Some Basics about Rubrics

Introduction

A rubric is a scoring guide that seeks to evaluate a student's performance based on a range of criteria. Rubrics may be used for formative feedback, determination of student grades, or data for assessment of performance on a specific student learning outcome. Rubrics are criterion-referenced, rather than norm-referenced. For example, a rubric asks whether the student met the criteria described as "Exemplary" rather than how well the student did compared to other students. Most importantly, rubrics are a working guide for students.

Rubrics help clarify the expectations you have for student performance by providing detailed descriptions of those expectations. While not always possible to do, handing out a rubric with an assignment is ideal because it allows students to know your expectations and how they will be evaluated. This will help students master the learning outcomes you have identified by guiding students' work in the right directions. A rubric provides focus and emphasis on important criteria, giving students an explicit guideline as to professor expectations.

Types of Rubrics

There are two types of rubrics, holistic and analytic. Holistic rubrics consist of a set of descriptors that generate a single, overall score. The Government Ethics Grading Rubric for On-line Discussions and Replies (see *supra,* at page 6) is a good example of a holistic rubric. For the Government Ethics class, each week each student was responsible for 4 postings on the weekly Forum (or Discussion). Using the 4-point holistic rubric to evaluate student on-line discussion, the professor indicated whether the student's weekly on-line discussion response was a 0, 1, 2, 3, or 4 based on the level at which it met the described criteria. Using a holistic rubric like this one allows the professor to quickly provide an overall evaluation of the responses.

An analytic rubric is comprised of a set focused holistic rubrics for specific components that will be evaluated independently. Analytic rubrics are used to assess multiple outcomes that need to be rated separately. The Rubric for Evaluation of Class Discussion (see *supra*, at page 7) is an example of an analytic rubric. In that rubric, each component of class discussion is assessed separately according to the criteria for that component to arrive at an overall assessment of the work.

Components of a Rubric

There are typically three or four components in any rubric: performance elements, categories that describe the level of quality of the performance, a description of the criteria

used to classify work in a particular category, and a rating (assigning weight or value to each category).

Performance elements refer to those activities the professor wants to assess and evaluate based on what the Professor expects the student to learn from the assignment.

Categories describe the level of achievement or quality of the performance. For example, the rubric may categorize performance as "Beginning," "Developing," "Accomplished," and "Exemplary."

For each category, the rubric should include a description of the criteria used for classifying or assessing the student's work. The description should include the characteristics of the performance or work that must be present for the work to be assigned to a given level of achievement. For example, if the categories selected are "beginning, developing, acceptable, and exemplary," the descriptions would reflect the beginning level of performance ("Beginning") , movement toward a mastery level of performance ("Developing"), achievement at the mastery level ("Accomplished"), and a description of the highest level of performance ("Exemplary"). These descriptions may include descriptions of the general characteristics of work assigned to each level of quality or more specific, concrete examples of what to look for at each level of performance. Examples may include characteristics that contribute to a higher rating (e.g., Presentation provides convincing evidence to support conclusions) or common errors that lead to a lower rating (e.g., Evidence is not used to support assertions).

Example of a Rubric for an Oral Presentation				
Performance Elements or Criteria	Beginning	Acceptable	Exemplary	Points earned
Organization	No apparent organization; Evidence is not used to support assertions (0-3)	Presentation has a focus and provides some evidence which support conclusions (4-7)	Presentation is carefully organized and provides convincing evidence to support conclusions (8-10)	5
Content	Inaccurate or overly general. Listeners unlikely to learn anything or may be misled (0-6)	Content is generally accurate but incomplete. Listeners may learn some isolated facts but they are unlikely to gamin new insights about the topic (7-13)	Content is accurate and complete. Listeners are likely to gain new insights about the topic (14-20)	13
Delivery	Speaker appears anxious and uncomfortable; reads notes, little or no eye contact (0-3)	Speaker is generally relaxed and comfortable, but too often relies on notes. Some eye contact (4-7)	Speaker is relaxed and comfortable, speaks without undue reliance on notes, and interacts effectively with listeners (8-10)	8

Rubric Category labels describing level of quality

There are hundreds of category labels describing levels of proficiency that can be found on-line and on the CELT website (add formal name and citation). A few are listed below:

Novice	Developing	Proficient	Expert
Unacceptable	Marginal	Meets Expectations	Exceeds Expectations
Beginning	Developing	Accomplished	Exemplary
Beginning	Developing	Proficient	Highly Proficient
Inadequate	Adequate	Good	Excellent
Inadequate	Developing Competence	Competent	Sophisticated
Missing or Serious Problems	Below Expectations	Meets Expectations	Exceeds Expectations
Beginner Student Attorney	Advancing Student Attorney	Rock Star Student Attorney	Rock Star Extraordinaire Student Attorney

