Assessments & Engagement

The first part of this google adoc is a refresher on best practices in crafting effective assessments and learning activities using a model of integrated course design. If you are a pro see integrated course design and the research on best practices, you might skim the learning theory section and focus more on the idea bank on page 3. The idea bank provides sample assessment & engagement techniques for physically distanced/hybrid/remote teaching. The additional resources at the end also provide links to other assessment ideas.

Relevance: Why do experienced teachers need to worry about assessment and engagement in physically distanced/hybrid/remote teaching?

The assessments and learning activities that you have used in the past may not work in this new learning environment. As we have seen, it can be much harder to get students to participate in discussions when students are participating in a physically distanced way. You can’t just put people on Zoom or in a room with masks and trust that conversation will naturally develop. You also may not be able to use the same forms of assessment and engagement that you have traditionally used. Group work, for example, is a lot harder in a physically distanced classroom, as is peer editing. You have to thoughtfully and deliberately re-engineer interaction from the traditional classroom to fit the physically distanced/hybrid/remote space.

Learning Theory:

A. The Importance of Formative and Summative Assessments

Legal education is used to thinking about summative assessments, but we don’t think nearly as much about formative assessments. Summative assessments are the assessments we provide to audit student learning and determine what grades to assign, often at the end of the semester. Our final exams do a good job sorting students into grade categories, but they don’t do as well in helping students to learn along the way, especially when students receive little feedback on their exam performance other than their final grade.

In contrast, formative assessments are designed to be part of the learning experience. They provide feedback on student learning throughout the course so both students and faculty can assess whether students are meeting the course objectives. They also provide students with frequent opportunities to practice what they are learning, along with immediate feedback on their efforts. The most effective formative assessments are ones that are (i) aligned with the course objectives and (ii) accompanied by feedback that is frequent, immediate, based on clear criteria and standards, and delivered empathetically (see here for more information on feedback guidelines).

Developing and using these assessments does not need to be overly time-consuming. We tend to think of assessments as tests, papers, or quizzes that professors have to grade. But there are plenty of ways to provide quick graded or ungraded feedback to students to help them reflect on their learning. For
graded assessments during the semester, consider using rubrics that allow you to quickly assess student performance (see here for sample law school rubrics) or multiple choice or true/false assessments that can be graded in Blackboard. For ungraded assessments, instructors can provide feedback to the class as a whole by discussing the answers in class or through polling software that provides instantaneous feedback. Instructors can also use peer assessment where students provide feedback to each other using rubrics from the instructor. Or they can use self-assessment where students assess their own work using model answers. With formative assessment, the grades are not the point. The idea is that the assessments themselves help students learn the material and help guide their future learning.

B. Key Considerations in Creating High-Quality Assessments

Alignment: Going back to integrated course design, be very intentional about how each assessment and learning activity aligns your course objectives. Go back to your course objectives. What is the best way to assess if the students have achieved those specific course objectives? How can you use class time to prepare students for these assessments? Law school has traditionally had a mismatch of objectives, assessments, and learning activities. We want students to prepare to be lawyers, but we test them primarily on simulated fact patterns where their main task is to identify and evaluate possible causes of action and then we spend class time discussing cases. These are all related, but they aren't fully aligned.

Focus on Higher-Order Assessments: It is tempting to default to assessments that primarily test recall and understanding, as opposed to higher-order learning. Learning activities should encourage students to apply the content and make connections using the content. These connections can be internal (across the course content) or external (from the course content to the students’ experiences and/or the world). These connections are crucial because new learners have trouble seeing how all of the different elements of a course fit together. They tend to focus on isolated facts or checklists instead of gaining the big picture. Helping them understand the connections underlying the course help them see the big picture.

Focus on Authentic Assessments: Authentic assessments ask students to apply their knowledge in real-world scenarios. How would a practicing lawyer use the information that you are teaching? Try to have your assessments match how the law is used in the real world. If you are teaching pleading standards, have students evaluate and/or draft real complaints? If you are teaching elements of specific torts, have them look at real jury instructions.

Scaffolding: If you want students to become proficient at more complex legal analysis or skills, you may need to scaffold their learning to achieve this objective. Start with easier formative assessments at the start of the semester and slowly build up to more complex assessments.

