



Managing Director's Guidance Memo

Standard 310

May 2016

Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.

(b) A "credit hour" is an amount of work that reasonably approximates:

(1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

Interpretation 310-1

For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An "hour" for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination.

Interpretation 310-2

A school may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work specified in Standard 310(b).

Background

This memorandum provides general guidance on the requirements of Standard 310, which adopts the federal definition of credit hours as required by the Department of Education. Under the former Standards, former Standard 304 mandated that schools require a minimum number of minutes of instruction time (58,000) as a condition for graduation, with at least a certain number of those minutes (45,000) being earned by attendance in regularly scheduled class sessions. Although it was certainly

understood that out-of-class work and time was connected to classroom sessions, there was no requirement to consider or require it as part of determining the credit hours to assign to a course. Most schools followed the illustration set forth in former Interpretation 304-4 and required a minimum of 700 minutes of instruction time (not including time devoted to a final exam) per credit in a typical “classroom instruction” course. Credit allocations for clinical and other courses that did not rely exclusively on classroom instruction were determined under the requirement that “the time and effort required and the anticipated educational benefit are commensurate with the credit awarded.”

In combination with new Standard 311, new Standard 310: (a) changes the requirement for determining the work required to earn a credit from minutes to hours; (b) restates the amount of time to include time for a final examination; and (c) adds the requirement that out-of-class work, in addition to in-class instruction time, be included in the calculation and determination of the work needed for a credit. Standard 311 mandates that schools require “not fewer than 83 credits hours” for graduation, with at least 64 credit hours earned in courses requiring attendance in regularly scheduled classroom sessions or direct faculty instruction. Standard 310 governs how schools determine the credit hours awarded for courses and other work undertaken by students.

Standard 310 does two basic things: (1) it requires that schools “adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework,” and (2) it establishes the amount of student work (in class and out of class) schools must require in awarding academic credit.

The requirement that a school adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework

As a first step, schools must adopt a written policy that conforms with the general requirement of Standard 310 that a “credit hour” is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks (including one week for final exams) or the equivalent amount of work over a different amount of time. The policy must be published in the appropriate places (student handbook, academic policies, etc.) sufficient to establish that the policy is known among the law school community and sets the expectation for the work required for the award of a credit hour.

In order to demonstrate that the school “adheres to” the adopted policy, a school must incorporate the policy into its curriculum review and assessment program, the course approval process, and the ongoing management of the school’s academic program. Certainly going forward, a school must require that new course proposals include a justification for the number of credits to be awarded that includes out-of-class work, as well as the time to be spent in class sessions. The school must also demonstrate how, through the course approval process, a curriculum review process, a process under the authority and direction of the Associate Dean for Academic Affairs or otherwise, it assures adherence to the Credit Hour Policy, by undertaking initial and periodic reviews of course descriptions and syllabi to assess whether the work assigned complies with the school’s policy for the amount of work required per credit hour, including out-of-class work that is required.

Student work (in class and out of class) required to award academic credit

Standard 310 reflects the definition of credit hour established by the Department of Education, which includes both time spent in class and time spent on out-of-class work. 34 C.F.R. §600.2 (2010).

Under former Standard 304, the focus was on 700 minutes of class time per semester. As former Interpretation 304-4 explained, “law schools on a conventional semester system typically require 700 minutes of instruction time per ‘credit,’ exclusive of time for an examination. If a law school on a semester system offers classes in units of 50 minutes per credit, it can provide 700 minutes of instruction in 14 classes. If such a law school offers classes in units of 55 minutes per class, it can provide 700 minutes of instruction in 13 classes.”

The typical amount of in-class time increases to 750 minutes under the current Standard, but that time can include time dedicated to a final examination. The Standard requires, for each credit hour, “an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction . . . per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” The interpretation permits an in-class “hour” to be a 50-minute hour and includes examination time in the 15 weeks, thus essentially matching what previously was required for classes in which an examination of one hour per credit was given during an “exam period.” However, unlike the former Standard, current Standard 310 requires that the in-class time for the fifteenth week be accounted for, either through time dedicated to a final examination or through time for additional instruction.

Also unlike the former Standard, “seat time” is not the sole focus of Standard 310. No minimum amount of seat time is required in any particular class. Although the Standard defines the required amount of work using “one hour of classroom of direct faculty instruction and two hours of out-of-class student work per week,” Department of Education guidance on the definition explains that “The definition does not dictate particular amounts of classroom time versus out-of-class student work.” Thus, the typical arrangement for “seminar” classes, in which the credits awarded exceed the weekly time spent in regular classroom sessions in recognition of the additional time allocated for preparation of a substantial paper, is permitted under Standard 310.

For “other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours,” Subsection (b)(2) of Standard 310 makes explicit that there is no minimum amount of in-class instruction required. It requires instead “at least an equivalent amount of work as required in subparagraph (1) of this definition” for those activities. This “equivalent amount of work” requirement must also be met to comply with the requirement in Standard 305(b) relating to field placements and other study outside the classroom that “credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.”

In terms of total time, 42.5 hours per credit is required: 15 “hours” in class (50 minute “hours”) and twice that – 30 hours – out of class (60 minute hours). For specific types of classes, the following examples may be helpful:¹

Exam course: 42.5 hours per credit of time spent in class, preparing for class (reading or completing class assignments or assessments), and preparing for and taking an exam.

