

**RULES REGULATING REGISTRATION
OF
UNACCREDITED, CORRESPONDENCE AND
DISTANCE LEARNING LAW SCHOOLS
IN CALIFORNIA
AND
SCHEDULE OF LAW SCHOOL FEES**

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Adopted by the Committee of Bar Examiners and
Approved by the Board of Governors of
The State Bar of California on _____

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**Rules Regulating Registration of
Unaccredited, Correspondence, and Distance Learning
Law Schools in California**

RULE ONE: GENERAL PROVISIONS

Section 1.01 Name and Scope of Rules. These Rules may be cited as the *Rules Regulating Registration of Unaccredited, Correspondence, and Distance Learning Law Schools in California* (Registration Rules). These Rules apply to law schools registered by the Committee of Bar Examiners and those law schools seeking registration. The Committee may amend these Rules subject to the approval of the State Bar Board of Governors, and the amendments will be effective when approved by the Board of Governors. In addition, the Committee will publish Guidelines and Comments governing the interpretation and application of the Registration Rules. The Committee has the authority to amend the Guidelines and Comments after giving reasonable public notice of the proposed amendments and after considering all comments received about the proposed amendments.

Section 1.02 Committee of Bar Examiners.

(A) Pursuant to the California Business and Professions Code and the California Rules of Court, the Committee of Bar Examiners is responsible for registering unaccredited, correspondence, and distance learning law schools in California and for the regulation and oversight of those schools as provided in these Rules.

(B) The Committee of Bar Examiners' powers and procedures are set forth in Rule I of the *Rules Regulating Admission to Practice Law in California* (Admission Rules) and apply to these Rules insofar as they pertain to law schools.

Section 1.03 Repeal of Former Rules XIX and XX of the Admission Rules.

When adopted by the Committee and approved by the Board of Governors, these Rules will replace and supersede Rules XIX and XX of the Admission Rules.

Section 1.04 Definitions.

(A) **Accreditation Rules** refers to *Rules Regulating Accreditation of Law Schools in California*.

(B) **Admission Rules** refers to *Rules Regulating Admission to Practice Law in California*.

(C) An **Applicant Law School** is one that is pursuing registration by the Committee. An applicant law school is not registered until the Committee approves the law school's application for registration.

(D) **Committee** means the Committee of Bar Examiners of the State Bar of California.

(E) A **Correspondence Law School** is a law school that has its primary administrative offices in California, is authorized to confer professional law degrees, conducts instruction by correspondence, and requires at least 864 hours of preparation and study per year for four (4) years.

(F) **Degree Granting Authority** for professional law degrees is concomitant with registration by the Committee.

(G) A **Distance Learning Law School** is a law school that has its primary administrative offices in California, is authorized to confer professional law degrees, conducts instruction and provides interactive classroom study using internet technology, and requires at least 864 hours of preparation and study per year for four (4) years.

(H) **Senior Executive, Admissions**, under the general direction of the Executive Director of The State Bar of California, and includes his or her designee, oversees the Admissions functions within the State Bar of California, which includes the educational standards functions assigned to the Educational Standards Department and the Director for Educational Standards.

(I) The **Educational Standards Department**, under the general direction of the Senior Executive, Admissions, is a department within the Office of Admissions of the State Bar of California. The department provides staff support to the Committee, which is responsible for the registration and oversight of unaccredited, correspondence, and distance learning law schools in California.

(J) The **Director for Educational Standards**, under the general oversight by the Senior Executive, Admissions, manages and coordinates the educational standards functions of the Educational Standards Department.

(K) **Educational Standards Consultant** refers to an individual who performs educational standards duties on an independent contract basis as assigned by the Committee, the Senior Executive, Admissions or the Director for Educational Standards. The consultant is not an employee of The State Bar of California.

(L) The **First Year Law Students' Examination** is the examination required of all students not otherwise exempt by the California Business and Professions Code. Students who are not exempt from this requirement must take the examination after completion of their first year of law study. Those who pass the examination within three (3) administrations after first becoming eligible to take it will receive credit for all law studies completed to the time the examination is passed. Those who do not pass the examination within three administrations after first becoming eligible to take it, but who subsequently pass the examination, will receive credit for one year of legal study only.

