



May 20, 2024

Dr. Herman Bounds
Director, Accreditation Group
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Written comments: Western Association of Schools and Colleges, 89 FR 31171,
Doc. No. 2024-08770

Dear Dr. Bounds,

I am writing in response to the call for third-party comments, announced on April 24, 2024, in the Department of Education's Notice, *Accrediting Agencies Currently Undergoing Review for the Purpose of Recognition by the U.S. Secretary of Education*. My comments concern the Western Association of Schools and Colleges, Senior College and University Commission (WSCUC) and the senior Department official's (SDO) decision letter dated May 31, 2023. The SDO letter requires WSCUC to demonstrate compliance with 34 C.F.R. 602.28(b),(c), and (d), stemming from WSCUC's decision to accredit Thomas Jefferson School of Law (TJSL), even though the American Bar Association placed the school on probation and subsequently terminated its accreditation during TJSL's WSCUC review period.¹

We previously have submitted written² and oral comments³ raising concerns about WSCUC's lack of expertise in legal education and lack of rigor with respect to accrediting law schools, and those concerns persist. The American Bar Association (ABA) is the nation's main accreditor for law schools. It maintains specific requirements

¹ U.S. Department of Education, Final Staff Report, WASC Senior College and University Commission, NACIQI Meeting (Feb. 28, 2023), p. 26-27, <https://surveys.ope.ed.gov/erecognition/#/public-documents> ("It appears that during this review period, the Thomas Jefferson School of Law was put on probation by the American Bar Association (ABA) on 11/03/2017, and lost that accreditation in May of 2019. The school was in a Candidacy (preaccreditation) status with WSCUC from July 8, 2016 to July 12, 2021, at which time it was granted initial accreditation.").

² Veterans Education Success, Our Letter to the Department of Education on the Western Association of Colleges and Schools, Senior College and University Commission (WASC SR) (Jan. 20, 2022). <https://vetsedsuccess.org/our-letter-to-the-department-of-education-on-wasc-sr/>.

³ Veterans Education Success, Our Oral Comment to NACIQI Regarding the Western Association of Schools and Colleges (WASC)- Winter 2023 Meeting (Mar. 1, 2023), <https://vetsedsuccess.org/our-oral-comment-to-naciqi-regarding-the-western-association-of-schools-and-colleges-wasc-winter-2023-meeting/>.

for “black letter law” training, as well as legal writing, analysis, and research requirements. The ABA also sets requirements regarding the standards for professors’ qualifications and law school facilities, in addition to requiring a law school to prove its ability to successfully educate lawyers as demonstrated by a minimum 75% pass rate on bar exams. In contrast, WSCUC has none of these requirements and has not established rigorous substitutes to the ABA standards. The lack of rigor calls into question whether WSCUC is a “reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits,” as is required by 34 C.F.R. 602.16(a).

In 2019, Thomas Jefferson School of Law lost its ABA accreditation due, in part, to low bar passage rates.⁴ For July 2023 (the most recent exam statistics available), TJSL’s bar passage rate was **4%** for first-time takers of the California Bar Exam and **20%** for students who repeated the exam.⁵ Its passage rate for February 2023 was **25%** for first-time takers and **24%** for repeaters.⁶ Presently, the only action that appears to have been taken by WSCUC in relation to the law school’s low bar passage rates was to request a progress report, to be submitted by December 1, 2024.⁷

Another law school accredited by WSCUC, San Francisco Law School of Alliant International University, similarly raises serious concern about WSCUC’s lack of expertise in legal education and lack of rigor in accrediting law schools. As of August 2023, San Francisco Law School is no longer recognized as a state-accredited law school in California, and it does not appear to have ever been recognized by the American Bar Association. The California State Bar describes the law school’s status in the following manner: “San Francisco Law School’s [state accreditation] was terminated effective August 18, 2023, and its San Diego Law School campus closed permanently as of that date. The law school’s Emeryville campus transitioned to registered, unaccredited distance learning status....”⁸ This derecognition by the state of California

⁴ American Bar Association, Section of Legal Education and Admissions to the Bar, Council Decision, Notice of Probation and Specific Remedial Action, Thomas Jefferson School of Law (Nov. 2017), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/PublicNoticeAnnouncements/2017_november_%20thomas_jefferson_school_of_law_probation_authcheckd.am.pdf and American Bar Association, Memorandum, Withdrawal of Approval: Thomas Jefferson School of Law (Jun. 10, 2019), https://www.tjssl.edu/sites/default/files/thomas_jefferson_public_notice.pdf.

⁵ The State Bar of California, General Statistics Report, July 2023 California Bar Examination, <https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/July-2023-CBX-Statistics.pdf>.

⁶ The State Bar of California, General Statistics Report, February 2023 California Bar Examination, <https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/February-2023-CBX-Statistics.pdf>.

⁷ WASC Senior College and University Commission, Letter to Kenneth Vandeveld, Thomas Jefferson School of Law (Mar. 6, 2024), <https://wascsenior.app.box.com/s/7inwd77fxew9d185apm4c5wfhx4ywugb>.

⁸ The State Bar of California, Law Schools, <https://www.calbar.ca.gov/Admissions/Law-School-Regulation/Law-Schools>. The State Bar further explains that “this law school was an accredited law school until the Committee of Bar Examiners

should, alone, raise serious questions about WSCUC's continued accreditation of the law school.