Creating Rubrics

As Professor Sophie Sparrow wrote in her comprehensive article "Describing the Ball: Improve Teaching by Using Rubrics – Explicit Grading Criteria, " (2004 *Michigan State Law Review* 1), there is no one way to develop a rubric. Creating a rubric requires taking time to identify the goals of the course and determining what assignments or activities will be used to fairly measure whether students have met the overall goals of the course. For each assignment or activity, there must be a method for evaluating student performance. Many professors begin at the end, that is, they develop a rubric by starting with a completed assignment or test and create a checklist of what made each student performance exemplary or poor. There are also many resources that provide model rubrics or samples of rubrics that can be modified to

more accurately fit the unique goals of a particular assignment. (see Resources for Rubrics, *supra,* at page 5) The most important point is that designing rubrics is a dynamic process. As you use a rubric, you constantly refine it, adding elements you may not have thought about in the beginning or modifying the description for the various levels of proficiency as you react to your own students' performances on the assignment.

A rubric for an individual assignment or activity always begins with identifying the intended outcome of the assignment. What do you want students to learn from doing the assignment or activity? For example, a learning outcome in a law class might be stated as follows: "Students will be able to participate meaningfully in class discussions. " A rubric can help you evaluate whether students have met this goal and at what level of proficiency.

Once you have identified the learning goal, you need to identify the characteristics of what you are assessing. What are the components of the activity that should be evaluated? If you are trying to assess quality of class participation you need to identify the performance elements or criteria that you want to emphasize in class participation. The criteria or performance elements might be, for example, level of participation, listening skills, relevance of contributions, and preparation.

The next step is to decide how many levels of proficiency you want to include. Most rubrics use three to five levels of proficiency or category labels describing how well or how poorly the student performed on each of the performance elements. (See category labels in previous section).

The final step is to write out the descriptions for each level of proficiency. Describe the best work you could expect for each of the performance elements. This describes the top category or level of proficiency. The descriptions for the lowest category will describe what an unacceptable performance looks like for each performance element. Finally, develop descriptions for intermediate levels of performance from the "worst, but still acceptable" performance, to a performance, while "not the top performance, is almost at that level."

Conclusion

Once you have developed a rubric, don't be reluctant to refine and modify it as you apply it. Share it with colleagues who are trying to measure and evaluate similar student performances so they can help refine, modify, and work out ambiguities in the rubric. While it takes time to develop a rubric, it ultimately allows you to evaluate student performances more quickly and more fairly, making the evaluation process less arbitrary and more consistent.

Resources on Rubrics

The presenters of this workshop plan to continue this session's work on rubrics through a web-based platform using the Best Practices for Legal Education blog for discussion (http://bestpracticeslegaled.albanylawblogs.org) and the Albany Law Center for Excellence in Law Teaching (CELT) website (www.teachinglawstudents.com) to house sample rubrics. Just look for the tabs at the top of the Best Practices Blog and click on the tab marked "Rubrics Discussion". This page will be devoted solely to a continuation of the rubrics discussion and to post sample rubrics for others to share, adapt, and expand upon.

Other on-line resources that help create rubrics and/or offer sample rubrics:

Sparrow, Sophie M., "Describing the Ball: Improve Teaching by Using Rubrics," 2004 Mich. St. Law Review 1, (2004). http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1569041

Cal. State University, Sample Scoring Rubrics,
http://www.calstate.edu/itl/sloa/links/rubrics.shtml

Rubistar -- Free on-line tool to help teachers create quality rubrics.
http://rubistar.4teachers.org/

Peirce, William, Designing Rubrics for Assessing Higher Order Thinking,
http://academic.pgcc.edu/~wpeirce/MCCCTR/Designingrubricsassessingthinking.html

Legal Writing Institute, Grading Rubrics (Sample Rubrics for written assignments including briefs, client letters, and memos) http://www.lwionline.org/grading_rubrics.html

Sydney Aaron Beckman. "Advanced Legal Writing Grading Rubric" 2007
http://works.bepress.com/sydbeckman/25

Rubric Samples for Higher Education (including rubrics for reflection papers),
http://rubrics.kon.org/

Institutional Research, Assessment, & Planning, Cal. State Fresno, Rubric Library,
http://www.csufresno.edu/irap/assessment/rubric.shtml

Indiana University-Purdue University Center for Teaching and Learning, "Creating Rubrics,"
http://sites.google.com/site/iupuinca2012/Home/creating-rubrics

Grading Rubric for On-line Discussions and Replies

Each week (with the exception of the three weeks you will be working on group projects), each student will be responsible for 4 postings on the weekly Forum (or Discussion). Each student must answer two questions posted. Some weeks there will be only two questions, other weeks there will be three or more questions and you may choose which two you want to answer. With the exception of Week One, each initial posting will be due on Monday. Then, each student must post two separate replies to any posting by a classmate. These replies will are due on Friday of the same week. You may reply to two postings within the same discussion forum.

