



The State Bar *of California*

Admissions Rules Revisions: Request for Adoption Examinations & Testing Accommodations

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Rules to the Board in May 2023: Request to Circulate for Public Comment

- Examinations (Rule 4.62) Access to Exam Answers and Scores
 - Public comment period ended July 26, 2023
 - B&P Code updated effective – January 1, 2024
- Testing Accommodations Rules (Rules 4.80-4.92)
 - Public comment #1 ended January 31, 2023
 - Public comment #2 ended July 31, 2023
 - Public comment #3 ended October 7, 2023



Testing Accommodations Rules Revision: Key Objectives

Clarify and streamline the application and review process – guided heavily by the LSAC Consent Decree and the DOJ guidelines.

- To improve the experience for applicants:
 - Eliminate unnecessary costs
 - Substantially reduce the need to acquire new documentation from doctors or other qualified professionals
 - Get to a final determination much sooner
- To streamline the process for State Bar:
 - Shift focus to those applicants without prior accommodations history on high stakes exam
 - Eliminate unnecessary documentation that complicates/lengthens the time to evaluate requests for testing accommodations



Key Changes to the Processing of TA Requests

- Simplified process for applicants with prior TA on high stakes exams
- Simplified request form and qualified professional's form
- Limitation on documentation required to that which is reasonable and narrowly tailored to determine the applicant's need for the requested testing accommodations
- Deference given to documentation from a qualified professional who has made an individualized assessment of the applicant
- Considerable weight given to accommodations approved in law school
- Extension on the timeline for applicants to submit a request for review by CBE



Public Comments Not Fully Satisfied by Rules Proposal

- Definition of “disability” – aligns with Americans with Disabilities Act (ADA)
- Automatic approval limited to requests that do not include more than 100% extra time and/or a private room.
 - The qualified professional must include a statement explaining why accommodations providing for double time or a reduced-distraction environment would be insufficient to provide the applicant equal access to the exam.
- Automatic approval not applied to testing accommodations approved for timed exams administered in college and law school – “considerable weight” given
- Two-weeks to issue determination on request for TA; 30 days to appeal for all applicants
 - CBE to explore adjusting the timelines for processing requests after the rules have been implemented for two bar exam cycles.
- Failure to specify the plan for training, supervision, and personnel changes – not appropriate for the rules

