INSTITUTE FOR LAW TEACHING AND LEARNING

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BEYOND LEARNING OUTCOMES:

WORKING THE ASSESSMENT PLAN

INSTITUTE FOR LAW TEACHING & LEARNING

Suffolk University Law School

September 16-17, 2022

INSTITUTE FOR LAW TEACHING AND LEARNING

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2022 ILTL Conference
Beyond Learning Outcomes: Working the Assessment Plan
September 16-17, 2022

Conference Materials

Welcome to Suffolk

Schedule

Presenter Biographies

Presentation Materials:

- Relevant ABA Standards
- The Assessment Process
- Working the Assessment Plan
- Evaluating Assessment Data
- Assessing Diversity, Equity and Inclusion
- Creating a Culture of Assessment Reflection

Notes

WELCOME TO SUFFOLK

ILTL 2022 Conference

Beyond Learning Outcomes: Working the Assessment Plan

September 16-17, 2022

Suffolk University Law School is honored to host the legal writing community for the ILTL 2022 Conference. This document contains building and location basics, but please reach out to a member of our Legal Practice Skills faculty with any local questions or building needs.

Wi-Fi Access

September 16:

Login: ILTLconference1 Password: Suffolk2022

September 17:

Login: ILTLconference2 Password: Suffolk2022

Twitter

#ILTL22

Restrooms

Restrooms are located on every floor of the building. Gender inclusive restrooms are on floors 1, 4 and **(need to update this information)**

Security

Please show your Conference nametag to enter the building, which has 24/7 security.

Airport Directions

Take a left out of the front entrance of the law school or the Omni Parker House Hotel and walk down Tremont Street. Cross the street to the Park Street subway station at the edge of the Boston Common. Take the Red Line (outbound toward either Ashmont or Braintree) two stops to South Station. From there, take the Silver Line to Logan Airport. Another option is to turn right out of the law school or the Omni Parker House Hotel and walk to the State Street MBTA Blue line to Logan Airport located at 200 Washington Street right next to the Old State House.

Printing and Shipping

There is a FedEx Office Print & Ship Center at 2 Center Plaza which is less than a 5- minute walk from Suffolk Law School. For quick printing needs, attendees may also use Suffolk's library computer lab with printers located on the sixth floor. Take the elevator to the sixth floor and turn right.

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SCHEDULE

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PRESENTER BIOGRAPHIES

Kelly S. Terry

Kelly S. Terry is the Associate Dean for Experiential Learning & Clinical Programs and Ben J. Altheimer Professor of Law at the University of Arkansas at Little Rock William H. Bowen School of Law. Dean Terry teaches and directs the Public Service Externship course, and her scholarly interests include legal education, assessment of student learning, and externship pedagogy. She is a co-author of Assessment of Teaching and Learning: A Comprehensive Guidebook for Law Schools (2021) (with Professors Gerald Hess, Emily Grant, & Sandra Simpson) and Externship Pedagogy and Practice (forthcoming 2022) (with Professors Gillian Dutton, Kendall Kerew, & Cynthia Wilson). She is the co-editor, with Professors Emily Grant and Sandra Simpson, of Experiential Education in the Law School Curriculum (2017). Prior to joining the UA Little Rock faculty in 2006, Dean Terry practiced law for 12 years in a variety of settings, including private practice and state and federal government. She started her legal career as a trial attorney in the Civil Division of the U.S. Department of Justice in Washington, D.C.