Below is the rubric that I will use to evaluate your postings. There are a total of 4 postings required each week, worth 4 points each. So each week you may earn up to 16 points for your posts. The total number of points for the semester for this part of the class is 176 points.

Points	Performance Criteria
4 Points	The comment is original, relevant, demonstrates that you read and reflected upon the assigned material (or your colleague's point of view in the case of a response), and is well written. Four point comments add substantial discussion to the course, and stimulate additional thought about the issue. Authority for sources considered beyond the reading is provided.
3 Points	The comment lacks at least one of the above qualities, but is above average in quality. A three point comment makes a significant contribution to our understanding of the issue being discussed.
2 Points	The comment lacks two or three of the required qualities. Comments which are based solely upon personal opinion or personal experience without reference to assigned readings and other authoritative sources often fall within this category.
1 Point	The comment fails to demonstrate analysis and/or reflection on assigned readings and/or posts of colleagues. However, one point comments may provide important class participation and contribute to a collegial atmosphere.
0 Points	The comment adds no value to the discussion

Rubric for Evaluation of Class Participation					
Performance Elements or Criteria	**Inadequate (0 point)**	**Developing but below expectations (1 points)**	**Accomplished/ Meets Expectations (2 points)**	**Exemplary/Displ ays leadership (3 points)**	**Score**
Level of Engagement and active participation	Student never contributes to class discussion; fails to respond to direct questions	Few contributions to class discussion; Seldom volunteers but responds to direct questions	Proactively contributes to class discussion, asking questions and respond to direct questions	Proactively and regularly contributes to class discussion; Initiates discussion on issues related to class topic	
Listening Skills	Does not listen when others talk, interrupts, or makes inappropriate comments	Does not listen carefully and comments are often nonresponsiv e to discussion	Listens and appropriately responds to the contributions of others	Listens without interrupting and incorporates and expands on the contributions of other students	
Relevance of Contributio n to topic under discussion	Contributions , when made, are off-topic or distract class from discussion	Contributions are sometimes off-topic or distracting	Contributions are always relevant	Contributions are relevant and promote deeper analysis of the topic	
Preparation	Student is not adequately prepared; Does not appear to have read the material in advance of class	Student has read the material but not closely or has read only some of the assigned material in advance of class	Student has read and thought about the material in advance of class	Student is consistently well-prepared; Frequently raises questions or comments on material outside the assignment	

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Small Group Excercise for Plenary II Follow-up Workshop B: Using Rubrics to Assess and Engage Students

Workshop participants will be given 15 minutes to work in small groups to complete a rubric based on the Asylum Law Presentation assignment set out below. An incomplete version of the Presentation Rubric is included at page 10, *supra*, for you to use in your small group discussion.

Asylum Law Student Presentation Assignment:

You will teach the class a topic in asylum law. Prepare a fifteen-minute presentation teaching the portion of asylum law to which you have been assigned. Be sure to incorporate relevant case law from the Supreme Court, Third Circuit, and Board of Immigration Appeals. I encourage you to use the treatises on asylum law available in the clinic library: REGINA GERMAIN, ASYLUM PRIMER, 3D ED. (AILA 2003) and DEBORAH E. ANKER, LAW OF ASYLUM IN THE UNITED STATES, 3D ED. (Refugee Law Center, Inc. 1999).

There are also several seminal cases in the area of asylum law. You may want to refer to them as well as you begin to learn asylum law. They are:

1) INS v. Cardoza-Fonseca, 480 U.S. 421 (1987).
2) Matter of Mogharrabi, 19 I. & N. Dec. 439 (BIA 1987).
3) Matter of Acosta, 19 I. & N. Dec. 211 (BIA 1985).
4) In re Kasinga, 21 I. & N. Dec. 357 (BIA 1996).
5) Fatin v. INS, 12 F.3d 1233 (3d Cir. 1993).
6) Chang v. INS, 119 F.3d 1055 (3d Cir. 1997).
7) Lukwago v. Ashcroft, 329 F.3d 157 (3d Cir. 2003).
8) Abdulai v. Ashcroft, 239 F.3d 542 (3d Cir. 2001).
9) Dia v. Ashcroft, 353 F.3d 228 (3d Cir. 2003).
10) Gao v. Ashcroft, 299 F.3d 266 (3d. Cir. 2002).

