SCHOOL DISCIPLINE – RETRIBUTIVE OR RESTORATIVE

A Master's Thesis
Presented to
The Graduate Faculty of
Fresno Pacific University

In Partial Fulfillment
Of the Requirements for the
Master of Arts Degree

By
Roxanne Claassen
November 2003

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CHAPTER 1

SCHOOL DISCIPLINE – RETRIBUTIVE OR RESTORATIVE

I began teaching fifteen years ago. Since that beginning, I have had a multi-grade experience including first, fourth, fourth/fifth multi-age, sixth/seventh/eighth multi-age, eighth self contained, and fifth, sixth, seventh, eighth departmentalized.

My first classroom consisted of thirty-six very active first graders. Classroom management immediately became important. As a beginning teacher, I also needed to understand how the school worked at discipline in order to develop my own classroom management plan.

What I discovered was that the system of discipline in my school was a mini model of the criminal justice system. This meant that discipline was retributive in nature, which is assigning some level of punishment with the hope that infliction of some type of pain would straighten the student out. This realization was transformational. It meant that I had something to offer in the area of justice to the way our school worked at discipline. I was in a position to influence turning a retributive system into a restorative system.

Before I began teaching, I was very involved in the Victim Offender Reconciliation Program (VORP). I also had a double major in college. One was Liberal Studies, which prepared me to be a teacher. The other was Conflict and Peacemaking. VORP and Conflict and Peacemaking had introduced me to the idea of something called restorative justice. Restorative justice provides another way to look at the way we view lawbreaking.

In our criminal justice system, wrongdoing is seen as breaking a law. Our first response is to figure out which law has been broken and who has broken it. We then view this wrongdoing as an offense against the state and begin a process to figure out what the correct punishment should be. We carry out that punishment and the wrongdoer pays his/her debt by suffering the punishment.

Restorative justice, on the other hand, believes that the wrongdoing is an offense primarily against a person or persons. It seeks to bring those people together to talk about the offense, to figure out what might be done to make things as right as possible, and to discuss the future (does the victim need to worry about this happening again?). Once this has been done, an agreement is made and signed. If the offender takes responsibility and honors his/her agreement, he/she can be restored to the community.

<u>Similarity to the School Discipline Plan</u>

   I discovered that what we had in place in my school looked like the criminal justice system. If a student misbehaved, the process was to find which rule had been violated. We then focused on the breaking of that rule. We consulted our handbook and the education codes and assigned a punishment that was considered appropriate. The misbehaving child would experience his punishment, and life would go on until the next rule breaking occurred. The problem was handled initially by the teacher of the child. If the punishment did not correct the child, he could be referred to the Superintendent/Principal.

   A first grader out on the playground who took the ball of another would experience something like this. The person who had had the ball taken away would find the teacher who was on yard duty. He would describe what had happened and point out the wrongdoer. The teacher would call the wrongdoer over and post them for five minutes. Posting meant you had to stand by a post along the corridor. After five minutes, the child was allowed to go back out to the playground. Sometimes (perhaps even most of the time) the wrongdoer would head back out to the playground corrected and ready to play fair. Other times the child would head back out to the playground and immediately do something the other children experienced as wrong. Immediate repetition of the wrong could lead to the child being sent to the office where administration would be expected to do something.

   In the classroom itself, there was nothing more aggravating than the students who had plenty of time to complete their assignment during class time but did not

because they spent their time playing and/or disrupting other students. The discipline plan of the school left the teacher with a number of options. Actually I found I was pretty free to handle things the way I wanted to handle them most of the time. Exceptions might be problems that were a violation of a more serious nature that involved the Education Code. This has its advantages and disadvantages. In this instance I could keep the misbehaving child in for recess to complete the work that had not been completed. This meant that both of us would be punished because neither of us would have a break. I could post the child. If this is what I chose, the child would be punished and I would have my break. This, of course, involved depending on the teacher on yard duty to enforce my punishment. This was usually not a problem because we were all quite supportive of one another. However, I soon found all of these possibilities had a disadvantage. Even though a punishment had been meted out, I could not be assured of a change of behavior.