Carwina Weng

I was born in Taipei, Taiwan, and immigrated to the US in 1968 as part of the "brain drain" that resulted from the abolition of national origin-based immigration quotas. I grew up all over the eastern half of the United States and am a first-generation US college and law student. I practiced in legal services for both the New York Legal Aid Society (eviction defense & government benefits) and Greater Boston Legal Services (family law and intimate partner violence). I entered law teaching because I realized that I love figuring out how to be a better lawyer as much as I enjoy representing indigent clients. Being a clinical law professor allowed me to pursue both passions. Now I work for the Law School Admission Council to develop programming on professional identity formation -- essentially, I help pre-law, law students, and newer lawyers figure out who they will be or are as legal professionals. My experiences as a "perpetual foreigner," as many people assume someone of East Asian appearance must be, have pushed me into work on diversity, equity, inclusion, and belonging issues in lawyering and law teaching. To relieve my stress, I love to bake (chocolate or cheesecakes, anyone?), read mysteries, be in nature, and try new foods.

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Relevant ABA Standards

Relevant ABA Standards

Standard 301: Objectives of Program of Legal Education

(a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.

(b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Standard 302: Learning Outcomes

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

(a) Knowledge and understanding of substantive and procedural law;

(b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Standard 303: Curriculum

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

(1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;

(2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and

(3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.

(b) A law school shall provide substantial opportunities to students for:

(1) law clinics or field placement(s);

(2) student participation in pro bono legal services, including law-related public service activities; and

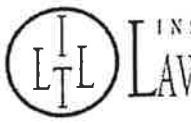
(3) the development of a professional identity.

(c) A law school shall provide education to law students on bias, cross-cultural competency, and racism:

(1) at the start of the program of legal education, and

(2) at least once again before graduation.

For students engaged in law clinics or field placements, the second educational occasion will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses.



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The Assessment Process

The Assessment Process

1. Develop learning outcomes;
2. Ensure alignment between the curriculum and the outcomes;
3. Develop an assessment plan;
4. Collect the assessment data;
5. Evaluate the assessment data;
6. Use results to improve the program; and
7. Routinely examine the assessment process and correct, as needed.[1]

[1] MARY J. ALLEN, ASSESSING ACADEMIC PROGRAMS IN HIGHER EDUCATION 10 (2004).

3. Graduates will communicate effectively.
   3.1. Students will write in a clear, concise, well-organized, professional manner that is appropriate to the audience and the circumstances.
      - Organize materially logically given the nature of the document
      - Present a professional appearance (e.g., typos, formatting)
      - Readability (e.g., grammar, punctuation)
      - Cite materially appropriately as to form and necessary attribution
      - Comply with technical requirements of assignment
   3.2. Students will speak in a clear, concise, well-organized, professional manner that is appropriate to the audience and the circumstances.
      - Organize information logically given the nature of the presentation (structure, easy to follow)
      - Professional demeanor (appearance, presence, confidence)
      - Appropriate tone (engaging audience, choice of language)
      - Forensics style (speed, verbal pauses, eye contact)
      - Comply with technical requirements of presentation
   3.3. Students will demonstrate active listening in communications with others, including legal professionals and laypersons.
      - Eye contact
      - Appropriate questions
      - Responsiveness (addresses issue on the table directly)

4. Graduates will demonstrate competency in legal practice skills.
   4.1. Students will demonstrate the ability to conduct legal research.
      - Identify the legal issue and develop an effective research plan for a new or unfamiliar area of law.
      - Find and appropriately use statutory, regulatory, and judicial sources of authority.
      - Identify, find, and use appropriate secondary sources to provide background and context to legal issues.
      - Develop cost-effective and time-efficient research skills
   4.2. Students will demonstrate the ability to conduct a factual investigation.
      - Use relevant law to identify facts and evidence necessary to meet client's goals.
      - Identify sources of information necessary to meet client's goals and formal or informal methods of obtaining that information.
   4.3. Students will demonstrate the ability to interview and counsel a client.
      - Develop rapport necessary to obtain relevant facts and determine possible legal issues.
      - Understand motivating factors influencing a client's desire for legal assistance.
      - Weigh the advantages and disadvantages of different courses of action and communicate those effectively to clients.

