

NEW YORK STATE BOARD OF LAW EXAMINERS

GENERAL AND SITE SPECIFIC COVID POLICIES FOR THE FEBRUARY 2022 NEW YORK STATE BAR EXAMINATION – UPDATED JANUARY 7, 2022

The February 2022 administration of the New York State Bar Examination will be an in-person examination administered on February 22-23, 2022. There will be no remote option.

December 13, 2021 COVID Policy Email Requiring Candidate Response: On December 13, 2021 all candidates were sent an email from administration@nybarexam.org with a link to the Board’s COVID policy for the February 2022 Bar Examination and directed to answer a question about their vaccination status by no later than Monday, January 3, 2022. Candidates who failed to timely submit their answer to the question were withdrawn from the February 2022 Bar Examination. If you did not receive the December 13, 2021 email check your spam or junk folder before calling the Board office. Do not reply to emails from administration@nybarexam.org as this server may only send out autogenerated emails and does not accept responses.

The Board’s Current COVID Policy:

At this time, and subject to the site-specific policies outlined below, all candidates for the February 2022 Bar Examination will be required on each day of the examination to present (1) proof of full COVID-19 vaccination or a recent negative COVID-19 PCR test and (2) a valid photo identification. All candidates at all sites will also be required to be masked at all times during the entire bar examination. No exceptions or exemptions to any of these requirements will be considered.

The Board will be closely monitoring COVID-19 health and safety requirements and these current restrictions and protocols are subject to change between now and the date of the February 2022 Bar Examination based on CDC guidelines and/or requirements imposed by federal, state, county and local authorities.

Due to the latest wave of COVID-19 caused by the Omicron variant the Board is reducing the number of candidates assigned to each test site and, to the extent possible, candidates will be seated one per table to allow for social distancing during the exam. In locations where classrooms are used candidates will be seated every other seat. Additional information concerning COVID protocols during exam day will be made available when admission tickets are issued in February.

Fully Vaccinated: Fully vaccinated means the person is in compliance with CDC guidelines. Currently that means a person is considered fully vaccinated against COVID-19 two weeks after receipt of the second dose in a 2-dose series (Pfizer-BioNTech and Moderna) or two weeks after receipt of a single dose of the Janssen (Johnson & Johnson) Vaccine. Candidates who received the COVID-19 vaccine outside of the United States are considered fully vaccinated if they received all of the recommended doses of an FDA-approved or FDA-authorized vaccine (Pfizer, Moderna or Janssen) or the candidate has completed all of the recommended doses of an WHO-EUL COVID-19 vaccine or a combination of an FDA-approved or FDA-authorized vaccine and an WHO-EUL vaccine. This definition of fully vaccinated is subject to change should the CDC change its definition of “fully vaccinated.”

Acceptable forms of proof of vaccination:

- CDC COVID-19 Vaccination Card or an official immunization record from the jurisdiction, state, or country where the vaccine was administered or a digital or physical photo of such card or record, reflecting the person's name, vaccine brand, and dates administered; or
- New York City COVID Safe Pass (available to download on Apple and Android smartphone devices); or
- New York State Excelsior Pass or Excelsior Pass Plus (available to download on Apple and Android smartphone devices);

Negative COVID Test: Unvaccinated candidates will be required to submit proof of a negative COVID-19 test result to enter a test site each morning of the exam. The negative test result must be from a PCR test performed on a sample drawn no more than three (3) days before the first day of the February 2022 bar examination (the test must be performed on a sample drawn no earlier than Saturday, February 19, 2022). At this time candidates will be permitted to present the same negative test result for each day of the examination.

Results from antigen or at-home tests will NOT be accepted.

Candidates are responsible for obtaining the COVID test and bearing the costs associated with obtaining the test result. If a candidate does not have the appropriate negative test result, they will not be permitted entry into the test site, and there will be NO exception or exemption to this policy on either morning of the exam.

Photo Identification: Only the following forms of valid photo identification (photo ID) will be accepted. Valid means the photo ID cannot be expired.