In fact, instead of behavior that I did not want coming to an end due to the punishment, I found that child and I to be more and more at odds. We found ourselves in a major power struggle over what sometimes seemed to be very small things. Luckily this was only the case with a small number of students. Like the criminal justice system, 90% of my energy might be put on 3% of my students. This small number of students, however, could drain a great deal of energy and time with no change of behavior. I was frustrated. I wanted our relationships to improve. I wanted a classroom community that fostered growth, not a community that fostered anger and punishment.

Dealing out punishment for rule breaking also seemed incredibly subjective even though the rules and regulations and punishments printed in the handbook and

Education Code were intended to make things more objective. Students acquired a reputation. Once someone caused trouble, that student was more closely watched. The more closely watched a child was, the more I found that child to be misbehaving. It was a vicious cycle with no way for either of us to get out.

<u>The Significance of this Discovery</u>

I needed to find a way for all of us to take responsibility for our actions and to decide to change our behavior rather than continuing to punish for the same behavior over and over with the student thinking, "I have taken my punishment. I have paid for that offense and now I am free to do it again if I want." I realized I was in a system that was like the criminal justice system. Sometimes it worked, but often it did not.

An awareness that I was really in a wonderful position to practice what I knew about peacemaking and conflict began to grow. As this awareness grew, hope grew, and I became excited about each new conflict that developed between my students and me.

I had been following a plan that focused on punishment (retribution) rather than making things right (restoration). Moreover, like the criminal justice system, I was attempting to control rather than problem solve. I knew how to problem solve. Problem solving involves a different approach to misbehavior.   This approach includes inviting the person with whom I have a problem into a discussion of that problem. We spend time listening to each other. After we have listened to each other, we discuss what needs to be done to "make things right." We discuss our future intentions. We make an

agreement, and then we keep that agreement. Follow up discussion checks to see if the agreement is working. I needed to make the decision to do problem solving. This is much easier to think than to do. It took time to move my response from one of controlling to one of problem solving.

I realized that I had not been conscious of what I was doing. Because of this, I tended to do what had been done to me in a similar situation. While I had learned to practice restoration through VORP and with my family, I had not yet consciously made the decision to practice it at school. Once the decision was made and I began to make some changes, I immediately saw a difference.

Restorative Justice Principles/Discipline that Restores Principles

There was good reason for me to begin having these insights. My husband, Ron Claassen, director of the Victim Offender Reconciliation Program of Fresno County, was deeply involved in VORP and criminal justice issues. He was spending much of his creative energy on the emerging idea of restorative justice. We spent time talking about the similarities of the two systems (criminal justice and school discipline). As we talked, we became more and more excited about this discovery because we knew that some of the processes and structures developed for VORP would probably be useful in the school setting. I was in a good position to begin practicing as he was developing theory and principles.

Ron had already been thinking about writing a set of Restorative Justice Principles. My experience at school inspired him to write *The Principles of Discipline*

that Restores (Claassen, 1993) first. These principles would give me a guide as I

began to practice them in my classroom.

Here are the principles:

