



The State Bar *of California*

OPEN SESSION

AGENDA ITEM O- 300

JUNE 2021

COMMITTEE OF BAR EXAMINERS

DATE: June 18, 2021

TO: Members, Committee of Bar Examiners

FROM: Tammy Campbell, Program Manager

SUBJECT: Action on February 2021 California Bar Examination Cost Analysis

EXECUTIVE SUMMARY

The information provided below summarizes the analysis of the costs associated with the February 2021 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 February 2021 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 did not 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 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, in addition to their normal day-to-day duties. This report, along with previous exam administration financial reports, does not include costs for staff dedicated year-round to exam administration (the 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 February 2021 CBX was \$1,750,138 for 3,530 applicants. This compares to \$1,475,298 for 4,622 applicants for the February 2020 CBX. The change in the number of CBX applicants from February 2020 to February 2021 represents a 23.63 % decrease.

Below are a few highlights from the cost analysis:

1. The February 2021 examination experienced a shift in costs based on the change in modalities. Due to COVID-19, there were fewer test centers and each applicant had to have their own room, this increased the required number of sleeping rooms relative to the size of the in-person applicant pool. There were also fewer proctors than a normal administration. While it was challenging to have one proctor monitor two rooms, with 1 applicant in each room, it was necessary to decrease exposure.

Due to fewer in-person applicants, and paper materials not being distributed to all applicants, the printing costs for the Essay and Performance Test were decreased substantially.

During the October 2020 examination, the National Conference of Bar Examiners (NCBE) did not provide a full exam; thus, we only paid for the print version. As the NCBE provided a full examination for both in-person and online applicants in February, the MBE booklet costs increased for this exam, but is in line with normal February costs.

There was the additional Exam ID & Exam Monitor fee to proctor the test online.

There was an elimination of costs for audio-visual, tables and chairs, electrical, and coffee for proctors. However, 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. For the February 2020 examination, approximately 78% of the overall capacity for all test centers was used to administer the exam compared to 54.56% for the February 2021 examination (including online).
3. Historically, approximately 81% of our total costs are comprised of costs related to facility rental, electrical, and proctors. For the February exam, applicants did not require additional electrical outlets, and five fewer facilities were utilized due to COVID-19. Due to fewer test centers, and COVID-19 protocols, fewer proctors were used overall than a typical in-person exam. For this examination, approximately 46.39% of the direct costs were associated with the in-person facilities and proctors and 53.61% were associated with administering the exam online remotely.
4. For the February 2020 examination, approximately 42.47% of the total exam cost was to administer the exam to approximately 342 applicants at the testing accommodation test centers and accounted for 7.4% of the total number of applicants.

For the February 2021 in-person exam, the 132 applicants that took the examination at test centers were a combination of applicants with testing accommodations and applicants with extenuating circumstances. These applicants made up for only 3.74% of the total number of applicants, and the cost to administer the examination to those applicants was approximately 46.39% of the total exam cost.

5. In February 2020, it cost approximately \$146 to administer the CBX to an applicant taking the examination at a general test center compared to approximately \$2,430 for each applicant taking the examination at a s test center for accommodated applicants. During the February 2021 examination, it cost approximately \$276 to administer the CBX to an applicant taking the examination online compared to approximately \$6,150 for each applicant taking the examination at an in-person test center. The overall cost per applicant in February 2020 was approximately \$319 compared to \$495 per applicant for the February 2021 examination.

Administering examinations at test centers for accommodated applicants normally involve higher costs because of the type of facility that must be used (i.e.-hotel instead of a conference center) 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, including the licensing fee for the Exam ID & Exam Monitoring.

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 February 2021 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 February 2021 California Bar Examination Cost Analysis be received and filed.

