



The State Bar *of California*

Approval of Guiding Principles in Examination Development to Minimize Potential Bias in Bar Exam Questions

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What is DIF?

- DIF is a statistical procedure to evaluate performance patterns on specific questions across groups of test takers.
- DIF occurs when test takers of approximately comparable knowledge and skill in different groups perform in substantially different ways on a test question.

What is the Purpose of DIF Study?

- When DIF is identified in a specific question, the information helps to identify potential issues in the question.
- DIF is NOT synonymous with bias; no statistic can determine whether or not a test question is biased.
- Ultimately it helps to ensure the fairness of tests.

Data Used in Study

- 20 exams from July 2009 to February 2019
- 152 written questions – 116 essays and 36 PT questions
- Results from 72,165 first-time exam takers

Variables

- Gender
- Race/ethnicity
- Law school Type
- Subject matter
- July or February Administration

Method

- Used MBE performance to hold constant test takers' underlying abilities
- DIF is flagged based on both size of difference and statistical significance

Gender

- Female test takers were flagged with DIF on 20% of questions
- In favor of female takers when MBE performance is held constant

Topic Areas

- DIF flag concentrated, proportionally, in less frequent subject matters such as trust, wills, and community property

Race/Ethnicity

- African American takers showed highest proportion of DIF flags, at 16%, followed by Asians (7%), and Hispanics (5%).
- Results are unstable due to large discrepancy of sample size between groups
- All flagged items indicated that Caucasians performed better than each focal group after controlling for overall performance on the MBE
- For nonwhites as a whole, 5% of questions were flagged. Nonwhites had a moderate disadvantage in Contracts, Evidence, Professional Responsibility, Real Property and Torts

School Type

- With CA ABA schools as reference group, DIF was identified as following:
- Foreign JD – 75%
- CA Registered – 64%
- OOS Attorney – 55%
- CAL – 33%
- OOS ABA – 30%
- Large sample size difference a potential issue.

DIF Joint Working Group Included COAF & CBE

Reviewed a combination of high and low rated DIF questions seeking the following types of bias in the questions:

- **Gender Bias**
- **Cultural Bias**
- **Offensive**
- **Perpetuating stereotypes**
- **Unfair representation of certain groups**
- **Construct irrelevant knowledge required**
- **Language that put any group at an advantage**



DIF Working Group Recommendations

- No racially inappropriate, gender inappropriate or otherwise overtly biased terminology was found
- No overt stereotyping or favoring of one race over another
- Developed 14 guiding principles to be shared:
 - Developers: Drafters, Pre-Testers, Examination Development & Grading (EDG) Team, and the Performance Test (PT) Drafting Team



Questions?

