Guideline 6.5(E). Following the inspection visit, the school submitted its proposed updated policy. The new policy describes the course and its units consistently, clearly informs students and site supervisors of the minimum number of hours of fieldwork required, and makes clear that an extern’s fieldwork may not be focused on clerical tasks, such as filing, updating libraries, or running errands.

To give credit for fieldwork hours as practical skills training under Guideline 6.9, SFL must require that the fieldwork be done in a “private, public, or nonprofit law office,” and under the supervision of a “licensed attorney who has practiced law for at least two years.” (Guidelines 6.9(B)(2) and (E)) The school should revise, implement, and republish its policies with respect to the Legal Externship course as proposed to bring them into compliance with Guidelines 6.6, 6.9, and 2.3(B).

SFL's JD curriculum now satisfies the course content mandates of both the unaccredited and accredited guidelines; if the school became accredited, the curriculum would remain almost the same except as noted above. All students take 118 quarter units of required courses, including all subjects tested on the bar exam, as well as Legal Research and Writing, Advanced Legal Writing, and three exam preparation courses. If accredited, SFL would discontinue its FYLSX preparation course once all students were able to transfer to the accredited program.

Students must also take 12 quarter units of elective coursework. For a small school, SFL offers a robust selection of electives, with 23 courses on diverse topics such as Children and the Law, Employment Law, and Criminal Trial Advocacy, in addition to a six-course practical skills series and other practical skills courses. (Guidelines 6.7-6.9)

Faculty are expected to be accessible and responsive to students, and to meet expectations for timely response and feedback as set forth in the Faculty Handbook. Instructors may hold regular office hours or provide individual counseling to students by appointment. Students told the team that access to faculty is one of SFL's primary strengths. (Guideline 6.10)

The school is compliant with Guidelines 6.11 through 6.14, with respect to exams and grading.

SFL builds numerous assessment activities into each course, including graded and ungraded assignments, quizzes, and tests. Final exams are given in all courses except those requiring substantial oral or written work. A typical exam in a doctrinal course takes two hours and includes a one-hour essay and multiple-choice questions. In first-year courses, finals account for 60 percent of the course grade, but in upper-level courses, they range in weight between 12 and 40 percent.

Final exams are proctored remotely using RPNOW, a software program that authenticates a student's identity, records audio and video of the student taking the exam, and monitors computer activity. These materials are reviewed for irregularities by RPNOW and reported to SFL.

Under Guideline 6.13, accredited schools must evaluate the extent to which exams "test student ability and knowledge of fundamental principles and encompass the subject matter of the course." At SFL, exam questions are created by professors with expertise in the subject matter and reviewed by the Director of Academic Excellence. Before questions are administered, written sample answers are prepared, and professors teaching the course review the questions for coverage and emphasis.

SFL uses several strategies to ensure the quality and reliability of grades and to confirm that grading standards are followed. Periodically, the Dean reviews the grading of assignments. The Dean and Director regularly analyze grades by instructor and by course. The Director reviews first-year grades for appropriate correlation between sections and among instructors teaching the same students. If aberrations are found, the grades are corrected before being posted, and if necessary, the instructor is counseled about proper grading practices.

To monitor the soundness of its grading practices, SFL reviews the relationship between grades and success passing either the FYLSX or the bar exam. GPAs at or above 3.0, the level of good standing, have a first-time pass rate of 68.8 percent and a cumulative FYLSX pass rate of 87.5 percent. Students with 1L cumulative GPAs between 2.5 and 2.99 have a first-time pass rate of 14 percent and an overall pass rate of 43 percent. The school's overall pass rate on the FYLSX since inception is 81.9 percent. On the bar exam, 69.2 percent of graduates with a cumulative GPA of 3.5 or higher have passed on their first attempt through the February 2020 administration, although no graduates with a cumulative GPA between 3.0 and 3.49 have yet to pass the bar exam. (Guideline 6.14)

Rule 4.160(F): Competency Training. The law school must require that each student enrolled in its Juris Doctor degree program satisfactorily complete a minimum of six semester units (or their equivalent) of course work designed to teach practice-based skills and competency training, and have the opportunity to complete at least 15 such units. Such competency training must teach and develop the skills needed by a licensed attorney to practice law in an ethical and competent manner. (Guideline 6.9)

Under Guideline 6.9, an accredited school must require its students to complete six semester units—equivalent to nine quarter units—of practice-based skills and competency training, and provide the opportunity for students to complete a total of 15 semester units, equivalent to 22.5 quarter units. SFL does so.