1. Misbehavior is viewed primarily as an offense against human relationships
and secondarily as a violation of a school rule (since school rules are written to
protect safety and fairness in human relationships).
2. The primary victim of the misbehavior is the one most impacted by the
offense. The secondary victims are others impacted by the misbehavior
and might include students, teachers, parents, administration, community,
etc.
3. Discipline that Restores (DTR) is a process to "make things as right as
possible."
4. DTR recognizes both the danger and opportunity created by
misbehavior and the conflicts that underlie misbehavior. As soon as
immediate safety concerns are satisfied, DTR views the misbehavior and
conflict as a teachable moment
5. DTR prefers resolving the conflict or handling the misbehavior at the
earliest point possible and with the maximum amount of cooperation
possible (as little coercive force as possible).
6. DTR prefers that most conflicts and misbehavior be handled using a
cooperative structure directly between the ones in conflict.
7. DTR recognizes that not all persons misbehaving will choose to be
cooperative. Therefore there is a need for outside authority to make
decisions for the misbehaving person who is not willing to be cooperative.
The consequences imposed should be tested by whether they are
reasonable, related, restorative, and respectful.
8. DTR prefers that persons who misbehave and are not yet cooperative be
continually invited (not coerced) and encouraged to become responsible and
cooperative; and they should be given that opportunity at the earliest possible
time they so choose.
9. DTR requires follow up and accountability structures since keeping
agreements is the key to building a trusting community.

I now had a tool to guide me in my experiences of conflict with my students.

<u>Putting the Principles into Practice</u>

The principles gave me a frame for what I wanted to do with misbehaving students that would take me beyond the cycle of a misbehavior occurring, a punishment being handed out, then a repetition of misbehavior by the same child rather than a change in behavior.

If misbehavior is an offense against human relationships (principle 1), when a conflict developed between a student and me, I knew I needed to approach that student in a way that recognized our human relationship. I needed to talk with them about what had happened. They needed to have a chance to talk to me about what had happened as well. We were the ones most impacted by the offense and we needed to handle it between us or, if the situation was between two or more students, they needed to talk with each other (principle 2).

We or they needed a process for "making things right," (principle 3). I needed a process for us to use. This kind of process is exactly what the Victim Offender Reconciliation Program (VORP Volunteer Training Manual, 1992) of Fresno County had developed for facilitating meetings between victims and offenders. I was a trained mediator. I decided to use this process. Briefly stated, the process goes like this:

1. There is an invitation to participate in the process of "making things right." This is an open invitation that can be accepted or refused. If accepted, there are some ground rules that emphasize the importance of being constructive.

2. Each person has the chance to say what happened. Each is summarized by the other person. Both are encouraged to express both facts and feelings.

3. Each person brainstorms ideas for ways to "make things as right as possible."

   Each person brainstorms ideas for ways to prevent the problem from happening

   again in the future.

4. The ideas are considered together and both participate in choosing which ideas

   they want to use.

5. An agreement is written.

6. The agreement is signed and a follow-up time is arranged.

7. There is a follow-up meeting to see if the agreement is being kept.

Viewing the conflicts I was having with students as teachable moments,

once safety concerns were met, helped me realize the opportunity each conflict

presented (principle 4). I was well aware of the danger, because that is what I had been

experiencing. Punishment only as a response was creating distance rather than

closeness in our classroom community. I was there to teach. The opportunity was

recognizing this moment of misbehavior as a chance for a student to learn. There are

so many things misbehavior points out about what needs to be learned. This includes

patience, tolerance, how to share, how to listen, manners, how to handle one's anger,

how to treat others the way we want to be treated, respect, and the like.

I found myself encouraged to handle a conflict at the earliest point possible with

as much cooperation as possible and as little coercive force as possible (principle 5). It

is often tempting to allow students to talk or play around several times before letting

them know you are experiencing this as a problem. I used to wonder why they would

respond to my bringing their talking or playing around to their attention with confusion. I

soon learned, as I changed my ways of responding, that their confusion was due to the

fact that they had been doing whatever it was that I was upset about several times and were actually surprised to discover that I was experiencing their behavior as a problem. Thinking in terms of confronting something at the earliest possible point was very helpful in eliminating confusion and in re-enforcing the behavior that I wanted because I wanted them to be able to learn as much as possible.

Soon I was letting students know that I wanted to handle our conflicts with a cooperative structure and that I wanted us to handle it together (principle 6). I did not want things to get to a point where we needed to send someone to the office. I let them know that I would be willing to work hard on the problem and on finding a solution that would work for both of us. I was amazed at how positively even very young children responded to this. I was amazed at their capacity for understanding these matters. I believe they heard this as a valuing of them as persons while we focused our energy on the problem and how to solve it.