You are encouraged to use power point in your presentation. Give your power point presentations to the Clinic Assistant by 10:00 am of class day so that she can transfer them onto the network drive. Also, make copies of your power point presentation as handouts to distribute to the class.

Purpose

This class is a lecture on asylum law. Unlike most of your other law school lectures, you will be teaching part of this class yourselves. We believe that students learn best when they are in control of their own learning. The assignment in this class is designed to help you to learn the law on your own. In order to learn the law, you need to be familiar with the tools available to learn asylum law. This exercise will allow you to begin to get a grasp of a complex area of law, explore new research methods and familiarize yourself with new sources.

Keep in mind as you prepare your material that this class is designed to give you an overview of the law of asylum. It will not be a thorough treatment of the law. Entire courses are taught on asylum and refugee law. Rather, this is designed to give you just a brief overview with a recognition that you will continue to learn asylum law throughout the semester as you delve into your cases.

Procedure

Each student will teach the class one of six previously-assigned topics within the law of asylum:

1. well founded fear -- what does it mean, what is the standard of proof, the Matter of Mogharrabi four prong test, how it differs from the standard for withholding of removal

2. persecution and "on account of" -- what constitutes persecution, how the law handles private v. public actors, countrywide persecution and the ability to relocate safely in another part of the country (there are regulations on this point) and nexus (ie, what does "on account of" mean?, look at the statutory language -- one central reason).

3. on account of race, religion, nationality, and political opinion. With respect to political opinion, the most interesting area to explore is what constitutes a political opinion. In other words, are PO limited to opinions about politics and political parties? Or are they broader? And if so, what are examples of opinions found to be political in nature.

4. on account of social group -- don't forget to include social visibility and particularity (how these terms have been interpreted by the BIA and different circuits), and examples of successful social groups.

5. gender based claims -- you will want to look at documents that summarize the current state of the law, including this one by the Hastings Center for Gender and Refugee Studies. http://cgrs.uchastings.edu/pdfs/CGRS%20Statement%20SJC%20Hearing%20on%20RPA%205-26-10.pdf Also Tahirih Justice Center focuses on gender and asylum as well.

6. bars to asylum with special focus on the one year filing deadline and its exceptions and firm resettlement.

Each student will have fifteen minutes to present its topic to the class (We will schedule four for the Monday class and two for the Wednesday class). After the students have made their presentations, we will reserve some time for questions.

You are encouraged to use power point in your teaching. Power point will be helpful for your classmates to follow your presentation. I have also prepared a fact pattern that incorporates all of the topics that will be taught in class. When teaching the class you may use the fact pattern to illustrate your points, as well as any other methods you think may be helpful, such as reports of human rights abuses abroad and factual examples. As always, I encourage you to be creative in your teaching.

Preview

You should video tape your presentation and review it with me the week before you are scheduled to present it in class (please make an appointment with me for that). Attached are two rubrics that set out objective criteria that will be used to assess your presentation. The first rubric accesses presentation style, including presentation style (eye contact, pace, length), audience interaction, use of visual aids, and use of language, grammar, word choice); the second assesses the content of the presentation, such as preparation, content (depth and accuracy of information) and organization. Please consider these points when putting together your presentation.

When we meet to preview your presentation, we will refer to the rubrics for assessment purposes. Note that the rubric is a work in progress, so feedback is encouraged.

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Asylum Law Class Presentation Rubric

	Presentation Style (eye contact, pace, length)	Audience Interaction	Visual Aids	Use of Language, Grammar Word Choice
Rock Star Student Attorney	Appeared to be well-rehearsed; within the allotted time; held eye contact with entire audience; drew people in with eye contact; spoke at appropriate pace; memorized presentation or referred to notes only on occasion; motioned to pp when appropriate; appeared relaxed, poised and confident.		Visual aids enhance content; reinforce presentation themes to maximize audience understanding; clearly written and presented; easy to see and follow; sources are clearly identified and in proper Bluebook format	
Advancing Student Attorney				Some word choices were not appropriate; language was flat or lacked emotion; used a lot of legal jargon
Beginner Student Attorney		Did not interact with audience; was unable to answer questions		