6. Graduates will demonstrate knowledge of the importance of service to the profession and to the community at large, both nationally and internationally.
   - 6.1. Students will demonstrate an awareness of and a willingness to contribute to the profession's responsibility to ensure access to justice.
   - 6.2. Students will demonstrate a willingness to contribute to serving the underserved and traditionally marginalized communities.
   - 6.3. Students will understand comparative perspectives on law, whether from international legal systems, other academic disciplines, or other critical viewpoints, and will use those perspectives as tools for critiquing or challenging the role of law in society.
   - 6.4. Students will recognize the existence and value of diversity both within the legal profession and among the clients it serves.

CURRICULUM MAP

List curricular requirements (courses, upper-level writing, skills, etc.) and, where applicable, the LO with which they are associated:

I = Introduced
P = Practiced
M = Mastered

Curric Requirements	LO 1	LO 2	LO 3	LO 4	LO 5	LO 6

COLLECTING DATA

LO	MEASURE	All or Sample	Sample Size	Sample Method
1				
2				
3				
4				

THRESHOLD OF STUDENT SUCCESS

LO	MEASURE	BENCHMARK SCORE	THRESHOLD
1			
2			
3			
4			

Sample Assessment Timeline

	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
LO1	Plan, collect data	**Analyze data, propose follow-up**	Follow-up	Plan, collect data	**Analyze data, propose follow-up**	Follow-up	Plan, collect data	**Analyze data, propose follow-up**
LO2		Plan, collect data	**Analyze data, propose follow-up**	Follow-up	Plan, collect data	**Analyze data, propose follow-up**	Follow-up	Plan, collect data
LO3			Plan, collect data	**Analyze data, propose follow-up**	Follow-up	Plan, collect data	**Analyze data, propose follow-up**	Follow-up
LO4				Plan, collect data	**Analyze data, propose follow-up**	Follow-up	Plan, collect data	**Analyze data, propose follow-up**
LO5					Plan, collect data	**Analyze data, propose follow-up**	Follow-up	Plan, collect data
LO6						Plan, collect data	**Analyze data, propose follow-up**	Follow-up

Notes

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Working the Assessment Plan

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Beyond Learning Outcomes: Working the Assessment Plan

Kelly Terry
Associate Dean for Experiential Learning and Clinical Programs

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COLLECTING ASSESSMENT DATA

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3 PRIMARY QUESTIONS IN COLLECTING DATA

1. How much data to collect? Every student, or a sample?

2. How do we gather the data?

3. Once gathered, who maintains the data, and where?

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HOW MUCH DATA TO COLLECT

1. Assess every student or representative sample?
   a. No hard and fast rule
   b. Depends on number of students and feasibility

2. Reliability of assessment results increases with more data evaluated

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USING REPRESENTATIVE SAMPLES

1. Determine appropriate sample size
2. Choose a sampling method

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DETERMINING APPROPRIATE SAMPLE SIZE

1. Sample must be representative and complete
2. Rule of thumb: At least 10 students or 10% of student population being measured, whichever is greater
3. As sample size increases, error margin decreases

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EXERCISE

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HOW MUCH DATA FOR YOUR OUTCOMES?

Identify a Measure Your School Uses For an Outcome

1. Can your school feasibly assess all students?

2. If not, should you use a representative sample?
   a. What should the sample size be?
   b. What sampling method should you use?

3. Complete "Collecting Data" chart in the materials

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COMPLY WITH FERPA

- Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g
- Educational records are deemed private
- May be disclosed to another school official when necessitated by "***legitimate educational interest***"
- Design assessment plans to maintain confidentiality of records and comply with FERPA

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QUESTIONS?

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Evaluating Assessment Data

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EVALUATING ASSESSMENT DATA

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LEARNING OUTCOMES FOR THIS SESSION

1. Identify best practices for evaluating data in an assessment process
2. Use best practices to evaluate data in an assessment process
3. Design a system for evaluating data in an assessment process

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THE FUNDAMENTAL QUESTION

"On what basis do we decide that a sufficiently high percentage of our students have been shown to have learned a sufficient amount for us to say, 'This is good enough'?"