Also concerning is the San Francisco Law School's bar passage rate, which, in July 2023, was **5%** for students who repeated the exam, with no information available for first-time takers.⁹ The passage rate for students who repeated the exam in February 2023 was **25%**, again with no information available for first-time takers.¹⁰ In July 2022, the passage rate for first-time takers was **7%** and the rate for repeaters also was **7%**.¹¹ Nevertheless, San Francisco Law School remains eligible to receive title IV funding due to WSCUC's continued stamp of approval.¹²

WSCUC appears to have not taken any action in response to San Francisco Law School's abysmal bar passage rates or its loss of recognition by the state of California. The U.S. Department of Education accreditation database shows continued accreditation by WSCUC.¹³ Alliant International University's entry in WSCUC's directory of institutions includes the Law JD program.¹⁴ The most recent WSCUC action in regards to Alliant International University is its reaffirmation letter from March 3, 2021, two years prior to the law school's loss of accreditation by California in August 2023.¹⁵ Notably, the reaffirmation letter states that Alliant International University is scheduled to provide an Interim Report by November 1, 2023, to address, among other matters, "student success in the San Francisco Law School by providing bar passage rates, including trends, and annual student achievement reports since 2020."¹⁶ There is no further update in the directory on this matter; in fact, the directory still identifies the law program as "on-site modality," with no reference to the change to "distance learning" documented by the California Bar.¹⁷

terminated [its] accreditation due to noncompliance with Rule 4.160(D), Minimum Cumulative Bar Exam Pass Rate. It transitioned to registered, distance status on August 18, 2023, and will begin accepting applications for classes beginning fall 2024."

⁹ See note 5.

¹⁰ See note 6.

¹¹ The State Bar of California, General Statistics Report, July 2022 California Bar Examination, <https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/July-2022-CBX-Statistics.pdf>.

¹² Alliant International University, San Francisco Law School, Financial Resources tab, <https://sfls.edu>.

¹³ U.S. Department of Education, Database of Accredited Postsecondary Institutions and Programs, Alliant International University-San Francisco Law School (showing WASC Senior College and University Commission as institutional accreditor), <https://ope.ed.gov/dapip/#/institution-profile/102854/102854007>.

¹⁴ WASC Senior College and University Commission, Law JD, Alliant International University, <https://www.wscuc.org/program/law-jd/>.

¹⁵ WASC Senior College and University Commission, Alliant International University, <https://www.wscuc.org/institutions/alliant-international-university/>.

¹⁶ WASC Senior College and University Commission, Letter to Andrew Vaughn, Alliant International University, p. 2 (Mar. 3, 2021), <https://wascsenior.app.box.com/s/18z0opewq67ug9trya88lnc8jpk2hz3>.

¹⁷ See note 14.

We urge the Department and NACIQI to require WSCUC to explain its lax oversight and continued recognition of low-performing law schools. As directed in the SDO letter, WSCUC must provide a thorough explanation as to why the ABA's decision to terminate TJSJ's accreditation did not preclude WSCUC from accrediting TJSJ.

Additionally, the areas of noncompliance identified in the SDO letter may still persist in light of WSCUC's apparent inaction after San Francisco Law School's change to "registered, unaccredited" status by the California Bar. Consistent with the SDO letter, WSCUC must demonstrate that it holds schools accountable for meeting quality standards when it has evidence the school is failing to meet the standards of other agencies.¹⁸ WSCUC must demonstrate to the Department and the Committee that it exercises appropriate oversight to protect students and taxpayers from low-performing and risky law schools.

More broadly, WSCUC must demonstrate why it is in the business of accrediting any law school, given its lack of expertise in legal education and its decisions to accredit law schools that have been rejected by bodies that do have expertise in legal education.

Thank you for the opportunity to provide comments and for your consideration of our input regarding WSCUC. We trust that you will require WSCUC to come into full compliance before concluding the recognition process.

¹⁸ U.S. Department of Education, Senior Department Official/Secretary's Decision Letter, WASC Senior College and University Commission, NACIQI Meeting (Feb. 28, 2023), <https://surveys.ope.ed.gov/erecognition/#/public-documents>.

The SDO decision letter directed WSCUC to demonstrate its compliance with 34 C.F.R. 602.28(d), which provides:

If the agency learns that an institution it accredits or preaccredits, or an institution that offers a program it accredits or preaccredits, is the subject of an adverse action by another recognized accrediting agency or has been placed on probation or an equivalent status by another recognized agency, the agency must promptly review its accreditation or preaccreditation of the institution or program to determine if it should also take adverse action or place the institution or program on probation or show cause.

If the relevant circumstances do not occur during the compliance report period, WSCUC must be able to document that the circumstances did not occur during that time.

Perhaps WSCUC will contend that the actions by the California State Bar do not implicate the above section. WSCUC, however, should not be allowed to hide behind a hypertechnical reading of the SDO letter when confronted with evidence that the law schools accredited by WSCUC are not meeting even minimal standards with respect to bar passage rates or recognition for accreditation by the California State Bar.

Sincerely,

Allison Muth

Allison Muth
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Veterans Education Success