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PLANNING, RESEARCH AND PERFORMANCE COMMITTEE MEETING

Wednesday, June 25, 2014

11:00 a.m.

Louisiana Purchase Room • Claiborne Building • Baton Rouge, Louisiana

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
 - A. R.S. 17:1808 (Licensure)
 1. Initial Licenses
 - a. Brescia University
 - b. College of Mount Saint Joseph
 - c. Oral Roberts University
 2. License Renewals
 - a. Alcorn State University
 - b. Northwood University
 - c. Ottawa University
 - d. Pennsylvania State University
 - e. Wiley College
- IV. GRAD Act Year 4 Annual Review
- V. Other Business
 - A. State Authorization Reciprocity Agreement (SARA) Update
- VI. Adjournment

Committee Members: Joseph Wiley, Chair; Joel Dupré, Vice Chair; Mark Abraham, Pamela Egan, Joseph Farr, William Fenstermaker, Robert Levy, Richard Lipsey, Roy Martin III.

Agenda Item III.A.1.a.

Brescia University Owensboro, Kentucky

BACKGROUND

Brescia University (Brescia) is not incorporated in the State of Louisiana. The Catholic institution traces its roots to Mount Saint Joseph Junior College for Women founded in 1925 in Maple Mount, Kentucky. From those beginnings, Brescia has evolved into a co-educational Catholic liberal arts college. Today, Brescia is headquartered in Owensboro, Kentucky and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

ACADEMIC PROGRAM

Brescia proposes to offer an array of online liberal arts programs at the associate, baccalaureate and masters levels to Louisiana residents. Typically, the online nature of the delivery system would not require licensure. However, since the bachelors program in social work requires clinical experiences, licensure is necessary.

FACULTY

Brescia employs 66 faculty to support its online programs available to Louisiana residents, seventeen on a full-time basis. Thirty of the faculty are trained at the doctoral level from accredited institutions, while the balance are trained at the masters level.

FACILITIES

Since the programs are offered online, there is no need for physical facilities in Louisiana. Students complete clinical experiences at various locations in Louisiana.

STAFF RECOMMENDATION

Given the credentials of its faculty, the college's and programs' accreditation, and the general oversight by the home campus, the senior staff recommends that the Board of Regents issue an initial operating license to Brescia University, located in Owensboro, Kentucky.

Agenda Item III.A.1.b.

College of Mount Saint Joseph Cincinnati, Ohio

BACKGROUND

College of Mount Saint Joseph (Saint Joseph) is not incorporated in the State of Louisiana. The Catholic liberal arts college was founded by the Sisters of Charity of Cincinnati in 1920 as the first Catholic college for women in Southwestern Ohio. The college moved to a new campus in 1962 and became co-educational in 1986. Today, Saint Joseph is headquartered in Cincinnati, Ohio and is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools.

ACADEMIC PROGRAM

Saint Joseph proposes to offer an RN to BSN degree, a Reading Science Master's degree and a Certificate in Dyslexia to Louisiana residents. Typically, the online nature of the delivery system would not require licensure. However, since the RN to BSN and Dyslexia programs require clinical experiences, licensure is necessary.

FACULTY

Saint Joseph employs eight faculty to support its online programs available to Louisiana residents, five on a full-time basis. One of the faculty is trained at the doctoral level, three at the specialist level, and four at the master's level.

FACILITIES

Since the programs are offered online, there is no need for physical facilities in Louisiana. Students complete clinical experiences at various locations in Louisiana.

STAFF RECOMMENDATION

Given the credentials of its faculty, the college's and programs' accreditation, and the general oversight by the home campus, the senior staff recommends that the Board of Regents issue an initial operating license to College of Mount Saint Joseph, located in Cincinnati, Ohio.

Agenda Item III.A.1.c.

Oral Roberts University Tulsa, Oklahoma

BACKGROUND

Oral Roberts University (ORU) is not incorporated in the State of Louisiana. The interdenominational Christian university was founded by evangelist Oral Roberts in 1963. Today, ORU is headquartered in Tulsa, Oklahoma and is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools.

ACADEMIC PROGRAM

ORU proposes to offer bachelors programs in business administration, counseling, church ministries, communication, government, leadership studies, and nursing and masters programs in school administration and management to Louisiana residents. Typically, the online nature of the delivery system would not require licensure. However, since some of these programs require clinical experiences, licensure is necessary.

FACULTY

ORU employs 42 faculty to support its online programs available to Louisiana residents, twenty-four on a full-time basis. Twenty-two of the faculty are trained at the doctoral level from accredited institutions, while the balance are trained at the masters level.

FACILITIES

Since the programs are offered online, there is no need for physical facilities in Louisiana. Students complete clinical experiences at various locations in Louisiana.

STAFF RECOMMENDATION

Given the credentials of its faculty, the college's and programs' accreditation, and the general oversight by the home campus, the senior staff recommends that the Board of Regents issue an initial operating license to Oral Roberts University, located in Tulsa, Oklahoma.

Agenda Item III.A.2.a.

Alcorn State University Division of Nursing Natchez, Mississippi

BACKGROUND

Alcorn State University is not incorporated in Louisiana. The university was first licensed by the Board of Regents in 1993. The institution is a publicly-supported university headquartered in Alcorn State, Mississippi, with its nursing school located in Natchez. Alcorn is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

ACADEMIC PROGRAM

Alcorn State University currently offers associate, bachelor's, and master's degrees in nursing through the institution's Natchez, Mississippi facility. The nursing programs are professionally accredited by the National League for Nursing. Instruction provided in Louisiana is limited to nursing practicum experiences. Admission to the nursing programs is selective. Students receive instruction in a lecture format and through supervised clinical experiences.