Offer Choice in Assessments: Research indicates that students who find an assessment meaningful are more likely to work hard on it, learn from it, and complete it successfully. For higher-order assessments, look for opportunities to let students personalize the assignment in a way that is meaningful for their own career goals and interests. You can also use these assessments to help students become
self-directed learners, identifying what they want to learn and developing a plan for learning this material.

**Use Pre-Mortems.** For assessment techniques that are new for you or that you are trying in a new modality, consider a pre-mortem where you imagine that the technique has failed and think through how it (hypothetically) failed, why, and how you might have prevented that failure. This exercise can help prevent problems when you experiment with new techniques.

**Connecting Assessment Theory to Physically Distanced/Hybrid/Remote Teaching**

Much of the information above applies to assessments in all courses regardless of the delivery method. But there are a few specific guidelines as you think about assessment and engagement techniques in physically distanced/hybrid/remote courses.

**Don’t Try to Just Replicate:** If you are used to having your students learn through in-person Socratic discussions, that doesn’t necessarily mean that you need to find a way to have the same type of discussions in a physically distanced classroom or through Zoom. Your goal is not to replicate your old learning activities in these new teaching environments. Instead, go back to your course objectives and figure out what types of assessments and activities work best given how you will be teaching in the fall. Maybe it’s replicating the Socratic method online, but maybe it’s an entirely different technique that better accomplishes your learning objectives.

**Redesign Specific Techniques:** Even if you think you can still use the same general assessment technique in your course, you may need to modify the specifics. For example, if you want to have a discussion-based course, you will have to be intentional about how to generate rich discussions in a distanced classroom. If you want to have students work in groups, you may need to move this collaboration outside of class or limit it to groups of two students who can talk in a physically distanced classroom. The idea bank below has lots of ideas for re-designing assessments and learning activities.

**Consider How Remote Students Will Participate.** In the fall, students will have the option of participating remotely over Zoom rather than showing up in-person in class. This blended approach will allow students to participate in class even if they are sick, immune-compromised, or quarantined. With every assessment or learning, consider how you will include students participating remotely over Zoom.

**Beware Extraneous Tech:** When it comes to engaging students remotely, there are lots of tech tools out there. Resist the urge to try new tech just to try it. Every use of technology should connect back to your pedagogical goals.

**Idea Bank:**

| Quick Comprehension Checks | PollEverywhere questions during class. For a primer on how to draft effective objective questions, see this article. |
Brief Google Doc assignments that students complete before or after class. [Here is a sample.](#)

Blackboard quizzes (either short-answer or multiple choice) due before class or at the end of each week/unit. Here is a [sample](#) from Business Associations.

As students join at the start of class, have up a PollEverywhere question about the class material. It may say something like, “We’ll get started in a few minutes, but I’d love your thoughts on whether Uber drivers are agents of Uber Technologies. Answer yes or no and then write one sentence of explanation.” Or it could ask them to fill in a blank, “Case X, Y, and Z changed the law by __________.” You can use their responses later in class to frame the discussion.

Have students record short videos of themselves answering a question or giving advice to a client on a simple issue. If you use a tool like [Flipgrid](#), you can initially keep the videos only viewable by you, but then make them viewable by the entire class once all of the submissions have been turned in.

Trivia contests between groups of students.

- In Zoom classes, use Google Forms to have teams of students submit their answers.
- In physically distanced classes, try [kahoots](#). It’s like PollEverywhere, but with a timer and students get points for answering the questions correctly and quickly, so it feels like a race against their classmates. Kahoots are designed for K-12 students, but higher ed students find them surprisingly fun as well.

Jeopardy Style Games:

- Factile - [https://www.playfactile.com/](https://www.playfactile.com/) Factile allows you to create your own Jeopardy-like game. You can have up to 3 games at a time for free. Looks very professional.
- Jeopardy Labs - [https://jeopardylabs.com/](https://jeopardylabs.com/) The easiest online option for creating a Jeopardy-like game. No registration required. Doesn’t look quite as professional or offer as any features as Factile, but great basic functionality.
- Flippity - [https://flippity.net/](https://flippity.net/) Turn Google Spreadsheets into Jeopardy-style games as well as other things like flashcards, timelines, scavenger hunts, matching games, etc. Free to use, ad-supported.
- Google Slides Jeopardy template -[https://docs.google.com/presentation/d/1N_SibXUY3y2PCuhFQ0YA7zREwC7ew1Q3fyILBnEBQA/edit](https://docs.google.com/presentation/d/1N_SibXUY3y2PCuhFQ0YA7zREwC7ew1Q3fyILBnEBQA/edit)
### Fostering discussion