Paper course: 42.5 hours per credit of time spent in class, preparing for class (reading or completing class assignments or assessments), and researching and writing the required paper(s). This includes the typical law school “seminar.”

¹ In these examples and throughout this memo, all references are to semester-based credit hours; schools operating on a quarter system should adjust the calculations accordingly.

Field placement or clinic: 42.5 hours per credit of time spent in class, performing field placement or clinic work, preparing for class or completing class assignments (e.g., reflective writing assignments), and preparing for and taking an exam, if applicable.

The “equivalent amount of work” requirement also applies to distance education courses. Department of Education guidance specifies that “An institution that is offering asynchronous online courses would need to determine the amount of student work expected in each online course in order to achieve the course objectives, and to assign a credit hour based on at least an equivalent amount of work as represented in the definition of credit hour.”

How is the amount of out of class work that reasonably approximates an hour determined?

It is up to the school to establish criteria for determining the amount of assigned reading and other work that equates to one hour of work. Department of Education guidance emphasizes that a credit hour is “an *institutionally established equivalency*.” Scientific precision in establishing this equivalency is not required by the Standard or the Department of Education regulations. The Department guidelines emphasize that the regulations require only that the “institutionally established equivalency” be one that “reasonably approximates” the minimum amount of work set forth in the Standard. Referring to the paragraphs in the federal regulation that coincide with the paragraphs in Standard 310(b), the Department guidance specifically states, “It is important to note that there is no requirement that a credit hour *exactly* duplicate the amount of work in paragraph (1) of the definition, The requirement is that a credit hour *reasonably approximate* that minimum amount of work in paragraph (1)” (emphasis in original).

How the Council and the Accreditation Committee will evaluate a school’s approach and policy on this matter will necessarily evolve over time. This is not an endeavor with which either schools or the accreditation process have experience. One thing that is clear is that the consideration of what out of class work is required in a course and how much time will be associated with that work are matters that cannot be ignored or set off to the side as an incidental matter. The other thing that is clear is that the measure under the Department rules is the basic ratio of two hours outside of class for each hour of in-class instruction.

The Council and the Accreditation Committee do not intend to micromanage the ways in which schools may choose to comply with Standard 310. What follows are suggestions of a variety of approaches that the Accreditation Committee would likely determine as sufficient. The process by which this determination may be made, as suggested above, could include a course/curriculum review process, adoption of a faculty policy and the delegation of enforcement of that policy to the Dean or Dean’s designee (such as the Associate Dean for Academic Affairs).

For typical courses “that require attendance in regularly scheduled classroom sessions or direct faculty instruction,” one possible approach could be to establish parameters or guidelines for the amount of “academic engagement” that should be required to earn an hour of academic credit. The guidelines may set a presumptive number of pages of reading, likely depending on the type of course (first year doctrinal, upper level common law course, upper level code course, etc.), but also recognize or allow adjustments for the time students are expected to be “academically engaged” in other ways, such as by completing written assignments or problems, contributing to an academic online discussion by posting to a discussion board, completing an interactive tutorial or computer-assisted instruction, and preparing for and taking quizzes, mid-term examinations, or final examinations.

The school may set these parameters or guidelines by any reasonable method. Some possibilities include: through a discussion and analysis among experienced faculty members; through a review of scholarly literature on the topic; by having a group of students log the time required to complete assignments; by analyzing data collected by having students report the amount of time spent on written assignments when they submit the assignments; or by having students report the amount of time spent on coursework during the semester when they complete end-of-term course evaluations.

Whatever method the school chooses, it must be documented and records maintained to permit the ABA to fulfill its obligation as an accrediting agency. Department of Education guidelines make clear that an accrediting agency such as the ABA “must conduct an effective review and evaluation of the reliability and accuracy of the institution’s assignment of credit hours.” Again, scientific precision is not required. Department guidance to accrediting agencies explains that the agency meets its obligation if it “makes a reasonable determination of whether the institution’s assignment of credit hours conforms to commonly accepted practice in higher education.” Most important will be that the school demonstrates its assigned responsibility for making the effort to measure the time and documented that the effort has taken place, as well as showing that, once established, the school “adheres to” the guidelines. Site teams will review the policies and procedures that the institution uses to assign credit hours, including how the parameters for the granting of credit set forth in those policies and procedures were determined, and verify the application of those procedures by reviewing syllabi or some other method, likely through sampling that will include traditional courses, clinics, field placements, and distance education classes if applicable.

For courses such as clinics and field placements, where students typically log the hours they spend engaged in clinic or field placement work, the determination should be straightforward. The school should design the clinic or field placement to insure that the required number of logged hours plus the time spent in any classroom sessions and preparing for those sessions equals or exceeds the “not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks” specified in Standard 310(b)(1). Similarly for activities such as moot court and mock trial, by requiring a specific number of hours of practice and recognizing the number of hours spent in actual competition, the school can add an estimate of expected preparation time in order to determine the appropriate credit our allocation.

The Managing Director’s Office will issue Guidance memoranda from time-to-time when new Standards or Interpretations have been adopted or when, in the course of the Office’s dealings with schools about compliance with the Standards, a number of schools are asking for clarification or direction regarding a particular Standard, Interpretation or reporting requirement. The Office does its best to provide helpful guidance, but we remind schools that we do not have the authority to bind either the Council or the Accreditation Committee. That said, the Council and the Accreditation Committee understand the necessity of providing guidance and will take that guidance into account in any determination about a school’s operating in compliance with the Standards.