



The State Bar of California

February 2025 California Bar Exam: Performance Standards Detailed in Vendor Contract

The State Bar continues to assess issues experienced by test takers during the February 2025 Bar Exam. We know and have stated that these issues were, and continue to be for those still testing, unacceptable in their range and severity. We apologize again, and we make no excuses for the failures that have occurred.

We are actively meeting with our psychometrician and other stakeholders to solidify the full range of remediation steps we will take. At every step of this process, when a decision has had to be made regarding remedies to be offered, we have made those decisions in favor of what would best serve test takers.

In light of the many failures that occurred, we are scrutinizing the vendor's performance in meeting their contractual obligations. Here are examples of the issues we have already become aware of, highlighting what performance expectations were detailed in the contract.

Inability of in-person examinees to use copy and paste functionality in the Performance Test portion of exam.

- This functionality was specifically called for in Section V of Exhibit B of the third statement of work (SOW).

Some in-person examinees reported they were "kicked off" the platform and unable to gain reentry without starting the Performance Test over.

- Section 5.9 in the Master Services Agreement (MSA) requires the contractor's platform to be free of material defects.
- MSA Section 1.6.3 requires an "uninterrupted" testing experience.
- MSA, Exhibit B Paragraph A.13.a contains incident reporting requirements for test center irregularities. Incidents are to be reported within one business day of receipt of details from the test center.
- In addition, the third SOW requires the contractor to provide a detailed summary of all issues that prevented, interfered with, or delayed an in-person or remote examinees' ability to complete or upload the exam or interfered or delayed the contractor's administration of the exam.

On day two, in-person testers experienced a delay of approximately 90 minutes before they could start the multiple-choice test.

- MSA Section 1.6.3 provides for an "uninterrupted" testing experience, specifies "uptime availability" of 99.982% at all times, and requires redundant switchover capability within minutes. In the event of a service disruption, this section calls for restoration of full platform functionality in less than 10 minutes.
- MSA Section 5.9 requires contractor's platform to be free of material defects.
- The third SOW and its amendment specifies the length of the testing time for day one and day two and details a start time commitment for testing centers.

Examinees reported briefly seeing others' work, questions to be answered in another session, or being recorded after ending their exam.

- MSA Section 1.7.2 details exam security and monitoring.
- MSA Section 1.8 specifies training requirements for proctors, including the State Bar's Examination Conduct Rules and Policies, basic customer service, and implicit bias.
- MSA Section 10.13 details requirements for notification of data security breaches.

Some remote test takers could not connect to the exam at all. Other remote examinees reported repeated crashes, lag times and screen freezes that ate into their exam time, as well as inability to upload their answers.

- MSA Section 1.6.3 provides for an "uninterrupted" testing experience.
- MSA Section 5.9 requires contractor's platform to be free of material defects.
- MSA, Exhibit B requires a written report of "test administration irregularities" at test centers, and the third SOW requires a detailed summary of issues impacting in-person or remote examinees.

Examinees reported proctors who could not answer basic questions, provided inaccurate information or conflicting information, or were rude.

- Section 1.8.2. details training requirements for proctors, including exam rules, the State Bar Examination Conduct Rules and Policies, basic customer service, and implicit bias.
- MSA, Exhibit E contains the State Bar Examination Conduct Rules and Policies to which the contractor was required to adhere.

Data reporting

Within 48 hours of completing the exam administration, the contract requires the following reporting:

- Who completed the exam;
- Who was unable to start, complete, or upload the exam including reasons why;
- Who was scheduled, but failed to appear to take the exam;
- Any examinees who partially completed the exam;
- All problems or issues that affected examinees' ability to complete the exam; and
- Any other examinee data and/or information requested by State Bar.

As noted above, the contract also requires the contractor to provide incident reports for test administration irregularities at test centers and for remote examinations within one business day of the examination.

General provisions

- MSA Section 1.3 detailed overall standards of performance.
- MSA Section 5.1 provides that contractor will provide services consistent with highest industry standards
- Exhibit A to the MSA details testing center requirements.
- Exhibit B to the MSA details requirements for in-person testing.
- Exhibit D to the MSA contains our Rules and Policies for the examination that proctors were required to be trained on and adhere to.
- The third SOW and its amendment concern the administration of the February bar examination.