



**OPEN SESSION
AGENDA ITEM V.A
DECEMBER 2023
COMMITTEE OF BAR EXAMINERS**

DATE: December 1, 2023

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Major Change – Addition of Pre-Admissions Program – Purdue Global Law School

EXECUTIVE SUMMARY

Purdue Global Law School (Purdue Global) requests approval of its major change petition from the Committee of Bar Examiners (committee) seeking to add a mandatory, non-credit, eight-week pre-admission program to the admissions process for applicants who earn between 20 and 23 on the law school's proprietary entrance exam. (Attachment A). The program will be called the Future Lawyer Excellence Program (FLEX). Purdue Global would like to launch this program in January 2024. Staff recommends approval of this program as currently constructed in the non-credit format, with the law school to provide updates as to the implementation and success of the program when it files its annual reports each year.

BACKGROUND

Purdue Global Law School is an accredited law school headquartered in Los Angeles, California¹ offering a JD program, in addition to several non-JD graduate legal programs. All its programs are offered solely in distance learning format.

Accredited law schools must seek prior approval of major changes from the committee, such as “any major change to the JD curriculum, including change in the number of credits, overall requirements, or teaching modality change that affects more than one-third of the program.”

Here, the law school seeks to create a new mandatory pathway to the JD program for students who earn 20-23 out of 40 points on the law school's proprietary entrance examination,

¹ Purdue Global Law School is the rebranded name of Concord Law School, effective November 8, 2023. The law advised the committee of the planned name change, shared at the committee's August 2023 meeting.

essentially creating a new JD program track. Therefore, a major change is appropriate, and allows staff and the committee to support the law school by helping to ensure that it will be implemented in a compliant manner.

DISCUSSION

Starting in 2019, the law school began admitting otherwise qualified students earning 20 to 23 points on the law school's proprietary exam into the JD program. The law school has studied the progression of these candidates through the entire four-year JD program, and observed that students scoring in this range on the proprietary exam have less success in completing the JD program than others.

Rather than simply raising the cut score for the exam, Purdue's FLEX proposal seeks to provide an alternative solution that will provide FLEX participants additional experience and support to develop the skills they need to later be admitted into the JD program with a greatly improved chance of success.

Proprietary Admissions Exam

As part of its admission process, Purdue Global administers a proprietary entrance exam containing a total of 45 multiple choice questions.²

In 2018, Purdue Global modified this proprietary exam, removing some true-false questions and adopting an all multiple-choice format. As part of the redesign, the law school also dropped the passing cut score on the exam from 24 to 20. In 2020, the law school raised its GPA level for students to remain in good standing from 2.0 to 2.5. Therefore, the admissions standards become more elastic, but the cut score to remain enrolled increased.

After lowering the cut score required for JD program admission and raising its GPA required for good standing, the law school analyzed its results. The study showed that those students earning 20-23 on the proprietary exam are less likely to persist and complete the JD program, and more likely to be in a minority demographic.

In response, the law school proposes to implement the FLEX program to more accurately determine which candidates in this score range have the intent and capacity to succeed in law school and to provide them with support and experience to improve retention and success if they should be admitted to the JD program after completing the FLEX program.

FLEX Pre-Admission Program

Candidates who are otherwise qualified for admission, and who score between 20 and 23 on Purdue Global's proprietary exam will not be admitted into the JD program. Instead, they will be required to take a mandatory eight-week FLEX program on a non-credit basis and to earn at

² Accredited Law Schools are not required to include LSAT or GRE scores as part of the admissions process.

least a 2.0 in the course. Upon earning a grade of 2.0 or higher, the candidate will be considered for admission into the JD program.

The program was designed by a team led by Purdue Global staff member Dr. Larasz Moody-Villarose. Dr. Moody-Villarose is uniquely qualified to prepare this program, as she has earned both a JD and a PhD in Education, her dissertation topic involved retention of minority students in online educational programs, and she worked in bar support at two ABA approved law schools before joining the Purdue Global team.

The FLEX program will include weekly live sessions, community-building activities, and writing, study and analytics skills. The program will also evaluate participants' writing skills.