I also had to face a reality occasionally. Not all misbehaving persons chose to be cooperative (principle 7). This, I soon discovered, did not mean I had to give up on them and send them to the office immediately. They could be given the opportunity to become responsible and cooperative (principle 8) later. We could all think about what we wanted to do. In the meantime, I could impose a consequence like detention with the possibility of changing that if they decided to cooperate and problem solve with me. We would have to base the consequence on whether it was reasonable, related, restorative, and respectful. The interesting thing was that as soon as we began working on that consequence, we were in a cooperative mode.

In the process of thinking about a consequence I had a choice. I could choose to continue to be constructive even though the misbehaving student was not yet willing to cooperate. There are times when this is very difficult to do, and yet so important. My remaining committed to being constructive often made the difference in the student deciding to cooperate once there had been time for them to reflect and decide.

Once an agreement was made it was tempting to just go along and let bygones be bygones. This is possible in some cases, but I soon discovered the importance of follow-up (principle 9). It is important for students to learn that you expect them to keep whatever agreements have been made and for them to learn that you intend to keep your agreements. If there is no follow-up, there is often no change in behavior. The follow-up, especially for students who had developed habits that worked to keep them from learning, was the time for accountability. It was wonderful to have the principles there to guide this. If agreements were not being kept and students were balking at talking with me about the issue again, I could get the principles out for us to look at and see that this was the guide we were using and this was the reason we were doing things the way we were.

It was not easy to put this all into practice. I experienced a lot of trial and error. Many times my initial response to conflict was not according to the principles. It took time to get what I knew was right in my head to the point where it was my first response to misbehavior. Thankfully students are accepting and forgiving and were really a big help in my learning to use the principles. It was the change in our relationship and community that kept me trying. I found our time together so much more enjoyable. I began to regard working on discipline as one of the most rewarding parts of my

teaching experience. I love teaching math, science, literature, language arts, and social studies. I worked hard to gain the qualifications needed to teach these subjects. Working out our issues related to discipline greatly enhances the enjoyment of those interesting subjects.

Statement of Purpose

In this thesis I will be describing what I have discovered about the use of restorative discipline in my classroom as I have practiced. I will be reflecting on this experience and the contribution restorative justice theory has made to what I do and how I do it. As I share that experience and reflect on it, I will be looking for new insights that will help articulate new directions for the future in the use of restorative discipline as a model that can be practiced in more classrooms. I will end the thesis with a step by step plan that teachers can follow to ensure the practice of restorative discipline in their classrooms.

After fifteen years, it is time to make a description of my practice and experiences related to restorative discipline theory available so others who are seeking alternative responses to misbehaving students can begin to understand how to use the theory to put restorative practices to use in their classrooms. Many teachers know what they are doing to discipline students is not working, but they are not aware of all the ideas and models available. They continue to use practices that may help, but that do not really satisfy the need for true behavior change. Other teachers are using something that is close to restorative discipline but have not had access to the

principles, models, and the language of restorative discipline to make their practice more explicit. The principles and models have been so helpful to me that I want to ensure that they are more widely available.

The practices available through the idea of restorative discipline are often what can help a teacher deal with very difficult students. Most of the students in a classroom are not difficult and respond to varied kinds of discipline. The really uncooperative students, however, often do not respond to the usual procedures. I have found that they do respond to restorative discipline procedures. This leads to better school experiences for students, teachers, parents, other students, and administrators.

Definition of Terms

There is a language that is particular to the field of restorative discipline. Here is a list of some of the particular vocabulary, and their definitions that will be helpful as you read more about discipline that is carried out in a way that leads to restoration. These are terms that I will be using as I describe what I have done in my classroom. They are terms that will be present in the review of the restorative justice literature. They will also be important as I articulate a plan for the implementation of restorative discipline.