Several required courses qualify as skills training, including Introduction to Legal Research and Writing, and Advanced Legal Writing. The school has also embedded assignments that develop skill-based competencies into required substantive courses, such as Civil Procedure or Real Property. In total, a student completing the required curriculum necessarily earns more than 20 units of skills training. The credit earned by each student in completing such assignments is tracked by tenths of a unit, as permitted by Guideline 6.9(A)(3).

Finally, the school has a wide variety of elective courses that fully or largely concentrate on skills training, including a series of six Professional Skills elective courses that offer a total of nine quarter units of training in negotiation and the drafting of various types of legal documents, including motions, pleadings, discovery, and correspondence.

Units of credit for both skills training courses and embedded skills exercises are reflected on student transcripts, by course and in total. To better inform students about the skills training opportunities available to them, as well as their progress in meeting graduation requirements for such units, it is suggested that the school state the units of skills training provided by each course, if any, in the Catalog course descriptions.

Rule 4.160(G): Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and disqualify those students who lack the capability to satisfactorily complete the law school's JD degree program. (Guidelines 7.1–7.11)

The school has established sound scholastic standards that enable the school to promptly identify and dismiss students who lack the capacity to complete the JD program (Guideline 7.1).

Policies are clearly stated in the Catalog with respect to academic standing, academic disqualification, advancement in good standing and on probation, retention, requirements for graduation, and the amendment of such standards (Guideline 7.2). Faculty are informed of SFL's policies in the Faculty Handbook and through an online New Faculty Orientation course, while students are notified of course-specific policies in course syllabi.

As detailed above, SFL awards most grades on a four-point A-F scale without D, with well-defined grade positions ranging from "outstanding" to "failure."

SFL evaluates students' academic standing after each term. Under the school's four-level "step scale," the cumulative GPA a student must earn to advance increases gradually as academic credit accumulates. Thus, a student with fewer than nine units may advance with cumulative GPA of 2.0 or higher, but one with 33 or more units may advance only with a cumulative GPA of at least 3.0, SFL's minimum cumulative GPA for graduation. (Guidelines 7.3 and 7.4)

Probation policies are reasonable. A student with a cumulative GPA below good standing may advance on probation as long as they earn a term GPA that meets applicable step scale requirements. Dismissal occurs when a student fails the first probationary quarter, earns a term GPA below the step scale requirement after the second or subsequent quarter on probation, or fails a course and thus cannot meet the term step scale requirement.

According to the Dean, SFL's adoption of the step scale approach to advancement has enabled SFL to determine more accurately which students have the capacity to succeed and which do not. To assist all students, but particularly those on probation, the school offers several forms of academic support, including individual counseling and online resources. (Guideline 7.3)

While SFL experiences considerable attrition, the team did not find any evidence that such attrition is caused by unsound admission practices. Data submitted with the self-study indicate that voluntary withdrawal results in greater attrition than academic dismissal or disqualification; according to the Dean, voluntary withdrawal often results because the school's working students have too many commitments to keep up with the rigors of the JD program.

SFL has complied with all mandates pertaining to the FYLSX, including the requirement that the school must dismiss students who have not passed the exam within three administrations of being certified. (Guidelines 7.5 and 7.6)

Course repetition policies generally comply with Guidelines 7.7 and 7.8. Only failed courses may be repeated and a student may earn a grade no higher than a C in the repeated course. The student's transcript will show both the original and repeated grades, but according to the Registrar, the higher grade will be used to compute the student's cumulative GPA. As SFL has agreed, the Catalog must be revised to eliminate a conflict as to whether the repeated grade or

the higher grade will be used (Guidelines 2.7(A)(3), 7.7, and 7.8). Duplicate credit may not be earned for repeating the same course or one that is substantially similar.