(M) **Guidelines and Comments** contain the interpretation and application of the *Rules for Registration of Unaccredited, Correspondence, and Distance Learning Schools in California*.

(N) **Professional Law Degrees** include the LL.B (Bachelor of Law), Masters of Legal Studies (MLS), J.D. (Juris Doctor), and LL.M. (Master of Law) degrees, and such other post-graduate degrees the Committee authorizes. Only law programs that qualify students to take the California Bar Examination may result in the granting of a J.D. degree.

(O) A **Registered Law School** is either an unaccredited, correspondence or distance learning law school that has been registered by the Committee. Registration includes authority to grant professional degrees in law as approved by the Committee.

(P) **Registration Rules** refers to *Rules Regulating Registration of Unaccredited, Correspondence, and Distance Learning Schools in California* and the Guidelines and Comments interpreting the Rules.

(Q) **Schedule of Fees** refers to the schedule published periodically by the Committee that sets forth fees and costs relating to registration, regulation and oversight of unaccredited, correspondence, and distance learning law schools.

(R) **Standards** refer to the qualitative requirements set forth in Rule Two of these Rules and include the interpretive Guidelines and Comments.

(S) **State Bar** means The State Bar of California.

(T) **Subcommittee** means the Committee of Bar Examiners' Subcommittee on Educational Standards.

(U) An **Unaccredited Law School** refers to a resident law school operating in the State of California, authorized to confer professional law degrees, and requiring classroom attendance of its students for a minimum of 270 hours a year.

Section 1.05 Registration of Law Schools. The Committee must register a law school or continue the registration of a law school when the Committee is satisfied that the law school offers a sound educational program to its students, that the law school does not exploit its students, and that the law school has demonstrated its compliance with applicable provisions of the California Business and Professions Code, the California Rules of Court, and these Rules.

Section 1.06 Law School Lists. The Committee maintains and makes available upon request lists of law schools approved by the American Bar Association, law schools accredited by the Committee, unaccredited law schools, correspondence and distance learning law schools.

Section 1.07 Annual Reports. Unaccredited, correspondence, and distance learning law schools must file Annual Reports with the Committee by November 15 of each year. The schools must use the Committee's Annual Report form and submit the required fee. If the Annual Report is filed after November 15, the school also must submit a late fee. The Annual Report, at a minimum, must be complete and include information confirming that the school complies with these Rules, and the Guidelines and Comments. If the school is not in compliance with these Rules, the school must report the non-compliance and state the steps taken during the preceding year to remedy the deficiency.

Section 1.08 Law School Student Complaints. The Committee will place all complaints received from law students about particular law schools in the school's file, but the Committee will not act on any one complaint, except to review it in the context of the school's compliance with the Admission Rules and the Registration Rules and Guidelines and Comments. The Committee will not intercede in matters between a law school and a student.

Section 1.09 Confidentiality. Applications for registration, requests for waivers, inspection reports and recommendations, annual reports, notices of major changes, notices regarding withdrawal of registration, and any other document that the Committee designates suitable for publication, are public records except insofar as they are considered privileged. Any information such as grades, grade averages, test scores, or personal information about identifiable students, and reports of observations, evaluations, or personal information about identifiable instructors, and a law school's financial information are considered privileged whether or not contained in a public record. The Committee will release non-privileged information upon written request to the State Bar's Office of Admissions in San Francisco and payment of the required copying fee.

RULE TWO: RULES FOR REGISTRATION OF LAW SCHOOLS

Section 2.01 Preamble. To become registered, a law school must establish that its paramount objective is to provide a sound legal education. Financial considerations must not dictate nor adversely affect the educational program.

The school must not retain any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program in which the student is enrolled.

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

(B) Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs.

(C) Governance. The law school must be governed, organized, and administered so as to provide a sound educational program.

(D) Educational Program. The law school must maintain a sound educational program.

(E) Dean and Faculty. The law school must have a competent dean or other administrative head and a competent faculty devoting adequate time to administration, instruction, and student counseling.

(F) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee.

(G) Admissions. The law school must maintain a sound admissions policy.

(H) Scholastic Standards. The law school must maintain sound scholastics standards and must as soon as possible identify and exclude those students who have demonstrated they are not qualified to continue.

