

Assessment *in* Practice

A Law School's Journey into Learning Outcomes Assessment

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Beginning in 2016, the law school accrediting body began requiring law schools to identify and publish student learning outcomes for JD programs. While outcome measures assessment has been part of other graduate programs for years, for legal education, this was a giant shift. This essay discusses one school's journey into the world of outcomes assessment and the way it sought to leverage the accreditation requirements to engage faculty more deeply with student learning.

THE RESEARCH TELLS US

As we thought about the process, we believed that if outcomes assessment became a “check the box” compliance measure that was seen as having little independent value, the work would likely become gendered and discounted, much like other institutional housework tasks (Guarino & Borden, 2017). On the other hand, if we shifted the dialogue to one that focused on helping our students learn, and gathered information that could impact other institutional concerns (retention, attrition, licensure, alumni engagement, etc.), faculty would be more likely to engage in the process and we had a better chance of sharing the workload across the institution.

We recognized that the faculty at the College of Law, like other faculties, have a wide range of concerns including uncertainty about the process, time commitments required, questions about institutional leadership's commitment to the process, lack of recognition or reward for those engaging in it, the process' inability to capture nuanced learning, cost and resource concerns, and questions about the process' ultimate value (Bresciani, Zelna, & Anderson, 2004; Bresciani, Anderson, & Allen, 2006; Breciani 2011; Lynch, 2012). Also, like in other academic programs, law faculty also have concerns that the process will erode their academic autonomy (Lynch, 2012).

We found many of those concerns could be addressed by creating easy to use rubrics, engaging faculty in the rubric development process, creating an assessment committee that involved faculty with a range of appointment statuses, and providing cumulative student data along with annual reports to the faculty—processes described in more detail below.

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We also were keenly aware that top-down mandates often are more challenging to implement (Faulconer, 2018) and it was critical to ensure collective faculty engagement. In addition to the steps described below, we identified faculty from various ranks [e.g. full, associate and assistant tenured/tenure-track faculty; full-time non-tenured instructors; clinical faculty and librarians] who supported the endeavor, at least in concept. Those faculty members' support and initial leadership helped nay-sayers understand the importance of the endeavor, the priorities of the process, and the importance of engaging with data to ensure institutional outcomes assessment was more than a compliance exercise.

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FROM CONCEPT TO REALITY

After the faculty identified the law school's **eight learning outcomes**, the Dean created an assessment committee responsible for developing measurement tools and data gathering. The committee identified the process concerns described above and looked for a measurement method that: minimizes the data collection burden; spreads the work amongst the entire faculty; recognizes that most outcomes involve nuanced skills that develop over time; and gives faculty a "rough cut" overview of collective student achievement. Research suggested that one relatively low-cost and straightforward method to accomplish these goals is to use criterion-referenced rubrics (Curcio, 2018) such as those designed by the Association of American Colleges and Universities (**AAC&U Value Rubrics**). To spread out the work, we also decided to use a four-year cycle, assessing two outcomes each year. Outcomes 1 & 2 were assessed in year one, Outcomes 3 & 4 in year 2, etc.

The committee drafted rubrics for each outcome. We sought input from faculty who would be using the rubrics to ensure the rubrics captured the appropriate knowledge, skills, and values and to help create faculty investment in the process. After several drafting iterations, the faculty agreed the rubrics should incorporate only key criterion (ideally 3-6) for each outcome, or group of outcomes being measured together. For example, Outcomes 1 & 2 measured student learning of legal knowledge and analysis via a rubric that had four levels of competence for five different criteria: substantive legal knowledge; the ability to spot legal issues; the ability to apply facts to legal rules; overall critical reasoning skills and policy analysis. We developed a continuum of learning from level one [minimal] to level four [in-depth] learning [see tables 1 and 2 below]. Keeping the rubrics simple forced us to identify key criterion, minimized the burdens on faculty completing rubrics, simplified data entry, and made assessment data reports easier to digest and make actionable.

