

Written by Grassley Press
Tuesday, 12 July 2011 11:59

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WASHINGTON -- Working to make sure law students who take out taxpayer-backed student loans are in a position to pay back loans and to help prevent an increase in default rates, Senator Chuck Grassley is asking the American Bar Association about the quality of its accreditation of the nation's law schools.

"The ABA has tremendous power with its authority to accredit law schools in the United States," Grassley said. "Concerns about the ABA's performance have been raised by important watchdogs over this process, such as the Department of Education's accreditation experts, the National Advisory Committee on Institutional Quality and Integrity. I'm asking the ABA to account for its work on behalf of both law students and taxpayers."

In a letter of inquiry to the President of the ABA, Stephen N. Zack, Grassley cited a June article in the *Chronicle of Higher Education* that reported the ABA was "out of compliance with 17 regulations [of the Advisory Committee], including the need to consider student-loan default rates in assessing programs." Grassley also referred to an April article in *The New York Times* about ABA-accredited law schools offering "more scholarships than [they] plan to renew[.]"

"The number of students attending law school and the amount they borrow is increasing while their ability to secure jobs and pay back the loans is decreasing as jobs disappear," Grassley wrote in a letter sent today. "The result is that millions of federally guaranteed taxpayer dollars are being borrowed at the great risk that many students may not be able to pay off their loans."

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In addition to looking out for taxpayers, Grassley said his oversight of the law-school accreditation process is related to his position of Ranking Member of the Senate Committee on the Judiciary and the health of the legal profession.

Grassley is seeking a complete response from the ABA President to a number of detailed questions about the ways in which the ABA assesses eligibility for accreditation. A copy of his letter is [here](#). The text of a Chronicle of Higher Education article cited in the letter follows here. The New York Times articles cited in the letter are available [here](#) and [here](#).

June 9, 2011, The Chronicle of Higher Education

American Bar Association Takes Heat From Advisory Panel on Accreditation

By Eric Kelderman

Alexandria, Va.

The American Bar Association drew intense scrutiny on Thursday from a federal panel that reviews accrediting agencies.

The National Advisory Committee on Institutional Quality and Integrity, which advises the U.S. education secretary on accreditation issues, used a meeting here to review the applications of 10 accrediting agencies to be recognized by the federal government.

An accrediting organization must be recognized by the secretary of education in order to approve colleges and universities to receive federal student aid. The committee does not actually decide the recognition status of accrediting bodies, but makes a recommendation to the secretary based on a review carried out by members of the Education Department staff.

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Of the 10 agencies being reviewed on Wednesday and Thursday, all were recommended for continued recognition, though eight of them must submit a report within 12 months to show that they have corrected flaws revealed by the department staff.

But several members of the committee expressed reservations about approving that status for the American Bar Association, which was found to be out of compliance with 17 regulations, including the need to consider student-loan default rates in assessing programs; to solicit and consider public comments; and to set a standard for job placement by its member institutions.

Arthur E. Keiser, chancellor of the Keiser Collegiate System, said that an accrediting agency would not accredit an institution with 17 outstanding issues. "There is a real concern that this agency doesn't get it," he said.

Anne D. Neal, president of the American Council of Trustees and Alumni, was one of three committee members who opposed the motion to continue the bar association's recognition, saying that she had no confidence it would be in compliance within a year.

Representatives of the association assured the committee that the changes recommended by the department were already in the process of being carried out and would be completed in time.

The bar association also got a negative review from a group of legal faculty members, the Clinical Legal Education Association, which accused the ABA of considering changes in its standards that would "strip important protections of academic freedom and faculty-governance rights ... by eliminating tenure and security of position for deans and faculty members," according to written comments submitted by the faculty group.

Faculty members at 65 law schools as well as a half-dozen faculty associations have voiced opposition to the proposed changes, said Jennifer M. Roberts, an associate professor of law at American University and a board member of the legal-education association.

Bar-association representatives at the meeting said the changes opposed by the faculty group

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were still under consideration and had not been made final.

In the end, a majority on the federal advisory committee voted to continue the bar association's recognition, but expressed frustration that they could not take stronger actions or at least state their concerns with stronger language.

The Sting of Judgment

The Accrediting Council for Independent Colleges and Schools, which assesses more than 850 career-oriented colleges, was another agency that felt the sting of the committee's judgment.

Like most other groups under review, the council must submit a report within a year to show that it has corrected several problems. But the committee also rejected the council's request to accredit doctoral-level programs.

The council, which accredits mostly for-profit and online programs, has been piloting the accreditation of doctoral programs in business administration, computer engineering, and pharmacy for several years. But the Education Department staff's report said that the council also states that it is approved to accredit doctoral programs, though it can actually approve programs only through the master's level.

Both the Education Department staff and committee members concluded that the council was not yet prepared to approve doctoral programs, especially in the health and veterinary fields, as it proposed to do.

"They want to add 13 doctoral programs they have no experience with," said Steve Porcelli, the Education Department staff member who prepared the report on the council.

Committee members voted unanimously to accept the department's recommendation, including allowing the council to reapply for permission to oversee doctoral programs when it has met the department's concerns about standards.