



Assessment for student learning **in Law and beyond**

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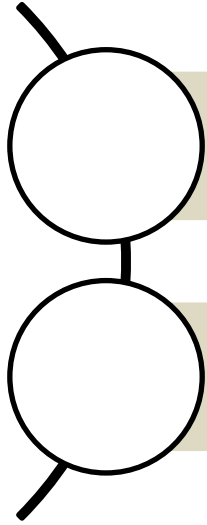
Overview

1. Researching teaching award winners
2. Learning-oriented assessment
3. Assessment task design
4. Implications



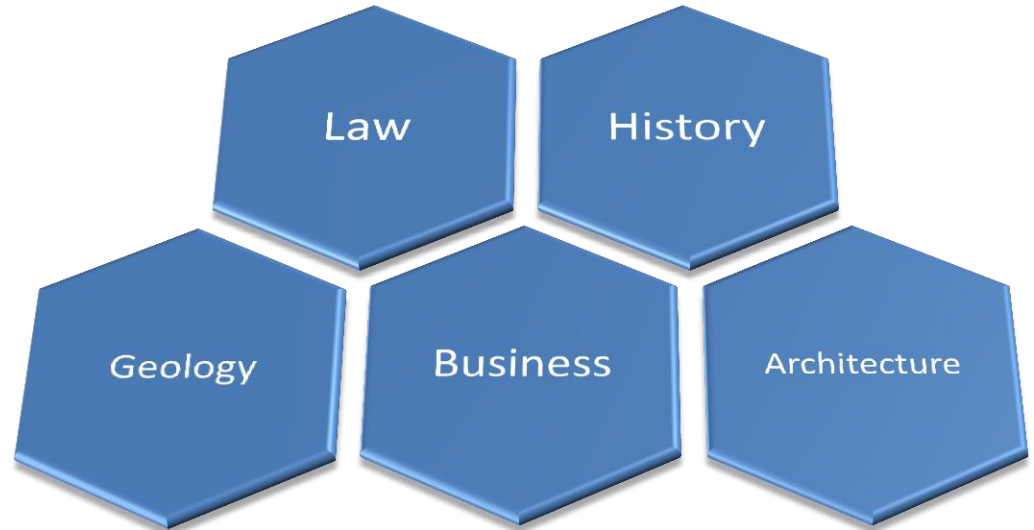


Research process



Classroom observations

Interviews with teachers & students





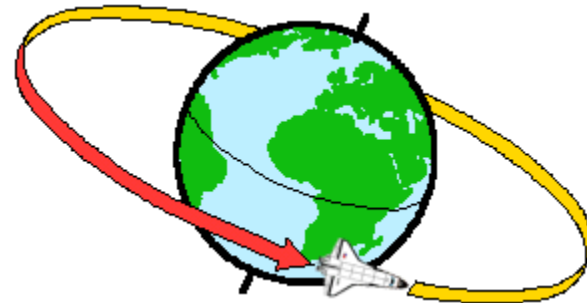
Learning-oriented assessment

To tackle competing priorities



&

circumnavigate
formative/summative
divides





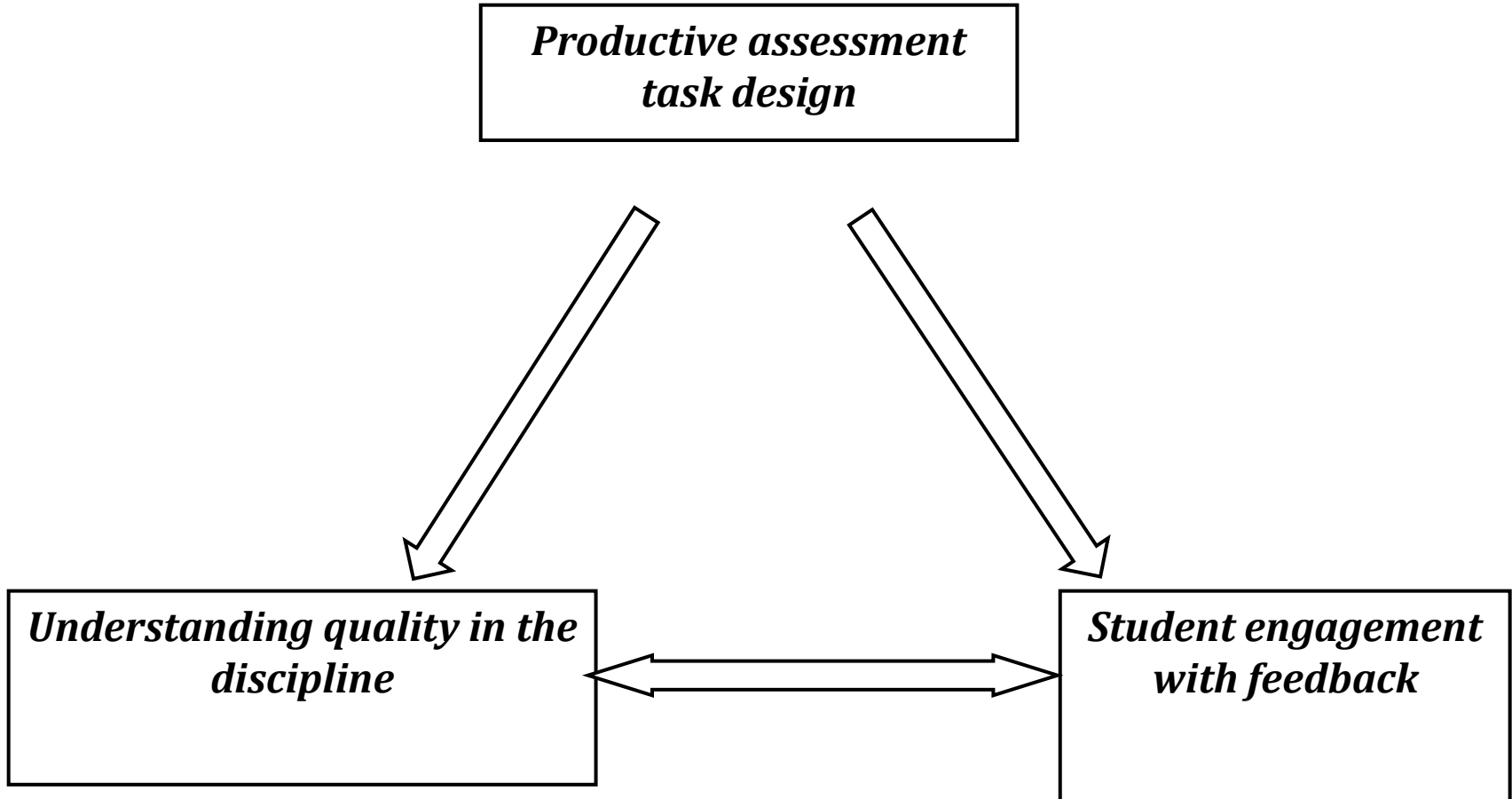
A focus on student learning

