Title: OFF-THE-SHELF FORMATIVE ASSESSMENTS TO HELP EACH STUDENT DEVELOP TOWARD A PROFESSIONAL FORMATION / ETHICAL PROFESSIONAL IDENTITY LEARNING OUTCOME OF AN INTERNALIZED COMMITMENT TO THE STUDENT’S OWN PROFESSIONAL DEVELOPMENT

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Link: <http://www.charlotteobserver.com/news/politics-government/article126158169.html>

Date Published: January 12, 2017

Synopsis: The article lists a number of “Off-the-shelf” assessments, referring to ready-made, standardized formative assessments that a professor could use with respect to learning outcomes.

The advantages of off-the-shelf formative assessments are that:

(1) to the degree that the assessment is well-known and accepted by business and legal

employers, students and employers will understand and accept the usefulness of the assessment

and students will be able to use the assessment to tell a story about the student’s strengths that

employers understand;

(2) the assessment can be implemented quickly without steep costs to the professor’s time; and

(3) with some off-the-shelf assessments, there are on-going efforts to evaluate the effectiveness

of the assessment and to upgrade it from time to time.

Talking Points:

* ABA accreditation standard 314 requires that “A law school shall use both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.” Formative assessment methods “are measurements at different points during a particular course or at different points over the span of a student’s education that provide meaningful feedback to improve student learning.
* Two major themes emerge from the 51 law schools that have adopted learning outcomes stating values beyond the minimum required by the ABA.
	1. A first clear theme: the meaning of the competency of “the exercise of proper professional and ethical responsibilities to clients and the legal system” can be further defined by asking students to demonstrate understanding and integration of responsibility for self-directed learning.
	2. The second clear theme: law schools are essentially asking each student to demonstrate continuing growth over time... from high short-term self-interest and low responsibility, toward an internalized deep responsibility and service to clients and the legal system.
* An Effective Professional-Formation Curriculum Should:
	1. take into account that students are at different developmental stages of growth and engage each student at the student’s present developmental stage;
	2. provide repeated opportunities for reflection on the responsibilities of the profession and reflective self-assessment in general
	3. emphasize experiential learning, feedback on the student’s performance, and reflection
	4. emphasize coaching
	5. provide experiences that create cognitive dissonance/optimal conflict with the student’s current developmental stage on either of the professional-formation learning outcomes
	6. provide instruction that helps the student understand how new knowledge and skills are building on the student’s prior knowledge and competencies (the student’s existing narrative)
	7. provide instruction that helps each student understand how the professional formation curriculum is helping the student achieve their goals; and
	8. give effective feedback that tells each student where the student is developmentally relative to the stated learning outcome and what specifically the student needs to do to improve in order to make progress toward later stages of development.
	9. consider carefully the impact of the curricular design, including formative assessment, on student well-being.
	10. consider carefully the validity and reliability of the assessment while realizing that:
		+ validity and reliability are of highest concern if the test is a *high-stakes norm-referenced* assessment,
		+ of significant concern if the test measure *complex cognitive constructs*,
		+ and of more moderate concern if the test is fosterin*g interpersonal and communication abilities and self-reflection*
	11. consider carefully that formative self-assessments are particularly challenging because many people, particularly poor performers in comparison with their peers, are not particularly accurate at self-assessment and tend to have a higher impression of their knowledge and skills than reality
	12. consider, in a time of scarce resources, how to minimize the total cost of the assessment in terms of (1) student time, (2) instructor time, (3) out-of-pocket costs to purchase the assessment and any expert debrief an assessment may require.

**Learning Assessments**

* The Self-Directed Learning Readiness Scale (SDLRS), also known as the Learning Preference Assessment (LPA), is “a self-report instrument that was developed by Dr. Lucy M. Guglielmino to measure the complex of attitudes, abilities, and characteristics that comprise readiness to engage in self-directed learning.”
	1. Used by over 500 major organizations around the world. “More than 120,000 adults and 5,000 children” have taken the assessment. Between 1977 and 1987, it was the most commonly used out of the sixty-seven self-directed learning tools studied
	2. Time required: 30 minutes
	3. As of 2015, one SDLRS test for an adult costs $6.95. However, when purchasing between two and 100 test, the cost for each test drops to $4.95.
	4. The tool has been tested for reliability many times, and most studies place the reliability coefficient between .72 and .96. Another study found the test-retest reliability coefficients to be .82 and .79

**Off-the-Shelf Formative Assessments Most Effective in the Spring Semester of the 1L Year**

* Strengths Finder is “an online measure of personal talent that identifies areas where an individual’s greatest potential for building strengths exists. The Gallup Organization and noted professor Donald Clifton set out to create a tool to identify talents “that could be enhanced and used to pursue positive outcomes in work and school. Strengths Finder is not measuring strengths, but rather talents with the greatest potential for serving as foundations for strengths.
	1. Strengths Finder is widely used by both schools and business employers. As of 2007, more than two million students and employees have used the Strengths Finder tool.
	2. Time required: About an hour and a half.
	3. The book can be purchased on Amazon for about $15.55
	4. In 2006, Gallup researchers reviewed Strengths Finder’s psychometrics. The thirty-four theme structure was validated in adult and student populations. However, the review did find several areas in which Strengths Finder could be improved upon.
* The Roadmap curriculum asks each student first to assess the student’s strengths and motivating interests in the context of the competencies that legal employers and clients want and second to create a written professional development plan, revised from time to time based on experience and feedback from a coach, that makes most effective use of the student’s time in law school to grow toward meaningful employment to serve clients and the legal system.
	1. Published in 2015, and the whole Roadmap or a version of it is now required for all 1L students at four law schools with some 1L sections requiring it at several other law schools.
	2. The Roadmap self-assessment plus a meeting with a coach requires five hours of student time and one hour of a coach’s time. There is a coaching guide.
	3. Costs $39.95 on Amazon or ABA Publications but ABA Publications will give a group discount.
	4. student self-assessment data indicate strongly that the ROADMAP curriculum does foster student development toward later stages of self-directed learning.
* The Lawfit assessment attempts to answer two questions: (1) “Which legal practice areas are the best fits for my interests, strengths, and values?” and (2) “Which general (non-legal) career fields are the best fits for my interests, strengths, and values?”
	1. There are currently no data on how widely used Lawfit is. It can be taken by law students, attorneys, law firms, and those considering law school.
	2. Takes about forty-five minutes to complete.
	3. Costs $34.
	4. Has been tested and has met the “accepted scientific standards for validity and reliability.”