(I) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations. All law schools must, at a minimum, maintain an administrative office located in the state of California.

(J) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations.

(K) Records and Reports. The law school must maintain adequate records of its programs and operations, and make required annual and other reports necessary to demonstrate the law school's compliance with these Rules.

(L) Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and the Rules, the law school should demonstrate a commitment to providing equal opportunity to study law and in the hiring, retention and promotion of faculty without regard to sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status,

political affiliation, sexual orientation, disabled veteran or Vietnam Era veteran status.

RULE THREE: GENERAL RULES REGARDING REGISTRATION

Section 3.01 Continuation of Status. A law school registered by the Committee on January 1, 2008 or the effective date of these Rules will continue to be a registered law school, unless the Committee thereafter withdraws its registration pursuant to Rule Seven.

Section 3.02 Waivers.

(A) A registered law school that demonstrates it otherwise complies with the Registration Rules may request a waiver from the Committee of any of the Rules, Guidelines, and Comments except those mandated by law. The request must clearly show that the law school is able to provide a sound legal education without being in full compliance with these Rules, Guidelines and Comments.

(B) The law school must renew the request each year and the Committee will decide whether to allow the waiver to continue. There are no permanent waivers. If the Committee denies the school's initial or subsequent requests, the school will have a reasonable period of time to comply with the Rules and Guidelines and Comments.

Section 3.03 Multiple Locations. A law school that conducts classes at multiple locations must be in compliance with these Rules at each location. If a law school offers instruction in law at more than one location and those locations are more than ten (10) miles apart by the most direct route, each location will be deemed to be a separate law school and each must apply for registration.

Section 3.04 Other Legal Studies. A registered law school that offers, or is part of an institution that offers, any program in legal studies other than the program leading to a professional degree in law or other post-graduate degree program approved by the Committee, must be approved to offer such programs by the Bureau of Private Postsecondary and Vocational Education or its successor. Paralegal programs and undergraduate legal degree programs are not subject to the regulation and oversight of the Committee, and must be approved by the appropriate entity as determined by law.

Section 3.05 Self-Study. Prior to the periodic inspection required by Section 3.06, or more frequently if the Committee requests, a registered law school must reevaluate its educational program and submit a written self-study to the Committee. The purpose of the self-study is to determine the school's compliance with these Rules and the achievement of the school's mission and objectives. The law school must use the form provided by the Committee and submit the required fee.

Section 3.06 Periodic Inspections.

(A) A registered law school will be inspected at the school's expense as least every five years following registration or more frequently if the Committee decides that additional inspection is needed to determine whether the law school is in compliance with these Rules.

(B) A team composed of the Senior Executive, Admissions or his or her designee, and up to two additional members, who may be other State Bar staff, educational consultants, representatives from law schools registered by the Committee or members of the Committee will conduct the inspections described in (A) above. The school has the right to challenge the appointment of any member of the visitation team by filing a written request for an alternative appointment within ten (10) calendar days after receipt of the notice of the team's composition. Grounds to challenge a team member include: (1) financial interest in, or employment by, a competing institution, and (2) bias documented by written evidence. The Senior Executive, Admissions will consider the request and, if good cause is shown, appoint an alternative member. The Senior Executive, Admissions will notify the law school within thirty (30) days of the decision.

(C) The purpose of the inspection is to verify the written information submitted by the school and to determine whether the school complies with these Rules. The law school must facilitate the review team's inspection, including review of records, inspection of facility, observation of class sessions, and interviews with the Board, administration, staff, faculty, and students. The inspection team will prepare a written report of the inspection, with findings and recommendations. The team will file the report with the Committee and the Committee will send a copy to the law school within sixty (60) days after the inspection is completed. For good cause the Committee may extend the time for filing the report. Within fifteen (15) days after receiving the report, the school must notify the Committee in writing whether it accepts the report or objects to all or part of the report. If the law school objects to any part of the report, it may include supporting documentation. For good cause, the Committee may extend the time for filing objections.