By prioritizing student learning as a key aim of all assessment





Learning-oriented assessment framework



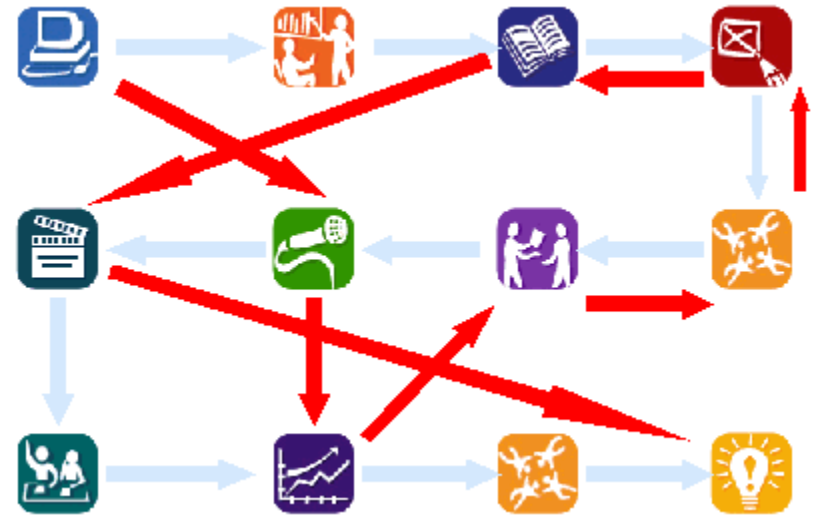


What might be some features of good assessment task design?



Sustained engagement

Facilitating persistent intellectual engagement via a series of well-designed tasks



And/or a cumulative task, such as a portfolio





Mirroring real-life

Tasks which mirror real-life uses of the discipline



Museum visit in History
Designing a village house in Architecture





Flexibility & choice

Flexibility, choice and personal investment so that students develop ownership





Feedback & task design

