



**OPEN SESSION
AGENDA ITEM O-416
DECEMBER 2021
COMMITTEE OF BAR EXAMINERS**

DATE: December 3, 2021

TO: Members, Committee of Bar Examiners

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

SUBJECT: Action on Waiver – Western Sierra Law School - Teach Classes Online Temporarily

EXECUTIVE SUMMARY

Western Sierra Law School (Western Sierra) seeks the Committee of Bar Examiners' (Committee) approval of a waiver to continue online teaching through August 31, 2022. (Attachment A.)

BACKGROUND

Western Sierra Law School is an unaccredited, fixed facility law school located in Oceanside, California. In 2020, the law school was sold to its current owners. It is currently undergoing a standard periodic inspection; the resulting report will be presented to the Committee in 2022.

According to the law school's 2021 Annual Report, there are currently 19 students enrolled in its JD program. The law school's most recent pass rates on the First-Year Law Students' Examination were 0 percent in October 2020 and 12.5 percent in June 2021. Its most recent cumulative five-year bar exam pass rate according to its 2021 disclosure pursuant to California Business and Professions Code 6061.7(a) is 26 percent.

Western Sierra Law School seeks to continue using the classroom as the primary mode of instruction; however, they wish to add an integrated synchronous online extension classroom.

Western Sierra Law School wishes to integrate an online classroom with a physical fixed-facility classroom, creating a hybrid physical-and-online classroom.

Under Rule 4.208, “[a] law school may request that the Committee waive any rule or guideline [though] . . . a waiver is temporary.”

Here, the Committee of Bar Examiners has had in place a waiver to allow fixed-facility schools to teach classes online from March 30, 2020 through December 31, 2021. The Committee requested that fixed-facility schools who saw a pandemic-related need to teach classes online beyond that date should file individual waiver requests.

The law school has filed a waiver request set forth in Attachment A seeking to teach classes simultaneously synchronously online and remotely in a blended format through August 31, 2022.

DISCUSSION

While Western Sierra Law School is a fixed-facility law school that intends to return to the classroom to the extent possible as soon as possible, the law school seeks a waiver to allow online or blended teaching as needed through August 31, 2022. The law school plans to teach classes in-person, so long as public health circumstances allow, while simultaneously allowing some students to attend those same classes through synchronous remote delivery if needed.

The attached request also discusses a potential permanent change that will be brought before the Committee at a future meeting, with the consent of the law school and is not a part of today’s request to the Committee.

The purpose of the request is to offer flexibility as health circumstances change, and to ensure those who may be at higher risk of transmission or infection are incented to stay at home. Students would be able to choose whether to attend online or in-person.

The law school has been delivering classes online throughout the pandemic. With a small student body, the transition to the blended format appears achievable through and the requested waiver expiration of August 31, 2022.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

It is recommended that the Committee of Bar Examiners receives, files and grants Western Sierra Law School’s request for waiver to teach classes simultaneously in-person and online via synchronous remote delivery in blended format through August 31, 2022.

PROPOSED MOTION

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

MOVE, that the Committee of Bar Examiners receives, files, and grants Western Sierra Law School's request for waiver to teach classes synchronously online and in the classroom in blended format through August 31, 2022.

ATTACHMENT LIST

- A.** Western Sierra Law School – Request for Waiver

Western Sierra Law School

P.O. Box 748, Bonsall, CA 92003

Phone: 760-855-3137

Email: Registrar@wslawschool.com

Web: wslawschool.com

**September 23, 2021****VIA EMAIL ONLY**

Re: REQUEST FOR CONTINUED WAIVER UNDER RULE 4.208 & APPROVAL OF CHANGE OR MAJOR CHANGE UNDER RULE 4.246(F) OF THE UNACCREDITED LAW SCHOOL RULES

Dear Chair Lin et al.:

I write as Dean of Western Sierra Law School ("WSLS"), hereby requesting approval from the Committee of Bar Examiners ("CBE") of the State Bar of California concerning: (i) a proposed change, or major change, under Rule 4.246(f) of the Unaccredited Law School Rules, and further requesting (ii) an extension of the CBE's current COVID-19 waiver under Rule 4.208.

