Model Standards for Distance Learning for Legal Education

As an increasing number of law schools implement distance learning courses—as well as entire distance learning programs—an increasing number of schools and administrators request guidance and standards. These model standards set forth recommended practices for providing student services and ensuring student engagement and interaction for directors, deans, administrators, and faculty that are involved in developing, administering, and supporting these distance learning programs. In addition to online teaching standards, these policies set forth key aspects of programs including student services, access to information, distance learning student registration, financial aid, billing, and accounting, career services and scheduling, alumni relations, accessibility, academic advising, and technology.

Standard 1. RESOURCES FOR PROVISION OF STUDENT SERVICES

Standard 1.1
A school must maintain an adequate infrastructure for distance education, including, but not limited to, staffing, technology, and infrastructure sufficient to meet the needs of distance learning students and the faculty and staff that serve them, and system security sufficient to adequately protect/prevent release of sensitive, confidential information.

Standard 1.2
The infrastructure for the provision of student services for distance education should be sufficient to provide a level of service that is of equivalent quality, though not necessarily identical, to those provided for residential post-JD students in comparable degree programs.

Standard 1.2 Interpretation
Resources accessible to online students should include, at minimum, the following:

(A) *An online admissions process that has effective (as tested) fraud protection but provides applicants the ability to electronically sign their admissions application and enrollment agreement.*

- *Real-time communications with applicants utilizing Skype, Facetime, or other live video enabled communication platform may be used to verify English-language ability of foreign students.*

(B) *Financial aid application assistance by a trained Financial Aid officer for students who may be eligible.*

(C) *Secure systems for course registration, billing and accounting, and posting of grades.*
- *Secure student access to registration, billing and accounting, grade information, and applicable forms, preferably via an online portal*
- *Online forms are the norm in distance learning and should be used when feasible.*

(D) *Online library and legal research resources that are adequate for the student's academic program, and training on how to use them (e.g., through Webinars, LibGuides, etc.).*

(E) *Sufficient interaction between professor and student to meet mandated interactivity requirements (where applicable), optimize learning and facilitate assessment (e.g., tutorials in asynchronous and hybrid courses, online chat sessions, Ask Your Professor discussion forum), as well as meet all relevant mandated interactivity requirements.*

(F) *Technical support available to students and faculty 24/7. For hybrid classes, technical support should, at minimum, be available during all synchronous instruction times and times when students are likely to need support (e.g., exams or projects).*

(G) *Career services and counseling resources.*

(H) *Academic advising resources, including but not limited to:*

    (1) *Writing clinic;*
    (2) *Advising appointments by phone, Skype, FaceTime, webinar or other "face-to-face" interactive technology;*
    (3) *Academic success program participation;*
    (4) *Alumni mentoring; and*
    (5) *Subject matter tutoring.*

(I) *Online textbook ordering and textbook information for those courses requiring the purchase of textbooks.*

Standard 2. ACCESS TO INFORMATION

Standard 2.1
A school must provide distance learning students with access to information that is comparable to information provided to residential students and sufficient for the smooth functioning of the distance education program.

Standard 2.2
A school must provide detailed orientation for new distance learning students, addressing how to access all aspects of the distance learning experience, including but not limited to, school policies and procedures, program–specific policies and procedures, student services, applicable program policies and procedures and other available programs.

Interpretation 2.2.1
Information may be provided to students in a welcome letter, in an online orientation program, and/or in a student handbook made accessible to the students.

(A) *Welcome Letter. A welcome letter to admitted students should indicate how to access the orientation program, any supporting materials, and the student portal where information can be accessed. The welcome letter may also include:*

    (1) *Notification to students on how to obtain a hard copy of an acceptance letter (some employers need this).*

    (2) *A link to an "Intent to Enroll" form confirming a student's acceptance of the offer, terms and conditions of admission, intended start date, and whether they intend to secure financial aid.*

- *The "Intent to Enroll" form should be signed by the student and should include acceptance of the school's term of enrollment, which should be made available on the school's website.*

(3) *Reference to the student Code of Conduct and an acknowledgment that the student has read and agreed to abide by them.*

(4) *A link to the Financial Aid forms, including FAFSA, Entrance Loan Counseling and Master Promissory Note, along with deadlines for completion and contact information for assistance.*

(5) *Notification to students that they should expect to receive an email from the Technology Department creating a school email account and instructions on how to set the password.*

(B) *A school should provide a robust online student orientation program, specifically targeted to the online learning community and sufficient to ensure that the student has all of the necessary tools and equipment to succeed in an online class.*

(1) *Attendance and completion of orientation should be required prior to commencing studies.*

(2) *Orientation may be synchronous or asynchronous, but a record must be kept of student attendance and completion of the orientation program.*

