



# The State Bar *of California*

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## **OPEN SESSION**

### **AGENDA ITEM O- 300**

**AUGUST 2020**

### **COMMITTEE OF BAR EXAMINERS**

**DATE:** August 21, 2020

**TO:** Members, Committee of Bar Examiners

**FROM:** Tammy Campbell, Program Manager

**SUBJECT:** Action on June 2020 First-Year Law Students' Examination Cost Analysis

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## **EXECUTIVE SUMMARY**

The information provided below summarizes the analysis of the costs associated with the June 2020 First-Year Law Students' Examination.

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## **BACKGROUND**

As part of the on-going process to monitor the costs related to administering the First-Year Law Students' Examination (FYLSX), a cost analysis of the June 2020 FYLSX has been prepared. Attached is additional detail regarding the various expenses associated with administering the examination.

## **DISCUSSION**

Historically, the First-Year Law Students' Examination is administered in-person at four test centers across California. Due to the COVID-19 pandemic and related guidelines established by the Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO), administering the First-Year Law Students' Examination in the traditional in-person format was not feasible. As a result, the FYLSX was administered in an online, remote-proctored format. Applicants with testing accommodations and extenuating circumstances that were not able to test in an online format were accommodated in-person at both the Los Angeles and San Francisco State Bar offices.

The total cost for administering the June 2020 FYLSX was \$29,108 for 267 applicants. This compares to \$164,615 for 323 applicants for the June 2019 FYLSX. The decline in FYLSX applicants from June 2019 to June 2020 represents a 17.34 % decrease.

Below are a few highlights from the cost analysis:

1. For the June 2019 examination, approximately 59% of the overall capacity was used to administer the exam compared to 68% for the June 2020 examination.
2. Normally, 72% of our total costs are comprised of costs related to facility rental, electrical, and proctors. These costs were not applicable for the June 2020 in-person test centers due to the usage of State Bar conference rooms. Applicants did not require additional electrical outlets, and staff from both Admissions offices served as proctors for the exam. They were also not necessary for the online exam. For this examination, 90% of the total direct costs were associated with the laptop license and exam monitor fees.
3. For the June 2019 examination, it cost approximately 42% of the total exam cost to administer the exam at the testing accommodation test centers. For the June 2020 in-person exam, the 7 applicants that took the examination at State Bar office test centers were a combination of testing accommodations and applicants with extenuating circumstances. These applicants made up for 2.6% of the total number of applicants, and the cost to administer the examination to those applicants was approximately 10% of the total exam cost.
4. In June 2019, it cost approximately \$279 to administer the FYLSX to an applicant taking the examination at a non-testing accommodations test center compared to approximately \$3842 for each applicant taking the examination at a Testing Accommodations test center. During the June 2020 examination, it cost approximately \$93 to administer the FYLSX to an applicant taking the examination online compared to approximately \$283 for each applicant taking the examination at an in-person test center. The overall cost per applicant in June 2019 was approximately \$509 compared to \$100 per applicant for the June 2020 examination.

Administering examinations at Testing Accommodations test centers normally involve higher costs because of the type of facility that must be used (i.e.-hotel instead of a conference center) in order to be able to provide semi-private/private rooms, additional proctor requirements, specialized equipment/software, etcetera.

With this examination administered mostly online, with no direct facility or proctor costs to administer it in the State Bar conference rooms, the majority of the costs associated with administering this exam resulted from the laptop license fees and the additional fee for the exam monitoring.

It's also important to note that these figures don't factor in the indirect costs, including staff time spent preparing for the exam before, administering the exam during and finalizing the

exam afterwards. The process of reviewing all of the flagged videos by all staff after the exam was a manual process. It included the completion of incident reports, issuing and affirming Chapter 6 Notice of Violations and required staff to work overtime to complete this task in a timely manner, while trying to meet their normal day-to-day work duties. This report, along with previous exam administration financial reports do not include costs for staff dedicated year-round to exam administration (eligibility team, applicant services, testing accommodations and exam support), miscellaneous exam supplies sent to test centers, Testing Accommodation consultant fees, printing costs, graders, psychometric services and staff overtime during and post exam administration.

## **FISCAL/PERSONNEL IMPACT**

None

## **AMENDMENTS TO RULES OF THE STATE BAR**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: 5. Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

Objective: d. Improve transparency, accountability, accessibility, and governance by increasing the availability of meeting materials and public access to meetings and records and reporting these efforts to stakeholders and the general public.

## **RECOMMENDATIONS**

It is recommended that the Committee of Bar Examiners approve the June 2020 First-Year Law Students' Examination Cost Analysis set forth above.

## **PROPOSED MOTION**

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made:

**MOVE**, that the June 2020 First-Year Law Students' Examination Cost Analysis be approved.

## **ATTACHMENT(S) LIST**

- A. June 2020 Cost-Analysis Breakdown**

First Year Law Student's Exam Administration Costs F2006																						
Test Center																						
Facility	Max Capacity	Expected # of Testers	Actual # of Testers	% of Capacity	Test Center Type	Facility Rental	Tables & Chairs	Electrical Outlet	Exemplify License Fee	Exam Monitor Fee	ExamSoft Technicians	Proctors	Bottled Water	Audio Visual	Workroom Phones	Personal Protective Equipment	Exam Materials Shipping	Staff Parking	Proctor Parking	Off-Duty Officers	Grand Total	Cost/Tester
Northern California:																						
SF Office (S608)	31	4	2	6.45%	TA/LW	\$0.00	\$0.00	\$0.00	\$95.00	\$0.00	\$605.75	\$0.00	\$19.98	\$0.00	\$0.00	\$69.51	\$0.00	\$75.00	\$0.00	\$600.00	\$1,465.24	\$732.62
Southern California:																						
LA Office (S105)	36	7	5	13.89%	TA/LW	\$0.00	\$0.00	\$0.00	\$95.00	\$0.00	\$625.07	\$0.00	\$19.98	\$0.00	\$0.00	\$69.52	\$0.00	\$54.00	\$0.00	\$790.00	\$1,653.57	\$330.71
Online Remote (O501)	325	279	260	80.00%	Online	\$0.00	\$0.00	\$0.00	\$13,300.00	\$12,690.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25,990.00	\$99.96
Online Exam - Subtotal	325	279	260	80.00%	Online	\$0.00	\$0.00	\$0.00	\$13,300.00	\$12,690.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25,990.00	\$93.15
In-Person - Subtotal	67	11	7	10.45%	TA/LW	\$0.00	\$0.00	\$0.00	\$190.00	\$0.00	\$1,230.82	\$0.00	\$39.96	\$0.00	\$0.00	\$139.03	\$0.00	\$129.00	\$0.00	\$1,390.00	\$3,118.81	\$283.53
EXAM TOTAL	392	290	267	68.11%		\$0.00	\$0.00	\$0.00	\$13,490.00	\$12,690.00	\$1,230.82	\$0.00	\$39.96	\$0.00	\$0.00	\$139.03	\$0.00	\$129.00	\$0.00	\$1,390.00	\$29,108.81	\$100.38
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% of Total						0.0%	0.0%	0.0%	46.3%	43.6%	4.2%	0.0%	0.1%	0.0%	0.0%	0.5%	0.0%	0.4%	0.0%	4.8%	100.0%	

\*\*\* Does not include "indirect" costs including staff time spent preparing for the exam before, administering the exam during and finalizing the exam afterwards, as well as actual costs for medical experts/consultants, printing of exam materials, graders and miscellaneous supplies used to administer the examination.