1. Rule 4.246(f) Major Change

Under Rule 4.246(f), "providing law study credit for a fixed-facility law school program or class offered more than ten miles from the site of the law school, outside California, or in multiple locations" is a major change.

Proposed Change

WSLS hereby proposes **to continue to conduct its instruction primarily in WSLS's fixed-facility classroom(s), but with an integrated synchronous online extension classroom via meeting room software, such as Zoom or other similar platform(s).** See the enclosed concept photograph, attached and labeled as "**Appendix I**".

Background & Discussion

The COVID-19 Pandemic has induced an evolution in learning and administration of educational programs. Specifically, over the past year or so, nearly every educational institution in the country, and many throughout the world, were forced to transition to an online-based instruction model. Systems such as Zoom, Skype, MS Teams, WebEx, and others have become the norm for accessing educational content during the present viral pandemic. While this transition was not easy, many learned how to participate in online synchronous education and overcame the struggles of acquiring proper internet connection, cameras, microphones, headsets, lighting devices, and skills necessary to utilize these assets in an online classroom. In this regard, like most academic institutions, WSLS has significantly enhanced its ability to provide synchronous online educational content to its students, and its students have adapted to use of computerized equipment to access synchronous classes online.

The pandemic remains a significant concern to our faculty, staff and students at WSLS. We recently learned that more deaths have been attributed to COVID-19 than the Spanish Flu of

1918¹. We also know that the SARS-CoV-2 virus continues to mutate into variants, such as the “delta variant,” and it is only a matter of time before a mutant variant could present itself capable of escaping current vaccines². There continues to be much anxiety regarding infectious diseases and the health of those connected to WSLs. Indeed, many of our faculty, staff and students are at elevated risk of developing severe complications of COVID-19 due to factors such as age and other health comorbidities³. We continue to remain concerned as we enter this upcoming winter, where the spread of infectious disease typically reaches a peak.

We therefore seek to implement a policy that encourages students to stay home and attend classes remotely if becoming ill, being in contact with someone who is ill, or traveling or participating in an event of significant inter-human contact (e.g. flights, conventions and the like). Our current policy, and the Unaccredited Law School Rules, require that students attend 80% of classes to receive credit for a particular course. However, this can serve to encourage students to attend in-person classes even if one is ill, for example, if that student already missed one or two prior classes and is in apprehension of losing credit for non-attendance. It is obvious the current policy needs adjustment, but its underlying purpose of ensuring sufficient participation and learning must be preserved. To this end, we hope to enhance the current classroom with the addition of sufficient audio/video equipment and software to synchronously extend the classroom from the physical fixed-facility to an online classroom extension. Based on our experiences to date, we believe that an online classroom extension can be integrated with a physical fixed-facility classroom, and participants can cross-communicate in such a hybrid learning environment. WSLs would not be the first institution to provide a hybrid physical-and-online classroom, as Harvard University and others are already doing this⁴. To this end, we intend to purchase, install, and integrate one or more monitors, speakers, microphones, headsets, and software platforms (e.g., Zoom) to the physical classroom(s), such that the instructor can synchronously conduct instruction in the live classroom and an online classroom extension. We believe that our experience with such systems, and details and descriptions from other institutions such as those published by Harvard (*supra*), coupled with access to commercially available platforms (e.g. Zoom), will enable us to successfully integrate online and physical classrooms to form a hybrid learning environment. Indeed, we believe this is the way of the future for education in general. Such an integrated classroom, having physical and online (remote) access, will accomplish our goal of encouraging self-isolation for students who are ill or may have been in contact with someone who is ill, thereby protecting others, while concurrently solving the ill-student’s attendance dilemma as described above.

