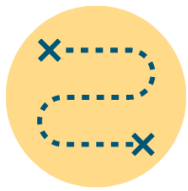


## PERFORMANCE ASSESSMENTS TOOL



## Text on Trial: A Mock Trial Performance Assessment

By Margaret Hersey

### TOOL DESCRIPTION

This unit plan is for a performance-assessment-based unit and can provide an exemplar of a contextualized Performance Assessment and of Assessment for Learning.

### CRITICAL CONTEXT INFORMATION

These materials were developed for highly diverse ninth grade English classes at a small, selective admissions-based public urban high school. The teacher implemented this performance task in the latter half of the school year, when “community norms, trust, and learning expectations were well established.”

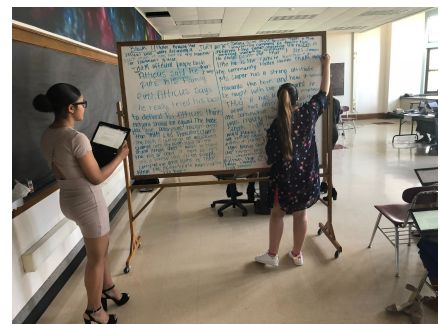
### TOOL & LINKS

- [To Kill a Mockingbird on Trial—Performance Assessment Unit Plans](#)

## About this Tool & Guidance for Adaptation

Please see the [unit plan](#), which describes the Performance Assessment in detail.

How it worked: During the unit, we studied excerpts from the text, *To Kill a Mockingbird*, as well as an array of articles, interviews, statistics, and other media. We considered the authorship of the text in connection to race, class and gender and compared it to other multicultural young adult texts we’d read earlier in the year. At the end of the unit, we held a mock trial that was entirely designed by students. They selected teams for all parts of the trial proceedings and even dressed up for their days in “court.” This model utilized students’ prior knowledge of courtroom proceedings as a safe foundation for the critical examination that can feel off-limits in the academic context.



**Assessing the unit:** Students all did the same preparation documents, but when it came to trial day, they played different roles, meaning assessing their performance equitably would have been tricky. Because of this, and because I believe self reflection and metacognition are important, I asked students to score

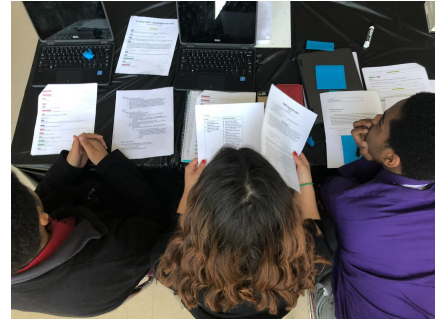
Excerpted from *Innovation in Practice: A Student-Centered Learning Toolkit By Teachers, For Teachers*. ©The Teacher Collaborative 2022. [Theteachercollaborative.org](https://theteachercollaborative.org)



themselves on their performance after the jury gave their verdict. Finally, I asked students to write open letters to communicate their individual beliefs about the content and scored this myself. Their grade for this unit consisted of formative check-ins (quote analysis, low stakes writing tasks, research check-points) as well as their trial self-assessment and open letter. This gave me a balanced body of student work to gauge their learning.

### Guidance and Suggestions

- Talk to your students—A performance assessment like this can feel daunting to kids, especially if this type of project is outside the norm for them. There will be times throughout the process when energy starts to wane. At those points, it's critical that you have open and honest conversations with your classes about the support they need in order to persevere and be prepared for success in the mock trial.
- Pick a good question—No matter who or what you decide to put on trial, you need a good question to ground the study. I suggest having a general idea of what you'd like the central question to be, and then developing the specifics with students. If they have strong feelings about a question other than the one you designed, I suggest going with the high-interest one.
- Be transparent from the beginning—Communicate the goal of the mock trial performance assessment from the very first day of the unit. Make it clear what real-world skills and understanding students stand to gain through investment in this learning process.
- Get costumes!—Take whatever steps you can to mark the mock trial as a special day and share those things with the students in advance so they know what they're working towards. Work with your students, families, and school community to gather materials that will help you turn your space into a courtroom. We got a gavel, judge robes, some cheap wigs and gently used professional clothing. Students also set up a (very rudimentary) courtroom in a large empty classroom using plastic tablecloths and unused classroom furniture from the custodial staff.



### Teacher Narrative

As many English teachers can attest, text selection is one of the most critical decisions we make in our curriculum and instructional design. The stories that we give space to in our classrooms, and the questions we ask students about these stories, send messages about what we value, and what narratives we believe are worthy of time, study, examination. In order to create relevant Student-Centered Learning experiences, we need to constantly evaluate our syllabi to reflect changes in our student body and the times we are living in. (Unfortunately, this also means that any teacher endeavoring to keep their text list current also has a graveyard full of deceased curricular materials they no doubt spent countless hours creating: RIP Dead

Curriculum!). The Text on Trial unit is a performance-based unit that I developed after reflecting on my own syllabus through this lens.

*To Kill a Mockingbird* was on the reading list for my Freshman English course. Since its publication the novel has been banned by both conservatives and progressives alike for evolving and conflicting reasons. The more I learned and read, the more I questioned its role in my classroom. The students knew I was in graduate school at the time, and were always curious about what I was learning. I shared this dilemma and they were interested, so I decided to shift and designed a unit ([inspired by this article by Ernest Morrell](#))<sup>29</sup> called “Text on Trial.” Instead of the typical literary analysis, I posed the question to students, “Does *To Kill a Mockingbird* deserve space in classrooms today?” The result was the unit described above..

In the end, I think this performance assessment accomplished three things that a traditional unit wouldn’t have:

1. It allowed us to ask important questions about the impact of the literature and media we consume: Who gets to tell what story? Whose experience of the world is being centered? Whose is left in the margins? What relationship/impact does this have to the audience that consumes it?
2. It showed students that just because something is famous, or widely acclaimed, doesn't mean they have to agree with it. In that way it showed (or maybe reminded) them that they have the power and freedom to decide for themselves what they believe, even in school.
3. It gave them tools and practice in expressing what they believe in an authentic and playful way. Because there are so many roles to inhabit, the trial provided balanced opportunities for students to lean into their strengths while being part of this shared experience.

**One final note:** As hard as it is to “kill” curriculum, I needed to respect the results of the jury’s verdict. Because the students ruled that this book did not “deserve the hype,” I struck it from my syllabus. It’s not enough to create space for student voices in the classroom, you need to also listen to them. I love the mock trial model and am planning to use this performance-based method again in the future in a different context, perhaps putting a controversial character on trial, or interrogating current events, but I will never teach this unit again.

---

<sup>29</sup> Morrell, Ernest. “Critical English Education.” *English Education*, vol. 37, no. 4, 2005, pp. 312–21. *JSTOR* (online). Available [at this link](#) as of August 2022.

## MEET THE AUTHOR

Margaret Hersey is an English Teacher and Director of Curriculum & Instruction at Springfield Honors Academy. She believes that learning should be liberatory and she is passionate about designing curriculum and classroom experiences that are creative, activating, and equitable—and center students above all else. When she's not envisioning a brighter future for our schools, Margaret enjoys gardening, running on trails with her dog and reading poetry.