FLEX Program Implementation

Purdue Global summarizes the eight-week FLEX program's purpose and implementation as follows (Attachment A, p. 1):

- A pre-admission program should help applicants with lower entering predictors, who are disproportionately underrepresented minorities, persist and perform better in law school.
- We propose an 8-week skills and community-building course for applicants in the bottom 30% of our current JD program entrants' admissions exam scores.
- Participants must perform very near the level expected of them in law school itself.³
- Successful participants will be admitted to the JD program the following term.
- We will analyze data to determine if the program is serving its goals of increasing persistence and academic performance.

Students earning at least a 2.0 in the FLEX program will be considered for admission to the JD program. They will be counseled that when they enter the JD program, they will be required to maintain a 2.5 GPA. Purdue Global's own studies have shown that the 2.5 or better GPA is correlated with more success on State Bar exams. This is a risk that the law school will need to continue to monitor, and it has agreed to do so. (Rule 4.160(C)).

The FLEX program is a non-credit course offered at no charge. This is important for several reasons. First, the law school has determined that it is not fully confident of this candidate pool's ability to succeed in the JD program, without more, and therefore this population should not be admitted without more confirmation. Once a student is later admitted to the JD program, the law school should take all reasonable steps to provide the services needed for that student to succeed. Next, it is important that the course is not offered for credit and not offered as part of the JD program, as this avoids any issues related to confusion about when and whether the law student earns an exemption to the First-Year Law Students' Examination.⁴

³ Staff notes that the law school requires JD students to maintain a cumulative GPA of 2.5 to remain in good standing, and the law school's studies show that a GPA of 2.5 or greater is correlated with success on State Bar exams. This pre-admission program will only require students to earn a 2.0.

⁴Students in JD programs at accredited law schools earn an exemption to the First-Year Law Students' Examination after completing one year of study and being eligible to advance to the next year. Offering a single course that is

The law school will not later award credit for the course because credit is not allowed for courses taken outside of a JD program, but successful participants will earn a scholarship equivalent to the amount of one credit to apply to the cost of the JD program.

The law school has been previously advised to focus on its attrition. Its most recent 4L class had an attrition rate of 72 percent versus the size of that cohort as 1L's; the 2022 4L class had a similar attrition rate of 73 percent. While several factors contribute to this attrition, one factor is the qualifications of those admitted, and this FLEX program will attempt to address that factor by improving the efficacy of the admissions program.

The law school's research used to help design the program was, in part, based on a study in which students at ABA approved law schools from underserved backgrounds attended a 52-week program that improved outcomes. Purdue Global has decided to implement an eight-week program, so it will be important for the law school to evaluate the results of this choice, since it is so much shorter than the model program identified, and the law school agrees to do so.

RECOMMENDATION

Staff recommends that the FLEX program be approved in its current format effective January 2024. It is further recommended that the law school be required to file a major change and seek pre-approval if the law school plans to change the required grade, length, curriculum or credit status of the program, in order to proactively ensure full compliance with both the law school rules and the admissions. It is further recommended that the law school provide progress reports along with their annual report until further notice that analyze the results of the program, including data on correlation between proprietary exam score, FLEX grade, and JD program success, including progression, retention, graduation, and success on State Bar exams.

PROPOSED MOTION

If the Committee agrees with this recommendation, the following motion is suggested:

MOVE, that the committee grant Purdue Global Law School's motion to add a mandatory, non-credit, eight-week FLEX program as set forth in Attachment A and required for those students earning scores of 20 to 23 on the law school's proprietary entrance exam, effective January 2024.

FURTHER MOVE, that the law school be directed to file a major change seeking pre-approval if the law school plans to change the required grade, length, curriculum or credit status of the program, in order to proactively ensure full compliance with both the law school rules and the admissions.

shorter in length than the others could create confusion as to when and whether the students has completed a qualifying year of study toward earning the exemption. This will, in particular, impact those students transferring. Purdue's most recent 4L class experienced 72 percent attrition from the first year, so this is an impactful concern.