(3) *Orientation should cover, at minimum, the following topics:*

(a) *Policies regarding student conduct;*
(b) *Curriculum and degree requirements;*
(c) *Course registration;*
(d) *How to apply for financial aid, and all applicable deadlines;*
(e) *How students will be billed for tuition and fees, and how to make payments;*
(f) *Policies on withdrawal from courses and from the program (including tuition refund policy), and requirements for leaves of absence;*
(g) *How to set up a school email account, and what it will be used for;*
(h) *A warning to check school email regularly for course and billing related communications; federal privacy laws require use of secure email for official communications.*
(i) *How to obtain a student ID;*
(j) *How to obtain information about available courses;*
(k) *How to order any required textbooks;*
(l) *How to access the academic calendar and class schedule for their courses;*
(m) *How to access library resources and set up accounts with Lexis, Westlaw, and other providers;*
(n) *The required technology for accessing the classroom;*
(o) *How to access the 24/7 help desk and how to get help in case of a technology problem;*
(p) *How to obtain academic advice;*
(q) *How to obtain career counseling and job placement assistance;*
(r) *Contact information, including the availability of counseling in case personal issues interfere with their studies.*

Standard 2.3

A school should provide distance learning faculty with sufficient access to all information they require to perform their duties.

Interpretation 2.3.1

(A)   *A school should provide adequate training, orientation, and supervision to online faculty so that they have access to all information they need.*

     (1)   *Training should include both how to use relevant technology, how to address/resolve frequently encountered technical/system issues, and the pedagogical aspects of online teaching.*

     (2)   *Training should be provided in sufficient time before the faculty member begins teaching to permit the faculty member to utilize the platform, achieve a reasonable level of comfort, and have all questions answered and issues addressed.*

(B)   *A school should implement a plan for monitoring and evaluating the performance of online faculty so they have adequate feedback; and to ensure that online faculty who fail to perform adequately are provided with the tools to improve performance.*

Standard 2.4
Academic policies and procedures governing distance education should be clearly articulated and made accessible to all students to whom they apply.

Interpretation 2.4.1

(A)   *The Student Handbook should be readily accessible online and new students should sign an acknowledgment that they have reviewed it and agree to comply with it before being permitted to start the program.*

(B)   *The Handbook should be introduced in a welcome letter and explained in orientation.*

(C)   *The Handbook should include all major policies applicable to the program, in easily accessible and searchable form.*

Standard 2.5
Academic policies and procedures, including the applicable Code of Conduct, should be tailored for the distance learning environment and cover the kinds of misconduct that are known and/or reasonably foreseeable in a distance learning environment.

Interpretation 2.5.1

(A)   *The Handbook should include a Student Code of Conduct with particular emphasis on the Honor Code for Academic Integrity and Honesty and a list of Prohibited Conduct and Violations. (e.g., Plagiarism)*

(B)   *The Code of Conduct should cover prohibited online conduct such as bullying, flaming and hacking.*

(C)   *A school should maintain adequate policies to protect its intellectual property rights in content made available to online students, and should use technological and other means to prevent online students from unauthorized copying and misuse of that content.*

Standard 3.   REGISTRATION FOR DISTANCE LEARNING STUDENTS

Standard 3.1
Distance learning students should have access to a registration process that, to the extent feasible, is comparable to the process of registration for residential students, and that adequately protects their rights as consumers in choosing courses.

Interpretation 3.1.1

(A)   *Adequate information should be made available to students at the time of registration for them to make an informed choice of courses.*

(B)   *Adequate time prior to the commencement of classes should be allowed for students to register for classes and purchase any required textbooks or materials.*

(C)   *Students should be permitted to drop courses without charge during institution's standard "Add/Drop" period.*

(D)   *Registration forms should be available online and electronic signatures on online forms should be accepted, using e-sign technologies that are widely available, so as not to disadvantage online students. Examples of online forms include but are not limited to Leave of Absence, Course Withdrawal, Program Withdrawal, Deferment, Credit Transfer, Request to Graduate, Intent to Enroll, and Enrollment Agreement.*

Standard 3.2
Registration information should be promptly communicated to faculty and reflected in the learning management system (LMS).

Interpretations 3.2.1

(A)   *LMS's should be set up to interface with registration systems so that registrations and withdrawals are reflected automatically in the LMS.*

(B)   *Withdrawals not communicated to faculty can result in faculty spending time on assessment and monitoring of students who are no longer enrolled. LMS's and/or registration systems should include emailed notifications to faculty of withdrawals and late registrations.*

(C)   *Unregistered and withdrawn students should be denied access to the LMS.*

(D)   *Guest registrations may be permitted with an administrator's consent if there is a valid academic purpose but only if security protocols are followed.*

Standard 4.   FINANCIAL AID, BILLING, AND ACCOUNTING

Standard 4.1
Financial aid, billing and accounting practices should be adapted for distance learning students so as to alleviate the disadvantages caused by not being on campus.