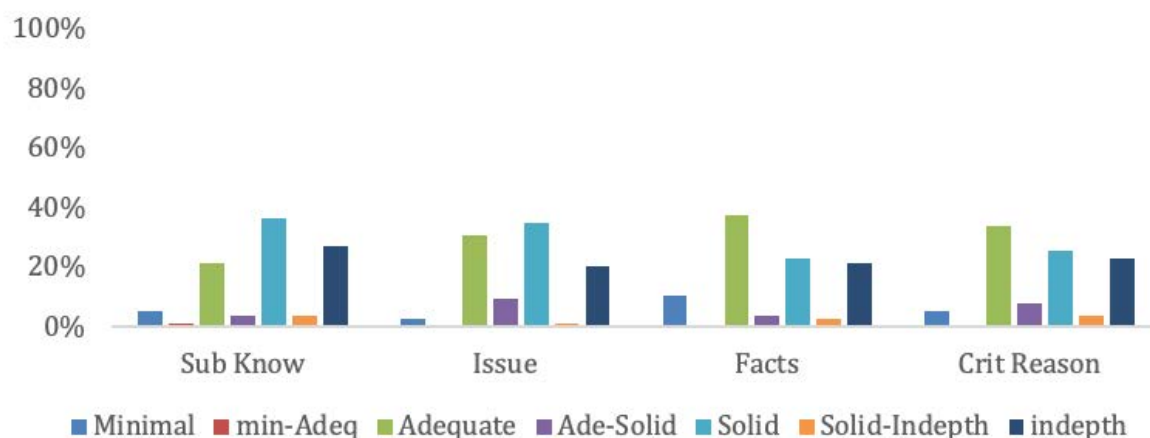
The committee identified targets for student learning, with the hope that in their final year of law school, 90% or more student would be at Level 2 (Adequate) or above and 50% or more at Level 3 (Solid) or above in all criterion. While the initial goals/targets were somewhat of a guess, we believed that a 90% target made sense if we also sought to target a 90% graduate bar passage rate because some of the skills assessed for some outcomes mirrored the bar exam assessment criteria.

Finally, the committee chose the courses used to measure outcomes – a selection process best done via curricular maps. (Harden, 2001; Allen, 2004). The mapping helps identify courses where outcomes are already taught and assessed, as well as where they are introduced, developed or mastered. This information creates benchmarks for students' introduction versus mastery of outcomes. It also helps spread the workload amongst faculty because it allows us to choose courses taught by a range of faculty.

COMPILING AND REPORTING THE DATA

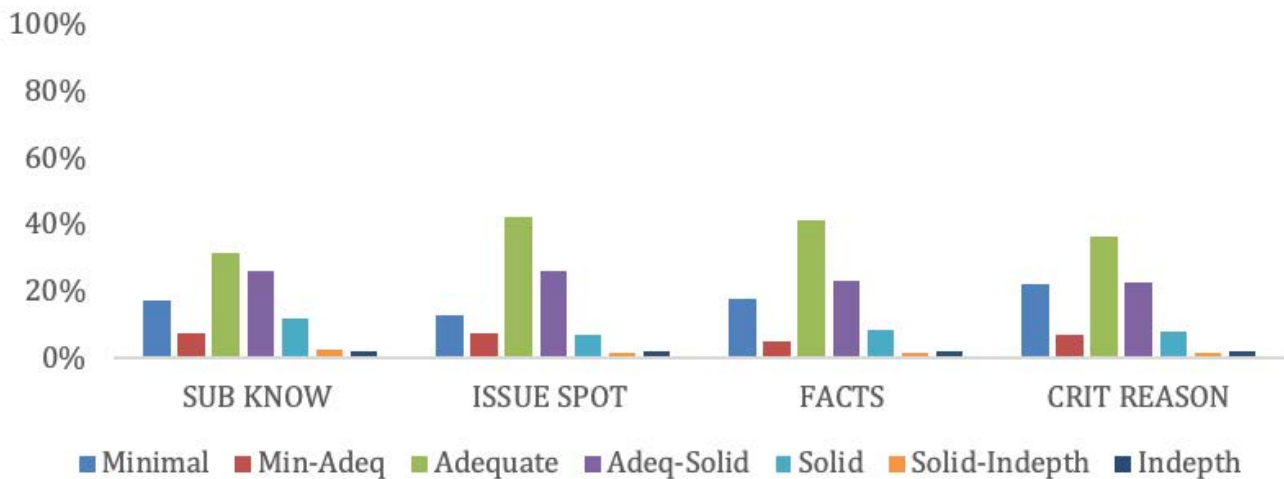
In 2017-2018, we launched the data gathering process, beginning with outcomes 1 & 2. We gathered data from a total of nine courses (with multiple sections each)—including three required courses in the first year and one required upper level course and five elective courses. After grading final student work, faculty in the identified courses completed a rubric for each student in his or her class. Because some students took multiple courses which were assessing institutional outcomes, we used each student as a data point. That way, if students were rated differently by different faculty members, their scores could be averaged. Doing this, we ended up with data spanning seven levels [see chart below].