SFL has established sound grading policies and practices (Guideline 7.9). As noted above, all SFL courses include numerous assessments, including final exams in most courses. Students are generally notified promptly about their grades on assessments and exams.

Students regularly receive guidance and feedback from their instructors, including standardized rubrics, model answers, and individualized comments. Faculty members are partially evaluated on the effectiveness of their comments to students.

As described in the section on Educational Standards above, SFL regularly analyzes course grades by instructor and by course. Data provided with the self-study shows a reasonable correlation of grades over time, with acceptable variance among instructors and courses. The conclusion that SFL students are realistically assessed is also supported by data showing a clear relationship between cumulative GPAs and success on both the FYLSX and the bar exam (Guideline 7.9).

The team reviewed a sampling of exams and assignments, along with corresponding student papers that received high, median, and low grades. The assignments and exams were found to be well-drafted and reasonably assessed the legal issues or skills being addressed, while the student papers appeared to be graded realistically and equitably.

Before taking exams, SFL students are given rubrics that explain how their exams will be graded; afterward, they receive model answers and individualized comments on their papers. In a review of course materials, the team found that most faculty members gave their students substantive, detailed guidance. Faculty members are partially evaluated on the effectiveness of their comments to students (Guideline 7.9).

The school has met the record-keeping requirements of Guideline 7.10.

As noted in the section on Educational Standards, SFL's distance education JD program has been designed to meet the CBE's requirements. The school has established and documented a curriculum requiring the minimum number of hours of academic engagement (VAE) as permitted by Guideline 7.11(C). For almost all courses, completion of required VAE is tracked within Canvas, the learning management system; for the externship course, VAE is documented by student logs that must be verified by site supervisors.

SFL has established the reliability of time estimates for its curriculum through research and has validated those estimates by surveys of actual time spent by students. The team found that the school is compliant with Guideline 7.11.

The school has a compliant policy on enrollment as an auditor, as required by Guideline 7.12.

Rule 4.160(H): Admissions. The law school must maintain a sound admissions policy. The law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program. (Guidelines 5.1–5.9)

SFL has established and implemented sound admissions policies. The school's website sets forth application and admissions requirements, including the application process. As required, the online application asks applicants if they have ever attended law school, and if so, whether or not they left in good standing (Guideline 5.4).

The school only admits students who hold a bachelor's degree or higher, and in general, seeks applicants with a minimum undergraduate GPA of 2.5.

Applicants must submit an application, a personal essay, and original transcripts from all institutions attended. SFL does not require applicants to take the Law School Admissions Test (LSAT), but those who have scores must submit them. To assist the Admissions Acceptance Committee, applicants may also submit up to two letters of recommendation and their scores on the Graduate Record Examination (GRE) or Graduate Management Aptitude Test (GMAT). The school's admissions representative conducts telephone interviews with applicants.

Effective processes are in place to ensure that SFL adheres to the mandate that official transcripts showing qualification for law study based on pre-legal education must be on file within 45 days of the start of a student's first term, or the student must be dismissed (Guideline 5.3). A sample file review also confirmed that the school maintains official transcripts on file as required by Guideline 11.1(B) and (C).

After SFL's Admissions Representative ensures files are complete, the files are distributed to the Admissions Acceptance Committee, which includes Dean Brandes, Director Travis, and on occasion, additional faculty members. The committee reviews all applications and does so holistically, focusing on indicators of scholarly achievement, professional development, and character and personal development to determine whether or not applicants will "fit in with [the] student body and succeed in [the] curriculum." After the start of the first course, the Registrar reviews the file again to verify that it is fully complete.

SFL's admissions process results in an admitted applicant pool that appears qualified for law study. During the fall of 2019, SFL admitted approximately 75 percent of applicants with completed files. For entering students, the 75th, 50th, and 25th percentile undergraduate GPAs were 3.5, 3.2, and 2.86, respectively. 67 percent of SFL students have entered having already earned another graduate degree; 52 percent also hold another professional license.

The school admits certain students who attended law school elsewhere but were not disqualified, admitting them either as transfer students or under the State Bar's "Start Over" policy; in the fall of 2019, about 13 percent of admitted students fell into this category. In the past five years, no students have been admitted after being disqualified from law study at another law school. Students who were disqualified from SFL are never readmitted.