FACULTY AND STUDENTS

Nineteen faculty teach at Alcorn's nursing complex in Natchez. Sixteen faculty are employed full time and seven hold doctoral degrees. In addition to undergraduate clinical rotations, Alcorn reported five students enrolled in Louisiana in its masters program in fall 2013. All faculty are recruited, screened, and employed through the central campus in Alcorn State.

FACILITIES

The nursing complex, built in 1985, comprises 47,000 square feet of space and is valued at over \$1.7 million. The facility includes numerous classrooms, administrative and faculty offices, science and computer laboratories, and a library. Practicum experiences are completed at hospital and clinical facilities in Central and East Louisiana.

STAFF RECOMMENDATION

Given the credentials of its faculty, the admission standards of the program, the institution's regional and professional accreditation, and the oversight provided by the main campus, senior staff recommends that the Board of Regents approve Alcorn State University's application for license renewal.

Agenda Item III.A.2.b.

Northwood University Midland, Michigan

BACKGROUND

Northwood University first registered with the Board of Regents in 1982. The institution is headquartered in Midland, Michigan and provides educational programs at the associate, bachelors and masters levels. The institution is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools.

FACULTY AND STUDENTS

The University employs nine faculty members for its programs offered at the Naval Air Station Joint Reserve Base, all on a part-time basis. One faculty member holds a doctoral degree while the others hold masters/specialists degrees. The institution reports an enrollment of 52 students in its associate and bachelors programs.

FACILITIES

Northwood University currently utilizes approximately 53,000 square feet of space for administrative and instructional purposes in two buildings at the Naval Air Station Joint Reserve Base in New Orleans.

ACADEMIC PROGRAM

Northwood University currently offers various associate and baccalaureate programs in business and management-related areas. It also makes available online masters programs in business administration and organizational leadership.

STAFF RECOMMENDATION

Given its regional accreditation, the credentials of its faculty and the scope of its current operations in New Orleans, the senior staff recommends that the Board of Regents approve Northwood University's application for license renewal.

Agenda Item III.A.2.c.

Ottawa University Ottawa, Kansas

BACKGROUND

Ottawa University first registered with the Board of Regents in 1980. The institution is headquartered in Ottawa, Kansas and provides educational programs at the bachelors and masters levels. The institution is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools.

ACADEMIC PROGRAM

Ottawa University offers twenty-one bachelors programs in arts and sciences, business and education and four masters programs (business, counseling, human resources and education), all in an online environment.

FACULTY AND STUDENTS

The University employs two faculty members to support off-campus instruction; one part-time with a doctorate degree and one full-time with a masters degree from institutions with recognized accreditation. The institution reported a Louisiana enrollment of three students in its bachelors programs and none in its masters programs.

FACILITIES

In past years, Ottawa University utilized conference rooms at area hotels in the New Orleans' area for instructional purposes. A few years ago, the institution migrated its programs to an online environment.

STAFF RECOMMENDATION

Given its regional accreditation, the credentials of its faculty, and the scope of its online operations, the senior staff recommends that the Board of Regents approve Ottawa University's application for license renewal.

Agenda Item III.A.2.d.

Pennsylvania State University University Park, Pennsylvania

BACKGROUND

Pennsylvania State University (Penn State) is not incorporated in the State of Louisiana. The institution is a public research university in the state of Pennsylvania. Established in 1863, Penn State is headquartered in University Park with 24 campuses statewide and is accredited by the Middle States Commission on Higher Education.

ACADEMIC PROGRAM

As a land grant research university, Penn State offers a wide variety of academic programs. Through its online World Campus, the university offers 128 programs from the certificate through the doctoral levels. Almost all of the programs are offered exclusively online. Typically, the online nature of the delivery system would not require licensure. Since some of the programs require clinical/internship experiences, licensure is necessary.

FACULTY

Penn State employs 565 faculty to support its World Campus programs, 352 on a full-time basis. Approximately fifty percent of the faculty are trained at the doctoral level.

FACILITIES

Since Penn State's World campus operates programs online, other than administrative and academic support in Pennsylvania, there are no out-of-state physical facilities in Louisiana. Depending on the academic program, students complete clinical experiences at various locations in Louisiana.

STAFF RECOMMENDATION

Given the credentials of its faculty, the college's and academic programs' accreditation, and the general oversight by the home campus, the senior staff recommends that the Board of Regents approve Pennsylvania State University's application for license renewal.

Agenda Item III.A.2.e.

Wiley College Marshall, Texas

BACKGROUND

Wiley College (Wiley) was first licensed by the Board of Regents in 1996. The institution is headquartered in Marshall, Texas and provides educational programs at the bachelor's level. The institution is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

FACULTY AND STUDENTS

Wiley employs 28 faculty members for its Shreveport program, nine on a full time basis. Eight are trained at the doctoral level and twenty at the masters/specialist level. The institution reports an enrollment of 437 Louisiana students. All students are enrolled at the bachelor's level.

FACILITIES

Wiley currently utilizes instructional facilities at the Shreveport Fire and Police Regional Training Academy, and library facilities at Southern University-Shreveport, Shreveport Memorial Library, Centenary College as well as access to its main library in Marshall.

ACADEMIC PROGRAM

The College currently offers baccalaureate programs in business administration (with 5 concentrations) and criminal justice.

STAFF RECOMMENDATION

Given its accreditation, the credentials of its faculty, and the scope of its current operations in Shreveport, the senior staff recommends that the Board of Regents approve Wiley College's application for license renewal.

Agenda Item IV.