Cecilia L. López, A Decade of Assessing Student Learning: What We Have Learned, and What Is Next, in OUTCOMES ASSESSMENT IN HIGHER EDUCATION: VIEWS AND PERSPECTIVES 67-68 (Peter Hernon & Robert E. Dugan eds., 2004)

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3 INTER-RELATED QUESTIONS

1. What kind of standard will be used to evaluate student performance?

2. What is the minimum score for competence on an assessment instrument?

3. How many students from group being assessed must achieve that minimum score to declare the particular learning outcome has been achieved?

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NORM-REFERENCED STANDARDS

- Measure competency by comparing one student's performance against the performance of other students
- Not useful for institutional assessment because students are not being evaluated according to common criteria
- Not meaningful because the numbers will always be the same
  - If school's curve requires overall class GPA to be 3.0, the mean will always be 3.0 , regardless of whether students are brilliant or average

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EXTERNAL STANDARDS

- Measure competency by comparing student performance against criteria set by experts outside of the law school
- Most often come from tests required for certification or licensure
  - Bar Exam and MPRE
- Use for institutional assessment only if exam's definition of minimum competence aligns with school's definition of minimum competence

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BENCHMARK SCORES FOR ASSESSMENTS

- Score for each assessment instrument that reflects minimum competence in knowledge, skills, or values being assessed
- Like the "cut score" on the bar exam; pass/fail
- No perfect score; is matter of faculty's professional judgment
- Must be justifiable and appropriately rigorous

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CONSIDER THE FOLLOWING QUESTIONS

- What score would earn the lowest possible passing grade?
- What is the lowest score that would adequately prepare students for success in future studies or employment?
- What is the lowest score that would not embarrass you?
- How will the evidence regarding scores be used?
- What is the harm from setting benchmarks too high or too low?

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PERFORMANCE THRESHOLDS

- Percentage of students who must achieve the benchmark score on assessment instruments to declare that learning outcome has been met
- Also known as a performance "target"
- Sets faculty's expectations for students' collective performance on an assessment

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EXAMPLE PERFORMANCE THRESHOLD

- Using upper-level writing papers to measure learning outcome for written communication skills
- Set performance threshold at 75%
- Means that 75% of the papers assessed must achieve the benchmark score for minimum competence for school to state that students have achieved the learning outcome for written communication skills

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SET A BENCHMARK & PERFORMANCE THRESHOLD

Choose An Institutional Learning Outcome From One School

1. Identify an assessment used to measure the outcome
2. What is an appropriate benchmark score? Why?
3. What is an appropriate performance threshold? Why?
4. Complete "Threshold of Success" chart in the materials

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QUESTIONS?

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Assessing Diversity, Equity and Inclusion

BEYOND LEARNING OUTCOMES: WORKING THE ASSESSMENT PLAN

Assessing Diversity, Equity, and Inclusion

Carwina Weng, Sr. Specialist, Professional Identity Formation
cweng@lsac.org

LSAC

Overview

You will be able to:

- **Restate key definitions in the ABA standard 303(c) universe**
- **Identify mastery evidence & assessment measures**
- **Identify next steps for your institution or self**