Spring Third Year Law Student Cohort



	Sub Know	Issue	Facts	Crit Reason
Minimal	5.41%	2.70%	10.81%	5.41%
min-Adeq	1.35%	0.00%	0.00%	0.00%
Adequate	21.62%	31.08%	37.84%	33.78%
Ade-Solid	4.05%	9.47%	4.05%	8.11%
Solid	36.49%	35.14%	22.97%	25.68%
Solid-In-depth	4.05%	1.35%	2.70%	4.05%
In-depth	27.03%	20.27%	21.62%	22.97%

Spring First Year Law Student Cohort



	Sub Know	Issue Spot	Facts	Crit Reason
Minimal	17.51%	12.90%	17.97%	22.12%
min-Adeq	7.37%	7.37%	5.07%	6.91%
Adequate	31.80%	42.40%	41.47%	36.41%
Ade-Solid	26.27%	26.27%	23.04%	22.58%
Solid	11.98%	6.91%	8.29%	7.83%
Solid-In-depth	2.76%	1.84%	1.84%	1.84%
In-depth	2.30%	2.30%	2.30%	2.30%

This data, along with data for second year students, was provided to faculty, along with a narrative identifying the courses used, other information about data compilation, and the aspirational goals the assessment committee identified. The data was easy to compile using Excel and took very little faculty time to compile.

While we recognize that faculty in other institutional departments may want a more detailed or sophisticated level of data analysis and reporting, we also suggest that it is important not to get so caught up in the data gathering, analysis, and reporting that the entire process becomes overwhelming. As we continuously remind our faculty - the goal is to provide an overview of student learning—not to write a publishable scholarly paper.

MAKING SURE REPORTS DO NOT SIT ON A SHELF

In our first run through, we discovered how valuable the data could be to faculty and to engaging faculty in the process. The data demonstrated student progress in all criterion measured from their first year to their final year. We found we met our targets for most criterion for our graduating third years students. We also learned that most faculty, while saying they taught policy analysis did not assess that skill.

We shared these findings with faculty through data reports and brown bags. We were transparent about the fact that the data was not at the same high level one would expect in scholarly work but gave us important information that we might not be gathering in other ways. Acknowledging this helped move the discussion to one that focused on using the data to improve student learning rather than one that devolved into a critique about the process.

Our data-based findings that we met our aspirational goal in all criterion except for factual analysis led to discussions about how to improve this skill, such as incorporation of smaller assignments or other exercises designed to allow students to practice factual analysis throughout the semester. Our finding that most faculty did not assess policy analysis led to conversations about whether we believed policy analysis was an important lawyering skill, and if so, what changes we needed to make to ensure we could measure that skill.