Executive Summary

The LA GRAD Act requires that the Board of Regents annually monitor and report to the legislature and the governor on each participating institution's progress in meeting the performance objectives of the Act. The Board of Regents' staff assigned preliminary designations of participating institutions' performance during the first week of June and has been working with campuses to finalize the LA GRAD Act scores. The annual review designation determines the institution's status in regards to tuition authority and operational autonomies.

Attached are staff's final scores for GRAD Act Year 4 for Louisiana's public colleges and universities. Also attached is a letter and supporting materials from President Ronald Mason of the Southern University System requesting reconsideration of the score for the Southern University Law Center. Chancellor Pitcher will address the Planning, Research and Performance Committee on this matter at its meeting on Wednesday.

Staff will be making a brief presentation on institutions' GRAD Act Annual Report for Year 4 and providing staff recommendations on the GRAD Act status for 2014-15 at the Planning, Research and Performance Committee.

GRAD ACT YEAR 4 INSTITUTIONAL RESULTS

Passage of a performance objective requires a minimum overall score of 80%. An institution must pass the Student Success objective to retain tuition authority and be eligible for autonomies for the next academic year.

As a result of the overall scores, institutions were given one of the following annual evaluation designations. The annual designation determines the institution's status for tuition authority and eligibility for autonomies for the next academic year.

Year 4 Annual Designation:	Status for Year 5:
Green	Retains tuition authority and eligible for autonomies
Yellow	Retains tuition authority and eligible for autonomies
Orange	Retains tuition authority, but not eligible for autonomies
Red	Loses tuition authority and eligibility for autonomies

2013-14 Annual Designations

Louisiana Community and Technical College System:

Institution	Board of Regents Determination				
	Student Success	Articulation & Transfer	Workforce & Economic Development	Institutional Efficiency and Accountability	Annual Evaluation Designation
Baton Rouge CC	89%	100%	88%	100%	GREEN
Bossier Parish CC	89%	100%	100%	100%	GREEN
Central Louisiana TCC	100%	100%	100%	100%	GREEN
Delgado CC	100%	100%	100%	100%	GREEN
Delta CC	90%	100%	100%	100%	GREEN
Fletcher TCC	100%	100%	100%	100%	GREEN
Northshore TCC	100%	100%	100%	100%	GREEN
Nunez CC	100%	100%	100%	100%	GREEN
River Parishes CC	89%	100%	100%	100%	GREEN
South Louisiana CC	100%	100%	100%	100%	GREEN
Sowela TCC	100%	100%	100%	100%	GREEN
Northwest LA TC	87%	100%	100%	100%	GREEN
South Central LA TC	100%	100%	100%	100%	GREEN

Southern University System:

Institution	Board of Regents Determination				
	Student Success	Articulation & Transfer	Workforce & Economic Development	Institutional Efficiency and Accountability	Annual Evaluation Designation
Southern Univ. A&M	74%	100%	100%	100%	RED
Southern Univ. Law Center	79%	N/A	100%	100%	RED
Southern Univ. New Orleans	100%	92%	100%	100%	GREEN
Southern Univ. Shreveport	67%	100%	100%	100%	RED

Passage of a performance objective requires a minimum overall score of 80%.

Louisiana State University System:

Institution	Board of Regents Determination				
	Student Success	Articulation & Transfer	Workforce & Economic Development	Institutional Efficiency and Accountability	Annual Evaluation Designation
LSU A&M	90%	100%	100%	100%	GREEN
LSU Alexandria	90%	100%	100%	100%	GREEN
LSU Eunice	91%	100%	100%	100%	GREEN
LSU Shreveport	91%	100%	100%	100%	GREEN
LSU HSC New Orleans	88%	N/A	92%	100%	GREEN
LSU HSC Shreveport	91%	N/A	100%	100%	GREEN
LSU Paul M. Hebert Law Ctr.	100%	N/A	100%	100%	GREEN

University of Louisiana System:

Institution	Board of Regents Determination				
	Student Success	Articulation & Transfer	Workforce & Economic Development	Institutional Efficiency and Accountability	Annual Evaluation Designation
Grambling State Univ.	100%	100%	100%	100%	GREEN
Louisiana Tech Univ.	91%	100%	100%	100%	GREEN
McNeese State Univ.	91%	100%	100%	100%	GREEN
Nicholls State Univ.	100%	100%	100%	100%	GREEN
Northwestern State Univ.	92%	100%	100%	100%	GREEN
Southeastern LA Univ.	91%	100%	100%	100%	GREEN
University of LA at Lafayette	92%	100%	100%	100%	GREEN
University of LA at Monroe	86%	100%	100%	100%	GREEN
University of New Orleans	100%	100%	100%	100%	GREEN

Review and Analysis of Southern University Law Center's Request for Board of Regents' Consideration of GRAD Act Scoring Exemption and Staff Recommendations

The Board of Regents' staff has prepared a review and analysis of the request from the Southern University Law Center (SULC) regarding its GRAD Act Annual Report for Year 4. It is the staff's belief that without some further consideration, that SULC will fail GRAD Act in years 5 and 6. Therefore, in addition to reviewing the request from SULC for Year 4, the staff presents additional recommendations for Board of Regents' consideration.

Review and Analysis

SULC requests relief from the penalties associated with not reaching an acceptable score under the GRAD Act. It bases its request for relief on three issues: 1. Lack of measures in Student Success; 2. Changes in the scoring process on the Louisiana Bar Examination, and 3. The proximity of its score to a passing score.

1. Lack of measures in Student Success

SULC observes that most institutions under the GRAD Act have an average of six targeted measures in addition to a number of tracked measures used to determine whether the institution has met the standard for Student Success. However, the two law centers (i.e., SULC and the LSU Law Center) have only four targeted measures and no tracked measures. As a result, failure of one measure equates to failing GRAD act in its entirety. Other than the law centers, no institution in GRAD Act is held to such a high standard.