FURTHER MOVE, that the law school be required to submit progress reports as to the operation and results of the FLEX program and those who complete it, including data on correlation between proprietary exam score, FLEX grade, and success in the JD program, including progression, retention, graduation, and success on State Bar exams, and to include those reports with its annual report until further notice.

ATTACHMENT A

Attachment A: Purdue Global Law School – Request for Major Change – Add Pre-Admission Program

The State Bar of California
Committee of Bar Examiners
ATTN.: Natalie Leonard
Principal Program Analyst, Educational Standards
180 Howard St.
San Francisco, CA 94105

November 8, 2023

RE: Petition for Approval of Major Change - Pre-Admission Program [Rule 4.165(A)(9)]

Dear Natalie:

On behalf of Purdue Global Law School (“PG Law”), I hereby submit for the Committee of Bar Examiners’ (“CBE”) consideration this petition for approval of a major change pursuant to Rule 4.165(A)(9), which defines a “major change” to include “any major change to the JD curriculum, including change in the . . . overall requirements” Specifically, PG Law seeks approval of a conditional pre-admission program for select applicants that it plans to offer in early 2024. The program is discussed in more detail below, but a summary of the key points is as follows:

- A pre-admission program should help applicants with lower entering predictors, who are disproportionately underrepresented minorities, persist and perform better in law school.
- We propose an 8-week skills and community-building course for applicants in the bottom 30% of our current JD program entrants’ admissions exam scores.
- Participants must perform very near the level expected of them in law school itself.
- Successful participants will be admitted to the JD program the following term.
- We will analyze data to determine if the program is serving its goals of increasing persistence and academic performance.

Background and Purposes of the Program

PG Law is mindful of the fact that, as pointed out in your report to the CBE at its August 18, 2023 meeting, attrition at California-accredited law schools, while not as high as at unaccredited registered law schools, is significantly higher than that at ABA-approved law schools. Of course, California-accredited and unaccredited law schools cater to a significantly different population than ABA law schools. Whereas the typical ABA entrant is a 23-year-old full-time student with no dependents or outside work commitments, the average entering student at PG Law is 43 years old, and spends 45 hours per week on outside work and dependent-care commitments. And even though the opportunity cost of attending PG Law is lower than attending an ABA law school (both because tuition is significantly lower and because most attrition occurs within the first two terms at PG Law, i.e., the first eight months), PG Law takes seriously its obligation to admit students who have a realistic prospect of completing the program.

Fulfilling this obligation is challenging in part because PG Law’s average entering student has been out of college for two decades, so their UGPA is less predictive of law school success than it might be for a traditional 23-year-old applicant. PG Law administers a 40-question admissions

exam in lieu of the LSAT,¹ which, unlike the LSAT, is free of charge and can be taken by applicants at the time and location of their choosing. Our analysis has shown that while our admissions exam is not quite as predictive of law school success as the LSAT, it is more predictive than the GRE, which more than 40% of ABA law schools now accept in lieu of the LSAT. As at traditional law schools, PG Law's admissions exam is more predictive of law school success than UGPA. For us, though, the differential is even starker because of the lessened predictive power of UGPA.

While PG Law could improve retention simply by requiring a higher admissions exam score, data shows that this would significantly harm diversity. Underrepresented minority applicants are three times more likely to be in the bottom third of admissions exam scores than the top third. The U.S. Supreme Court's recent ruling regarding affirmative action notwithstanding, promoting diversity in the legal profession is still a goal shared by the CBE and PG Law. To improve both retention and diversity, PG Law has developed a conditional admission program called Future Lawyer Excellence, ("FLEX"). The hope and expectation is that applicants who complete the FLEX program will benefit from it and be more likely to persist in law school and take and pass the bar exam than they otherwise would have.

Program Design

Our Assistant Dean of Students, Larasz Moody-Villarose, is the principal architect of the FLEX program. She is well-qualified for the task. She has a doctorate degree in education in addition to her J.D. degree, and wrote her dissertation on the retention of minority students in online graduate programs. She also had experience working in academic and bar support at two ABA-approved law schools before joining PG Law. The program design is based on her expertise and research regarding best practices in the field, and she will be collaborating with subject matter experts to ensure that the program is as helpful to students as possible. Among others, she is consulting with our Associate Dean for Academic Affairs, Shaun Jamison, who, like Dean Moody, holds both a JD and Ed.D, as well as Senior Manager of Student Operations Maria Sarmiento, who also holds an Ed.D.