ATTACHMENT(S) LIST

A. February 2021 CBX Cost Analysis Breakdown

FEBRUARY 2021 CALIFORNIA BAR EXAMINATION

Facility	Crowne Plaza Burlingame (S/L623)	Hilton Sacramento (S/L706)	Nor Cal Total	Doubletree Orange (S/L260)	Sheraton Gateway LAX (S/L114)	Doubletree Westside (S/L106)	Sheraton Mission Valley (S/L304)	So Cal Total	Online Remote (O501)	Online Total	Misc. Total	TA Sites - Total	EXAM TOTAL	% of Total
Capacity	90	50	90	100	110	80	40	470	6,000	6000		470	6470	
# of Testers	16	11	27	38	23	28	16	105	3398	3398		132	3530	
% of Capacity	17.78%	22.00%	30.00%	38.00%	20.91%	35.00%	40.00%	22.34%	56.63%	56.63%		28.09%	54.56%	
Type	TA/EC	TA/EC		TA/EC	TA/EC	TA/EC	TA/EC		Online					
Meeting Space	\$12,318.78	\$11,731.98	\$24,050.76	\$18,800.00	\$16,162.20	\$10,622.64	\$6,788.30	\$52,373.14	\$0.00	\$0.00	\$0.00	\$76,423.90	\$76,423.90	4.4%
Testing Rooms (TA)	\$80,013.90	\$52,456.37	\$132,470.27	\$97,072.72	\$62,333.80	\$90,993.60	\$35,813.07	\$286,213.19	\$0.00	\$0.00	\$0.00	\$418,683.46	\$418,683.46	23.9%
Tables & Chairs	\$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	0.0%
Electrical	\$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	0.0%
Exemplify License Fee	\$911.25	\$653.72	\$1,564.97	\$2,139.45	\$1,267.82	\$1,446.11	\$911.25	\$5,764.63	\$190,767.89	\$190,767.89	\$0.00	\$7,329.60	\$198,097.49	11.3%
Exam Monitor Fee	\$1,796.28	\$1,288.63	\$3,084.91	\$4,217.35	\$2,499.17	\$2,850.61	\$1,796.28	\$11,363.41	\$376,046.69	\$376,046.69	\$0.00	\$14,448.32	\$390,495.01	22.3%
Examsoft Technicians	\$1,270.02	\$1,989.90	\$3,259.92	\$1,918.85	\$1,932.76	\$1,938.07	\$2,400.00	\$8,189.68	\$0.00	\$0.00	\$0.00	\$11,449.60	\$11,449.60	0.7%
Water	\$985.50	\$2,063.23	\$3,048.73	\$2,376.00	\$517.19	\$0.00	\$648.00	\$3,541.19	\$0.00	\$0.00	\$0.00	\$6,589.92	\$6,589.92	0.4%
Coffee	\$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	0.0%
PPE Equipment	\$777.01	\$777.01	\$1,554.02	\$777.01	\$777.01	\$777.01	\$777.01	\$3,108.04	\$0.00	\$0.00	\$0.00	\$4,662.06	\$4,662.06	0.3%
AV	\$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	0.0%
WiFi	\$0.00	\$620.31	\$620.31	\$1,500.00	\$529.32	\$0.00	\$0.00	\$2,029.32	\$0.00	\$0.00	\$0.00	\$2,649.63	\$2,649.63	0.2%
Phones	\$0.00	\$0.00	\$0.00	\$0.00	\$202.03	\$0.00	\$0.00	\$202.03	\$0.00	\$0.00	\$0.00	\$202.03	\$202.03	0.0%
Computers/Printers	\$1,097.40	\$1,197.40	\$2,294.80	\$943.88	\$943.38	\$2,481.25	\$424.00	\$4,792.51	\$0.00	\$0.00	\$0.00	\$7,087.31	\$7,087.31	0.4%
Shipping	\$2,050.00	\$2,050.00	\$4,100.00	\$2,050.00	\$2,050.00	\$2,050.00	\$2,050.00	\$8,200.00	\$0.00	\$0.00	\$0.00	\$12,300.00	\$12,300.00	0.7%
Staff Rooms & Parking	\$4,364.25	\$4,217.20	\$8,581.45	\$5,651.64	\$3,447.80	\$4,918.82	\$4,498.26	\$18,516.52	\$0.00	\$0.00	\$0.00	\$27,097.97	\$27,097.97	1.5%
Proctors	\$20,749.92	\$23,023.69	\$43,773.61	\$32,227.86	\$24,855.42	\$36,806.14	\$16,406.42	\$110,295.84	\$0.00	\$0.00	\$0.00	\$154,069.45	\$154,069.45	8.8%
Proctor Parking	\$900.00	\$0.00	\$900.00	\$819.00	\$660.00	\$1,908.00	\$0.00	\$3,387.00	\$0.00	\$0.00	\$0.00	\$4,287.00	\$4,287.00	0.2%
Off-Duty Officers	\$5,500.00	\$5,980.00	\$11,480.00	\$7,220.00	\$6,250.00	\$6,460.00	\$6,300.00	\$26,230.00	\$0.00	\$0.00	\$0.00	\$37,710.00	\$37,710.00	2.2%
Grading	\$865.84	\$519.50	\$1,385.34	\$1,904.85	\$1,039.01	\$1,212.18	\$865.84	\$5,021.88	\$166,760.78	\$166,760.78	\$0.00	\$6,407.22	\$173,168.00	9.9%
MBE Books & Scoring	\$1,276.90	\$1,009.95	\$2,286.85	\$3,287.70	\$1,791.10	\$2,048.95	\$1,276.90	\$8,404.65	\$204,637.50	\$204,637.50	\$0.00	\$10,691.50	\$215,329.00	12.3%
Essay/PT Printing	\$1,639.38	\$1,639.37	\$3,278.75	\$1,639.38	\$1,639.38	\$1,639.38	\$1,639.37	\$6,557.51	\$0.00	\$0.00	\$0.00	\$9,836.26	\$9,836.26	0.6%
Exam Related Consultants	\$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	0.0%
Grand Total	\$136,516.43	\$111,218.26	\$247,734.69	\$184,545.69	\$128,897.39	\$168,152.76	\$82,594.70	\$564,190.54	\$938,212.86	\$938,212.86	\$0.00	\$811,925.23	\$1,750,138.09	100%
Cost/Tester	\$8,532.28	\$10,110.75	\$9,175.36	\$4,856.47	\$5,604.23	\$6,005.46	\$5,162.17	\$5,373.24	\$276.11	\$276.11	\$0.00	\$6,150.95	\$495.79	

*** Grand Total 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, and miscellaneous supplies used to administer the examination.