2. Changes in the scoring process on the Louisiana Bar Examination

SULC did not meet the GRAD Act Year 4 benchmark set for institutional passage rate as a percentage of the state passage rate for first-time test takers on the July administration of the Louisiana bar exam. It is SULC's position that this failure rate with respect to the July 2013 Bar Passage was attributable primarily to external factors beyond the institution's control.

The Louisiana Supreme Court adopted a new scoring scheme for Louisiana in 2012. National research indicated that the new scoring scheme would result in virtually no change to the pass rate among first-time takers. Contrary to the predictions with respect to first-time bar passage rates, the data and results have proven the projections to be inaccurate. From July 2011 to July 2013, the passage rates for SULC's graduates declined 24 percentage points. The passage rates for LSU decreased 15 percentage points during this period, while Loyola's passage rate decreased 5 percentage points, and Tulane's passage rate decreased 9 percentage points. Changes in scoring of the bar examination have had a more dramatic effect upon the Southern University Law Center than others. Because of SULC's more inclusive mission, it typically has substantially more students with lower incoming predictors for law school success, and therefore, anytime the "rules of the game change" (i.e. the new scoring system) it impacts a law school, such as SULC, the most; therefore, SULC should be allowed relief from being scored on the institutional passage rate as a percentage of the state rate measure for Year 4.

3. The proximity of its score to a passing score.

SULC only missed achieving an acceptable score under the GRAD Act by 0.8 points. The institution reports that it would have been inappropriate to make the request for relief had the Law Center been far from an acceptable score. However, SULC only fell short of an acceptable score by less than one point. While generally it has been stated that close only applies to horseshoes and hand grenades, SULC reports that this is an additional circumstance under which one-time relief should be afforded.

Board of Regents' Staff Recommendations

1. **Staff's GRAD Act score for Year 4 and designation for 2014-15 for the Southern University Law Center should be approved.**

Rationale: SULC came very close to passing GRAD Act. However, there are always institutions that come close to passing certain measures. Relief for one would be unfair to others. Also, the Board has gone on record as willing to consider changes in future years of GRAD Act, but to allow no changes in the current scoring year. While staff acknowledges that SULC's appeal has some merit, it cannot change the scoring process.

2. **The Board of Regents should allow the Law Centers to develop and recommend to the Board at least two additional targeted measures within the Student Success objective for years 5 and 6 in order to provide additional evidence of their improved performance within the Student Success objective.**

Rationale: When the original targeted measures for the law centers were negotiated in 2010, the GRAD Act did not require that institutions pass the Student Success Performance Objective in order to pass GRAD Act. Act 418 of 2011 (GRAD Act 2) raised the standards for success by requiring the institution to pass the Student Success objective in order to pass GRAD Act. The professional schools were added to GRAD Act late in its legislative development, leaving them less time to develop the necessary measures for Board of Regents' consideration.

Within the Student Success Performance Objective, 4-year institutions have an average of seven targeted measures and 2-year institutions have an average of five targeted measures in addition to several tracked measures (which positively impacts the scoring). In comparison, the law centers have four targeted measures in the Student Success Performance Objective. Having only four targeted measures leaves the law centers in a vulnerable position of failing GRAD Act in its entirety if they fail only one measure in Student Success. No other institution faces such a dilemma. Allowing the law centers to propose additional targeted measures in the Student Success Performance Objective could allow them needed flexibility in performing under GRAD Act.



SOUTHERN UNIVERSITY AND A&M COLLEGE SYSTEM

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June 18, 2014

LeAnn O. Detillier
Assistant Commissioner for Program Administration
Louisiana Board of Regents
P.O. Box 3677
Baton Rouge, LA. 70821-3677

Dear Ms. Detillier:

On behalf of the Southern University and Agricultural and Mechanical College System, I have prepared this brief overview of the meaning of the Grad Act, the Law Center's appeal, and improvement efforts in which the system is engaged. I am also requesting a conversation with the Board of Regents staff to discuss our benchmarks as conceived and applied in order for our campuses to not find themselves in similar straits for the remainder of the current GRAD Act agreements.

Please keep in mind that the GRAD Act is not, and has never been, a measure of performance. In many areas our campuses performed well but technically failed the measures. For example, SUBR, which has experienced the extreme circumstance of financial exigency, had retention benchmarks that were higher than the average for its state peers. It also equaled or outperformed its peers in each of the four years measured. Nevertheless, SUBR "failed" the GRAD Act in the areas of retention.

Similarly, SUSLA's graduation rate benchmark was set at twice the state peer average because it was and continues to be a high performer. The state peer average required an increase of 3.1 percentage points over four years. The SUSLA benchmarks required an increase of 5.6 percentage points over four years. SUSLA consistently produced the highest or second highest graduation rate as compared to its state peers in each of the four measured years. Nevertheless, SUSLA failed the graduation rate measure of the GRAD Act. The same could be said in three and possibly four years with respect to the retention measures.

We are requesting a discussion with the Regents because though originally intended as an incentive to improve performance, the GRAD Act has in our case become punitive, despite relatively good performance in some areas under extremely challenging circumstances. Such that now, at a time when resources are critically important to address the issues on which the GRAD Act seeks improvement, significant resources are denied because of failure to meet improvement benchmarks as opposed to performance benchmarks. The consequences for the Southern System and its units are critical. The establishment and application of the benchmarks, in my opinion, require closer scrutiny and some adjustment. Thus our request.

Chancellor Freddie Pitcher has provided the Board of Regents a detailed rationale requesting relief for underperformance on bar passage rates. This appeal primarily hinges on changes in the bar scoring methods which have adversely impacted passage rates not only for Southern's Law School but for similar institutions statewide.