**Off-the-Shelf Formative Assessments that Are Most Effective to Meet the Criteria for Effective Curricular Design for the 2L and 3L Years**

* Trust Advisor uses the “trust equation,” which is calculated as: Trustworthiness = (Credibility + Reliability + Intimacy)/Self-Orientation
	+ No information regarding how widely used the Trust Quotient Assessment is.
	+ Takes five minutes
	+ Free
	+ No data on reliability or validity
* The Barrett Values Center is an organization that has created metrics that allow “leaders to measure and manage the cultures of their organizations, and the leadership development needs of their managers and leaders
	+ No information on how widely used the Personal Values Assessment is
	+ Takes five minutes
	+ Free
	+ No reports on reliability or validity
* The Myers-Briggs Type Indicator generally deals with the user’s behaviors, thoughts, and emotions. The user’s responses will reveal the user’s preferences, which are measured on four dichotomies: Extraversion (E) – Introversion (I); Sensing (S) – Intuition (N); Thinking (T) – Feeling (F); Judging (J) – Perceiving (P)
	+ The MBTI is commonly used by businesses to assess an employee’s personality type.
	+ Takes 30 minutes
	+ Free to $50, depending on if you get the official one
	+ There is conflicting evidence on whether or not the MBTI is valid and reliable.
* The DiSC Profile measures the user’s personality and behavioral style, and provides the user with a report on their personality style that “people can use to better understand themselves and to adapt their behaviors with others.”
	+ The DiSC Profile is used by over one million people each year.
	+ Takes under 25 minutes
	+ Costs $39.95
* FIRO-B stands for Fundamental Interpersonal Relations Orientation - Behavior. It was developed by William Schutz for the purpose of “understanding and predicting how high-performance military teams would work together.” It helps “people understand their interpersonal needs and how those needs influence their communication style and behavior.”
	+ The tool is fairly popular, though there is no data citing a specific number of users.
	+ Takes 15 minutes
	+ Costs range from about $16 to $40
	+ The validity and reliability of this assessment is the subject of some debate.
* The Big 5 Personality Traits - extraversion, agreeableness, conscientiousness, neuroticism, and openness to experience. This tool is used to identify the student’s personality by assessing the extent to which a student displays the five traits.
	+ The Big Five personality test is widely used
	+ Takes 15 minutes
	+ Ranges from free to $50
	+ There are many different Big Five assessments available, so the validity and reliability will depend on which particular assessment is used.
* The Implicit Associations Test “measures attitudes and beliefs that people may be unwilling or unable to report.” the user receives a report indicating their “automatic preference” to a variety of biases, listed as slight, moderate, or strong.
	+ The IAT has been used by millions of people.153 As of 2008, the IAT has been cited in 800 articles, used in about 300 published studies, and over five million people have visited the official website.
	+ Takes about 10 minutes
	+ Free
	+ The IAT is sometimes criticized for its lack of validity and reliability.156 Critics claim the user’s answers are “quite sensitive to the social context in which [the IAT is] taken.”
* The Give and Take assessment attempts to measure how the test taker interacts with others. The assessment lists three primary ways of interacting with other people: giving, taking, and matching. Humans tend to have a primary style, or default tendency
	+ There is no data on how many people have taken the give and take assessment. However, the accompanying book is a New York Times bestseller, and has been endorsed by many business people.
	+ Takes under 10 minutes
	+ Free
	+ The Give and Take assessment has not been tested for validity and reliability.
* The 360 Reach Survey is a personal branding assessment that “enables you to understand how you are perceived by those around you.”
	+ This assessment has been used by nearly one million professionals for personal branding purposes.
	+ Takes 20 minutes
	+ Although there is a “premium” option, one can sign up for a fifteen-day trial period for free
	+ There is no information available on this assessment’s validity and reliability.
* Upward Feedback breaks test-takers’ skills and qualities into several sections: people leadership, project leadership, expertise, and professionalism
	+ It appears to be widely used, most commonly by managers for the purposes of seeking feedback on their leadership skills.
	+ Takes 10 minutes
	+ Free
	+ Hasn’t been tested for validity and reliability

Forty percent of the law schools that have posted learning outcomes as of October 15, 2016 have adopted a variation of the professional-formation learning outcome that each student should demonstrate understanding and integration of responsibility for continually self-evaluating the student’s own professional development (self-directed learning) toward excellence at the competencies needed to serve clients and the legal system. If this same proportion holds true as the remaining 130 law schools post their learning outcomes, roughly 80 law schools will have adopted this type of learning outcome.