(D) Within sixty (60) days after the Committee receives the inspection report and the law school's exceptions, if any, the Committee will: (1) accept the report and continue the law school's registration, (2) grant a waiver or waivers pursuant to Section 3.02, (3) issue a written warning that the school must undertake immediate action to correct deficiencies noted, and that if the Committee does not receive proof of correction within fifteen (15) days after the school receives the written warning, the Committee will initiate proceedings under Rule Seven of these Rules, or (4) initiate proceedings to withdraw registration pursuant to Rule Seven of these Rules. The Committee may, for good cause, extend the time limitations in this subsection (D).

Section 3.07 Consulting and Consultation Visits. An educational institution planning to commence or offer instruction in law may request a consultation or visit by the Committee at the school's expense for the purpose of advising the school on any matter, including, its readiness to apply for registration and the changes, if any, which the school should accomplish prior to filing the application for registration. When making the request, the institution must agree to reimburse the Committee for the cost of providing such services, including any associated consultant and travel costs.

Section 3.08 Schedule of Fees and Charges. Reasonable fees will be charged for the services related to the registration of unaccredited, correspondence and distance learning law schools. The fees charged will be in an amount to sufficiently fund the regulatory and oversight responsibilities assigned to the Committee, although the State Bar Board of Governors may determine to supplement the funding through other funds. In addition to submitting annual report fees each year, law schools must reimburse the Committee for the expenses associated with processing applications for registration, major change requests, any consultation or inspection visit to the school, and any other special activity initiated by a school. Fees will be charged for the following:

(A) For the services of the Senior Executive or his or her designee, or any consultant or consultants hired by the Committee. The Committee will establish reasonable rates for the services and include these rates in the published schedule of fees. The fees charged will include an hourly rate for the time taken by the designated person to complete the associated tasks, such as the review of applications, reports or other documents, law school inspections or visits, including preparation and travel time to and from the school, and preparation of any report for the Committee or the law school, or both; and

(B) For the travel expenses of the Visitation Team. Reimbursement will be at the actual cost of such travel, and in accordance with the State Bar's travel reimbursement policies.

RULE FOUR: APPLICATION FOR REGISTRATION

Section 4.01 Application for Registration. A law school that believes it complies with the Registration Rules may apply to the Committee in accordance with the procedures set forth in Rule Four. If the Committee finds the school complies with these Rules, the Committee will register the law school for a period of not less than two (2) years on the law school. During the two years, the Committee may require annual inspections at the school's expense.

Section 4.02 Application Procedure. An unaccredited, correspondence, or distance learning law school may apply for registration by:

(A) Filing a written application on a form provided by the Committee, declaring that the law school believes it complies with these Rules, and submitting the required fee;

(B) Submitting a self-study of its educational program and operations using the Committee's format and such other information as the Committee may require; and

(C) Agreeing to site inspections as the Committee deems necessary and appropriate and to timely pay any required fees and fees and expenses for such visits and inspections.

Section 4.03 Initial Review. Within sixty (60) days after the Committee receives an application for registration, the self-study, and the application fee, the Committee will place the application on its agenda for review. If the Committee determines that the application and self-study do not establish a reasonable probability that the law school is in compliance with these Rules, the Committee will notify the school within thirty (30) days after its decision stating the reasons for the decision and advising the school to withdraw its application for registration. For good cause, the Committee may extend the time limitations.

Section 4.04 Inspection. If the Committee finds a reasonable probability that the law school is in compliance with the Rules, or if after being advised to withdraw its application, the school declines to do so, the Committee will schedule an inspection within sixty (60) days of its decision or the school's refusal to withdraw its application. An inspection team composed of the Senior Executive, Admissions or his or her designee, and up to two additional members, who may be other State Bar staff, educational consultants, representatives from law schools registered by the Committee or members of the Committee. The inspection team will verify the written information submitted with the application for registration, and determine the extent of the school's compliance with the Rules. The school may challenge the appointment of any member of the visitation team by filing a written request for an alternative appointment within ten (10) days after the school receives notice of the team's composition. The Senior Executive, Admissions will consider the request and if good cause is shown, will appoint an alternative member. The Senior Executive, Admissions will notify the law school of his or her decision within thirty (30) days after receiving the school's request.

