

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: March 2014 – O-301

DATE: March 11, 2014

TO: Subcommittee on Operations and Management

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: **Proposed Policy on the Wearing of Headwear by Applicants at Examination Test Centers**

BACKGROUND

Generally, headwear of any kind, such as baseball caps, bandanas, hooded sweatshirts, etc., may not be worn while in a secure examination test center. Such items are prohibited due to security concerns and other reasons. There have been exceptions to this, however, when applicants have worn certain types of headwear that are generally associated with practicing a certain religion. To ensure that the security of the examination is maintained and there are standards set for permitting exceptions, it is recommended that a policy be adopted by the Committee.

DISCUSSION

After consulting with Counsel on this issue, it appears that adopting a policy restricting headwear that be worn while in a secure examination test center is acceptable, as long as exemptions are available for those who wear headwear for religious purposes, such as hijabs, veils, turbans, yarmulkes and other similar items. A request for an exemption due to a medical condition, such as wearing a wig due to chemotherapy, would be handled through the established testing accommodation petition process. Any permitted items would be subject to removal and inspection in accordance with a certain protocol. Generally, circumstances that might require such review would be where the identity of an applicant needs to be confirmed or if there is an indication that cheating may be taking place. Any such inspection would have to be conducted in a private area, with at least two staff or proctors present and a person of the same sex should conduct the inspection.

It is recommended that the headwear policy due to applicants' religious beliefs be similar to what the Committee has already adopted for religious accommodations associated with administration of an examination, such as Tisha B'Av, except for verification by an applicant's religious leader. The recommended policy follows:

**Policy to Permit
Headwear to be Worn in a Secure Examination Test Center
Due to Religious Beliefs**

In accordance with the Committee of Bar Examiners' policy, petitions filed by applicants seeking exemptions from the examination test center prohibited items policy that would permit them to wear headwear while in a secure examination test center due to their religious beliefs will be considered if they meet the criteria discussed below.

Applicants seeking exemptions must comply with the following requirements and submit the required documents:

1. A petition seeking an exemption during the administration of an examination based on an applicant's religious beliefs must be in writing, signed under penalty of perjury and received by the Office of Admissions no later than final application filing deadline of the examination the applicant intends to take; and,
2. A declaration signed under penalty of perjury attesting to the need for the exemption must be signed and forwarded to the Office of Admissions so that it is received no later than the final application filing deadline of the examination the applicant intends to take. Requests for an extension or an exception to this deadline will not be considered.

The petition and completed declaration should be forwarded to the following address: Office of Admissions, The State Bar of California; Attn: Petitions Department; 845 S. Figueroa Street • Los Angeles, CA 90017-2515.

Applicants granted permission to wear headwear into a secure examination test center will be subject to inspection of the headwear, if such inspection is required in order to verify the identity of the applicant or if there is suspected cheating. Any inspection conducted will take place in a private room, with at least two staff or proctors present. Those inspecting the headwear will be of the same gender as the applicant.

RECOMMENDATION

It is recommended that the Subcommittee recommend to the full Committee that a policy be adopted to permit exemptions from the Committee's prohibited examination test center items policy due to religious beliefs.

PROPOSED MOTION

If the Subcommittee agrees, the following motion is suggested:

Move that the Policy to Permit Headwear to be Worn in a Secure Examination Test Center Due to Religious Beliefs in the form attached hereto be adopted, effective with administration of the June 2014 First-Year Law Students' Examination and the July 2014 California Bar Examination.