To get students more comfortable talking in a physically distanced or remote class, you may have to set the stage for the discussion in more deliberate ways. Consider the following strategies:

1. **Reflect on the implicit norms of discussions in your courses.** Is it ok if students engage in civil attention -- i.e., so long as students appear to be listening, they can expect that the professor won’t call on them unless they signal a willingness to participate? Is it acceptable if 20% of the students carry 80% of the discussion? Are those norms still ok in an environment where discussion is even more challenging? [This article](#) is great on fostering discussions in class generally, and it provides good prompts to consider in today’s environment.

2. **Acknowledge the challenges.** Be candid about the difficulties and discuss strategies to address them as a group.

3. **Use more direct prompts than you normally would.**

4. **Assign a discussion leader for each case or class.** Alternatively, you can assign panels so a group of students are officially on call for each class.

5. **Give students a minute or two to think through their answer before asking for volunteers.** Or have them write down a few notes about the prompt first.

6. **Think-Pair-Share** still works in a physically distanced classroom. It could also work online by putting pairs or small groups in breakout rooms.

7. **If you know the discussion will center on one or two specific questions, ask the students to reflect on these questions and write 1-2 paragraphs about them before class.** They can turn in these questions through Blackboard or a Google Doc.

8. **For topics that might be controversial or difficult, use class time to develop shared norms for these conversations.** Ask everyone to synthesize and acknowledge the value of another’s statement before sharing their own thoughts.

9. **Practice active moderation, interrupting interrupters; asking follow-up questions, and making time and space for those who have not participated.**

In remote courses, you can send students into breakout groups and have them discuss the question on their own first, so they are then more comfortable then discussing the issue with the larger group. In physically distanced courses, you might ask the students to discuss the issue with the person next to them first.

Consider a [Contemporary Issues Journal](#). In these journals, students look for recent events or developments in the real world that are related to their coursework, then analyze these current affairs to identify the
connections to course material in entries that they write in a journal. Ask students to share their ideas in a central forum. You can then use the topics of the journal entries to shape the discussion.

| **End-of-the-Unit Assessments** | Assign authentic assessments that replicate how lawyers will use the material in practice. For example, if the students have just studied pleading, ask them to draft a short complaint or review a real recently-filed complaint to see if it meets the pleading standards.

Have students research how the material they have just learned works in practice. For example, if they are learning about waivers of liability, you might ask them to find waivers related to COVID-19 and evaluate whether they are permissible.

Give students unlimited opportunities to show that they have mastered the material through mastery quizzes. To get credit for the quiz, they must keep taking it until they have gotten a 100% (or whatever level you deem sufficient to show mastery). Display feedback for wrong answers that directs students to where they can find the right answer but does not provide the right answer. |
|---|---|
| **Connecting Different Units** | These activities can be assigned to individual students to do inside or outside of class or to groups to do remotely.

Ask students to create concept maps to show connections between material. These concept maps can be flow charts, Venn diagrams, or any other format that they choose.

Have students create a group grid where they have to place rules, facts, or ideas into the right categories.

Have students create a pro/con list where they have to list the pros and cons of an issue. For example, in a 1L class, they might list the pros and cons of bringing a certain claim given the fact pattern. Or in Business Associations, they might identify the pros and cons of forming a certain type of business entity. |
| **Collaborative Work** | It will be hard to do group work with groups larger than two students in physically distanced courses. Either limit your groups to two students or move the group work outside of class.

Create group projects that mimic how lawyers would use the material in practice. These projects can be done largely out of class if they require close communication between multiple people. The projects can have |
individual and group components if you want to give students some autonomy over their work.

Allow students to collaborate on a google doc in a breakout session or outside of class. If they are collaborating in a synchronous environment, you can monitor the google docs in real time so you have an opportunity to develop feedback for the class as a whole.

Have students write answers to problems and then exchange their answers with a classmate. Provide detailed rubrics that they then use to provide feedback on their classmate’s answers.