Section 4.05 Inspection Report. The inspection team will prepare a written report of the inspection, with findings and recommendations and file the report with the Committee. A copy of the report will be sent to the law school within sixty (60) days after the site inspection. Within thirty (30) days after it receives a copy of the report, the law school must advise the Committee in writing whether it accepts the report or objects to the report or any part of it. If the school objects

to the report, it must include a statement of facts and any supporting documentation.

Section 4.06 Committee Action. Within sixty (60) days after receipt of the inspection report or the law school's exceptions, if any, the Committee may register the law school for a period of not less than two (2) years and impose annual inspections or any other conditions the Committee finds appropriate, or the Committee may deny the law school's application for registration. If the Committee believes further information is needed from the school in order to act on the school's application, the Committee will notify the school and defer a decision for the time reasonable necessary to obtain and review the information.

RULE FIVE: DISCLOSURE STATEMENT

Section 5.01 Mandatory Requirement. Unaccredited, correspondence, and distance learning law schools registered with the Committee must provide every new student with a disclosure statement, after the student has paid an application fee but before the student pays a registration fee. Additionally, prior to receiving any fee or tuition for any academic term, the school must provide each returning student with a correct disclosure statement.

Section 5.02 Contents of the Disclosure Statement. The Disclosure Statement must contain the following information:

(A) The school is not accredited. However, in addition, if the school has been approved by other agencies, that fact may be stated.

(B) Where the school has not been in operation for ten (10) years, the assets and liabilities of the school. However, if the school has had prior affiliation with another school that has been in operation more than ten (10) years or has been under the control of another school that has been in operation more than ten (10) years, the requirements of this section do not apply.

(C) In the format determined by the Committee, the number and percentage of students who have taken and the number who have passed the first year law students' examination and the senior bar examination results for the past five (5) years, or since the establishment of the school, whichever time is less, including only those students who have been certified by the school to take the examinations.

(D) The number of legal volumes in the library. This section does not apply to correspondence or distance learning law schools.

(E) The educational background, qualifications and experience of the faculty, and whether or not the faculty members and administrators (e.g., the dean) are members of the California State Bar or any other bar association.

(F) The ratio of faculty to students for the previous five years or since the establishment of the school, whichever time is less, in the format determined by the Committee.

(G) Whether or not the school has applied for accreditation, and if so, the date of the application and whether or not that application has been withdrawn, is currently pending, or has been finally denied. The school must only disclose information relating to applications made in the previous five (5) years.

(H) That the education requirements provided by the school may not satisfy requirements of other states for the practice of law. Applicants should contact the state in which they may wish to practice for that state's requirements.

(I) Whether the school is on probation with the Committee pursuant to Rule Seven of these Rules.

Section 5.03 Student Acknowledgment. The Disclosure Statement must be signed by each student, who must receive a copy of his or her signed Disclosure Statement.

Section 5.04 Submission of Disclosure Statement to Committee. On or before the first Monday in August in each calendar year, the school must file with the Committee in its San Francisco office, three copies of the Disclosure Statement it is providing, or intends to provide to students during any academic period commencing after July 1 of that calendar year and before July of the following calendar year. In addition, schools must annually file a disclosure statement certification, on the Committee's form, with the Educational Standards Department by the deadline determined by the Committee.

Section 5.05 Non-compliance. A school that does not comply with these requirements must refund all tuition and fees paid by the students who did not receive the disclosure statement. Additionally, non-compliance will constitute cause for the Committee to withdraw the law school's registration.

RULE SIX: MAJOR CHANGES

Section 6.01 Prior Approval Required. A law school registered with the Committee that contemplates a major change in its organization, structure, or operation must notify and obtain the Committee's approval prior to implementing the change. In its notice, the law school must identify the contemplated major change, provide full details of all matters that might affect the law school's continued compliance with these Rules, and pay the required fee and charges.

Section 6.02 Inspection and Report. After receiving the notice of the proposed major change, the Committee may require the law school to submit

additional information or decide that an inspection visit is appropriate. Any inspection visit will be conducted according to the procedures in Section 4.04 of these Rules. The school must pay all applicable fees.