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The Law School is asking that the same consideration be applied to its drop in this measure as afforded to other institutions wrestling with the impact of the new scoring formula for the bar exam. The basis of the request is that the basis upon which the benchmarks were held static has proven to be inaccurate.

I would like to underscore the increased effort from the System Office which will positively impact GRAD Act measures throughout the Southern System. Among these efforts is more centralized coordination of the Connect college bridge program between the community college and the four-year campuses. This initiative is now being managed through the System office and we project better yields in future transfer rates, completers, and specific student success measures. Similarly, on the SUBR campus, the System is supporting the implementation of the Writing-Across-the-Curriculum Quality Enhancement Plan (QEP) which will include consideration for prospective law students and the writing-intensive requirements for passing the Bar exam.

Finally, as SUBR anticipates a change in campus leadership, the System office has convened five task forces in collaboration with campus faculty and staff to identify short- and long-term strategies to improve efficiencies and student progression on the Baton Rouge campus. The task forces cover Academic Organization, Learning and Quality Instruction, Student Services and Processing, Campus Life and Branding and Marketing. Many of the short-term recommendations from the task forces will be implemented in the 2014-15 academic year and are expected to positively impact several GRAD Act measures.

The irony here is that since the affected units will be unable to assess some increases in revenue through tuition adjustments, they will be further hampered from remediating these deficient areas. Nevertheless, the Southern System office works in full partnership with the campuses and will diligently support all efforts towards continuous improvement and growth.

In summary, by copy of this letter I am requesting that the Board of Regents:

1. Reconsider the GRAD Act final score for the Southern University Law Center.
2. Authorize its staff to work with Southern University representatives during the summer to examine and to recommend adjustments if appropriate to GRAD Act measures and bring any recommendations to the Board for its consideration at the August meeting.

Sincerely,



Ronald Mason, Jr.
President
Southern University and A&M College System



SOUTHERN UNIVERSITY LAW CENTER

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June 13, 2014

VIA UNITED STATES MAIL AND E-MAIL

Dr. Tom Layzell
Senior Advisor to the Board
Louisiana Board of Regents
P.O. Box 3677
Baton Rouge, LA 70802

Re: Notice of Appeal of GRAD ACT Score

Dear Dr. Layzell:

Please find attached the Southern University Law Center's appeal of the finding that it failed to meet its 2013 GRAD ACT performance objectives by 8/10th of a point. Said failure was predicated upon the reported Bar Passage score for the July 2013 Bar Exam as reported by the Louisiana Supreme Court. For the reasons set forth in our appeal we believe the Board of Regents should set aside and vacate the bar passage benchmark from the Law Center's performance objectives for the 2013 grading period and declare that the Law Center passed the GRAD ACT based upon the scoring of the remaining objectives and benchmarks.

Should the Law Center not be accorded a passing score it will face a loss of its tuition authority for the 2014 – 2015 fiscal year, which will have a devastating impact on its operating budget and entire program of legal education.

I am, therefore, requesting that that attached appeal be forwarded to the Louisiana Board of Regents, and, after due consideration, that the Southern University Law Center be accorded the relief requested therein.

With kind regards, I am

Sincerely,

Freddie Pitcher, Jr.
Chancellor – SULC

SOUTHERN UNIVERSITY LAW CENTER'S REQUEST TO THE BOARD OF REGENTS FOR RELIEF FROM LA GRAD ACT PENALTIES

As a result of this year's calculations of the LA GRAD Act ("GRAD Act") the Southern University Law Center (SULC) fell less than one point shy of achieving a passing score. Under the GRAD Act formula, a score of 80.0 or higher is considered a passing score for SULC. This year SULC earned a score of 79.2. SULC is at risk of suffering a substantial cut to its operating budget for the upcoming academic year. Such a cut would impair SULC's ability to properly educate its' students and would make it nearly impossible for the Law Center to achieve a passing score under the GRAD Act in the future. As such, for the reasons fully outlined below, the Law Center hereby respectfully petitions the Board of Regents for relief from the ramifications of not achieving a passing score under this year's LA GRAD Act.

There are three reasons supporting the aforementioned relief. Each reason will be expounded upon below. It is important to note that SULC recognizes its responsibility to its students and the taxpayers of Louisiana to administer an acceptable program of legal education. Assessment of an institution's academic program is essential in ensuring that the needs of the students and the public are met. SULC has begun to implement changes to its academic program to ensure that student performance is at an acceptable level going forward. With this in mind, SULC also recognizes that any relief granted by the Board of Regents would be temporary in nature and any long-term adjustments to the calculation methodologies under the GRAD Act will require action by the legislative branch of government. Nonetheless, the information contained below provides the justification for the temporary relief requested by SULC.

Under the GRAD Act there are several areas of evaluation and assessment to which institutions subject to the Act are reviewed. One area which has recently obtained a substantial amount of emphasis is Student Success. It is this specific area of the GRAD Act that has resulted in SULC falling short of an acceptable score. SULC is hereby petitioning the Board of Regents for relief from the penalties resulting for its inability to earn an acceptable score for three principal reasons.

First, while most institutions under the GRAD Act have an average of six targeted measures in addition to a number of tracked measures used to determine whether the institution has met the standard for Student Success, the professional schools – in particular, the two law schools – have a substantially smaller set of targeted measures and no tracked measures. In fact, the law schools only have four targeted measures under this objective as a result of the unique nature of the structure of their academic programs and transition of their students into the legal profession. As a result of the difference in number of targeted measures, the law schools inability to meet one single measure has a disastrous impact on their ability to satisfy the standard for Student Success under the GRAD Act. The same is clearly not true for the other institutions subject to the GRAD Act. With respect to this year's evaluation under the GRAD Act, SULC only failed one of the four targeted measures under Student Success – institutional bar passage rate. This single factor played an overwhelmingly substantial role in SULC's final score falling short of the acceptable level under the Act.