We have contemplated this issue at length, and realize it is not only students who may become ill or in contact with someone who may be ill, but also our instructors, many of whom

¹ <https://www.msn.com/en-us/health/medical/covid-death-toll-in-us-reached-675000-as-many-deaths-as-spanish-flu-epidemic/ar-AAODZ6j>

² <https://pubmed.ncbi.nlm.nih.gov/33743213/>

³ https://www.cdc.gov/pcd/issues/2021/21_0123.htm

⁴ <https://www.hbs.edu/news/articles/Pages/creating-hybrid-classrooms.aspx>

are practicing attorneys attending public buildings and hearings on a regular basis and at relatively high risk of exposure to infectious disease. Accordingly, we further seek to permit instructors, at their discretion and in consideration of others, to preside over and deliver one or more classes for a given course exclusively online when necessary to protect others from potential spread of disease. In the situation where an instructor has or may have been in contact with someone who may be ill, the instructor should not attend class at our physical facility, but instead should be permitted to communicate to the students, with as much advanced notice as possible, indicating that the class for that night will be exclusively held online. Sufficient notice to the students is necessary to prevent any unnecessary travel where it can be reasonably mitigated. However, even where the instructor elects to provide a given class online, healthy students will have access to the law school's fixed-facilities for purposes of participating in the class, including to utilize the law school's internet connection. Our instructors are now well-experienced with delivering classes online, and we believe the proposed change can be accomplished in a seamless manner.

In any event, if all students are present in the physical classroom, the instructor may simply abstain from activating (connecting) the synchronous online classroom extension, i.e. not 'turn on' the a/v equipment and/or Zoom software.

To encourage students who are otherwise healthy to attend the physical fixed-facility classroom during a given class, WSLs may require from the student reasonable evidence of illness or potential contact with another who is or may be ill in exchange for permission to attend a class remotely (an "excusal"). In this regard, with respect to classes offered in a physical classroom, we propose to require attendance at the physical fixed-facility classroom as the default requirement absent an excusal obtained from the instructor or the administration. We think a variety of situations may warrant an excusal and permission from the instructor or the law school's administration to attend the online classroom extension, such as, among other things, present manifestation of illness, recent contact with someone who is ill or reasonably believed to be ill, recent travel, or recent participation in an event of significant inter-human contact. Therefore, permission to attend the online classroom extension will be granted where reasonably necessary to accommodate a legitimate student need. We have drafted a policy, subject to amendment and approval of the law school's governing committee, a copy of which is attached herewith and labeled "Appendix II".

Finally, as we continue to add new faculty, WSLs intends to offer training to each faculty, once per quarter and additionally as necessary, with the goal of preparing the faculty to utilize the audio/video equipment and extend instruction via the proposed synchronous online classroom extension. We are in the process of creating a document with screenshots and instructions for extending instruction via the proposed online classroom extension.

We note that the Unaccredited Law School Rules (the "Rules") were adopted at a time prior to the pandemic and prior to the advent of Zoom classrooms, and therefore the Rules do not contemplate the same. For example, language such as: "*conducts its instruction principally in physical classroom facilities*" (Rule 4.204(J)(3)), "[a] *fixed-facility law school must require*

classroom attendance of its students for a minimum of 270 hours a year for four years” (Rule 4.204(J)(3)), and “providing law study credit for a fixed-facility law school program or class offered ... in multiple locations” (Rule 4.246(F)) is ambiguous in view of current technology. For example, does “principally in physical classroom facilities” include, as proposed, conducting instruction mainly from the physical classroom and extending to an online classroom extension? Does “classroom attendance” include student attendance in an online classroom extension of a physical classroom, particularly where the online classroom enables student cross communication and participation with those in the physical classroom? By extending the instruction from the physical classroom to an online classroom extension, is the instruction being provided “in multiple locations” (physical and online)? It appears none of these questions were contemplated at the time the Rules were adopted, and for good reason as there was no pandemic at the time bringing these things to light.

Here, WSLS is proposing the use of an online classroom extension, effectively synchronously integrating remote students with those in physical classroom attendance. To the extent this may be considered “providing law study credit for a fixed-facility law school program or class offered ... in multiple locations,” approval for a major change is required (see Rule 4.246(F), WSLS does not believe this to be the situation, *infra*).

