



The State Bar of California

OPEN SESSION AGENDA ITEM O-300 JANUARY 2021 COMMITTEE OF BAR EXAMINERS

DATE: January 29, 2021

TO: Members, Committee of Bar Examiners

FROM: Tammy Campbell, Program Manager

SUBJECT: Action on October 2020 California Bar Examination Cost Analysis

EXECUTIVE SUMMARY

The information provided below summarizes the analysis of the costs associated with the October 2020 California Bar Examination.

BACKGROUND

As part of the on-going process to monitor the costs related to administering the California Bar Examination (CBX), a cost analysis of the October 2020 California Bar Examination has been prepared. Attached is additional detail regarding the various expenses associated with administering the examination.

DISCUSSION

Historically, the California Bar Examination (CBX) is administered in-person at fifteen 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 California Bar Examination in the traditional in-person format was not feasible. As a result, the CBX was administered in an online, remote-proctored format. Applicants with testing accommodations and extenuating circumstances that prevented them from testing in an online format were accommodated in-person at six test centers throughout Southern and Northern California.

The cost analysis has historically only focused on the overall cost to administer the examination in-person at the test centers. The data provided didn't factor in other costs such as printed exam materials, MBE booklets, graders, laptop license fees or other indirect costs, including staff time spent preparing for the exam before, administering the exam during and finalizing the exam afterwards. The addition of the graders, exam materials and laptop license fees, including the addition of the Exam ID & Exam Monitor for online applicants has been included in the cost-analysis.

The process of reviewing all 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 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, psychometric services and staff overtime during and post exam administration.

The total cost for administering the October 2020 CBX was \$2,729,942 for 9,301 applicants. This compares to \$2,298,274 for 8,206 applicants for the July 2019 CBX. The change in the number of CBX applicants from July 2019 to October 2020 represents a 13.34 % increase.

Below are a few highlights from the cost analysis:

1. The October 2020 examination experienced a shift in costs based on the change in modalities. Due to COVID-19, there were less test centers and each applicant had their own room that required more sleeping rooms than usual for less applicants. There were less proctors being used than would be normally. This came with challenges to have one proctor monitor two rooms, with 1 applicant in each room, but was necessary to decrease exposure.

Due to less in-person applicants, and paper materials not being distributed to all applicants, the printing costs and MBE booklet costs were decreased substantially due to most applicants testing online.

There was the additional cost of the Exam ID & Exam Monitor fee to provide a way to proctor the testing online.

There was an elimination of costs for the audio-visual, table & chairs, electrical, and coffee for proctors. There were additional costs associated with buying a large volume of Personal Protective Equipment (PPE) for the in-person test centers. Historically, hotels do not charge for water stations to be placed in the hallways for applicants. However, to eliminate applicants congregating at a water station, water bottles were provided and came with an additional cost at most of the hotels.

2. The cost of exam-related expert and legal consultant services was significantly higher for the first-ever remote bar exam than it would be for a typical administration. In addition to the usual psychometric services, the State Bar worked with communications and technology experts to ensure that the October 2020 CBX was a success. It also successfully defended multiple lawsuits pertaining to the exam, which included additional expert costs.
3. For the July 2019 examination, approximately 82% of the overall capacity for all test centers was used to administer the exam compared to 74% for the October 2020 examination (including online).
4. Historically, approximately 85% of our total costs are comprised of costs related to facility rental, electrical, and proctors. For the October exam, applicants did not require additional electrical outlets, and nine less facilities were utilized due to COVID-19. Due to less test centers, and COVID-19 protocols, less proctors were used overall than a typical in-person exam. For this examination, approximately 29.4% of the direct costs were associated with the in-person facilities and proctors and 52.5% was associated with administering the exam online remotely.
5. For the July 2019 examination, approximately 49.5% of the total exam cost was to administer the exam to approximately 540 applicants at the testing accommodation test centers and accounted for 6.3% of the total number of applicants.

For the October 2020 in-person exam, the 381 applicants that took the examination at test centers were a combination of testing accommodations and applicants with extenuating circumstances. These applicants made up for only 4% of the total number of applicants, and the cost to administer the examination to those applicants was approximately 35.8% of the total exam cost.

6. In July 2019, it cost approximately \$278 to administer the CBX to an applicant taking the examination at a non-testing accommodations test center compared to approximately \$2,942 for each applicant taking the examination at a Testing Accommodations test center. During the October 2020 examination, it cost approximately \$145 to administer the CBX to an applicant taking the examination online compared to approximately \$2,332 for each applicant taking the examination at an in-person test center. This does not include the cost of graders or exam related consultants. The overall cost per applicant in July 2019 was approximately \$280 compared to \$293 per applicant for the October 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 provide semi-private/private rooms, additional proctor requirements, specialized equipment/software, etcetera.

Given that this examination was administered primarily as an online examination, additional costs associated with administering the exam in this format were incurred. These included the licensing fee for the Exam ID & Exam Monitoring and the exam related consultants.

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 October 2020 California Bar 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 October 2020 California Bar Examination Cost Analysis be received and filed.

