



# The State Bar *of California*

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**OPEN SESSION  
AGENDA ITEM  
54-134 MAY 2019  
PROGRAMS COMMITTEE III.D**

**DATE:** May 16, 2019

**TO:** Members, Programs Committee  
Members, Board of Trustees

**FROM:** Amy Nuñez, Director, Office of Admissions  
Tammy Campbell, Program Manager, Office of Admissions

**SUBJECT:** Pilot Roll-Out of Remote Proctoring for June 2019 First Year Law Students' Examination and July Bar Examination

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## **EXECUTIVE SUMMARY**

The Office of Admissions has been challenged with recruiting the appropriate number of proctors required at each examination test site, as well as with ensuring consistent quality of proctoring at each test site. Staff are exploring options that could potentially address these issues, including reducing the number of test sites used for each exam cycle and exploring the use of remote proctoring. This item requests approval from the Programs Committee and Board of Trustees to proceed with piloting remote proctoring at limited test sites at the June 2019 First Year Law Student Examination and at the July 2019 Bar Examination.

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## **BACKGROUND**

The California Bar Exam has presented challenges in administration over the past several years. One of the primary challenges involves proctor recruitment; specifically hiring proficient proctors for the exam, as well as training new recruits. Historically, the California State Bar has maintained a steady proctor pool to draw from for each exam administration. Over the years, that proctor pool has reduced in size due to a variety of reasons, including the fact that many proctors have been working with the State Bar for a long time and are aging out, as well as a reduction in the number of people looking for seasonal work assignments. When proctors are not available, the State Bar uses personnel from temp agencies which increases cost and is resource-intensive, as staff is required to train and monitor those personnel more closely than experienced personnel. Aside from being less experienced, temp agency personnel are often

challenged by the parameters of proctoring. Admissions rules dictate, for example, that proctors cannot use cell phones, read personal material, sleep or converse during the exam administration. For new recruits, the cell phone limitation has proven to be a disincentive to work at the bar exam.

## **DISCUSSION**

Staff have explored alternatives that would address these challenges without impairing, and possibly improving the quality of the bar exam administration. One of the most feasible alternatives considered is online proctoring. Online proctoring increases the quality of proctoring as it uses both a “behind the scenes” proctor staffed by an online proctor company and artificial intelligence to detect cheating or erratic behavior. Generally, online proctoring can accommodate a ratio of four applicants per one online proctor by combining a “live proctor” with artificial intelligence. The online proctors view the applicants and their surroundings throughout the examination through the use of a standalone camera or the camera on the applicant’s laptop. To prevent access to external information on the applicant’s computer, the program is designed to block access to anything other than the ExamSoft testing program and the online proctor program. Artificial intelligence monitors eye and body movement and provides a report about any concerning issues back to the live human proctor. The online proctor communicates directly with the applicant in certain instances, and with on-site Admissions staff in other instances to address anomalies that suggest possible cheating or other problems with the test taker. Although there would still be proctors on-site at the test center, we would require far fewer proctors than currently required. The on-site proctors will continue to provide lobby and restroom security, facilitate the distribution and collection of exam materials and monitor applicants during testing while troubleshooting any issues that may arise. Admissions staff will continue to be present to provide guidance on-site.

Proctor U is one of the leading companies that provides online proctoring. Proctor U provided a demonstration of online proctoring to the Committee of Bar Examiners (CBE) on February 1, 2019. Proctor U has been offering online proctoring for over 10 years and has contracted with upwards of 100 licensing agencies. They currently work with more than 800 schools and have provided proctor services for over 5 million exam applicants. In order to completely determine our online proctor needs, the Office of Admissions plans to utilize Proctor U as a sole source vendor during the upcoming administration of the June First-Year Law Students’ and July Bar examinations. This will provide an opportunity to better understand our needs before we seek formal solicitation for a vendor.

Staff plans to pilot on-line proctoring at the South San Francisco Conference Center with approximately 125 applicants and at the Doubletree Westside (Culver City) with approximately 20 testing accommodation applicants. For the July 2019 California Bar Examination, the test centers that have been identified are the Ontario Convention Center with approximately 456 applicants and the Hilton Sacramento Arden West with approximately 60-80 testing accommodation applicants. Because this proctoring is administered online, traditional proctors will be required for all test takers who handwrite their exams, and for the multiple choice MBE section of the Bar Examination, as there is currently no option to take that part of the test

online. Despite this limitation, because roughly 85 percent of First Year Law Students' Examination test takers, and 93 percent of California Bar Examination test takers use laptops, staff still anticipates that ultimately online proctoring will provide great benefits to the administration of the exam and cost savings as well.

Given the challenges in providing sufficient, quality proctors and ensuring the effective administration of the examination, staff strongly recommend piloting online proctoring as a method to might improve the quality of the bar exam administration. Following the pilot phase, staff will report back to the Programs Committee on the level of success of the program. With the concurrence of the Programs Committee, staff would proceed with an RFP for future online proctoring based on the lessons learned from the pilot.

### **FISCAL/PERSONNEL IMPACT**

Costs for the pilot will include contracting for the remote proctoring services, as well as potential costs for purchasing the cameras that will enable the proctoring to work most effectively. The reduction in the number of proctors will not be as pronounced during the initial pilot phases, as we need to ensure that a sufficient number of in-person proctors are available in the event of technical problems. Once these exploratory sessions have been completed, staff will have a better understanding about the proper ratio of in-person proctors required at remote proctored sites. Eventually, we anticipate a cost savings as we will need less in-person proctors for remote proctoring sites. Staff will be in a position to provide estimates of costs at the May 16, 2019, Programs Committee meeting.

### **RULE AMENDMENTS**

None

### **BOARD BOOK AMENDMENTS**

None

### **STRATEGIC PLAN GOALS & OBJECTIVES**

None

### **RECOMMENDATIONS**

**It is recommended that the Programs Committee and Board of Trustees approve the following resolution:**

**RESOLVED**, that the Board of Trustees approve the piloting of remote (online) proctoring for the June 2019 First Year Law Students' Examination and the July 2019 California Bar Examination; and direct staff to take the necessary actions to implement

that direction; and it is

**FURTHER RESOLVED**, that the Board of Trustees direct staff to report back to the Programs Committee after the June 2019 First Year Law Students' Examination and after the July 2019 California Bar Exam on the use of online proctoring for each examination.

**ATTACHMENT(S) LIST**

None