Please note that the proposed offering of a hybrid, physical and online classroom for provision of instruction has no effect on the law school’s existing compliance with the Rules, except perhaps with respect to Rule 4.204(J)(3) and Rule 4.246(F) as discussed herein. For this reason, and for information detailing how the law school remains in compliance with the other Rules and Guidelines, WSLS refers the CBE to its Annual Report mailed November 9, 2020; the entire contents of which are hereby incorporated by reference. With respect to Rule 4.204(J)(3) and Rule 4.246(F), and the potential impact by the proposed change, as bolded and provided above, we present the following remarks:

We believe the proposed change does not substantially deviate from the Rules, since, the primary method of instruction will continue to be offered principally via WSLS’s physical classroom facilities (see Rule 4.204(J)(3)), albeit with the addition of a synchronous online classroom extension. We also believe this request for major change is necessary to overcome a compelling and ongoing health concern related to the current and future pandemic(s).

Rule 4.204(J)(3): A “fixed-facility law school” is a law school that conducts its instruction principally in physical classroom facilities. A fixed-facility law school must require classroom attendance of its students for a minimum of 270 hours a year for four years.

A review of Rule 4.204(J)(3), first sentence, indicates that the law school must conduct its instruction principally in physical classroom facilities. According to the proposed change, the law school will continue to conduct its instruction principally (more than 50%) in physical classroom facilities. This rule appears to focus on the conduct of instruction, not the method through which the instruction is received by students. Even though one or more students may receive the instruction remotely, via the proposed synchronous online classroom extension, the conducting of instruction will continue to originate and be managed from an instructor located in the law

school's physical fixed-facilities. As such, we believe the proposed change will not affect the law school's ability to remain compliant with the instant Rule.

A review of Rule 4.204(J)(3), second sentence, indicates that the law school must require classroom attendance as stated. According to the proposed change, the law school will both (i) require physical classroom attendance unless an excusal is first obtained, and (ii) require students obtaining an excusal and permission to attend one or more classes via the proposed online classroom extension to attend as-if the student were in the physical classroom, including preparation, personal presentation, and participation in discussions, and for the required time and duration. Moreover, the online classroom extension, generally a "Zoom room", is a classroom. While the Rules explicitly use "physical" in other locations, the second sentence of Rule 4.204(J)(3) merely uses "classroom attendance" and not "physical classroom attendance". Taking a step back and looking more broadly at the proposed change, students attending a class via the proposed online classroom extension will gain a very similar experience as those attending in physical person, and as such, we believe the proposed change is substantially in compliance with 4.204(J)(3), second sentence.

Rule 4.246(F): The following are major changes ... providing law study credit for a fixed-facility law school program or class offered more than ten miles from the site of the law school, outside California, or in multiple locations.

WSLS believes the proposed change, namely, offering a synchronous online classroom extension of its physical classroom to accommodate students in need thereof and to mitigate spread of infectious disease, does not impact Rule 4.246(F). It can be suggested that the physical classroom may constitute a first location, and the online classroom extension may constitute a second location (or multiple locations depending on the number and location of students receiving the instruction). However, it is our position that even if these could be considered multiple locations, the technology being used effectively integrates the physical classroom and all remote locations where instruction is being received via the online classroom extension, such that only one well-integrated classroom is being provided. Under the proposed change, the instructor and the students meet synchronously at the scheduled time and for the scheduled duration, they cross-communicate together to discuss the law, cases and class materials, they review the same material, discuss the same questions, and view each other at the same time, just as if all participants are in a common physical location. Students attending both remotely and in-person are utilizing laptop computers and audio/video equipment. For these reasons, we believe the hybrid physical classroom and its online classroom extension should be considered as one unified classroom where common learning is achieved. However, we see how a different view of the instant Rule can be made, and we therefore ask the CBE to either confirm the change is not a major change, or treat it as a major change and approve the major change.