As discussed with administrators, if SFL becomes accredited, it must not admit a previously disqualified student without an official LSAT score on file (Guideline 5.6(B)).

SFL conforms to the requirements of Guideline 5.35 (Unaccredited Rules) in awarding transfer credit. However, the school only allows transfer of up to 50 percent of the total credits, or 65 of the 130 quarter units required by SFL, and only accepts courses in which the student earned a grade of at least B.

If accredited, SFL intends to continue its current admissions policies.

Rule 4.160(I): Multiple Locations. Accreditation is granted to a law school as an institution. If a law school receives approval to open a branch campus or a satellite campus, the branch or satellite campus must be operated in compliance with the Standards and Guidelines, subject to all site specific operational requirements and any waivers approved by the CBE. The new campus must be in substantial compliance with the Standards and all operational requirements no less than one month prior to the start of classes, and in full compliance within two years. The Dean of the law school will certify the substantial compliance of each new branch or satellite campus, by a letter to the CBE, no later than 30 days prior to the start of classes. If a law school conducts seminars or classes other than at its principal facility, satellite or branch campuses, the seminars and classes must be conducted in compliance with the Standards, except the Library Standard. (Guidelines 15.1–15.4)

This section does not apply to SFL, which offers only distance education.

Rule 4.160(J): Library. The law school must maintain a library consistent with the minimum requirements set by the CBE. (Guidelines 8.1–8.6)

St. Francis School of Law meets all library requirements.

Library resources required under Guideline 8.2 are provided to students and faculty through the LexisNexis Advance service. LexisNexis, a leading provider of online legal materials, makes approximately 60,000 sources accessible all day, every day. The service offers resources for law study, as well as online training, user guides, research assistance, and technical support.

SFL is required to provide access to its online library materials throughout each student's attendance, and it complies by issuing LexisNexis passwords to students early in their first term (Guidelines 6.5 (Unaccredited Guidelines) and 8.5 (Accredited Guidelines)). Because students do not take a legal research course until their second year, it is suggested that SFL should introduce its first-year students to its online legal research tools during orientation or within the curriculum, so students can take advantage of these tools to enhance their studies (Guidelines 6.2(J), 8.2, and 8.5).

Support for user access to library resources is provided by the SFL Remote Services Legal Librarian, Patrick Mullane, who holds a Master of Library and Information Science. Upon emailed

request, Mr. Mullane also provides additional support and research assistance not provided by LexisNexis.

As required by Guideline 8.3, the school provides instruction in both electronic and hard copy legal research in two upper-level courses, Introduction to Legal Research and Writing, and Advanced Legal Writing. Records of library expenditures are properly maintained (Guideline 8.6).

Rule 4.160(K): Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations offered at each campus. (Guidelines 9.1–9.3)

The school has adequate facilities and infrastructure to support its JD program and operations. (Guideline 9.1)

SFL administers its program and technology platform from offices in a Newport Beach commercial building, pursuant to a lease agreement recently renegotiated through May 2023. The ADA-compliant premises consist of secure, private offices for Dean Brandes and Director Travis, with access to high-speed internet, on-demand office services, and shared business facilities. Other SFL personnel work remotely, some from Baker College.

SFL has no physical facilities for instructional purposes; all student services are provided by telephone, email, or videoconference. (Guidelines 9.1 and 9.2)

The school's technology infrastructure is housed online and at Baker College in Michigan, where technical services are also provided. Standard operating procedures are followed as to data access and security, backup and retrieval, and security access. To protect data, SFL employs redundant backups, periodic expiration of passwords, and regular testing of security systems.

The team found that the infrastructure is reliable and that adequate resources have been provided to address issues that arise. Service outages are promptly tracked and resolved, and major software contracts require uptime in the range of 99 percent. (Guideline 9.3)

Computer applications used by SFL are up-to-date, secure, and adequate for the school's needs. Students access their course materials and complete academic tasks through the learning management system Canvas, and view live class sessions through WebEx, a videoconferencing platform. Administrators manage student information with Jenzabar, Oasis, and Google Drive; these programs permit SFL personnel to produce school data upon demand at the Newport Beach offices, as required by Guideline 11.1.