Interpretation 4.1.1

(A)   *Dedicated personnel should be made available to assist online students with their Financial Aid application forms to the same extent that such assistance is provided to residential students.*

(B)   *Students should be able to access their anticipated financial aid award and billing statement.*

(C)   *Students should have the option of paying tuition online.*

(D)   *Students should have access to a secure link with appropriate security protocols in place (e.g., password, CAPCHA) to provide a Social Security number to obtain 1098-T information.*

(E)   *Students should be able to update their contact information online and should be warned of the possible consequences of failure to keep it up to date.*

(F)   *Contact information should be provided to online students who believe there has been a billing or accounting error.*

(G)   *Financial Aid practices should be divorced from admissions and enrollment to the same extent as they are for residential students.*

Standard 5.   CAREER COUNSELING AND PLACEMENT SERVICES

Standard 5.1
Career counseling and placement services should be made available to meet the needs of distance learning students that are comparable to the services provided to residential students, to the extent feasible. Distance learning students should not be discriminated against because of their status.

Interpretation 5.1.1
Any limitations on career counseling and placement services made available to online students relative to those available to residential students should be fully disclosed in advance prior to a student's commencement of the program.

(A)   *For example, if placement services are not provided to online students, or if placement services provided to online students do not cover certain regions, this information should be disclosed.*

(B)   *Career counseling and placement services for online students should be provided by persons experienced or trained in the provision of these services, to the same extent as for residential students.*

Standard 5.2
Career counseling should be reasonably adapted to the distance learning medium.

Interpretation 5.2.1

(A) *Effort should be made to overcome geographical limitations through the use of online databases, alumni networking, and invitations to alumni events.*

(B) *Relevant job opportunities should be posted and publicized in a medium that is accessible to online students.*

(C) *Schools offering online programs should take advantage of their technology to facilitate serving students in geographic areas remote from the school.*

   (1) *For example, video conferences and Webinars with recruiters knowledgeable about particular job markets might be offered both live and in recorded form.*

   (2) *Similarly, career counselors can take advantage of Skype and Web conferencing where necessary to avoid undue cost to students in other countries who are seeking assistance.*

(D) *Career counseling and placement policies and advice should be included in an online manual available to students. This should include advice on resume preparation, interviewing, and identifying job opportunities.*

Standard 6.   SCHEDULING

Standard 6.1
Scheduling should take advantage of the distance learning medium, for example by offering multiple starting points and asynchronous class options.

Standard 6.2
Scheduling of classes should accommodate the needs of distance learning students who are employed, have familial or other critical obligations, or are situated in different time zones.

Interpretation 6.2.1
Synchronous classes should be scheduled for times when the largest number of online students are likely to be able to attend.

(A) *If many students are located in the U.S., late afternoon/early evening starting times (in U.S. time zones) should be considered. Where a significant number of students are located in the Eastern Hemisphere, early morning (in U.S. time zones) starting times should be considered.*

(B) *Weekend times should be considered for synchronous classes; however, bear in mind that students who have children in school may find weekdays preferable.*

Standard 6.3
Because many distance learning students have competing commitments such as family and work duties, class schedules and the dates and times of examinations and other assessments should be established well

in advance, with adequate notice to registered students.

Interpretation 6.3.1

(A)   *Class schedules and examination schedules, if any, should be posted online and made available to students at the time of registration.*

(B)   *Absent an emergency, not less than one week's notice should be given of exceptions and changes to the class schedules.*

Standard 6.4
While one of the advantages of distance education is flexibility in the number and frequency of entering points for students to begin their studies, scheduling should allow adequate time between terms.

Interpretation 6.4.1

(A)   *Adequate time needs to be left at the end of the term for assessment, for example, open-book exams or completion of term papers.*

(B)   *Terms should be scheduled to allow sufficient time after the end of the term for grading and posting of grades, SAP review, and completion of registration for the following term. Normally this requires a minimum of two weeks between terms.*

Standard 7.   ALUMNI RELATIONS

Standard 7.1
Distance Learning alumni should be given the same opportunity to participate in alumni activities and events as alumni of a residential program, to the extent feasible.