Nothing in the proposed change will affect the amount or substance of the instruction received by students who attend one or more classes via the proposed online classroom extension, neither will it affect those attending in-person.

Additionally, it is noted that under the Guidelines for Unaccredited Law School Rules (“Guidelines”), Division 1.5: *“Unaccredited law schools are fixed-facility, correspondence or distance-learning law schools. Law schools in each category may provide educational programming in either or both of the other two categories so long as the principal method of instruction remains the category in which the law school is registered.”* Accordingly, WSLs is permitted to offer other forms of instruction to the extent the primary method of instruction remains as a physical fixed-facility law school. We believe the proposed change is within the spirit of Guidelines Division 1.5.

Therefore, WSLs respectfully requests the CBE to indicate that the proposed change is not a major change, or in the alternative, to accept and approve the proposed change as request for major change, and to affirm by written confirmation that the law school is permitted, at its discretion and the discretion of its instructors, to offer its classes primarily in its fixed facility classroom(s), but with an integrated synchronous online extension via meeting room software, such as Zoom or other similar platform(s). We are providing draft motions for consideration, amendment and/or adoption by the CBE (see the attached **Appendix III**).

COMPLIANCE WITH GUIDELINES

Division 1: General Provisions

WSLS has reviewed its policies and procedures pertaining to Division 1. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

1.5 The proposed change will extend the physical fixed-facility classroom to a hybrid physical fixed-facility classroom with a synchronous online classroom extension; however, the law school will continue to conduct instruction principally in physical fixed-facilities, albeit with the added online classroom extension. The principal method of instruction will remain as a physical fixed-facility law school.

1.8 WSLs does not believe the addition of an online classroom extension according to the proposed change will trigger the Separate Locations requirement of Guidelines, Division 1.8. The plain language of Division 1.8, namely “more than 10 miles”, indicates the intent of this Guideline is to regulate satellite physical classrooms and not virtual classrooms such as the proposed synchronous online classroom extension.

Division 2: Honesty and Integrity

WSLS has reviewed its policies, procedures, and services pertaining to Division 2. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

2.12 WSLs will provide a written policy concerning physical attendance and excusals according to the proposed change (see Appendix II, attached). In addition, WSLs will provide adequate support and resources, including access to required software and training directed to student-access of the online classroom extension being proposed.

Division 3: Governance

WSLS has reviewed its policies and procedures pertaining to Division 3 and determined no changes are necessary to maintain compliance with the Guidelines.

Division 4: Administrator, Dean, and Faculty

WSLS has reviewed its policies, and procedures pertaining to Division 4 and determined no changes are necessary to maintain compliance with the Guidelines.

Division 5: Academic Program and Scholastic Standards

WSLS has reviewed its policies and procedures pertaining to Division 5. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

5.3 Satisfactory completion of a course of classroom study requires a minimum of 270 hours of classroom attendance a year for four (4) years. The term “classroom attendance” is not defined in the Rules or the Guidelines. There does not appear to be a distinction between a physical classroom, an online classroom, or a hybrid physical classroom with an online classroom extension as is proposed. We believe the proposed change, which combines the physical classroom with a synchronous online classroom extension to form a hybrid classroom, meets the requirements of Guideline 5.3.

5.9(A) The Guidelines use the term “classroom instruction” without differentiating between a physical classroom, an online classroom, or a hybrid physical classroom with an online classroom extension as is proposed. We believe the hybrid physical classroom with a synchronous online classroom extension as is proposed herein meets both the explicit requirements of the Rules and Guidelines, as well as the inherent purpose of the same. No matter where the student receives the instruction, whether in a physical classroom or the synchronous online classroom extension, the instructional content in terms of time, format, substance, collaboration, and discussion remains the same. In addition, the law school will continue to require a minimum of 270 hours of classroom attendance, albeit we intend to satisfy the 270 hours with any combination of a student’s attendance in the physical classroom and/or the synchronous online classroom extension as-proposed. We believe the proposed change, which combines the physical classroom with an online classroom extension to form a hybrid classroom, meets the requirements of Guideline 5.9(A).

