

Legal Studies

2012 Chief Assessor's Report



Government
of South Australia

SACE
Board of SA

LEGAL STUDIES

2012 CHIEF ASSESSOR'S REPORT

OVERVIEW

Chief Assessors' reports give an overview of how students performed in their school and external assessments in relation to the learning requirements, assessment design criteria, and performance standards set out in the relevant subject outline. They provide information and advice regarding the assessment types, the application of the performance standards in school and external assessments, the quality of student performance, and any relevant statistical information.

There were 1183 students who studied Stage 2 Legal Studies in 2012. Assessments in the form of an external examination (30%) and school-based assessment (70%) were undertaken by these students. These assessment tools provided ample opportunities for the students to demonstrate the overall performance standards achieved in relation to the learning requirements in the subject outline. The purpose of this report is to inform teachers and students of Legal Studies as to what markers and moderators considered to be successful responses and to offer advice as to ways that less successful responses could have been improved. For moderation, teachers must provide their SACE Board-approved learning and assessment plan, and the addendum requirements if any changes have been made. Missing student work must be accounted for using the Variations – Moderation Materials form, to ensure student assessments are best supported.

SCHOOL ASSESSMENT

Assessment Type 1: Folio

It was good to see that summative tasks had been better constructed to provide opportunities for students to show a high level of proficiency against performance standards. However there are some tasks which do not allow opportunity for sufficient evaluation. Where marks or percentages are used, these must be explicitly related to the performance standards. Use of mid-year or trial examinations as folio tasks is not recommended. Instead, it is recommended that only the evaluation section of any trial examination be submitted for moderation. In designing assessment tasks, questions should go beyond definition questions. The tasks need to include higher-order questions that allow the students to show evidence of the evaluation assessment design criterion, under supervision. PowerPoint tasks need to be carefully designed by teachers, to ensure students are required to show analysis and evaluation.

Assessment Type 2: Inquiry

The most successful inquiry tasks were those that selected an appropriate legal question in line with the subject outline. There are many students who have chosen questions that may limit opportunities to show evidence against the performance standards. Further, the more successful tasks allowed students to design a research question where they could demonstrate detailed credible research and evaluation of these sources. Too many inquiries only focused on knowledge about the research

question. Students need to go beyond arguments for and against, and critically evaluate their topic and link it to their understanding of the legal principles in the subject outline. Many inquiry tasks failed to include one or more recommendations or conclusions, as outlined in the subject outline. The most successful inquiry tasks included strong evidence of research, synthesis, and analysis of information and opinions, and appropriate acknowledgment of sources using the SACE guidelines. It was evident that teachers had allowed their students adequate class time to enable them to guide and verify the student work. Inquiry tasks from schools where all students did the same topic showed limited evidence of the inquiry performance standards.

EXTERNAL ASSESSMENT

Assessment Type 3: Examination

The examination provided students with ample opportunity to demonstrate their level of knowledge and understanding, communication, and analysis and evaluation of the legal principles and processes in the subject outline.

The format from 2011 was maintained, with 60% of the marks allocated to short-response questions and 40% to extended-response questions. The depth of answers in the extended responses was better, with many students understanding question instructions like 'critically analyse' and 'evaluate'.

Part A: Short Responses

All questions in this part are compulsory. Overall, the responses to these questions represented an improvement on previous years. Students performed best in Question 1 on justice systems and Question 4 on law-making. In the law-making question, many students did not demonstrate enough knowledge and understanding of case law and its overall role in the Australian law-making process. Students clearly continue to find the topic of constitutional government the most challenging. Teachers need to ensure that they give adequate coverage to all parts of this topic.

Observations of the markers suggested that many students do not fully understand the difference between the instructions 'explain', 'outline', and 'discuss'. Teachers are encouraged to support students in this area.

Part B: Extended Responses

The standard of student responses in 2012 showed improvement. This part focused on the analysis and evaluation assessment design criterion. Students who were most successful chose their questions carefully to maximise opportunities to demonstrate that they could critically analyse and evaluate the question selected.

In Section 1, Question 7 was the most popular, and done well. Question 5 exposed confusion about the 'separation of powers' and a confusion with the 'division of powers'. Many students do not understand the process of incorporating international treaties into Australian law. In Question 8, a good level of understanding was shown of the ways that the Australian legal system has upheld the rights of Indigenous Australians, with effective use of court cases and statutes being applied. In order to be successful, students needed to include greater factual detail and also show evidence that they could critically analyse. The most successful answers discussed a

range of legal principles in relation to the question asked and made some form of informed judgement about the effectiveness of each.

In Section 2, Questions 9 and 10 were the most popular. There was an improvement in the numbers addressing the question asked, but still some students are using a prepared answer from previous examinations. Students generally attempted to evaluate and there were less essays where students just presented arguments for or against. Better answers were supported with a range of examples. Many of the best responses included examples beyond the textbook, and showing an understanding of current legal issues. Question 9 on law-making, although answered well by most students, indicated that some students failed to understand the limitations and checks and balances of each source of law. Question 10 on justice systems, although also answered well by most students, showed a lack of understanding of the differences between the adversarial and the inquisitorial systems. Some students limited their overall evaluation, focusing only on the role of the jury, rather than the whole adversarial system. Question 11 on constitutional government, although less popular, had many high-standard essay responses, showing detailed understanding of the processes that have altered the balance of powers. Some students limited their responses to the role of the High Court. Question 12 on the rule of law allowed students to produce some very good essays. However, too many answers showed a lack of understanding of the principle of rule of law and its application in the Australian legal system. Finally, students are encouraged to utilise their reading time, to select and plan a response to questions that allows them to produce a high-quality answer.

OPERATIONAL ADVICE

The majority of schools submitted the moderation materials requested. A few schools failed to submit all tasks or explanations for missing work of students. Teachers are encouraged to make sure that their approved learning and assessment plan (LAP), any LAP addendum, and a set of all tasks and mark schemes be included. Teachers are advised to read the 2013 subject outline and its requirement for Assessment Type 1 that 'at least two folio assessments must be conducted under direct supervision'.

Moderators are more readily able to confirm teacher's assessments when task sheets provide detail of the assessment conditions and the specific features of the assessment design criteria being addressed.

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