Section 6.03 Major Changes. The following are major changes:

- (A) Instituting a new division;
- (B) Changing the location of the school or any branch, or opening a new branch;
- (C) Instituting any joint degree program, whether within the college or university affiliated with the law school or another institution;
- (D) Merging or affiliating with another law school, college, or university, or severance from a law school, college or university, or modifying the law school's relationship with its affiliated college or university;
- (E) Offering a new program in law study, either a non-degree or non-professional degree program, or a degree program beyond the first professional degree in law;
- (F) Sponsoring or offering any program or class for law study credit, that will meet more than ten (10) miles from the site of the law school, or outside the state where the law school is situated, or in multiple locations;
- (G) Changing the name of the school;
- (H) Changing from a non-profit to a profit making institution or vice versa; and
- (I) Changing the ownership of the school.

RULE SEVEN: WITHDRAWAL OF REGISTRATION

Section 7.01 Notice of Noncompliance. If the Committee believes a registered law school is not in full compliance with these Rules, the Committee will notify the school in writing stating the reasons for the belief.

Section 7.02 Response by Law School. The school must within fifteen (15) days of receiving the notice file a response demonstrating that it is in compliance, or if not, what steps the school is taking to achieve compliance. The law school must submit the required fee with its response. If the Committee determines, based on the school's response, that the law school complies with these Rules, or that the steps taken or to be taken are adequate, the Committee will notify the school within thirty (30) days following its determination.

Section 7.03 Site Inspection and Report. If the Committee believes, based on the school's response, that the law school does not comply with these Rules, or that the steps taken or to be taken are inadequate, the Committee will schedule a site inspection within thirty (30) days, at the school's expense, to determine whether the school complies with these Rules, or whether the steps taken or to be taken are adequate. The inspection will be conducted according to the procedures in Section 4.04 of these Rules. Within thirty (30) days after the site inspection, the inspection team will prepare a report with recommendations and submit it to the Committee and the Committee will send a copy to the law school.

Section 7.04 Request for Hearing. If, based on the report, the Committee advises the school that it is not in compliance with the Rules, that steps taken or to be taken are inadequate, probation of the school is recommended, or that termination of registration is recommended, the law school may request a hearing within fifteen (15) days after receiving the Committee's notice.

Section 7.05 Hearing Procedures. If the law school timely requests a hearing, the hearing will be held before the Committee at a time mutually agreeable to the Committee and the school, but within sixty (60) days after the Committee receives the school's request for a hearing.

(A) The hearing need not be conducted according to common law or statutory rules of evidence. Any relevant evidence is admissible if it is the kind of evidence on which responsible persons rely in the conduct of serious affairs. The rules of privilege in the California Evidence Code or required by the United States or California Constitutions will be followed. The law school has the burden of establishing its compliance with the Registration Rules.

(B) All parties may be represented by counsel.

Section 7.06 Action by the Committee. Following the hearing, the Committee will determine the school's compliance based on the entire record, including materials presented at the hearing.

The Committee may take any action affecting the law school's registration that the Committee considers appropriate, including termination of registration. The Committee, in its discretion, may do any or all of the following with respect to its decision:

(A) Publish the decision

(B) Send the decision to students enrolled in the school;

(C) Send the decision to the Supreme Court of California; and/or

(D) Send the decision to the Attorney General of the State of California.

Section 7.07 Probation. If the Committee decides the school is not in compliance with the Registration Rules and that steps taken are inadequate, but that perceptible progress has been made toward compliance, the Committee may place the school on probation for a specified period of time.

(A) During the probation period, the Committee may impose conditions on the school, including interim inspections and progress reports.

(B) During the probation period, students will be deemed enrolled at a registered school and the school's degree granting authority will continue.

(C) At least thirty (3) days before the probation period expires, the Committee will determine whether sufficient progress has been made toward compliance or whether it will proceed to withdraw the school's registration. The school will be notified of the Committee's decision.

Section 7.08 Effect of Withdrawal of Registration. If the Committee decides to terminate the law school's registration, the Committee will specify a date on which the school's registration will end. Students attending the law school will be deemed enrolled at a registered law school until the termination date. At the time registration is withdrawn, the Committee will also terminate degree-granting authority for the law program.

Section 7.09 Review by the Supreme Court. A law school may seek review of the Committee's action before the California Supreme Court pursuant to the rules of that Court.