FLEX will be designed to foster critical first-year writing, study, and analytical skills, through live instruction, videos and readings, practical exercises, and mentoring. There will be weekly live sessions with the instructor. Notably, community-building will be a key focus of the program, since we believe—and research shows—that having a sense of community and belonging is an important factor in increasing motivation and promoting persistence.

To facilitate community-building, sections will be limited to 20 students. Given that we have roughly 40 JD applicants per enrollment cycle who fall within the 20 to 23 admissions exam score range, we anticipate running two sections concurrently each term (i.e., 40 students total). The program will be taught by a full-time faculty member.

Notably, a recent [article](#)² discussed a somewhat similar program operated by the AccessLex Institute, in which 29 ABA-approved law schools participated, including California-based Cal

¹ Consistent with the Rules for Accredited Law Schools, PG Law does require the LSAT for applicants who have previously been academically dismissed from law school.

² Karen Sloan, "This new pipeline program turned rejected applicants into new law students." Reuters (Aug. 30, 2023).

Western, Golden Gate, McGeorge, Pepperdine, and Southwestern. That year-long conditional admission program—which explicitly limits participation to minority, first-generation, or socioeconomically disadvantaged applicants—had a 69% completion rate in its first cohort of 78 participants, 94% of whom were people of color.

Importantly, FLEX will be free for participants—we will charge neither tuition nor fees. We believe this is an important feature of the program, for at least two reasons. First, it is arguably unfair to make students with lower entering predictors spend money on a program that other applicants with higher entering predictors do not have to take. Second, because lower entering predictors may be positively correlated with lower socioeconomic status, we do not want cost to be a barrier to applicants participating in a program that could benefit them.

Entrance Criteria and Logistics

Currently, applicants must score at least a 21 (or 20 if their UGPA is high enough) on our admissions exam to be eligible for admission into the JD program. However, our data shows that students in the lowest 30% of admissions scores—i.e., those between a 20 and 23—are the least likely to persist beyond their first year. We believe these students would benefit the most from a pre-admission academic support program like FLEX.

Accordingly, starting in January 2024, JD applicants who score between a 20 and 23 on our admissions exam, rather than being admitted outright or rejected outright for the following term in May, will be asked to complete the FLEX program the following term. FLEX will run for eight weeks (from week three through week ten of our 16-week terms). Because they will have applied for admission to the JD program during the prior term, participants will have already been evaluated for pre-legal education and/or foreign study requirements prior to beginning FLEX. (PG Law requires all JD applicants to have a bachelor's degree, and does not admit "special students.")

If applicants successfully complete the FLEX program, then (barring any disciplinary or behavioral concerns that arise during FLEX itself) they will be offered admission into the JD program in the following term. Thus, for the first cohort starting in January 2024, that would mean taking FLEX in May 2024 and starting the JD program in late August 2024. To incentivize students to take the program—even though it means delaying starting their JD program by a term—and take it seriously, our current plan is to give successful completers a scholarship equal to one credit-hour's worth of tuition toward their JD program (currently \$540 per credit hour).

To be clear, our plan is that JD applicants who score a 20 to 23 on our admissions exam will be required to successfully complete FLEX if they want to enroll in the JD program; it will not be optional for them. At the same time, we recognize that we do not know in advance what proportion of applicants in that admissions score range will be willing to take FLEX. If we have excess capacity, we will likely offer it either to all other applicants or those within the next-lowest admissions exam scores (e.g. 24, then 25), on a first-come, first-served basis.

Assessment Standards

Students' grades in FLEX will be based in large part on formative writing assessments throughout the eight-week program. An important consideration for us has been determining what level of academic performance should constitute "successful completion."

For context, PG Law's grading scale is meant to mirror as closely as possible the grading of the California Bar Exam. It is in part for this reason that we rigorously avoid grade inflation and conduct bimonthly grading calibration sessions with our faculty. We want to know, and we want our students to know, that if they can make it through our program, they should be able to pass the bar exam.