Rule 4.160(L): Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations. (Guidelines 10.1–10.3)

The school has adequate present and anticipated financial resources to comply with Rule 4.160(L) and related guidelines due to the support of Baker College, the school's parent company. Audited

financial statements for Baker College were submitted with the self-study, as well as the school's budget and projections.

According to the self-study, Baker College is "one of the largest private nonprofit colleges in Michigan." When Baker purchased SFL in 2016, it anticipated losses for the first five-to-eight years of ownership and "prioritized building the quality of the SFL program." To ensure SFL's sustainability, Baker designated a reserve fund of two million dollars, which has remained untapped. Baker College's audited financial statement shows total net assets in excess of \$561 million, with substantial assets in cash and cash equivalents.

As noted in the 2016 Inspection Report, SFL typically operates at a small but sustainable deficit. Since its founding in 2013, the school has experienced a "pattern of slow but steady growth." For 2019–2020, another deficit was forecast despite an anticipated revenue increase of 16 percent. By the time of this inspection, the revenue forecast had improved substantially; however, ongoing operational surpluses are not projected to begin until 2021–2022. SFL's recent deficits do not imperil the school's JD program.

After several years of fairly stable matriculation, enrollment dropped by 6 percent in fall 2018 and then increased by 23 percent last year. Overall, enrollment increased by 15 percent between 2017 and 2019. The Board's focus is on building a strong academic program while gradually increasing enrollment to approximately 100 students.

To support financial stability, SFL's tuition strategy is to adopt regular, but reasonable, tuition increases. During the fall of 2019, tuition was raised to \$11,000 per year, for a total program cost of \$44,000.

Leaders of both Baker College and SFL expressed confidence that their institutions would withstand the potential financial challenges created by the current pandemic. A majority of students at Baker College now attend online, as do all of SFL's students, and Baker College has created a plan to allow the rest of its students to safely return to campus or online schooling in the fall. No major educational or financial repercussions are expected, although personal circumstances may cause certain students to withdraw or postpone their enrollment.

Rule 4.160(M): Records. The law school must maintain adequate records for its programs and operations. (Guideline 11.1)

SFL records are maintained in compliance with Guideline 11.1, pursuant to standard operating procedures (SOPs) that are maintained and regularly updated by the Dean and Registrar. For example, the school has clearly designated which staff members are responsible for creating, completing, and correcting various categories of records.

Student academic records are maintained by SFL's Registrar with the assistance of Baker College staff. The majority of the records are stored in Jenzabar, a widely used student information

system (SIS) that allows data to be password-protected, accessible only to authorized staff, and backed up securely.

To protect against loss or destruction, records generated in Jenzabar are simultaneously duplicated to the student's Google Drive folder and a paper file held in locked, sprinklered storage in Michigan. A few student records are also kept in Canvas.

SFL is able to generate transcripts as needed from the SIS, although some legacy transcripts are held in another system. Encryption software is used when the Registrar emails transcripts.

The team conducted a sample review of records and confirmed their compliance, including applicant files and admissions records (Guidelines 11.1(A)-(B)); student files and transcripts (Guidelines 11.1(C)-(D)); class records, exams, and grade tabulations (Guidelines 11.1(E)-(F)); and faculty files. (Guideline 11.1(H))

The team also reviewed a sample of other records required by Guideline 11.1(I) through (O), and found them to be compliant, including faculty meeting transcripts and video archives, Board meeting minutes, Annual Compliance Reports and promotional materials, and correspondence with the CBE.

If the school becomes accredited, it should conduct an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether required disclosures and written policies adhere to the CBE's requirements.

Rule 4.160(N): Minimum, Cumulative Bar Pass Rate. The law school must maintain a minimum, cumulative bar examination pass rate as determined and used by the CBE in the evaluation of the qualitative soundness of a law school's program of legal education. The minimum, cumulative bar examination pass rate for a law school with one or more branch campus is to be calculated and reported as the combined rate of all such campuses. (Guidelines 12.1–12.2)

An accredited law school must maintain an MPR of 40 percent or more. (Rule 4.160 (N), Guideline 12.1) The school's 2019 MPR was 66.7 percent, while the school's 2020 MPR is 56.3 percent. Because these values are calculated on a small base of students, the school should take precautions to prioritize maintaining compliance in this area.

