

# **ASSESSMENT AND FEEDBACK FOR LEARNING: A PRACTITIONER'S PERSPECTIVE**

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## UNIVERSITY AS A DISRUPTION OF LEARNING

- From a very early age I have had to interrupt my education...to go to school

George Bernard Shaw

# ASSESSMENT/FEEDBACK AND LEARNING



# WHAT HAPPENED TO ME



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Final examination experience

A moment of heightened learning potential

A huge, missed opportunity

What to do about it?



# Real-time Collaborative Feedback

For tests, examinations, and common assignments

Capture students' attention at the moment of greatest learning potential

## **Characteristics of real-time collaborative feedback:**

timely, dialogic, collaborative, student ownership,  
an appreciation of the indeterminacy of law

“Feed-forward”-the opportunity to use feedback

Relieves pressure on markers: students already know the standard of their paper





# Real-time Collaborative Feedback

- Survey results post-test (pdf)
- Survey results post-exam
- <http://www.assessmentproject.com.hk/files/Survey%20of%20Students%20-%20Post%20Exam%20UGC.pdf>





## Enhancing Feedback

- Returning the scripts:
- Brief description
- Survey results
- See word file
- Rubrics explaining standards
- Annotated exemplars (pre-submission and post-submission)

## WHAT I WOULD LIKE OF MY STUDENTS

That they become...

Self-directed, self-regulated learners

Independent learners

Creative thinkers

Life-long learners (develop the habit of learning in the right ways)

That they be able to...

Apply learning to practical settings

Recognize, and solve ill-defined problems

## THE IMPORTANCE OF DESIGN

How can such outcomes be achieved?

It will not happen by accident.

You cannot just roll out your lecture notes and expect it to happen.

Curricula must be purposefully designed if we are to bring about these kinds of outcomes.

## THE HIDDEN CURRICULUM

“Students learn what they think they will be tested on” (Biggs and Tang, 2011)

“From our students’ point of view, assessment defines the actual curriculum” (Ramsden, 2003)

“Students can escape bad teaching but they can’t escape bad assessment (Boud, 1995)

**If this is true, then assessment is the key to unlock the door of productive, sustainable learning**





## Context: Tort law

- Compulsory year 2 course
- 250 students
- Case law and legislation
- Text book and case law
- Lectures and tutorials
- Such courses typically assessed largely by in-hall examination

## WHAT HAPPENED TO ME

How Law Students Learn (2 year study of law student study practices)

Student Focus Group: My assessment questions are predictable, require surface learning only:

*“its not relevant to examinations which don’t require deep understanding, just need to know what the teacher wants”*

Moreover, many students reported that most of their learning is soon forgotten



What to do about it?

## HOW LAW IS TAUGHT AND LEARNED

- Students read case reports written by judges, and textbooks/journal articles
- In lectures, cases are subjected to a critical reading by the teacher, to uncover their meaning and their contradictions internally and across the body of case law. Students take notes.
- This is a model adopted by teachers from their own teachers, perpetuating the same method over the generations, and meets the expectations of the profession.
- It can be seen that a learning outcomes approach has not had much or any influence on this design

## HOW LAW IS ASSESSED

- There are now multiple possibilities, but assessment still takes place largely by way of an in-hall examination, usually consisting of a series of hypothetical, often exaggerated fictional narratives created by the teacher.
- Typical student practice is to become familiar with all the cases, even by name, and then practice writing solutions to the kinds of fictional scenarios typically embedded by that particular teacher in the question; this can involve anticipating the questions based on past papers and clues dropped by the teacher, followed by intense revision in the lead-up to the examination. **In this model student effort is not spaced throughout the year.**



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Ben was driving a coach full of rugby supporters to the Rugby Sevens Tournament in Causeway Bay. Just as he was reaching to answer his cell phone, Tom, a five year-old boy, stepped into the road in front of the coach to retrieve his football. Ben applied the brakes and swerved but crashed into Tom, who was seriously injured. James was working on scaffolding nearby and when he saw the coach swerve out of control he jumped from the scaffolding and was injured when he fell to the ground. In fact, the coach missed the scaffolding, and finally crashed into Michael's street-front restaurant. The collision caused the gas cooker in the restaurant to explode. The shop was damaged and Michael suffered burns to his body. He also suffered lost profits as a result of the closure of his restaurant for 2 months of repairs. The coach passengers were uninjured, but Mary, a front row passenger, now suffers psychiatric injury.

## SOME PROBLEMS WITH THE HYPOTHETICAL PROBLEM

- They are recognizable as hypothetical (non-authentic)
- They are often exaggerated and in the sequences presented bear no resemblance to the world of real events
- They are teacher-invented, and carry the expectation of a pre-conceived solution which the students must uncover
- They are divorced from social realities
- They may de-sensitize students from the social policy context, that legal problems are puzzles to be solved, rather than real problems suffered by real people



## NEWS REPORTS AS LEARNING AND ASSESSMENT TOOLS

Some characteristics of news reports:

- The material is realistic, authentic and relevant to the community
- It is generally complex, requiring multiple perspectives, including social policy
- Requires the making of connections between doctrinal learning and the real world
- Involves complex, ill-defined problems (requiring higher order thinking)
- The material is often factually incomplete, thereby mimicking a realistic professional scenario
- Its authenticity and relevance can foster a more serious approach to analysis and develop the habit of spotting issues in unflagged situations<sup>8</sup>
- Used for all examination questions and weekly practical exercises<sup>19</sup>

# REFLECTIVE MEDIA DIARY

**1. Students independently identify tort law-related events as reported in the media**

**5. At conclusion of diary period (February), student selects 10 items for submission; 6 weeks later, selects 2-3 of those items and provides comprehensive analysis for submission; 3000 word limit**

**2. Conduct a diary for the first 5 months, of events reported in the news media; minimum one news item per month; requires student legal reflections and some attempt at analysis; news events to cover the breadth of tort law themes**

**3. Web-based email diary to ensure timing and integrity of work (no need for teacher monitoring)**

**4. Student monitors events as further reported in the media**



## **Some Diary samples**

**(see pdf files)**

<https://moodle.hku.hk/course/view.php?id=77956>



## Some characteristics of RMD

- Requires learning that goes beyond mere recall
- The material is realistic, authentic, relevant to the community, and constantly being generated
- It is generally complex, requiring multiple perspectives
- Sensitizes students to the realities of the human struggle
- Work is sustained, spread over time
- Requires learning how to solve ill-defined problems
- Requires learning how to recognize an ill-defined problem
- Constructivist: the learning is self-managed; students select, edit and analyse over time
- Feedback processes are internalized; students curate their own work, self-evaluate, feed forward
- Aligns with other assessments and learning activities
- Habit-forming, the real possibility of life-long learning

# Challenges and Benefits

Some of the challenges:

Grading: reliability; subjectivity of grading; every RMD is different; multiple markers, multiple standards?



Some of the benefits

To the students: students take charge of their learning; the learning is sustainable

To me: learning happens on its own; the teacher and the classroom become less relevant; a move away from teacher-dependent learning

## REFERENCES

- Carless, *Excellence in University Assessment*, 2015, pp 87-106
- Carless, *Designing Assessment Feedback Processes in Higher Education*, 2018, pp 88-96.
- Glofcheski, “Making Assessment for Learning Happen Through Assessment Task Design in the law Curriculum”, in *Scaling Up Assessment for Learning in Higher Education*, 2017, pp 67-80.
- Glofcheski, “Re-thinking Teaching, Learning and Assessment in the 21<sup>st</sup> Century Law Curriculum” in *Legal Education in the Global Context*, 2016, pp 131-146.

