

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: October 2015 – O-200

DATE: October 6, 2015

TO: Committee of Bar Examiners

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: **ACLU Letter re Examination Accommodations**

BACKGROUND

ACLU has sent a follow-up letter to an original letter it sent, which appeared to be a form letter that had been sent to most of the United States bar admission offices questioning each state's policies and practices concerning non-standard testing accommodations for candidates who are breastfeeding at the time they are scheduled to take the examination. The ACLU requested that the Committee of Bar Examiners (Committee) review its policies and implement any necessary changes. A copy of the letter is available upon request.

DISCUSSION

In its recent letter dated September 24, 2015 letter, the ACLU ask that it be contacted by October 20th to advise what steps the Committee of Bar Examiners (Committee) has taken to address the recommendations that it had made in its original letter, which were:

1. Adopt a policy that explicitly extends eligibility for non-standard test accommodations to those who are breastfeeding.
2. Modify existing resources related to testing accommodations (i.e., forms, instructions, website and other materials) to clarify that breastfeeding women are eligible to seek such accommodations and to make them applicable to the medical condition of lactation.
3. Provide training to all managers and staff responsible for fielding, processing and rendering determination on such requests to ensure that consistent and correct information is given to those who inquire to eligibility.

As the Committee was previously advised, information regarding the opportunity to request testing accommodations and the forms that must be submitted are posted on the State Bar of California's website. While not specifically addressing breastfeeding, or many other disabilities or conditions that may require accommodations, the information appears to adequate for those who believe they may need accommodations to apply for them.

The Committee has been granting accommodations to breastfeeding mothers for many years. During the July 2015 California Bar Examination there were ten women who filed petitions and verification forms timely who were granted accommodations in response to their requests to be accommodated because they were breastfeeding. A typical accommodation, but not standard as each petition is evaluated individually, is some extra time and testing in a private room for the duration of the examination.

RECOMMENDATION

It is recommended that the letter from the ACLU be received and filed and an acknowledgement of its receipt be sent.

PROPOSED MOTION

If the Committee agrees with the recommendation, the following motion would be in order:

Move that the letter from the ACLU regarding the Committee's policies for accommodating breastfeeding mothers be received and filed and that an acknowledgement of its receipt be sent.