- Driver's License from a U.S. State or Territory
- U.S. State or Territory Non-Driver Government Photo ID
- U.S. Military Photo ID
- U.S. Permanent Resident Photo ID
- IDNYC
- Passport

New York City and Westchester General Population Test Site Specific COVID Policies:

Due to an Executive Order issued by the City of New York, and the policy of the Westchester test site, ONLY fully vaccinated candidates will be permitted to enter the New York City and Westchester general population test sites. Unvaccinated candidates will be required to take the bar exam in either Albany or Buffalo. This policy is subject to change should local or state authorities issue mandates requiring all attendees at indoor events in Albany and/or Buffalo to present proof of vaccination.

Candidates Receiving Non-Standard Testing Accommodations (NTA) Due to a Disability:

Most candidates granted testing accommodations will be assigned to the Board's New York City NTA site. Currently, candidates assigned to the New York City NTA site may present either proof of full vaccination or a negative COVID PCR test. Any candidate assigned to the Board's

upstate NTA site in Albany will most likely be required to present proof of full vaccination. These policies are subject to change based on additional requirements imposed by federal, state, county and local authorities. Candidates granted testing accommodations will be notified via email by early January of their test site assignment. If such candidate is not fully vaccinated, they will be assigned to the New York City site and will be required to present proof of a negative COVID-19 PCR test in compliance with the definition described above.

NEW - Seat Assignment Information and Traveling to New York for the Bar Exam:

All candidates will be sent an email from administration @nybarexam.org instructing candidates to select their test location from the list of available locations. The Seat Location Selection Email was sent out at about 3:00 PM ET on January 7, 2022 to the Juris Doctor graduates of the New York law schools. The Seat Location Selection Email will be sent out to the remaining applicants by Monday, January 10, 2022. Applicants must respond to the email by January 12, 2022 at 10:00 AM Eastern Time. Failure to timely respond will result in withdrawal from the exam. It is the responsibility of applicants to check their email frequently between now and exam day for all important emails and reminders from the Board, including the seat assignment email.

Out of state residents, foreign-educated applicants, and graduates of out of state law schools should plan to be seated for the exam in Albany or Buffalo.

As noted on the preceding page, only fully vaccinated candidates will be permitted to select the New York City and Westchester general population test sites. Unvaccinated candidates will be required to take the bar exam in either Albany or Buffalo. This policy is subject to change should local or state authorities issue mandates requiring all attendees at indoor events in Albany and/or Buffalo to present proof of vaccination.

The Board highly recommends that you do NOT book non-refundable travel arrangements with the "assumption" or "hope" of getting assigned to a particular test site in early January. As a location closes out it will no longer appear on the list of available locations from which to select.

Luggage Will NOT be Stored at Test Sites: If you need to travel for the bar examination, please be advised that you may NOT bring ANY luggage of ANY size to ANY test site on any day of the bar examination. Thus, should the need arise for you to travel home immediately following the conclusion of the exam on Wednesday evening, your travel arrangements MUST include an arrangement for the storage of your luggage as the Board will NOT permit any luggage of any size at any site. While each site will have a designated "Personal Belongings Area" where candidates may leave small items, such as coats and empty laptop bags, at their own risk, Exam Security personnel throughout the State will prevent you from bringing luggage into the building. This strict prohibition also applies to applicants awarded testing accommodations. Please do not risk being denied access to the bar exam on the second day by ignoring this prohibition and by bringing luggage to the testing site!

Withdrawal and Credit of Application Fee: If you will not be able to present proof of full vaccination or a negative COVID-19 PCR test on exam day, or if you will not be able to comply with the indoor mask mandate, or if you do not anticipate you will be able to satisfy U.S. State

January 7, 2022

Department COVID-19 requirements to travel to the U.S. (<https://travel.state.gov/content/travel/en/traveladvisories/ea/requirements-for-air-travelers-to-the-us.html>) for the examination in February, then we suggest that you should withdraw from the bar examination now. All candidates who withdraw by Monday, January 3, 2022 (for whatever reason) will receive an automatic credit of their application fee, which may be used towards a future Application for the Bar Examination or an Application by Transferred UBE Score within the next three years. The application fee will be forfeited for candidates who withdraw after January 12, 2022.

To withdraw from the bar exam, login to your BOLE Account in the Applicant Services Portal, scroll down to the Uniform Bar Examination for February 22-23, 2022, click on the Withdraw button, and follow the instructions. Upon withdrawing you will be sent an email confirming the credit of your application fee.