

APPENDIX 3: GUIDANCE ON INTERPRETATION 301-6

In determining compliance with Interpretation 301-6(A)(2) [first-time bar passage] schools should collect the data necessary to complete the charts below. These data are required to be submitted for the most recently completed calendar year in the school’s Annual Questionnaire and for the five most recently completed calendar years for schools undergoing a site visit and completing a Site Evaluation Questionnaire.

**Table 1
First-Time Bar Passage – Back-up Data**

A	B	C	D	E	F
Calendar Year	Total Graduates In Calendar Year	Number of Graduates from Calendar Year NOT Taking Bar Exam	Graduates from Previous Years Taking Bar for FIRST Time in Calendar Year	Total First Time Takers Calendar Year (B minus C plus D)	70% of Total First Time Takers
2006					
2007					
2008					
2009					
2010					

- C** = e.g., August or December graduates who were unable to take the bar in their graduation year and May graduates who elected not to sit in their year of graduation.
- D** = e.g., Graduates from the previous year who sat for the bar for the FIRST time in the calendar year.
- E** = Subtract C (non-takers) from B (graduates in calendar year) and add D (first-time takers from previous years). (B minus C plus D = E)
- F** = Multiply E (total FIRST time takers in calendar year) x 70% = F (70% is the minimum number of first-time takers the school must report on for each calendar year.)

The school must account for a *minimum* of 70% of first-time takers in *each* of the five most recently completed calendar years. It does this by starting with the jurisdiction in which the largest number of its graduates sit for the bar for the *first* time and proceeding in descending order of frequency until a *minimum* of 70% of first-time takers in *each* calendar year is accounted for.

Table 2
First-Time Bar Passage Reporting

A	B	C	D	E	F	G
Calendar Year	Graduates Taking Bar FIRST Time in Calendar Year*	Percentage of School's FIRST Time Takers Reported for Calendar Year**	List Jurisdictions Reported	ABA First Time Weighted Average Pass Rate for Calendar Year	School's Weighted Average Pass Rate for Calendar Year	Difference in Weighted Averages (School minus ABA)
2006						
2007						
2008						
2009						
2010						

* From Column E, Table 1

** Must be at least 70% of Column B, Table 2

Ultimate Bar Passage

The following two charts are for reporting *ultimate* bar pass rate under I 301-6 A.1(a) and (b), and *not* for first-time data collected under 301-6 A.(2). While all schools must report first-time bar pass data, schools may demonstrate compliance with 301-6 using either ultimate or first-time data.

Table 3
Ultimate Bar Passage – Back-up Data

A	B	C	D	E	F
Graduation Year	Number of Students in Graduation Year	Number of Non-Persisters*	Number Never Attempting a Bar Examination	Net Bar Exam Takers (B minus C and D=E)	70% of Net Takers
2006					
2007					
2008					
2009					
2010					
Total					

* A non-persister is a graduate who took a bar examination once and failed but did not take a bar examination again in *any* jurisdiction over the next two examination opportunities.

Table 4
Ultimate Bar Passage Reporting

A	B	C	D
Graduation Year	Number in Calculation for Graduation Year*	Passed Some Bar Examination	Never Passed a Bar Examination or Missing Information
2006			
2007			
2008			
2009			
2010			
5-Year Total		# (%)	# (%)

*See column F above in Table 3. Must equal or exceed column F in Table 3 for *each* graduation year.

The Application of Interpretation 301-6 for Provisional Schools Seeking Full Approval

(From the Commentary approved by the Council of the Section of Legal Education and Admissions to the Bar, February 2008.)

The application of Interpretation 301-6 to provisionally approved schools seeking full approval tracks that of fully-approved schools: the cohort size (70 percent) is the same, the first-time pass rate (not more than 15 points below . . .) is the same, and the ultimate pass rate (at least 75 percent . . .) is the same. The one area where there is some difference in application is with respect to the time periods covered when a provisional school applies for full approval. Thus, when a provisionally approved school applies for full approval, the application of 301-6 necessarily takes into account the fewer number of bar exam sittings these schools have in order to demonstrate full compliance with the bar passage portion of Standard 301(a).

Interpretation 301-6 sets out three different ways for a school to demonstrate compliance with the bar passage portion of Standard 301(a). In applying for full approval, a provisionally approved school may demonstrate compliance under *any* of the three tests. As applied to provisionally approved schools seeking full approval, the three tests would work as follows:

1). That for students who graduated from the law school *since provisional approval was received*, at least 75 percent of these graduates who sat for a bar examination have passed a bar examination prior to the time in which the school is considered by the Council for full approval. (301-6(A)(1)(a)).

OR

2). That in each of at least *two* calendar years since the school received provisional approval, at least 75 percent of the graduates who took a bar examination in those same years have passed a bar examination prior to the time in which the school is considered by the Council for full approval. (301-6(A)(1)(b)).

In demonstrating compliance under either of the above requirements, the school must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. Non-persisters (i.e., those who took a bar examination once and failed but did not take the bar examination again in *any* jurisdiction over the next two examination opportunities) must be identified as such but are not factored in when determining compliance under either of the two tests above.

OR

3). In each of at least *two* calendar years since the school received provisional approval, the school's annual *first-time* bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-

approved law schools taking the bar examination in these same jurisdictions. (301-6(A)(2)).

To demonstrate compliance under this test, the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

Under all of the above tests, only those who graduated *after* the school received provisional approval are counted. Thus, if a school received provisional approval in February 2008, only those who graduated and took a bar exam after that date would be tracked and reported by the school. In determining “calendar” years, if the first opportunity for a school’s graduates to take the bar from a provisionally approved school is in July, then that would count as the first calendar year. Subsequent calendar years would, of course, include the entire January – December period. Note that schools that receive full approval undergo a site visit three years after this approval and at that point they must meet the five-year look-back as set out in 301-6.