Interpretation 7.1.1

(A)   *Graduating distance learning students should be included in the alumni databases for purposes of fundraising and other activities. However, a separate distance learning alumni database should also be maintained to facilitate communications uniquely targeted to distance learning alumni.*

(B)   *Graduating distance learning students and alumni should be encouraged to serve as mentors for other distance learning students in need of career contacts and advice.*

(C)   *All distance learning alumni should be included in alumni events. Due to the distance factor, online events should be scheduled especially for alumni of the distance learning program.*

(D)   *Online technology should be considered for use in general alumni events.*

Standard 8.   ACCESSIBILITY

Standard 8.1
Online programs should be accessible to persons with disabilities, in compliance with applicable federal

(ADA) and state laws.

Interpretation 8.1.1

(A) *Procedures and forms should be established so that online students in need of accommodations due to disability can obtain them.*

(B) *Any necessary forms should be accessible online, and electronic signatures should be accepted. (e.g., Disability Accommodation Request form)*

(C) *Online content should be made accessible for students with hearing and vision disabilities, to the extent feasible and required by law.*

(D) *The school should provide a dedicated counselor to assist students with accommodation requests, regardless of whether the students are online or residential.*

Standard 9.   ACADEMIC SUPPORT AND STUDENT ENGAGEMENT

Standard 9.1
Academic support should be made available to distance learning students to an extent comparable to the academic support made available to residential students enrolled in similar programs.

Standard 9.2
Due to the challenges of maintaining student engagement in a distance learning program, especially if the program is asynchronous, a school should have an early alert system to identify at-risk distance learning students and provide timely intervention.

Interpretation 9.2.1
Each student's participation should be monitored on a weekly or biweekly basis.

Standard 9.3
Academic counseling should be made available to distance learning students by faculty or by staff who are knowledgeable about the subject matter of the program.

Standard 10. TECHNOLOGY AND STUDENT ENGAGEMENT

Standard 10.1
Distance learning instruction should significantly engage students and take full advantage of the unique benefits of the distance learning medium. Instructional technology should promote these goals.

Interpretations 10.1.1

(A) *Technology for synchronous instruction should allow the professor to see the students and the students to see the professor.*

(B) *Production values in recorded asynchronous modules should utilize the richness of the medium.*

- *Production values should be strong and include both lecturer and message.*

(C) *Consistent with existing research findings, recorded lectures should be delivered in pods of 5 to 15 minutes to keep students engaged and to limit bandwidth problems.*

(D) *Even in asynchronous courses, the student should be afforded a reasonable opportunity to interact with the professor and to ask questions.*

- *Weekly or biweekly tutorials or office hours can satisfy this requirement.*

Standard 10.2
Distance learning technology should be user-friendly.

Interpretation 10.2.1

(A) *The learning management system (LMS) should be both user-friendly and visually engaging.*

(B) *High-quality video and audio in recorded and live content are important in student retention.*

(C) *Technical problems can be a cause of low participation, which in turn leads to low retention. Adequate training must be given to students and faculty on how to use the LMS and virtual classroom. Use of a facilitator in synchronous classes to troubleshoot technical problems in real time is encouraged.*

(D) *800-number and Skype audio options should be available for students experiencing audio or connectivity problems.*

(E) *Asynchronous classes can achieve a "live and current" feeling through multimedia content, multiple links to other content, multiple formats, and questions for the student.*

Standard 10.3
Tech support for distance learning students should be available 24/7 or at the hours when students are most likely to need it, and such support should be prompt to respond and easy to access.

Standard 10.4
An LMS should include features that facilitate the monitoring of student participation.

Standard 10.5
To accommodate distance learning student schedules, technology for synchronous classes should enable such content to be recorded in a format that can be made available to students outside live class hours.

Interpretation 10.5.1
Recorded content should be resident on or transferrable to servers controlled by the school in order to avoid losing content in case the school decides to change technology providers.

Standard 10.6
A school should utilize an assessment system in its distance learning courses that includes adequate controls against cheating and plagiarism.

Interpretation 10.6.1

(A)   *Controls against cheating should include verification of student identity through password protection and online proctoring or other verification method for timed examinations to ensure that the student registered for the class is the person taking the examination. (See Standard 306(g) and Interpretation 306-2, American Bar Association Standards for Approval of Law Schools ["ABA Accreditation Standards"].) Any fees or charges regularly imposed for online proctoring or other verification methods must be disclosed at the time of registration or enrollment. (ABA Accreditation Standard 306(g).)*

    (1)   *Verification of student identity may include the use of an online exam proctoring service such as Acxiom, Securexam, and Webassessor.*

    (2)   *This may be required by the Higher Education Act of 2008.*

(B)   *Plagiarism checking must be done for at least a sample of submitted assignments. Checking should include the use of systems such as Turnitin and SafeAssign (Lexis Web Courses) and integrated into the LMS.*

Standard 10.7
The LMS should interface in real time with the school's registration and accounting systems.