- Conflict – A conflict exists when two parties perceive that their positions are incompatible; that there are scarce resources; and/or actions block, interfere with, or in some way make the achievement of the other's goals less likely (Claassen and Reimer, 2002, p.28). This definition of conflict is important in terms of restorative discipline because it focuses on the notion of blocking rather

than the idea that someone is simply bad or has evil intentions. It neutralizes the word. Generally, when a group is asked to think of words they associate with conflict, they list many negative words. This definition heads one in the direction of seeing conflict as something normal, that will happen, and that can be worked on rather than as something that is not normal, and that cannot be worked on.

- Cooperative Resolution – This is where the parties in conflict come to their own agreement about how to resolve their conflict using either negotiation or mediation (Claassen, and Reimer, 2002, p.55). The resolution is not final until it has the approval of both parties. This is a key aspect of restoration. If the resolution is cooperative, both or all parties have had a say in what the outcome will be. It is very different than a resolution that is imposed by the authority. The authority, in this instance, shares power with those involved.

- Negotiation – This is when the parties in the conflict come to their own agreement about how to resolve it (Claassen, and Reimer, 2002). If the negotiation is to restore, both or all involved need to be part of the resolution. In negotiation, no one outside of the parties themselves is called in to be a part of the decision making.

- Mediation – This is when the parties in conflict need assistance from an outside party, but that party is a facilitator only; there is no agreement until the parties in the conflict agree on a resolution (Claassen, and Riemer, 2002). Mediation is very similar to negotiation but includes someone who is not part of the conflict. For mediation to be as restorative as possible, the actual disputants must really be given a chance to speak and to listen to each other.

- Mediator – A specially trained person who can help others talk about their conflicts and make agreements that will help resolve them. To practice discipline that restores, one needs to be trained to be able to do this. A teacher will often be in the position of mediator as restoration is practiced. The chances of the outcome being constructive are greatly increased if the teacher has a process in mind that will lead parties to their own resolutions.

- Reconciling Injustices – This is one systematic method of finding a cooperative resolution. It is a forgiveness process in which the parties (1) mutually recognize the injustices, (2) restore equity as much as possible, and (3) make agreements that clarify future constructive intentions (Claassen, and Reimer, 2002, p. 56). This is the systematic method learned by the teacher (and later the students) to put restorative practices into place.

- Agreement – This is the mutual understanding or the conclusion of a successful mediation. A mediation agreement contains a solution (a way to solve a problem) or a resolution (a way to resolve a conflict). Mediation agreements can be formal (written down and signed), or informal (oral). The agreements are the end products of a restorative process.

- Arbitration – This is when an outside authority is consulted. Both sides of the conflict are heard and a decision is made by the arbitrator about how to resolve the conflict for the parties. I include this definition as part of restorative discipline because this is what one might use if a student is not willing to cooperate. In a restorative system the decision made by the arbitrator would need to meet the criteria of being respectful, related, reasonable, and restorative.

- Arbitrator – The person outside those in the conflict who is consulted and makes a decision for the parties in conflict. For this to be as restorative as possible, the parties involved in the conflict would need to decide who this person should be. In the school setting, it could be another teacher, the principal, the dean of students, or the parents of the parties.

Significance

Schools have a highly developed academic curriculum. Richard Powell, H. James McLaughlin, Tom V. Savage and Stanley Zehm (2001) have suggested in their book, *Classroom Management*, that what is needed at this time is a social curriculum (p. 13).The purpose of this thesis is to create that social curriculum.   It is the social curriculum that enables teachers to share their values. For me, this is where I can let my students know how unique and important each one of them is to me, and to the future of our world. It is where I can assure them of my high regard for them as people, and where I can empower them to develop into caring, responsible, thinking, creative, and problem solving people.