IMPLEMENTATION

Development and implementation of change recommendations is the final, and arguably most difficult, phase of the outcome measurement assessment cycle. We attempted to incorporate all faculty feedback and proposed eight recommendations which the faculty adopted. That was a mistake. The large number of recommendations made implementation and accountability difficult. While faculty engagement helps build buy-in, for us, having eight recommendations meant no individual faculty member felt responsible for implementation of any one recommendation.

We learned we needed to identify one or two concrete action steps per outcome and identify the faculty who would implement those. We also learned that we needed to remind faculty, at the outset of the academic year, about the action steps. Finally, it became clear that even with an engaged faculty, it was important that institutional leadership signal the value of this process to the institution's mission and goals (Smith & Gordon, 2019) and take action steps, such as including implementation of recommendations as part of faculty annual reports. We incorporated those findings into the process.

CONCLUSION

Our process exemplifies the iterative nature of outcome measurement assessment. The data has already fostered greater, and more thoughtful, use of formative assessments in large-section courses (through outcomes 1 & 2), thoughtful discussions of writing throughout the curriculum (outcomes 3 & 4), and we now are looking at other ways to develop and improve the experiential courses offered (outcomes 5 & 6). The data has prompted us to engage in conversations and, in some cases, modify assessments to include criterion we seek to measure and has prompted some faculty to modify their teaching and assessment methods. We also learned we need to develop fewer, more specific, and targeted recommendations each assessment cycle. Whether these modifications result in getting closer to our institutional goal of ensuring our graduates have the full-range of knowledge and skills necessary to be competent, ethical and responsible lawyers remains a work-in-progress.

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REFERENCES

- Allen, M. J. (2004). *Assessing academic programs in higher education*. Bolton, MA: Anker Publishing.
- Bresciani, M. J., Zelna, C. L., & Anderson, J. A. (2004). *Assessing student learning and development: A handbook for practitioners*. Washington, DC: NASPA-Student Affairs Administrators in Higher Education.
- Bresciani, M. J. (2006). *Outcomes-based academic and co-curricular program review [OP]: A compilation of institutional good practices*. Sterling, VA: Stylus Publishing.
- Curcio, A. (2018). A simple low-cost institutional learning-outcomes assessment process. *Journal of Legal Education*, 67(2), 489-530.
- Curcio, A., & Lynch, M. (2017). Addressing social loafing on faculty committees. *Journal of Legal Education*, 67(1), 242-262.
- Faulconer, E. K. (n.d.). *Nurturing faculty buy-in for top-down mandates*. Retrieved from <https://commons.erau.edu/publication/1423>
- Guarino, C. M., & Borden, V. M. (2017). Faculty service loads and gender: Are women taking care of the academic family? *Research in Higher Education*, 58(6), 672-694. doi:10.1007/s11162-017-9454-2
- Harden, R. (2001). AMEE Guide No. 21: Curriculum mapping: A tool for transparent and authentic teaching and learning. *Medical Teacher*, 23(2), 123-137. doi:10.1080/01421590120036547
- Lynch, M. (2012). An evaluation of ten concerns about using outcomes in legal education. *William Mitchell Law Review*, 38(3), 985-101.
- Smith E. E., & Gordon S. G. (2019). How are faculty rewarded and recognized for assessment work outside the classroom? *Research and Practice in Assessment*, 14, 65-77.

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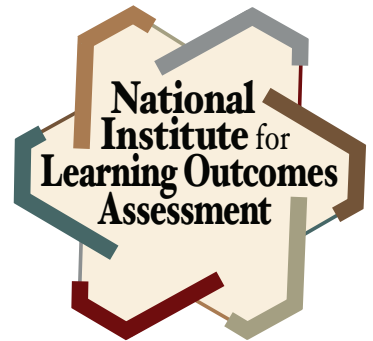
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The National Institute for Learning Outcomes Assessment (NILOA) was established in December 2008, and is co-located at the University of Illinois and Indiana University.

The NILOA website contains free assessment resources and can be found at <http://www.learningoutcomesassessment.org>.

The NILOA research team has scanned institutional websites, surveyed chief academic officers, and commissioned a series of occasional papers.



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