

Excerpts from BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP by Roy Stuckey et. al. (Clinical Legal Education Association 2007)¹

The main purpose of assessments in educational institutions is to discover if students have achieved the learning outcomes of the course studied. . . We use assessments to find out whether students are learning what we want them to learn (p. 235)

Outcomes of assessment should be to foster learning, foster confidence in the learner, enhance the learner's ability to self-monitor, and drive institutional self-assessment and curricular change. (p. 235, quoting Epstein & Hundert at 226)

Assessment methods and requirements probably have a greater influence on how and what students learn than any other single factor. This influence may well be of greater importance than the impact of teaching materials. (p. 235, quoting Bone at 2)

Effective assessment exhibits qualities of validity, reliability, and fairness. Validity means that an assessment tool must accomplish the purpose for which it was intended. Reliability means the test or measuring procedure yields the same results on repeated trials. (p. 239)

Judith Wegner describes five key principles that should influence the design process of an assessment system (p. 239-40):

1. Learning is the point
2. Learning must be made visible in order to be assessed
3. Learning is multifaceted and develops over time
4. Assessment must reflect the particular purposes being served
5. Assessment must occur in context

BP suggests 11 principles for assessment:

1. Be clear about the goals of each assessment
2. Assess whether the student is learning what is being taught (validity)
3. Criteria-referenced not norm-referenced (reliability)
4. Use assessments to inform students of their level of professional development
5. Be sure assessment is feasible (can't measure outcomes that aren't measurable)
6. Use multiple methods of assessment
7. Distinguish between formative and summative assessments
8. Conduct formative assessments throughout term
9. Conduct summative assessments throughout term
10. Make summative assessments also formative assessments (students learn through feedback)
11. Have students compile educational portfolios

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What am I trying to evaluate with each assessment method? Four basic kinds of assessments: (p. 240-41)

1. Cognitive – what does the student know?
2. Behavioral – how has that knowledge affected student’s behavior?
3. Performance – what can student do?
4. Attitudinal – how has knowledge/experience affected student’s attitude?

Assessment must be reliable, fair and valid. Congruence is a necessary aspect of validity – goals of the test must agree with the goals of the instruction. (p. 241)

Purpose of assessment is to determine whether students have achieved learning outcomes. There is a recursive relationship between assessment and outcomes.

Thus, before each assessment, we should consider what we expect students to learn in our course and what is important for us to assess. Different assessment methods may be required to assess each of the following educational objectives that we might be trying to achieve:

- Self-reflection and life-long learning skills
- Intellectual and analytical skills
- Core knowledge of the law
- Core understanding of the law
- Professionalism
- Professional skills

(p. 243)

What matters is whether students adequately achieve the learning outcomes of the course. Our goal should be to achieve the learning outcomes we establish for our course, whether those are to learn certain information, understand key concepts, or develop skills to a specified level of proficiency. (p. 244)

We should work on developing and disclosing criteria-referenced assessments. Criteria-referenced assessments rely on detailed, explicit criteria that identify the abilities students should be demonstrating . . . and the bases on which the instructor will distinguish among excellent, good, competent, or incompetent performances. (p. 244)

“The implicit pedagogical philosophy underlying criterion-referenced assessment is that the fundamental purpose of professional education is not sorting, but producing as many individuals proficient in legal reasoning and competent practice as possible.” (p. 245 – quoting the Carnegie Report at p. 210-11)

Use of clear criteria . . . increases the reliability of the teacher’s assessment by tethering the assessment to explicit criteria rather than the instructor’s gestalt sense of the correct answer or performance. This enhances learning and encourages students to become reflective, empowered, self-regulated learners. (p. 245)

Formative assessments are used to provide feedback to students and faculty. Their purpose is purely educational, and while they may be scored, they are not used to assign grades or rank students. A summative assessment is one that is used to assigning a grade or otherwise indicate a student's level of achievement. (p. 255)

“The essential goal of professional schools must be to form practitioners who are aware of what it takes to become competent in their chosen domain and equips them with the reflexive capacity and motivation to pursue genuine expertise. They must become ‘metacognitive’ about their own learning, to use the psychologists’ term. This is why effective means of formative assessment are so critical for training professionals.” (p. 256, quoting Carnegie at 217)

Formative assessments also help teachers know whether their coverage of a topic is sufficient or whether they need to review the material again or present it in a different manner. (p. 256)

Formative assessments can take many forms:

- Practice exams
- Short homework problems
- Peer-assessment or peer-review projects
- Self-scoring computer quizzes

Challenge students to do self-assessment (MHS' form on p. 261)