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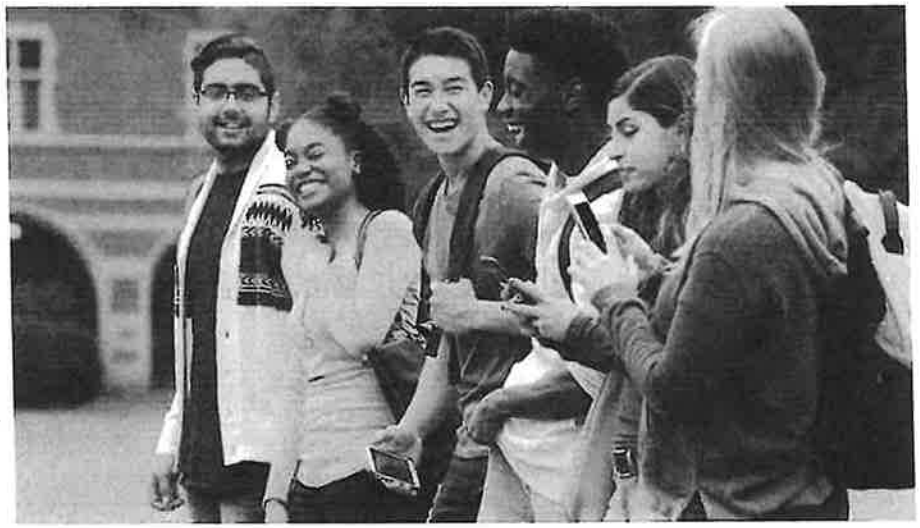
diversity

- Who we invite
  - Oh S&*t! How do we "get along"?
    - Cultural humility/ sensitivity/ awareness
    - a.k.a. cross-cultural competency



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equity

- How we make opportunities fair and resources available

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How Will I Know?

KNOWLEDGE

SKILLS

VALUES/ATTRIBUTES

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skills

- Able to listen mindfully, including through body language
- Able to acknowledge hurt to others based on their perception, not personal intention

- Able to use the 5 habits of cross-cultural competency with only occasional reference to the habits themselves

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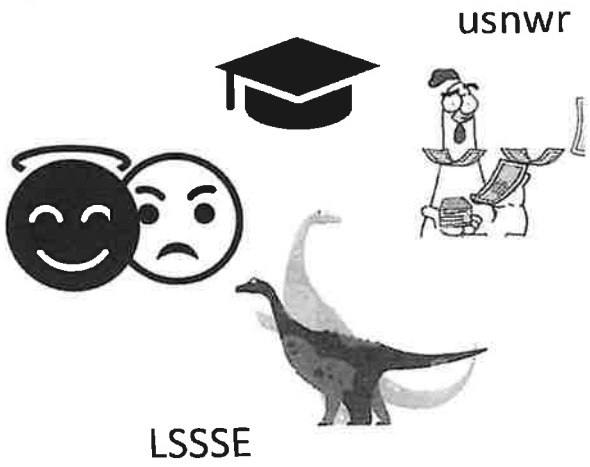
What Tools Do I Need?

- Direct Measures

- Indirect Measures



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Creating a Culture of Assessment

Creating a Culture of Assessment: Reflection

1. Which of the characteristics of a culture of assessment do you see at your institution? What impediments can you identify to establishing this culture?

2. Relatedly, how does your institution currently respond to institutional assessment data, and how could this response be improved to deepen the institution's culture of assessment?

3. Given your responses to 1 and 2, what specific goal(s) would you recommend to deepen your institution's culture of assessment?

Creating a Culture of Assessment

Lindsey Gustafson
Associate Dean for
Academic Affairs

1

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What does it mean to have a culture of assessment?

"The **predominating attitudes and behaviors that characterize the functioning of the institution** support assessment of student learning."

Establishing a Culture of Assessment,
Wendy F. Wiener

2

How comprehensive is your institutional assessment?

- Clear educational goals
- Systematic assessment
- Comprehensive program review
- Common use of assessment-related terms
- Assessment of overall institutional effectiveness
- Assessment of co-curricular activities

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How informed and involved is your faculty?

- Student learning outcomes for all courses and programs
- Faculty ownership of assessment programs
- Ongoing professional development
- Sharing assessment results with all relevant parties
- Practical, sustainable assessment plans

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Implementing Institutional Goals

- Creating a sense of urgency
- Connecting to your institution's unique values and identity
- Communicating this vision to your faculty
- Building a coalition of the willing
- Spreading enthusiasm and work through the faculty
- Encouraging (or providing) incentives for faculty

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