Should SFL become fully accredited, after accreditation, its entering students will be exempt from the FYLSX requirement. The school does not plan to adjust its admissions or its curriculum with the exception of one minor respect, but is aware of the obligation of an accredited school to maintain a compliant MPR. While SFL's MPR is clearly compliant, the school should continue its efforts to maintain and improve its MPR during the transition.

Rule 4.160(O): Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, a law school must operate in accordance with policies and procedures that comply with the Constitutions and all applicable laws of both the United States and the

State of California to provide both equality of opportunity and to prohibit unlawful discrimination. (Guideline 14.1)

SFL has adopted and implemented a policy of nondiscrimination as stated in the Catalog and on the website, in part, as follows:

It is the policy of St. Francis School of Law not to discriminate on the basis of race, color, creed, religion, sex, national origin, age, disability, veteran status, marital status, genetic information or other protected characteristics in providing and administering of educational programs, services, activities, employment, or recruitment.

The student body is relatively diverse. According to the 2019 Annual Compliance Report, of the 54 enrolled SFL students, approximately 60 percent are women and roughly 35 percent self-identify with groups other than Caucasian. Students self-identified as belonging to racial or ethnic groups as follows: African American (9 percent); Latinx (9 percent); Asian or Pacific Islander (15 percent); Native American (2 percent); and Caucasian (60 percent). Approximately 4 percent of students declined to identify themselves by race or ethnicity.

Faculty diversity is more limited. Of the 27 instructors, roughly 81 percent are Caucasian. The faculty includes one African American instructor and four instructors in the combined category of Asian or Pacific Islander. One-third of the instructors are women.

Rule 4.160(P): Compliance with CBE Requirements. The law school must demonstrate its compliance with these rules by submitting required reports and otherwise complying with the rules. (Guideline 11.1(O))

SFL has established standard operating procedures related to reporting to the State Bar and maintains a log of responses to requests received from the State Bar. The school has timely submitted all Annual Compliance Reports and Admission Certifications since the last inspection, including an amended certification when a misspelling was discovered. All other required submissions and responses to requests by the State Bar have been timely addressed by the school.

Further, SFL has indicated that it is willing to fully comply with the Accredited Rules and Guidelines and appears to have the capacity to do so, based upon the self-study, accompanying materials, findings during the inspection, and submissions after the inspection.

CONCLUSION AND RECOMMENDATION

The team recommends that the CBE receive and file this Periodic Inspection Report, approve the team's recommended and suggested actions, grant full accreditation to St. Francis School of Law and its part-time, four-year JD program, and schedule its next periodic inspection for the spring of 2025, unless the CBE deems an earlier visitation is necessary.



July 16, 2020

VIA EMAIL & EXPRESS MAIL

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

RE: Response to Initial Accreditation Inspection Report

To the Committee of Bar Examiners and Staff:

St. Francis School of Law thanks the Committee, Member Paul Kramer, Natalie Leonard, Principal Program Analyst, Office of Admissions, and Heather Georgakis, Educational Standards Consultant, for the thorough and helpful inspection and report concerning its application for initial provisional or full accreditation. In every respect, the inspection – which was among the first conducted virtually – was completely and expertly executed. We sincerely appreciate the care that was taken to ensure a full and fair review of the school, even under the exigencies of the present pandemic.

St. Francis accepts, gratefully, all of the mandatory and suggested actions described in the report. The notes below detail school responses to each item since becoming aware of them during the inspection and upon review of the team's report. We hope that we have addressed, in every respect, each mandatory and suggested action to the satisfaction of the Committee, and of course remain committed to full compliance, including any changes necessary to maintain it.

Recommended Mandatory Actions

- 1. Guideline 2.6(C):** It is recommended that the school republish its student discipline policy, as revised to provide for the written final determination required by the guideline.

Action: The school has edited its student discipline policy to include the requirement of a written final determination in cases of student discipline, and will republish it with the General Catalog edition scheduled for August 1, 2020. (All such policies are published in the General Catalog.)

