

# Criteria for Accepting Credit for Student Study at a Foreign Institution

## Preamble

The Council has adopted three sets of Criteria applicable to study abroad: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Foreign Semester and Year-Long Programs; and Criteria for Accepting Credit for Student Study at a Foreign Institution.

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies in a foreign country unless those studies are approved in accordance with the *Rules of Procedure for Approval of Law Schools* and *Criteria* adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The ABA's oversight role with regard to study abroad programs is designed to provide assurance of a sound educational experience in a study abroad program sponsored by an ABA-approved law school.

The Criteria related to study abroad provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the law school's mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the *Standards for the Approval of Law Schools*.

These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.

*The ABA Standards and Rules of Procedure for the Approval of Law Schools* shall apply to study abroad programs except as modified by the Criteria or by necessary implication.

For the purpose of these Criteria the following definitions apply:

- "law school" refers to an ABA-approved law school.
- "foreign institution" refers to the institution outside the United States at which a student from an ABA-approved law school is studying to receive credit toward the law school J.D. degree.

**I. Criteria Applicable to all Student Study at a Foreign Institution****A. Course of Study**

1. The law school must ensure that the content of the studies at the foreign institution is such that credit would have been granted towards satisfaction of degree requirements of the law school.
2. To be approved for credit toward the J.D. degree, the course of study must be related either to the socio-legal environment of the country in which the foreign institution is located, or it must have an international or comparative focus.
3. A law school that permits students to undertake foreign study under these Criteria shall develop and publish, prior to approving any foreign study, a statement that defines the educational objectives the law school seeks to achieve in allowing students to study abroad for credit toward the J.D. degree. Publication should usually be on a website, in an announcement or brochure, or in writing directly to prospective students.
4. Academic Advisor
  - (a) The law school must appoint an academic advisor for any student studying at a foreign institution. The academic advisor must approve in advance the student's academic course of study to be undertaken at the foreign institution. The academic advisor must be a faculty member or a law school administrator who has the training or experience to permit effective approval and monitoring of foreign study by law students.
  - (b) The student and the academic advisor shall develop a written plan to define the educational objectives a student seeks to achieve during a period of study abroad. The plan shall specify the methods to be used in evaluating the student's attainment of those objectives. If changes occur, such as a course change or cancellation, the student and the academic advisor shall reexamine the written plan to determine whether the approved foreign study continues to satisfy the stated educational objectives.
5. The law school must ensure that course materials and methods of evaluation of student performance are satisfactory for the award of credit at the law school.
6. The law school must ensure that a student approved for foreign study under these Criteria is proficient in the language of instruction.
7. The law school must ensure that any student who studies at a foreign institution has reliable access to library resources that are adequate to meet the educational objectives of the course of study.
8. The law school must offer students at or shortly after the conclusion of the period of study abroad an opportunity to evaluate in writing the faculty, courses offered and the experience at the foreign institution.
9. The law school must ensure that there is a contact person at the foreign institution and must provide the contact information for that person to each student studying at the foreign institution.

**B. The foreign institution. The foreign institution must be:**

1. government sanctioned or recognized, if educational institutions are state regulated within the country;
2. recognized or approved by an accrediting agency, if such an agency exists within the country; or
3. chartered to award first degrees in law by the appropriate authority within the country.

C. Academic Credit

1. Credits toward the J.D. degree for all foreign study shall not exceed one third of the credits required for the J.D. degree at the law school.
2. An exception to Standard 304(a), regarding the length of the course of study, and to Standard 304(b) and Interpretation 304-4, regarding required minutes of instruction per credit, is inherent in the Criteria for Accepting Credit for Student Study at a foreign institution. In awarding credit, a law school must determine appropriate comparability between the foreign course and the regular law school curriculum.
3. The law school shall ensure that no credit is given for field placements (e.g., in a law firm, government office, or corporation) unless the field placement is consistent with the requirements of Standard 305.
4. The law school shall ensure that no credit is given for distance education unless the courses are consistent with the requirements of Standard 306.

D. Students. Only students who have completed one year of full-time or part-time study and are in good standing at the law school may participate in foreign study under these Criteria.

E. Fees. The law school shall make known to students any costs in addition to tuition that are charged by the foreign institution, including any fee that is charged for transferring or receiving credit earned at the foreign institution.

F. State Department Travel Information

1. The law school shall supply the U.S. State Department Country-Specific Information for the country(ies) in which the foreign study will be conducted. If the Country-Specific Information for the country(ies) is revised prior to or during the period of foreign study, the updated information must be distributed promptly to students.
2. Travel Warnings and Travel Alerts
  - a. If, prior to the commencement of the foreign study, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the foreign study will be conducted, all students must be notified promptly and be given an opportunity to withdraw.
  - b. If, during the period of foreign study, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the foreign study is being conducted, students must be notified promptly and given an opportunity to withdraw.

G. Refund Policy. The law school must adopt policies regarding the circumstances and timing of the refund of monies advanced by students.

H. Disclosures. When the law school has an ongoing or announced relationship with a foreign institution, the following information must be published to each prospective student in a timely fashion, usually on a website for that purpose, in the initial announcement or brochure, or in writing directly to prospective students, but, in any event, prior to the date when the student must commit or pay a nonrefundable deposit, whichever is earlier:

1. The nature of the relationship with the foreign institution;
2. The number of students from the law school who studied at the foreign institution in the previous year;

3. Requirements for student performance and grading methods;
4. Name, address, telephone and email address of the contact person at the foreign institution;
5. The extent to which the country, city, and facilities are accessible to individuals with disabilities;
6. Circumstances under which the study at the foreign institution is subject to cancellation, what arrangements will be made in the event of cancellation and information regarding prior cancellations, if any;
7. Information on the availability, approximate cost, and location of housing;
8. Refund policies, in accordance with Standard 509(c)(1).

## **II. Procedures for Review**

- A. To assist the Accreditation Committee in monitoring compliance with these Criteria, a law school shall complete an Annual Questionnaire in the form specified by the Council.
- B. The law school must retain student evaluations done in accordance with Section I.A.8. and any student complaints for review by sabbatical site teams.
- C. The Accreditation Committee may ask for further information in any year where responses to the questionnaire suggest that the law school is out of compliance with these Criteria. Examples of actions or changes that might trigger this review include:
  1. failure to timely file the annual questionnaire;
  2. submitting an incomplete questionnaire;
  3. changes in the curriculum that significantly reduce the comparative or international focus of the course of study;
  4. a persistent pattern of complaints by students regarding the quality of the educational experience.
- D. If the Accreditation Committee has reason to believe that a law school is not operating in compliance with these Criteria, the Accreditation Committee shall proceed with an action under Rule 13(a).