Division 6: Library Requirements

WSLS has reviewed its policies, procedures, and services pertaining to Division 6 and determined no changes are necessary to maintain compliance with the Guidelines.

Division 7: Physical Resources

WSLS has reviewed its policies and procedures pertaining to Division 7. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

7.2 Pending a written determination that the proposed change is not a major change, or alternatively, a written determination that the proposed change is a major change and is approved, WSLS will procure sufficient equipment, including monitors, headsets, laptop computers, cameras, and other software and equipment as may be required to integrate the physical classroom with Zoom or other platform for creating a hybrid physical classroom with a synchronous online classroom extension as-proposed. WSLS will budget sufficient resources to the maintenance and replacement of equipment as needed. In addition, WSLS will provide

adequate training to instructors and/or technical personnel for operating and maintaining the equipment.

Division 8: Financial Resources

WSLS has reviewed its policies, procedures, and services pertaining to Division 8 and determined no changes are necessary to maintain compliance with the Guidelines.

Division 9: Records and Reports

WSLS has reviewed its policies, procedures, and services pertaining to Division 9 and determined no changes are necessary to maintain compliance with the Guidelines.

Division 10: Equal Opportunity and Non-Discrimination

WSLS has reviewed its policies, procedures, and services pertaining to Division 10 and determined no changes are necessary to maintain compliance with the Guidelines.

Division 11: Issuance of Professional Laws Degrees in Addition to the Juris Doctor Degree

WSLS does not award degrees other than the Juris Doctor Degree.

2. Rule 4.208 Waiver

WSLS further seeks an extension of the CBEs prior waivers, according to the CA Executive Order N-33-20, the waiver granted by the CA State Bar Committee of Bar Examiners on March 30, 2020, and the Committee's extensions of the waiver on June 19, 2020 and April 23, 2021, respectively, continuing from January 1, 2022 through May 20, 2022.

Background & Discussion

WSLS is requesting an extension of the pandemic waivers detailed above for several reasons:

First, we are entering the peak season for the spread of infectious disease (historically, this has been approximately November through April). Scientists are unable to predict whether the pandemic will fade, or whether the number of infections and hospitalizations/deaths will increase as a result of cold temperatures, wet weather, and emergence of highly infectious SARS-CoV-2 variants. We believe it is unwise to resume inter-person contact in a physical classroom during this time, that is, the peak season for spread of infectious disease.

Second, our winter quarter begins on November 29, 2021 and ends on February 25, 2022. The current extension of the pandemic waivers will end December 31, 2021, in the middle of our Winter term. The Winter classes are being offered online via Zoom, and it would be disruptive to the students and faculty to change mid-session to require in-person meetings.

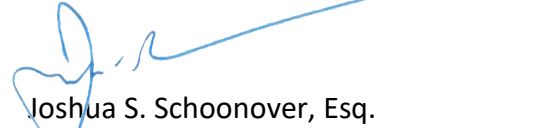
While we have given notice to both students and faculty that WSLS will soon resume classes in person at its physical fixed-facility classrooms, we have also learned that the pandemic has geographically displaced many students and faculty of WSLS. Therefore, at present, it has come to our attention that both students and some key faculty need additional time to prepare for and complete relocation of their residence to be nearby the law school in order to regularly attend classes in-person.

To mitigate the potential spread of disease at WSLS during the peak season, and so that the current students and faculty will have sufficient time to adjust their personal living situation

to prepare for physical attendance, we ask that the CBE please approve a limited extension of the current pandemic waivers as to WSLs through end of our Spring term (i.e., May 20, 2022), whereby during this period classes may continue to be offered by the law school via synchronous online classroom instruction using Zoom or a similar platform.

Should the CBE require any additional information, please do not hesitate to contact the undersigned representative.

Sincerely,



Joshua S. Schoonover, Esq.