Assessment designed to facilitate feedback processes



In which students seek, generate and act on feedback





Relational trust

Trust as key factor in feedback processes





Trust in teachers

Innovative assessment thrives

when teachers are trusted





Excellence in University Assessment ...

An impossible mission (Barnett, 2007)





Teacher X factor

Teacher will to overcome real or perceived challenges and focus on student learning

... learning-oriented assessment



Final words

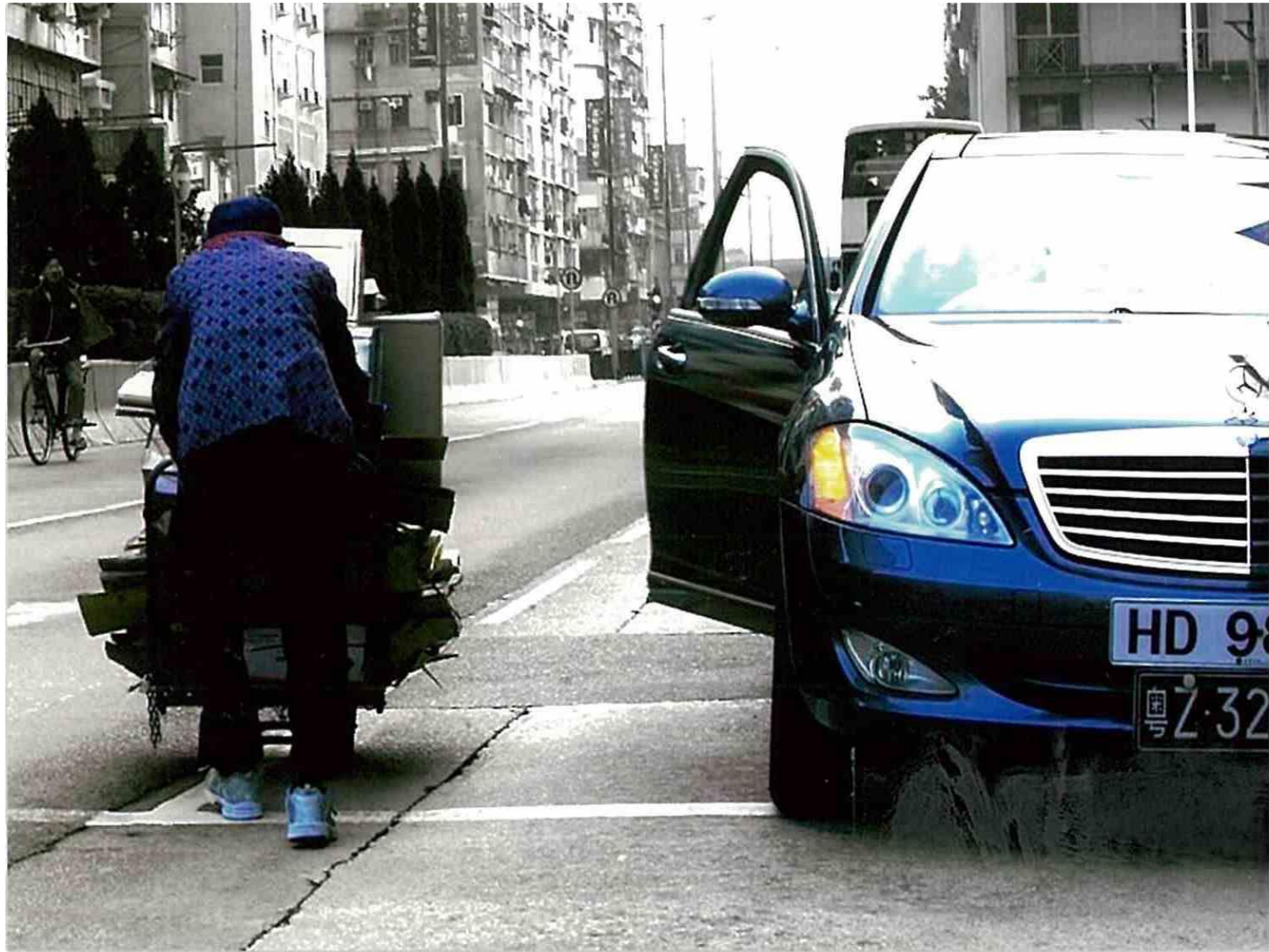
“Being a good teacher is very much about being a good designer of tasks” (Knight, 2002, *Being a Teacher in Higher Education*)