Second, while SULC did not meet the targeted measures for institutional bar passage rate this year there were circumstances beyond the control of SULC that contributed to this outcome. Under the GRAD Act, SULC set a benchmark for 2013 that the institutional bar passage rate for first-time test takers would be at least 88.0% of the average bar passage rate for first time test takers for the entire state of Louisiana. SULC's institutional bar passage rate was only 72.0% of the state average for 2013. It is SULC's position that this failure rate with respect to the July 2013 Bar Passage was attributable to external factors beyond the institution's control.

The Louisiana Bar Examination is a written essay exam. The exam is a multi-part essay exam, consisting of nine separate subject examinations: Code I, Code II, Code III, Louisiana Code of Civil Procedure, Torts, Business Entities and Negotiable Instruments, Constitutional Law, Criminal Law, Procedure and Evidence, and Federal Jurisdiction and Procedure. When the GRAD ACT benchmarks were first established, the requirement for an applicant to pass the bar examination, he/she had to earn a score of 70% or above on seven of the nine tests of the exam for a total score of at least 490 points. Each of the nine sections of the Louisiana Bar Exam is worth up to 100 points. Additionally, under the original assessment method an applicant could not fail more than one of the "Code" sections of the exam. The "Code" sections are Code I, Code II, Code III, Louisiana Code of Civil Procedure, and Torts. This method of determining who passed the bar exam was widely known as the "7 of 9 method."

In 2012, Louisiana adopted a new scoring scheme to determine who would be deemed to have passed the bar exam. The new scoring scheme adopted a compensatory scoring format. The proposal that was originally being vetted across the state by the Supreme Court's Committee on Bar Admission (COBA) would have changed the previous scoring scheme (7 of 9 method) and replace it with what is commonly used in professional licensure exams – the concept of compensatory scoring. Under this concept all nine of an applicant's scores on the individual portions of the exam listed above would be added together to determine the applicant's final score. Under the COBA original proposal, an applicant would have to earn a compensatory score of 630 points in order to pass the Louisiana Bar Examination. Based upon studies conducted by the National Committee on Bar Examiners (NCBE), it was predicted that a 630 compensatory scoring scheme would have had the effect of increasing the pass rate among first time testers by 8 to 10% for all test takers in the state. The aforementioned prediction was based on statistical evaluations of four previous July administrations of the Louisiana Bar Exam using a passing score of 630 points under the compensatory scoring scheme. Because of opposition from the Louisiana State Bar Association (LSBSA) to the projected increase in the first-time bar passage rates, the Louisiana Supreme Court granted additional time for the LSBA to convene a committee to study the impact of the COBA proposal and to potentially submit a different proposal to the Court for consideration. The LSBA submitted a proposal that, while similar to that proposed by COBA, differed from COBA's proposal in two material ways. Specifically, the LSBA recommended that the passing score be increased from the proposed 630 to 650 points and the LSBA recommended that the four "Code" sections of the bar exam be worth twice as much as the "Non-Code" sections. To accomplish the goal of making the Code section of a 900 point test worth twice as much as the Non-Code section, the LSBA proposed the implementation of a mathematical formula that would result in the five Code sections being worth a maximum of 600 points and the four Non-Code sections being worth a maximum of 300 points. The precise

formula to accomplish this stated goal of “double-weighting” the Code sections of the bar exam was as follows: an applicant’s total score would equal $(1.20 \times \text{sum of 5 Code scores}) + (0.75 \times \text{sum of 4 Non-Code scores})$. The LSBA concluded that using 650 as a passing score and the implementation of its proposed double-weighting of the Code sections would result in no change to the bar passage rate. Both the COBA proposal and the LSBA proposal were submitted to the Louisiana Supreme Court for consideration. To the dismay of many in the state, specifically SULC, the Supreme Court adopted the proposal of the LSBA over the more publically vetted proposal of its own COBA proposal.

To be clear, SULC submitted its benchmarks under the impression that the COBA proposal that had been vetted for years across the state would be implemented. At the time SULC submitted its benchmarks for institutional bar passage rate, the only potential change to the Louisiana Bar Exam was the proposal of COBA. Prior to the submission of the benchmarks SULC had experienced growth in its first-time bar passage rate and expected this trend to continue going into the future under the previous scoring method. It was reasonable, at the time, for SULC to anticipate that it would continue to have growth in its bar passage rate irrespective of whether the Court continued with the 7 of 9 scoring method or if it implemented the proposal of COBA. Unfortunately the Law Center, nor anyone else in the state, anticipated that the Supreme Court would adopt the current scoring method.

It is important to point out how even the predictions of LSBA about its more stringent scoring method have been far from reality. Instead of achieving the predictions with respect to first-time bar passage rates, the data and results have proven the projection of LSBA to be incredibly inaccurate. In July 2011, prior to the implementation of the new compensatory scoring scheme, the first time passage rates for SULC’S graduates was 66.9%. In July 2012, the rate decreased to 56% and in July 2013, the rate declined to 42%, a decrease of 24 percentage points as compared to 2011. The passage rates for LSU decreased 15 percentage points during this period, while Loyola’s passage rate decreased 5 percentage points, and Tulane’s passage rate decreased 8 percentage points.

