

**A Long-Term Institutional Summative Assessment:  
Lessons Learned from the TMSL Uniform Exam System**

Professor Danyne Holley, Interim Dean,  
Thurgood Marshall School of Law

Professor Anthony Palasota, Thurgood  
Marshall School of Law

# **A Long-Term Institutional Summative Assessment: TMSL First Year Uniform Exam System - Introduction**

This presentation discusses the design of a comprehensive summative assessment developed in the form of common final exams for all substantive first-year courses at Thurgood Marshall School of Law. Methods of scoring and findings provided by a national consultant for twenty years are presented along with advantages that have been identified.

# TMSL Uniform Exam: Background and Development

TMSL adopted the First Year Uniform Exam System twenty years ago:

- to mimic the testing format of courses tested nationally on the Multi-State Bar Exam
- to insure grading fairness to all first-year students because it prevents significant grading pattern differences by first-year professors.

# TMSL Uniform Exam: Background and Development

- Students with the same admission credentials have the same opportunity to excel, do average work, or fail no matter which section the law school assigns them to.
- Maximizing the fairness of identifying students who fail to make the required first-year grade point average is especially important for our school which has a thirty year history of having an academic attrition rate significantly higher than the national average.

# TMSL Uniform Exam: Background and Development

- The First Year Uniform Exam System was based upon a distribution of letter grades that mirrored the average distribution of letter grades, actually given to the entire first year class, at the law school, for the three years prior to its adoption (“A” range-7.5%; “B” range-27.5%; “C” range-46.5%; “D” range-16.5%, and “F” range-2%).
- Using this distribution avoided controversy over establishing a new grade distribution, and the implications the change might have with regard to altering our first year attrition rate.

# TMSL Uniform Exam: Background and Development

- Grading curves are commonly used in other law schools and other disciplines.
- The Faculty recognized that to avoid institutionalizing even our current pattern of failing grades, a policy should be adopted that insured, that if the quality of our student body improved, no automatic percentage of the grades must be "D" or "F".
- This was done by identifying certain raw scores, attainment of which would insure any student who achieved such a score a "C", "B", or "A" grade.

# TMSL Uniform Exam: Background and Development

- National experts were consulted on the creation of questions and administration of the First Year Uniform Exam System.
- A nationally recognized statistician, Dr. Stephen Klein, was hired to assign the grades at each grade level to insure that for each course they reflected that three year pattern.
- Dr. Klein served (and still serves) as a consultant for several state bar examinations, and performed similar work for them. Dr. Klein has assigned grades, per the policies adopted by the Faculty described in the proceeding paragraph, for the entire life of the program.

## **TMSL Uniform Exam: Administration**

- The First Year Uniform Exam System consists of sixty multiple choice questions drafted by the four professors currently teaching first year courses in Civil Procedure, Contracts, Criminal Law, Property, and Torts.
- The professors organize the drafting process and review and revise draft questions in consultation with each other.

# TMSL Uniform Exam: Administration (cont.)

- The completed exams are administered in two hour blocks (2 minutes per question) to all first year students.
- The raw scores of all students (how many out of the sixty questions did each student get correct) are recorded on scantrons, and the scantrons are sent to Dr. Klein, who checks the raw score performance of the students against the policy guidelines which require mandatory assignment of a "C", "B", or "A".
- If no mandatory assignment guideline is applicable (in twenty years of the program, only one class has achieved raw scores high enough to trigger the automatic assigning of "C", "B", or "A"), Dr Klein converts the raw scores to a "scale of measurement" that has a mean of 50 and a standard deviation of 10.

# TMSL Uniform Exam: Administration (cont.)

- The student ranking (grades) for all students from each of the four professors (that has been allocated fifty percent of the final grade), is placed on the same scale of measurement by Dr. Klein.
- The two scaled scores are added together, to produce a total scaled score for each student in each course.
- Hence, all students enrolled in a course are placed on a single ranking - from the highest total scaled score to the lowest total scaled score.
- Finally, Dr. Klein assigns letter grades to the respective total scaled scores of the students, based on the percentage of scores to receive "As" - "Fs" as provided for by law school policy as described above.

# TMSL Uniform Exam: Results

Here are some examples of the data that we get with using the First Year Uniform Exam System:

[insert data charts]

# **TMSL Uniform Exam: Benefits**

## **1. An Opportunity to Correct Answer Choices**

As part of a pre-finalization of scores, Dr. Klein provides an identification of questions that didn't correlate well with overall student performance. Having this information gives professors an opportunity to "correct" answer choices. Dr. Klein also provides a detailed "item analysis" that can be used to determine which questions were most highly correlated to overall performance.

# TMSL Uniform Exam: Benefits

## 2. Fairness

Each first year student receives some assurance that he or she has a chance to compete on equal terms for every grade level available with all students who enroll in the course regardless of section assignment. What will not skew this equal competition is significant differences in a given faculty member's allocation of A-F grades.