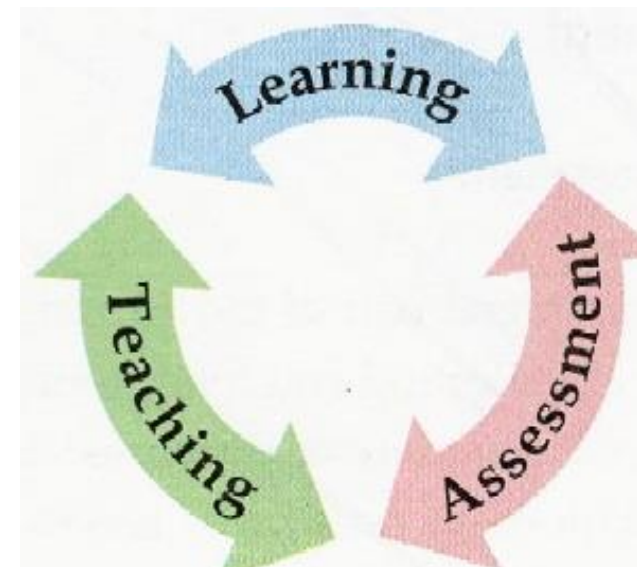
Assessment for Learning

~~Assessment for evaluation~~

Assessment for learning

Learning as the first priority of assessment

Assessment as an educational moment





Why?

Assessment is the biggest influence on student learning behaviour in formal education

Well, maybe not in primary school...

