



Assessment as Learning Symposium

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Asking the Right Questions: Using News Reports as Assessment Problems

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Presentation Outcomes

1. Reflect on and identify - what sort of learning does my assessment encourage?
2. Reflect on and identify - how can assessment be better designed to avoid short-term reproductive learning, and advance sustainable, life-long learning?

Tort Law Course Learning Outcomes

Students should be able to...

1. ...
2. ...
3. Identify the (legal) issues in a previously unseen complex problem
4. Write/present objective analysis of complex (legal) problems

The Problem

Short term reproductive learning

Survey: How Law Students Learn (2006)

1. Active and independent learning not valued by students
2. Preference for learning activities that serve as examination predictors and practice

Survey (2006) How Law Students Learn: Focus – What the Students said

“Deep learning activities not important because...most examination questions required only rote or surface learning”

true?



On reflection, after reviewing my assessment practices, this was true...



Most law examinations, including my own, typically consisted of ‘cleverly-designed’, sometimes improbable problem-questions intended to achieve coverage objectives. Student focus is on mastering this format. Success in such examinations did not really require deep learning. Indeed, many students have recounted how they forgot most of their learning not long after the examinations.



Tom aged 8, and his playmate Jerry, aged 9, were playing on their skateboards on the footpath of Clearwater Bay Road. Tom challenged Jerry to a race along the footpath in the course of which Tom in trying to gain extra speed, lost control and careened into the road. The driver of an oncoming car, Michael, who had obtained his driver's licence only 2 days earlier, was driving the car of a neighbour, Mrs Chan. He was exceeding the speed limit in order that his passenger, Mrs. Chan's son, Perry, would not be late for his doctor's appointment. Before departing, Perry had agreed that Michael would not be liable for any injuries that might be caused in the trip to the doctor's office. Michael swerved to avoid Tom, but due to his inexperience and speed, was slow to react and applied the brakes too late. The car hit Tom with full force, causing him critical injuries.

Perry suffered cuts and bruises in the crash.

Donna, who witnessed the accident from the balcony of her nearby flat, fainted and hit her head on the floor, suffering head injuries.

Jerry was physically uninjured, but suffered nervous shock.

With reference to relevant case law, advise the injured parties regarding their actions in tort.



**what sort of learning practices
will this assessment
encourage?**

Survey of Tort Teachers' Examination Practices

- Summary of 22 replies:
- heavily weighted final examinations (69.3% of the course)
- consisting mainly of complex problem questions (79% of the questions)
- consisting mainly of fictional problems (18/22)
- designed to achieve coverage of issues (22/22)
- limited or no choice of question in the examination (13/21)
- exaggerated fact patterns not likely to happen (12/21)

Sustainable assessment practices

1. Design assessment to help students achieve the desired learning outcomes (constructive alignment)
2. Use diverse forms of assessment (there is a diversity of learning outcomes)
3. Design assessment with community relevance
4. Design assessment to take into account the broad social context
5. Wherever possible, use authentic assessment problems
6. Design assessment activities that are similar/relevant to expected career activities
7. Use feedback practices that engage student learning

News Reports

- The local newspaper may provide all you need
- The material is realistic, authentic and relevant to the community.
- It is generally complex, requiring multiple perspectives in analysis, including social policy
- The material is often factually incomplete, thereby mimicking a realistic professional scenario
- Its authenticity and relevance fosters a serious approach to analysis and develops the habit of spotting issues in unflagged situations
- It fosters good reading habits

I. Tutorials and Tests

Sample assessment questions

<http://www.law.hku.hk/lawdept/subjectPage.php?subjectId=413&id=3286>

- **Survey: administered by Eddie Leung, Nov 30 – Dec 2, 2010**
- **For Qs 1-5 please answer Yes or No.**

- 4. Do you find that test and tutorial problems based on real-life events as reported in the media provide a better learning experience than problems that are invented by the teacher? yes = 100 (88.5%); no = 13 (11.5%)

- 5. Do you find that the use of test and tutorial problems based on real-life events helps develop your skill of identifying and understanding tort issues independently, in unflagged situations, such as when reading newspaper articles and news websites, or in your daily experiences? yes = 109 (96.46%); no = 4 (3.54%)

- 6. Any other comments?

- Using real-life events as tutorial problems makes me feel that the subject can really relate to our daily lives. Since those problems invented by teachers often give me the feeling that they are too "tailor-made" in accordance with the chapters taught.

Now when I read the newspapers I would think more about what tort issues can be brought about from it.

- Using real-life events as questions sometimes make it more difficult, but it seems more relevant to our life long learning.
- A very useful session to reinforce understanding of and gain insights into the law. It helps me better understand how to apply the law to new situations.
- Although a real-life event makes the whole course more practical, it increases the variety of answers which could be given based on the uncontrolled amount of facts in the news. Sometimes, a deep analysis would be needed to justify some unique views on the unique facts of the case, raise some less prominent cases in support. This would need time, and 50 minutes is only barely enough for application of general legal principles. The short time renders analyses shallow and students are unable to develop their own views to various conflicts in the law.
- I think that more time should be allowed for the test, especially when the problem is a real life example, where the facts pattern may contain more complexities and not that straight forward. More time should be given to students to think about different issues and explore into some side issues and uncommon ones.

Problems

1. Are coverage concerns sufficiently addressed?
2. Is there sufficient material in the media?
3. Will students be able to anticipate questions?