ATTACHMENT(S) LIST

- A.** October 2020 CBX Cost Analysis Breakdown

Examination Administration Costs -October 2020 General Bar Examination																													
Test Center Facility	Capacity	# of Testers	% of Capacity	Type	Meeting Space	Testing Rooms (TA)	Tables & Chairs	Electrical	Exemplify License Fee	Exam Monitor Fee	Examsoft Technicians	Water	Coffee	Personal Protective Equipment	AV	WiFi	Phones	Computers	Shipping	Staff Rooms & Parking	Proctors	Proctor Parking	Off-Duty	Grading	MBE Booklets	Essay/PT Printing	Exam Related Consultants	Grand Total	Cost/Tester
Northern California:																													
Crowne Plaza Hotel - Burlingame (S623)	110	74	67.27%	TA/Ext	\$12,318.78	\$91,937.54					\$3,115.00	\$1,675.35						\$2,093.13	\$350.00	\$8,783.17	\$36,897.52	\$1,416.00	\$5,620.00					\$164,206.49	\$2,219.01
Hilton Sacramento Arden West (S706)	50	30	60.00%	TA/Ext	\$7,183.04	\$44,910.63						\$1,908.14				\$525.92		\$2,131.05	\$700.00	\$4,736.65	\$19,716.83		\$5,640.00					\$87,452.26	\$2,915.08
Northern California Totals	160	104	65.00%		\$19,501.82	\$136,848.17	\$0.00	\$0.00	\$0.00	\$0.00	\$3,115.00	\$3,583.49	\$0.00	\$0.00	\$0.00	\$525.92	\$0.00	\$4,224.18	\$1,050.00	\$13,519.82	\$56,614.35	\$1,416.00	\$11,260.00	\$0.00	\$0.00	\$0.00	\$0.00	\$251,658.75	\$2,419.80
Southern California:																													
Doubletree Hotel - Orange (S260)	100	85	85.00%	TA/Ext	\$12,250.00	\$86,394.00					\$1,233.12	\$2,160.00				\$1,500.00		\$2,093.13	\$350.00	\$8,167.50	\$34,593.11	\$581.00	\$5,660.00					\$154,981.86	\$1,823.32
Sheraton Gateway LAX (S114)	100	68	68.00%	TA/Ext	\$16,667.27	\$103,261.91					\$1,308.22	\$1,066.72					\$404.06	\$1,781.05	\$350.00	\$8,038.92	\$28,303.97	\$4,092.00	\$5,650.00					\$170,924.12	\$2,513.59
Sheraton Mission Valley (S304)	60	43	71.67%	TA/Ext	\$0.00	\$51,877.02					\$1,800.00	\$1,075.26						\$819.40	\$700.00	\$7,029.77	\$17,442.94		\$5,690.00					\$86,434.39	\$2,010.10
Doubletree Hotel - Westside (S106)	110	81	73.64%	TA/Ext	\$11,193.20	\$112,391.83												\$1,781.05	\$350.00	\$9,322.53	\$34,358.17	\$2,574.00	\$5,800.00					\$177,770.78	\$2,194.70
Southern California Totals	370	277	74.86%		\$40,110.47	\$353,924.76	\$0.00	\$0.00	\$0.00	\$0.00	\$4,341.34	\$4,301.98	\$0.00	\$0.00	\$0.00	\$1,500.00	\$404.06	\$6,474.63	\$1,750.00	\$32,558.72	\$114,698.19	\$7,247.00	\$22,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$590,111.15	\$2,130.37
Miscellaneous In-Person Costs														\$ 10,073.62					\$ 8,925.00				\$ 780.00		\$ 6,216.00	\$ 20,944.98		\$ 46,939.60	\$123.20
In-Person Overall Total	530	381	71.89%																									\$888,709.50	\$2,332.57
Online Remote	12,000	8,920	74.33%	Remote					\$456,380.00	\$833,624.00												\$ 8,671.26						\$1,298,675.26	\$145.59
In-Person Sites - Subtotal	530	381	71.89%	TA/Ext	\$59,612.29	\$490,772.93	\$0.00	\$0.00	\$0.00	\$0.00	\$7,456.34	\$7,885.47	\$0.00	\$10,073.62	\$0.00	\$2,025.92	\$404.06	\$10,698.81	\$11,725.00	\$46,078.54	\$171,312.54	\$8,663.00	\$34,840.00	\$0.00	\$6,216.00	\$20,944.98	\$0.00	\$888,709.50	\$2,332.57
Online Remote - Subtotal	12,000	8,920	74.33%	Remote	\$0.00	\$0.00	\$0.00	\$0.00	\$456,380.00	\$833,624.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,671.26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,298,675.26	\$145.59
Miscellaneous Costs - All Formats					\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ 288,250.00	\$0.00	\$0.00	\$254,307.50	\$ 542,557.50	\$58.33
Exam Totals	12,530	9,301	74.23%		\$59,612.29	\$490,772.93	\$0.00	\$0.00	\$456,380.00	\$833,624.00	\$7,456.34	\$7,885.47	\$0.00	\$10,073.62	\$0.00	\$2,025.92	\$404.06	\$10,698.81	\$11,725.00	\$46,078.54	\$179,983.80	\$8,663.00	\$34,840.00	\$288,250.00	\$6,216.00	\$20,944.98	\$254,307.50	\$2,729,942.26	\$293.51
% of Total					2.2%	18.0%	0.0%	0.0%	16.7%	30.5%	0.3%	0.3%	0.0%	0.4%	0.0%	0.1%	0.01%	0.4%	0.4%	1.7%	6.6%	0.3%	1.3%	10.6%	0.2%	0.8%	9.3%	100.0%	