Dean

dean@wslawschool.com

APPENDIX I
IMAGE CONCEPT OF THE PROPOSED “ONLINE CLASSROOM EXTENSION”



Source: [Harvard Business School](https://www.hbs.edu)

APPENDIX II – DRAFT ONLY SUBJECT TO AMENDMENT & APPROVAL
WSLS EXCUSAL POLICY FOR REQUESTING ATTENDANCE VIA ONLINE CLASSROOM EXTENSION

Physical Attendance Requirement

A majority of courses required for completion of the JD program at Western Sierra Law School are held in a physical fixed-facility classroom (hereinafter, “On-Campus Course(s)”). Each student is required to attend all classes for a given On-Campus Course by attendance at a classroom of the law school’s physical fixed-facilities unless the student receives, prior to the beginning of class, an excusal from the Instructor, Dean, or the law school Administrator, excusing the student from in-person attendance and authorizing attendance via the online classroom extension.

Excusal

It is the policy of the law school to promote a safe and healthy learning environment at our physical fixed-facilities, including the library and classrooms. Therefore, in order to protect each other, we encourage students and faculty who are or may be ill, in recent contact with someone that is or may be ill, or that have recently traveled or participated in an event of significant inter-human contact (e.g. flights, conventions and the like), to abstain from visiting the law school at its fixed-facilities.

Please note that students are required to attend at least 80% of classes in order to receive credit for a given course. Accordingly, the law school has established an online classroom extension via Zoom, and students in need of access to attend class by remote means may do so by first obtaining an excusal from the Instructor, Dean, or the law school Administrator.

To request an excusal, the student must contact the Instructor, Dean, or the law school Administrator, prior to the beginning of class, and provide sufficient evidence justifying the requested excusal. An excusal may be granted for multiple classes upon good cause.

Upon receiving an excusal, the student shall receive a hyperlink and access information for attending the subject class(es) remotely. The student is required to participate in the class even though attendance is being satisfied remotely. To this end, the student should come to class prepared, mic muted unless speaking, with video camera enabled at all times except during breaks. Proper attire should be worn as if attending the class session in-person. The student should be self-aware and respectful of the Instructor and their classmates.

Faculty may cancel a class or remove a class to the online classroom extension for purposes of illness or other reason requiring similar accommodation. Faculty shall offer the students a makeup class session in the event a class is cancelled. If able to conduct instruction for a given class, but necessary to conduct the class online, faculty shall provide as much advanced notice as possible under the circumstances of a change to online class instruction, and shall communicate the details for accessing the class to all students enrolled in the Course.

APPENDIX III
Proposed Motion for the CBE

If Recommended and Approved, the following are proposed motions for adoption or modification by the CBE:

MOVE, that Western Sierra Law School shall be permitted, at its discretion and the discretion of its instructors, to offer its classes primarily in its fixed-facility classroom(s), but with the addition of an integrated synchronous online extension via meeting room software, such as Zoom or other similar platform(s), whereby the physical classroom and the synchronous online classroom extension shall be considered as one hybrid classroom. For purposes of the Rules for Unaccredited Law Schools and the Guidelines for the Rules of Unaccredited Law Schools, as they apply to Western Sierra Law School and its students and affiliates, the term “classroom” shall include a physical classroom with a synchronous online classroom extension generated by electronic means.

MOVE, that the CBE does approve, for a limited time, an extension of its Previous Waivers, according to the CA Executive Order N-33-20, the waiver granted by the CA State Bar Committee of Bar Examiners on March 30, 2020, and the Committee’s extensions of the waiver on June 19, 2020 and April 23, 2021, collectively the “Previous Waivers”, as to Western Sierra Law School, continuing from January 1, 2022 through August 31, 2022¹.

¹ WSLS’s original motion dated September 23, 2021 requested an extension through May 20, 2022; however, we now seek an extension through August 31, 2022.

ⁱ WSL's original motion dated September 23, 2021 requested an extension through May 20, 2022; however, we now seek an extension through August 31, 2022.