The changes in the bar examination have had a more dramatic effect upon the Southern University Law Center, as a school of access and opportunity, which undergirds the Law Center’s mission. Students with LSAT scores and undergraduate grade point averages that would otherwise be a barrier to them being able to pursue a law school education are given a chance at SULC. Because of the Law Center’s “Mission” it typically would have substantially more students with lower incoming predictors for law school success. Therefore, anytime the “rules of the game change” (i.e. the new scoring system which obviously has had a negative impact upon all schools) it would impact a law school, such as SULC, the most.

At the time in which the benchmarks for performance under the GRAD Act were submitted SULC, the Board of Regents, the LSU Law Center and the Supreme Court were under the impression that (a) the 7 of 9 scoring method would be maintained or (b) the non-weighted 630 compensatory scoring system would be adopted and would actually improve passage rates. Subsequent to the aforementioned timeframe, the listed stakeholders were under the false impression that the weighted 650 scoring scheme actually adopted would have no impact on first-time pass rates. The 650 point weighted scoring scheme represents a significant change

from the previous 490 passing score. Obviously, the projections about increased passage rates or no change in passage rates were clearly wrong. The Court's adoption of a proposal that was not in existence or being publically vetted was clearly not within the control of SULC. More importantly, the consequences of the adoption of the proposal has had a negative impact on bar passage across the entire state of Louisiana and was clearly not predicted nor anticipated.

Finally, SULC recognizes the reality of its failure to reach a benchmark that it submitted; however, hopes that as described above the Board will recognize the unique circumstances surrounding this fact and consider despite that information SULC only missed achieving an acceptable score under the Act by 0.8 points. This is simply a plea that the Board utilizes its extraordinary power to grant a reasonable request in light of compelling information that justifies relief. We think it would have been inappropriate to make the request that we are currently submitting had the Law Center been far from an acceptable score. However, despite the substantial information listed above that was beyond the control of SULC, she still only fell short of an acceptable score by less than one point. While generally it has been stated that close only applies to horseshoes and hand grenades, this is an additional circumstance under which one-time relief should be afforded to SULC.

With all due respect, SULC humbly submits the information listed herein in support of its request for relief from the penalties associated with not reaching an acceptable score under the GRAD Act. While we recognize the extraordinary nature of this request, we believe that the information listed above justifies taking the step requested. Moreover, SULC recognizes that long-term relief from the benchmarks established in 2010 will require legislative intervention. While such action is being contemplated by SULC, we are also increasing our efforts to improve our academic program by requiring more of our faculty and our students in ensuring that we have an academic program that will adequately prepare our students for entering the legal profession. We respectfully request that the Board of Regents grant SULC relief from the disastrous impact of failing to obtain an acceptable GRAD Act score.

GRAD ACT APPEAL ADDENDUM

When the GRAD ACT baseline institutional benchmark rates for July first time bar passage rates were established, the baseline data for the Southern University Law Center included actual data for 2007, 2008, and 2009 graduates who sat for the July 2007, July 2008 and July 2009 bar examination as first-time takers. The three year average for the period for the Law Center was 60.46% as compared to the state average of 69.69%. The first time average for Law Center graduates was 56.88% for 2007, 58.8% for 2008, and 65.20% for 2009, thus resulting in a three year average of 60.96%. Prior to the change in the bar exam scoring and testing scheme, the bar passage rate was 58.8% in 2010 for first time takers from the Law Center, 66.9% in 2011 for first time takers from the Law Center. In 2012 the first year the new scheme was implemented, first time bar passage rates dropped to 55.6% for Law Center graduates and in 2013, the rate dropped to 42%. The changes in the bar examination have had a more dramatic effect upon the southern University Law Center, as a school of access and opportunity, which is an important part of the Law Center's mission. The Law Center's mission includes given access and opportunity to prospective students whose LSAT and undergraduate grade point averages would otherwise deny them an opportunity to pursue legal studies.

The Law Center was very concerned about the changes in the bar exam and the potential impact of the changes upon the Law Center's performance targets related to the GRAD ACT. The Law Center was particularly concerned especially when it learned that the LSU Law Center was allowed to lower its performance targets for purposes of the GRAC ACT. The Law Center was not given the same opportunity to adjust/reduce its performance target with respect to the GRAD ACT. The Law Center asserts that the projections made with respect to the Louisiana Bar examination are flawed and there was insufficient study/analysis done to accurately predict what the impact of double weighting and dramatically increasing the passing score (from 490 to 650, a 33% increase) would be on applicants. The Law Center should be allowed relief from failing the GRAD ACT standard.

The original projections that first time bar passage rates would increase using a non-weighted 630 point scheme and that the first-time bar passage rates would remain the same on a state wide basis were clearly erroneous. The statewide average for first time bar passage rates was 74.8% for July 2011. The statewide passage rate for July 2012 first time takers dropped to 67%, and for July 2013 first time takers the average dropped to 60.69%. The change in the scoring and testing scheme has had an effect that was not anticipated and therefore is changed in circumstances that is beyond the Law Center's control.

A TEN-YEAR LOOK AT SULC'S FIRST TIME BAR PASSAGE

By

Chancellor Freddie Pitcher, Jr.

The Southern University Law Center has historically faced major challenges in achieving an acceptable bar passage rate almost from its inception. The last ten years have seen some improvement, but the challenges still exist. Anecdotally, SULC's bar passage challenges can be tied to its promotion of access and opportunity to a diverse group of students as a bridge between the contemporary and historically missions of the institution. To create this bridge SULC has consistently admitted students with LSAT scores that typically fall below 147. According to a national study performed by the National Conference of Bar Examiners (NCBE), students with such a low scores on the LSAT exam, average a first time bar passage rate that ranges between 38 and 42 percent. Notwithstanding these predictors, SULC's graduates have routinely outperformed the NCBE statistical data as evidenced by our statistical data over the last ten years shown below.