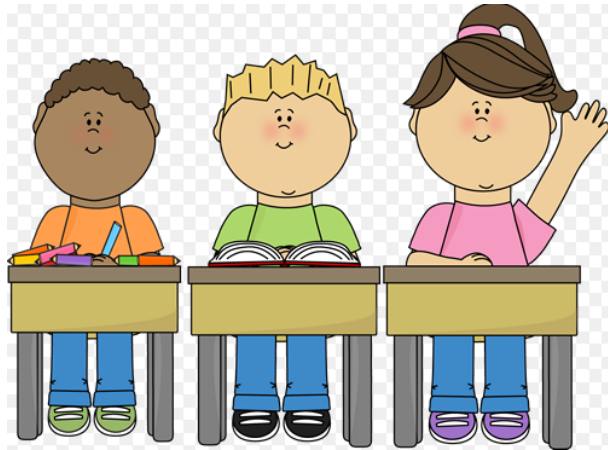
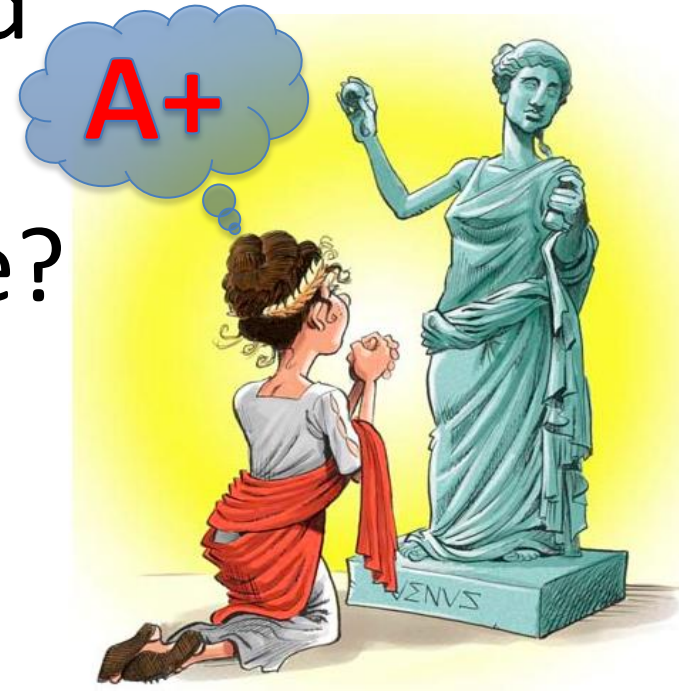




Students will try to become good at how they will be assessed

Does that sound negative?

It means you have obedient students





We can build on this awareness,
design assessment strategically

If you want your students to be
creative thinkers, you must ask
them to try to be creative and
reward them for it





Resistance

“I prefer familiar tasks”



Students – preference for the familiar, and for consistency with other courses

Teachers – “it was good enough for me when I was a student”; “why change if no one complains”; “I don’t need the extra work”

“why change if no one complains”



“it was good enough for me when I was a student”



Program/Institution – large classes, needs consistency, reliability, ease of execution



The University of Hong Kong

Designing Assessment for Learning

Taking the plunge



Putting beliefs into action...



Assessment in Law

“Learning in law school, particularly in the foundational courses, is predominantly measured according to a single instrument. In the foundational courses, **learning is measured largely through end-of-course, time-limited, unseen in-hall examinations.** Examination questions typically consist of teacher-designed, fictional narratives as learning and assessment problems. The narrative usually consists of a compressed sequence of unfortunate and unlikely events that befall a central character. An objective in this design is to achieve course content coverage...”

“Students learn by doing rather than listening. Listening produces a very low level of learning. **If listening and reading are the primary learning activities, and are what students are assessed on, the learning gain is not likely to be substantial.** Indeed, listening and reading are very likely to encourage short-term reproductive learning habits rather than more sustainable learning. There is little in such a format that would encourage the development of deep learning, or independent and life-long learning skills.”

(from Glofcheski, “Re-thinking Teaching, Learning and Assessment in the 21st Century Law Curriculum” in *Legal Education in the Global Context*, Ashgate, 2015)



Photo/essay Instructions

Walk into a place or neighbourhood in Hong Kong, maybe one you have never been to before, and try to look for and encounter the tort law dimension. Examples might include a dangerous construction practice, a dangerous pedestrian practice, a narrow shop aisle, road works, instructions to pedestrians or road users, a congested street, illegally parked vehicles, even an ordinary street with its markings and prohibitions, or any place really, that is some way suggestive of a tort law event or situation.

Provide details of the place and time of what you encountered, and the means of the encounter. Your explanation of the potential tort situation should be supported by at most three photographs, or by a sketch or cartoon that you can draw. You must also provide a legal analysis of the place and circumstances and your experience there. Cite one or two case authorities to support your legal analysis.