The cut score for the bar exam is a 1390, which correlates to a 69.5 on a 100 point scale. Accordingly, to be in good academic standing in PG Law's JD program, students must maintain a CGPA of 2.5 which, on our 4.0 scale, equates to between a 69 and a 70. This is also between a C+ and a B- on our alphanumeric scale.

JD program students who can't achieve a 2.5 right away are not immediately dismissed from the program. If JD students earn below a 2.5 in their first term, they are placed on probation on their second term. If they are unable to get off probation in their second term, they may be eligible for a third or even fourth term to regain good standing, if their grades are not too far below a 2.5 (generally a 2.2 to 2.4).

Regarding the FLEX program, we believe that it would be unfair to expect pre-admissions program students with no actual experience in law school to perform at exactly the same standards as law students themselves—particularly when there is no opportunity for “probation” or “final probation” for FLEX participants. On the other hand, if FLEX participants fall far below the standards that would be required of them in law school, it would be unrealistic to expect that they will suddenly be able to dramatically improve their performance in law school itself, and so admitting those students may be setting them up for failure.

Accordingly, our intention is to require that “successful completion” of FLEX will mean performance that approaches but is not quite at what will be required of them in law school. Specifically, they will need to earn a course grade in FLEX of 65 or higher. This is equivalent to a C grade, or approximately a 2.2 on a 4.0 scale. We believe this appropriately balances the competing considerations. Moreover, it is consistent with our data analysis that shows that of those JD students who find themselves on probation, a fair amount with a GPA of 2.2 or higher end up making it off probation, whereas very few with below a 2.2 ever do. Of course, as discussed below, if the data shows a different standard is warranted, we will revisit it.

Program Evaluation

We plan to track FLEX student performance and progression data to determine if the program is serving its goals and, if not, what modifications may be needed. Specifically, we will evaluate:

- How many of those offered FLEX chose to participate?
- How many of those who participated in FLEX completed it?
- How many of those who completed it performed at the requisite academic level to pass?
- How did those who passed FLEX do in terms of first-year persistence and academic performance?

For each of these metrics, we would also evaluate whether there were any significant differences between the characteristics of those who did or did not meet the metric (e.g., program

completion, program success, etc.), and compare it to historical data regarding those with similar predictors who entered before FLEX was available.

Based on our prior analyses, completion of the first year in good academic standing is a decent proxy for program completion, and doesn't require waiting an additional three years to start gathering data. Still, it will be at least two years from program launch before we will be able to collect enough data to start drawing meaningful conclusions.

We will not just track the data but use it to decide whether the program as designed is meeting its goals. If, for example, the data showed that FLEX participants outperformed those with similar entering predictors only if they earned a score in FLEX of say, 68 or above, that would be reason to consider raising the "successful completion" standard.

Before we do make any material changes to the FLEX program, however, we will seek advance approval from the CBE.

Timing of Implementation

It is our strong desire that the CBE grants our petition to offer FLEX in time for us to start enrolling applicants in it beginning with our January 2024 enrollment cycle. Operationalizing the program requires not only the involvement of the faculty and curriculum staff who will be designing and teaching the program, but also coordination with our admissions advisors, student support advisors, communications office, and personnel in the financial aid and student billing offices. We have been planning this program for many months,³ and if we are not able to have admissions advisors begin in January 2024 to enroll applicants in the conditional admissions program for the May 2024 term, it will cause significant disruption to multiple departments across the school and university, and will impede our efforts to improve both retention and diversity.

Conclusion

We are proud of the conditional admission program we are developing and hope that it will serve as a model for other online JD programs. I would like to thank both you and the CBE for your consideration of this petition. Please don't hesitate to let me know if I can provide any additional information.

Sincerely,



Martin Pritikin
Dean and Vice President

³ PG Law did not seek approval earlier because it did not understand the FLEX program to constitute a "major change" requiring CBE approval under Rule 4.165(A)(9). But State Bar staff recently indicated that they do understand it to constitute a major change, which is what precipitated the instant petition.