- 2. Guidelines 2.7(A)(3), 7.7, and 7.8:** It is recommended that the school revises and republishes its course repetition policy to clarify that the cumulative grade point average of a student who has repeated a course will be based upon the higher grade between the original and the repeated attempt.

Action: The school has edited its course repetition policy to make clear that the cumulative grade point average calculation will use the higher of the original and repeated grade on multiple attempts at the same course. The school will republish the policy with the General Catalog edition scheduled for August 1, 2020.



3. **Guidelines 4.4 (Accredited) and 4.5 (Unaccredited):** It is recommended that the school adopts, implements, and publishes a faculty course load policy in the Faculty Handbook that complies with the guideline applicable to its status with the CBE.

Action: The school has completed its draft faculty course load policy and published a revision to the 2020 Faculty Handbook, including that policy, effective July 15, 2020. The school has also re-checked compliance with its policy and the Guideline as of July 10, 2020.

4. **Guideline 6.5(C):** It is recommended that the school adopts, implements, and publishes an attendance policy that ensures that students receive course credit only if they have been actively engaged in at least 80 percent of verified active engagement activities for the course.

Action: The school has revised its attendance policy to closely track the language of the Guideline, continuing its requirement of eighty-five percent (85%) attendance, specifying that attendance is measured on all verified academic engagement activities in the course, and warning that loss of course credit is among the consequences for failure to meet the attendance requirement. The school will republish the policy with the General Catalog edition scheduled for August 1, 2020.

5. **Guideline 6.5(F) and (J):** It is recommended that if the school becomes accredited, it publishes in the Catalog a student course load policy that complies with guideline requirements.

Action: The school has adopted a student course load policy in compliance with Guidelines for Accredited Law School Rules 6.5 (F) and (J), and will publish it with the General Catalog edition scheduled for August 1, 2020.

6. **Guidelines 6.6, 6.9, and 2.3(B):** It is recommended that the school revises, implements, and republishes its policies with respect to the Legal Externship course to bring them into compliance with the guidelines.

Action: The school has adopted revised policy, instruction, and/or form documents for its Legal Externship course, improving compliance with Guidelines for Accredited Law School Rules 6.6, 6.9, and 2.3(B), and implemented them in the master course for use in all future instances of the course.

7. **Guideline 11.1:** It is recommended that if the school becomes accredited, it conducts an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether or not required disclosures and written policies adhere to the CBE's requirements.

Action: The school has revised its Standard Operating Procedures by the addition of a new procedure entitled Annual Compliance Review, including incorporating existing procedures regarding policy review in connection with annual or more frequent revisions to the General



Catalog, and adding additional steps of compliance review by the Registrar and Dean. The revised SOP manual has been published effective July 15, 2020.

Suggestions for Enhanced Compliance

1. Pursuant to Guideline 2.3(D)(1), the school should address the required disclosure during new student orientation or otherwise to ensure students are informed.

Action: The school has revised its SF501 Orientation course to include a review of disclosures contained in the Enrollment Agreement and/or the website, and the requirement of a further signature of acknowledgment of these disclosure. The change takes immediate effect, with the Fall 2020 entering class, which begins orienting July 27, 2020.

2. Pursuant to Guidelines 6.2(J), 8.2, and 8.5, the school should introduce its first-year students to the school's online legal research tools during orientation or within the curriculum, so students can take advantage of the service to enhance their studies.

Action: The school has planned a library Orientation, to take place during the first weeks of the first course of the first term for new students, and added additional information on library access to its new student Orientation course. The change takes immediate effect, with the Fall 2020 entering class, which begins its first substantive course on August 24, 2020.

3. Pursuant to Guideline 6.9, the school should indicate the units of practical skills training provided by each course in the Catalog course descriptions, if any.

Action: The school has revised its General Catalog to include, in each course description, the units of practical skills training designed into that course. The school will publish the revised descriptions with the General Catalog edition scheduled for August 1, 2020.

If we have missed anything, please so advise and we will respond with further immediate action.

With appreciation,

A handwritten signature in black ink, appearing to read 'G. Brandes', written over a horizontal line.

Gregory J. Brandes
Dean

CC: Dr. Jill Langen, President