You should try to find **circumstances that in some way tell the Hong Kong story**. What is it about what you see that uncovers how tort law - in particular the creation of risk - takes place in Hong Kong? **Try to place what you saw and experienced in the broader social context**. What is the social meaning of what you saw and experienced?



Characteristics of photo/essay

Learning in context, uncover the social concerns that underlie the law (deep learning)

Independent learning: students identify/construct the artefacts of their learning

Habit-forming (1st photo discarded for a better one)

Capacity to foster life-long learning habits

Adaptability to other disciplines (see Tim Wotherspoon, “Simplifying Complexity”, Faculty of Science, HKU)

Labour-friendly, no teacher intervention

(2) Do you think the photo/essay is an effective learning aid for HKU law students? Why or why not? (26/27 = Yes)

- **Yes**, I think it is a good method to stimulate students to study more and to think a lot, but not just get the basic meaning of the knowledge in class. In fact, the ability that we should develop is to apply the knowledge to the facts to solve problem effectively, so the first thing is to find problems and take it into consideration from a legal perspective.
- **Yes**, it made us observe more about daily life and connect it with tort law
- I think it is effective as we have to be vigilant and search for issues around us. However, the quality is dependent on the effort spent on the subject. **As there is a high degree of flexibility, we may stumble into an issue that is not yet covered by lectures. Sometimes we would make wrong observations because of our unfamiliarity with the material.**

(2) Do you think the photo/essay is an effective learning aid for HKU law students? Why or why not?

I think it is an effective learning aid - **in my experience, assessment in HKU, especially in law, require little actual personal engagement from the student.** It is entirely possible to pass an exam without having substantially learnt anything, or come away with skills that become natural and applicable in the long term. **By forcing me to engage the skills in a new way meant I had to fully acquire them first in order to manipulate them.**

- I think the essay is because it gives us a chance to practice and compare ours and the one provided by Rick. It allows us to have a general idea of how to handle the exam questions.
- Yes, it is really a good tool to connect law with daily life. It makes me feel that law is something useful and interesting, I think it would be the same for HKU law students.
- yes, allow me to look for negligence-related cases
- Yes. It reminds us law is everywhere in our daily lives.

(3) What do you think are the main differences between this and other forms of assessed works you have done before?

- I think this assessment pushes us to be active and sensitive towards torts.
- Other assignments did not afford the same level of creative freedom.
- **The fact that it involved an image, or actively seeking out something that showed the law at work, is not something I've had to do in any of my law assignments yet. The issues were also not very clear cut; the news items usually clearly have a leaning towards a certain legal idea or principle, but I had to work harder to identify it in an image and real life situation.**
- The question is framed by ourselves instead of set by teachers.
- Credits to creativity. Based on real life situations.
- more practical. allow me think more
- You can decide the material you work on.
- Interesting

(3) What do you think are the main differences between this and other forms of assessed works you have done before?

- This is more like learning.

- This is more down-to-earth and interesting. It connects law with daily life. It is less time-challenging and therefore student-friendly. It also exposes students to deal with more life situation.

- I think there is more room for imagination and we may have to propose a particular scenario that will arise out of the circumstances of the case. It almost amounts to constructing a coherent story out of the facts. Based on the same photo, multiple scenarios may be generated by different students.

- this is less stressful as i am doing what i am really interested in, make me think more

- down to daily life

- More flexibility and I can choose the topic that I am interested in exploring

(4) What legal skills would you have applied and developed by doing the photo/essay compared to other forms of assessed work you have done?

- Linking legal principles to real life events.
- **It was more of going out of the textbook because I had to find ordinances, regulations that we did not have a chance to touch upon.**
- Applying knowledge to an unstructured scenario.
- **I learnt the skill of relating the principles of the course on the real world. This habit of seeing the world through the lenses of tort law has stayed with me after the photo/essay was completed.**
- observation of the facts
as the facts are given in other assessment, we don't have a chance to select useful information
- the ability of finding out legal issues by myself.
- To link the legal concepts to real-life situations which contain seemingly more complex circumstances than those in cases and textbooks.