Create a discussion board with students in groups to answer questions or respond to prompts.

Best Practices for Zoom Breakout Groups:
- Give the groups a very specific prompt. Don’t ask them to “discuss” a certain topic. Instead ask them to, for example, come up with three examples of a specific concept or three reasons why one case is different from another.
- Provide high structure for the groups, e.g., clarifying desired group dynamics, specifying deliverables (i.e., requiring students to hand in answers to assigned questions).
- Consider assigning each student a specific task in the breakout rooms. One student might be the dissenter, another might be the person assigned to ask “why?,” one might be responsible for starting the discussion and keeping it going when it flags, and another might be the recorder who has to. Or you might assign students roles based on mock interests -- one might be assigned to argue for the plaintiff, another for the defendant, etc.
- Consider ways that you can monitor group activity. For example, you can have students make notes in a shared Google doc that you can see or fill out a google form. This approach will allow you to see what the groups worked on and also help ensure that the students stay on task.
- Set a timer for the breakout groups that is visible within the groups so they know how much time is left.
- Consider giving descriptive names to breakout groups. If breakout groups are doing different tasks from each other, put a short description of the group’s task in the breakout group’s name so they can easily remember which task is theirs when they get into the group.
- Be deliberate about whether you want to pre-assign participants to breakout rooms or whether you want them assigned randomly.
You may want to maintain the same groups from class to class. Instructions for pre-assigning breakout groups are [here](#).

- Put the instructions in a durable form. Students cannot see your PowerPoint in breakout groups, even if you screen shared it before sending students into the breakout groups. If you have a specific prompt, put it in the chat. If you want students to see more detail from your PowerPoint, have an email already drafted with the relevant slides that you hit send on as soon as they go into breakout groups.

- [Here](#) are really good instructions for the Zoom features related to breakout rooms.

<table>
<thead>
<tr>
<th>Bring in Outside Voices</th>
<th>Record a discussion or interview with a lawyer or someone else with relevant experience to help students see how the course material applies in the real world. Have students work through problems on their own or with groups. Then show a video of real lawyers thinking through the same problem. You might even ask a few alums to record a short video with their thoughts on the problem that you can show in class. Also see the <a href="#">Contemporary Issues Journal idea</a> mentioned above.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarifying Ideas Outside of Class</td>
<td>Record a short video of yourself clarifying an issue on which students seem to be confused.</td>
</tr>
</tbody>
</table>
| Reflection and Metacognition | Metacognition is the ability to recognize what you know and what you don’t know. We have all had the experience of students who study a lot and think they know the material, but then they don’t do well on the exam. Students may learn the material as it appears on the page, but they don’t know how to use it in a way that will cause them to succeed on the exam. Provide opportunities for students to reflect on and self-assess their learning. Here are a few possible prompts:

1. What strategies have you used that have helped you succeed in this course? What do you wish you had done?
2. What concepts in this course/from this class session are worth caring about? What concepts might be relevant to your career goals?

If you have given students feedback on an assignment, have them summarize the feedback before they start to incorporate it. They can send you an email (i) explaining how they understand the feedback, (ii) explaining the changes they plan to make, and (iii) asking any questions they have about the feedback. |
There's a great video here that recommends ending each class with a question about the material that asks students to use the material covered that day. The question should line up with your learning objectives and help prepare students for later summative assessments. Then you can start the next day’s class by reviewing the correct answer and some common ways that students went wrong, for example by misunderstanding the law or not providing a deep enough analysis of the question.

Additional Resources:

**Learner Assessment in Online Courses: Best Practices and More**, LearnWorlds
General information about best practices for formative and summative assessments in online courses.

**How to Effectively Assess Online Learning**, Magna Publication
Longer white paper on assessment in online courses.

**Assessment Strategies for Online Learning: Engagement and Authenticity**, by Conrad & Openo

**Learning Assessment Techniques**
Quick reference guide that links various assessment techniques to types of learning (foundational knowledge, application, integration, etc.).

**50 Classroom Techniques** by Angelo & Cross
This document lists fifty different ways to assess & engage students organized by learning objectives. It is based on the longer book called Classroom Assessment Techniques, which is available in the faculty lounge at the law school.

**Cross Academy Videos**
This website includes dozens of assessments techniques that can work in-person or online.