Prior to the July 2003 Louisiana Bar Exam, the Law Center had only experienced two-years (July 2001 and July 2002), where its bar passage exceeded the 50% mark. In 2001, SULC's bar passage was 56% and July 2002 it was 54%. The ABA expressed a concern for SULC's low bar passage during its site visit in 2001. The Law Center, however, was able to deflect this concern by providing a breakdown of the overall passage rate that showed the passage rate reached into the 90 percent range after several attempts at the exam. The ABA during its 2007 Accreditation Site visit found the Law Center to be in compliance with ABA Standard 301-6 on Bar Passage. SULC was able to show that in at least three-years of the five-year period leading up to the site visit, at least 75% of the students graduating in those years and sitting for the bar had passed a bar examination. Our longitudinal success was enhanced by Louisiana's unique bar exam scheme that allowed for conditional failures, after an applicant passed five parts of a nine part examination. With a conditional failure the applicant only had to pass two of the four parts that were failed upon a retake. Under the new Louisiana Bar Examination scheme, however, an applicant must now score or exceed 650 points on all nine parts of the exam. This is called compensatory scoring. Additionally, the Louisiana code subjects on the exam are weighted on a two to one (2:1) basis. Conditional failures, which helped repeat exam takers succeed on the bar in the past, were eliminated. Also under the new scheme, an applicant is limited to five attempts at passing the examination, whereas under the old scheme there was no limit on the number of times one could take the exam.

Bar Preparation Program

In previous years, many Law Center graduates failed to take a formal or commercial course in bar preparation. This was due to a variety of reasons, mainly economic and informational. More recently, large numbers of Law Center students are enrolling in a formal bar review course and work with national bar examiners in preparing for the Louisiana bar examination. Enrollment in a serious bar examination program of study has contributed to a bar passage rate that has consistently hit or approached the 60% mark. First-time passage rates since the last site visit have ebbed and flowed with July 2013 representing the most significant drop. As noted in an earlier discourse on this topic, part of the problem with SULC's drop in bar passage can be found in the implementation of a complete change and

overhaul of the Louisiana Bar Examination in 2012. This change not only affected SULC, but it also caused a significant drop in bar passage for all Louisiana Law Schools.

New Programs and Courses

In-house Program

In 2003, the Law Center also developed a multi-faceted bar preparation program to be offered inside the Law Center. The program primarily focuses on three areas. First, the program teaches students how to develop suitable outlines for preparation for the Louisiana Bar Examination. Students are taught how to develop a foundational, recurring issue outline to be used in conjunction with any previously acquired commercial outlines. Second, the program teaches students a study methodology that allows for adequate preparation time for the bar examination. Finally, the program evaluates student's written responses to sample examination questions. This evaluative process includes a written critique and a one-on-one meeting with the evaluator to suggest modifications to the student's analytical approach to resolving the issues tested in the sample questions.

The bar program is offered through several vehicles within the institutional structure of the Law Center. The Law Center currently offers a course, Statutory Analysis, to third-year students in its day program and to fourth-year students in its evening program. This course is discussed in more detail below.

The faculty, in conjunction with the Law Center's Student Bar Association, has also developed an in-school Supplemental Bar Review. During these sessions presenters advise students on commonly tested issues on the bar examination, as well as offer insights into the analysis required to resolve these issues. These sessions are offered during the fall and spring semesters, and students are encouraged, though not required, to attend. The Law Center, however, does take enrollment seriously and has contacted students who rank in the bottom half of the class in order to strongly encourage participation.

Finally, the Law Center offers a free Supplemental Bar Review course during the summer immediately following graduation. Students have sessions dedicated to the coverage of substantive legal issues. These sessions are coordinated with a commercial bar review program—which in this case is BARBRI. This supplemental program also will give students an opportunity to take timed sample bar examinations. The written responses of the students are critiqued, and these critiques are provided to the students in an effort to improve their test taking and writing skills.

Financial Support

The Law Center increased its efforts to have more students participate in its bar preparation program. In doing so, the Law Center has secured financial resources to offset the costs of this program, including more than 50 scholarships to students to help them with costs, and money to pay the presenters and writing fellows. The Law Center continues to investigate ways to provide more finances in order to continue to make this program a success.

Statutory Analysis

In spring 2006, the Law Center added Statutory Analysis to its elective curriculum. The course is made available to graduating seniors who wish to begin preparing for the bar examination early in the school year. The goal of the course is to provide students with an opportunity to review the statute-based material relevant to the bar examination. For the past two years, full-time faculty has taught the

course. The course includes coverage of bar preparation strategies, examination writing and individual conferences with students. To date the course has served a considerable number of graduating seniors who intend to remain in Louisiana and practice. After its first year, the Law Center witnessed its highest bar passage, 67%, in sixty years.

The chart below gives an overview of how SULC graduates have fared on the Louisiana Bar Examine dating back to July 2003.

July 2003	First Time Takers	35.96%
July 2004	First Time Takers	48.57%
July 2005	First Time Takers	43.21%
July 2006	First Time Takers	67.2%
July 2007	First Time Takers	56.88%
July 2008	First Time Takers	58.80%
July 2009	First Time Takers	65.20%
July 2010	First Time Takers	58.80%
July 2011	First Time Takers	66.9%
July 2012	First Time Takers	55.6%
July 2013	First Time Takers	42.00%

We believe that the corrective measures being put in place at the Law Center to assist our graduates as well as our current students will prove successful and we will see a steady rise in our bar passage in the future.

Agenda Item V.

Executive Summary

At its February 2014 meeting, the Board of Regents authorized staff to seek participation in the State Authorization Reciprocity Agreement (SARA). Under Other Business, staff will make a brief presentation on its progress in seeking membership in SARA.