(4) What legal skills would you have applied and developed by doing the photo/essay compared to other forms of assessed work you have done?

- The summarizing of facts is more crucial here as the case in photo is not known to the professor. Also, the skills of making assumption to continue with the full analysis as the photo essay is not an accident really happened.
- think about duty of care and think about whether there is breach of duty
- allow me think more on different possibilities of consequences of a wrongful act
- The tort framework
- **The ability to discern and identify issues in a situation that hasn't been already framed in some way for me, using my own originality to form an argument or assessment of prospects. Also, by seeing a situation in reality allowed me to better recognise all the things that could have happened, or all the permutations of circumstances that could have been instead.**

(5) Do you think the skills you have mentioned above would stay with you after the Tort law course? Explain. (26/27 = Yes)

- Yes, as I think the practice of observing tort law issues in life will become a habit which motivates me to think about whether certain situations can give rise to a possible tort law action
- Having practiced the skill to observe and pinpoint tort law problems in everyday life during the course, I think I will be able to gain new perspective of potential dangers and policy problems in real life.
- yes
- Please refer to previous answer.
- I think so. Doing photo essay and writing RMD have made me developed the habit of observing what happens around me. I will automatically make relationship between the behaviours which are not proper with the tort issues.
- **Probably not. It was only conducted once and other law courses don't seem to demand such skills as much as the photo/essay does.**
- makes me more attentive to different situations
- probably yes. more observation on the daily life and bold application of rules to what is observed

(5) Do you think the skills you have mentioned above would stay with you after the Tort law course? Explain.

- Yes. The sensibility can only enhance when the course progresses and beyond the course.
- the sensitivity to law issues outside school
- - yes, because tort law is really about daily lives - so in general this assignment can effectively apply what we learn to daily life instead of limiting to textbook theories.
- Yes, because now I find tort and criminal have much overlap. It will assist my legal study I expect.
- Yes, I think so. **Even now I find myself seeking out issues or how a certain principle or ratio would apply in scenes I see everyday, most particularly in the middle of traffic. It's really refreshing because now I know how to actively seek these things out, and then identify the principles that would apply, rather than contriving a situation to fit a principle I'm learning. I think that will stay with me not just in my legal studies, but in my literary studies as well.**

(6) Has the photo/essay in any way changed the way you think about law (e.g. in terms of 'looking' at, 'thinking' or 'doing' law related work)? (25/26 = Yes)

- The work spanned over a long period of time, most of which I spent observing and reflecting on my daily encounters. That is an interesting learning experience.

- Yes.

- Yes, it reminds me law is everywhere in our daily lives.

- Yes, especially the one I did was in relation to construction site workers' resting area and narrow pedestrian roads - it shows Hong Kong story very well.

- developed a more critical view towards the written and established law

- Yes, it does because the photo/essay is a real life issue that we can observe in our environment, instead of being a restatement of a problem on paper.

- more daily life and interesting

- Yes. As I mentioned above, I used to think that what I learned was far from my daily life. But this assessed work changed my opinion. I feel myself more "useful" and to be needed now.

**(8) Would you recommend this type of assignments/assessments to a colleague? Why or why not?
(25/26 = Yes)**

- Yes I will.

I do think that the forms of assessed works should not always stay the same. They need to be changed in some way. Even in law faculty. I'm not saying that we don't need examinations. But we need something more than the in-hall exams.

- I think I would because I enjoyed it a lot but I heard my friends saying that their tutor was not very optimistic about the assignment and hence gave up doing this photo/essay assignment. Some of the tutors apparently said it will be hard to score a better mark..

- Yes I would, but also understand that it is often much more straightforward to do the alternative assignment. However, while the other one is a lot more predictable, this was a lot more fun to me. I felt like I was actually using my brain.