Arguably, differences in the quality of teaching could skew that equal competition. Each time we have studied this possibility, however, we have discovered that when a section performed less well than other sections, the admissions indicators for the students in that section were lower.

# TMSL Uniform Exam: Benefits

Fairness (cont.)

Arguably, a uniform grading curve properly applied by each professor could provide some assurance of similar grading patterns. However, it couldn't ensure, as does our system, that differentials in the admissions credentials of students in different sections will be cured by a common exam, and a single ranking of all students in the course.

Only if the assignment of students ensured that all sections had the same pattern of student admission "index scores" would a uniform curve arguably accomplish the same goal. Our system, therefore, provides fairness assurances that exist in almost no other law school with respect to grading of first year students.

## **TMSL Uniform Exam: Objective Correlation Measures**

The First Year Uniform Exam System provides the ability to generate valuable assessment information about first-year evaluations. This includes providing objective measures of the substantive soundness of the final exams.

Dr. Klein provides information on the "correlations" between student performance on the examinations administered in the same semester, "correlations" between student performance on the uniform exams and a given professor's assessment of student performance that semester, and the overall "correlations" between professors' grades and performance of the students on the uniform exams.

# TMSL Uniform Exam: Objective Correlation Measures

Dr. Klein is in a position to tell us how these correlations compare, for example, to the correlations between scores on multi-state portions of bar exams, and the scores of students on essay portions of the bar exam.

Over the years, there is a significant positive correlation between student scores on the uniform exam, and the professors' assessment of these same students on their half of the evaluation.

# TMSL Uniform Exam: Objective Correlation Measures

Moreover, Dr. Klein has reported that the correlations between the professors' scores and the scores on the uniform exam, are comparable to the correlations between multi-state and essay scores on some state bar examinations.

# TMSL Uniform Exam: Reliability

## 4. Reliability

All the students in a first-year course take the same multiple choice final exam regardless who taught their section. This test counts 50% toward their final grade in the course; the remaining 50% is based on their scores on evaluations constructed by their professor and possibly other factors, such as class participation.

The professor assigned grades within a section are converted to a score distribution that corresponds to the distribution of the multiple choice scores in that section. This step is called “scaling” and it is done in the interests of fairness because it insures that the grades assigned in a section cannot be affected by a professor grading easy or hard.

This system was developed to strike a balance between the need for standardization and fairness across sections in grading standards while at the same time allowing professors the academic freedom to structure their courses in a way that best fits their teaching styles and the topics they want to emphasize.

# TMSL Uniform Exam: Reliability

The questions used in the multiple choice test portion of the assessment program are modeled after the ones used on the Multistate Bar Examination (MBE). This is done to give students practice in answering these kinds of questions.

The inclusion of these kinds of questions also improves the “reliability” of the scores; i.e., it reduces the likelihood that grades are a function of chance factors, such as which course topics students did or did not happen to emphasize in their studying.

Using the same multiple choice test across all sections increases the fairness of the grading system because the grades assigned to this portion of the exam cannot be affected by whether a professor grades hard or easy.

# TMSL Uniform Exam: Reliability

The professor's portion of the evaluation is different. It allows professors the freedom to ask the kinds of questions that they feel are best suited to the content and skills they emphasized in the course.

However, as mentioned previously, the professor's assigned grades are converted to the same scale as is used to report the multiple choice scores in their section. This step prevents the grades in one section from being totally out of line with the grades in any other section but still allows the grades in one section to be somewhat higher or lower than those in another section (i.e., as a function of differences in average multiple choice scores between sections).

Again, the goal is standardization of the grading system within limits that reflect any differences in student performance between sections. The overall effect of the testing program is to improve the reliability and fairness of the grading system and thereby the confidence that can be placed in it.

## TMSL Uniform Exam: Drawbacks

One "drawback" to this system is that it forces faculty members to participate in the drafting of a common exam.

It also may alter course coverage choices by professors because of the need to ensure coverage of subjects covered on the common exam.

## **TMSL Uniform Exam: Conclusion**

The goal of the comprehensive common final examination process at TMSL has been the standardization of the grading system within limits that reflect any differences in student performance between sections.

The overall effect of the testing program has been to improve the reliability and fairness of the grading system and thereby the confidence that can be placed in it.

# TMSL Uniform Exam: Summary of Advantages

- The uniform exam system provides valuable summative assessment information.
- All first year students take the same multiple choice test and are compared using the same evaluation instruments.
- Scaling ensures that the grades assigned in a section cannot be affected by a professor grading easy or hard.
- Testing all students across all sections increases fairness because the grading is the same for all students.

## **TMSL Uniform Exam: Summary of Advantages**

- Item analysis ensures that the correct answers get recorded.
- Student achievement in the broadest measure of achievement is rewarded.
- The questions used give practice on the Multistate Bar Examination (MBE) type questions.
- Student rankings are much more accurate than law schools that apply different standards to different first-year sections.