Teachers, do, however, have choices related to the social curriculum. Powell, McLaughlin, Savage, and Zehm (2001) suggest, in *Classroom Management,* three metaphors for how we think about discipline or managing interpersonal relationships in schools. One is the management metaphor. This is considered to be the traditional metaphor. It suggests managing as if in a factory-like or industrial-like setting. It is very prevalent in schools. To manage means to handle and to control. It has four purposes:

organize and control what goes on in classrooms, enhance predictability of student behavior, promote efficiency in the school day, and ensure students' obedience to a predetermined set of codes or rules. The teacher in this metaphor has positional authority. The teacher defines what is appropriate, and inappropriate classroom action, and what constitutes a problem. Students have little or no say in deciding appropriate classroom actions or in deciding what constitutes a problem. Authority is exercised unilaterally by the teacher. The teacher has the ultimate decision-making power (p.24). Students in this atmosphere learn to obey. They do not learn mutuality or self responsibility. There is much available about this kind of social curriculum.

A classroom using this management style would be one where not only the academic tasks but also the social tasks are directly controlled by the teacher. The language of instruction would include pedagogical terms such as *on-task, worksheets,* and *seat work.* These terms signify a teacher controlled environment (Powell, McLaughlin, Zehm, 2001,p.26). The discipline plan would not involve students in problem solving. The rules would be clear. What would happen for breaking a rule would be completely up to the teacher to decide. The teacher might say something to a student like, "I don't want to hear what you have to say about it, you were out of your seat and that means you owe me five minutes of your recess time."

Another metaphor is that of a guide. Powell, McLaughlin, and Zehm (2001) say the following:

> A guide exhibits and explains points of interest; the word is akin to Old English witan, which means 'to look after' or 'to know.' Guides tend to have a very implicit knowledge of *the way* and all of its difficulties and dangers. (p.26)

This metaphor of the teacher as a guide is based on personal and expert authority: who we are and what we know. Success is measured by how much the guide develops mutual respect with students that is based on reasoned action by the teacher. Guidance requires that students have some freedom to act, but they still rely heavily on the teacher doing most of the directing.

The teacher models and demonstrates how it is hoped students will act. This can be positive, and it can be negative. A teacher can model a way of talking to students that expresses a language of acceptance or non-acceptance of others. A teacher can model constant confrontation over seemingly small issues or react confrontively only when major situations occur (Powell, McLaughlin, Zehm, 2001,p.27). If students misbehave, guides will decide what will be done to try to convince the students to follow the model they, as guides, are defining for them by their actions.

The third metaphor for managing interpersonal relationships in the classroom is mediation. "To mediate is to be in the middle of, to reconcile differences, to bring accord by action as an intermediary" (Powell, McLaughlin, Zehm, 2001, p.28). In this model power is shared by the teacher and the students. The decisions made related to classroom issues are made by the community together. Students and teachers in this model work collaboratively. It is in this model where individual responsibility (self caring and self control) and cultural solidarity (social caring and social control) are worked out.

This is the model that I wish to develop more fully into a step by step plan so it can be more easily replicated. It is this model that provides the most hope for students becoming thinking, responsible, and caring people who are capable of making good

decisions about their own behavior. This model requires full participation by all involved.

More about this perspective is becoming available, but I have not seen it in a step by step process. I want this structure to be more fully understood and available for teachers. It has energized my teaching and provided me with the ability to approach my most difficult students with caring and hope that we can figure out how to be in a relationship that can lead that difficult student in the direction of becoming more accountable, and responsible.

Methodology and Preview

I will use the methodology of action/reflection research. I have had considerable experience in the classroom practicing restorative discipline. Chapter 2 is the action part of the thesis. I will be sharing this action in the form of my story of practice for the last fifteen years. Chapter 3 is the reflection part of the thesis. It will be accomplished by examining my practice through the lens of restorative justice theory. Chapter 4 will be the refined model I propose based on the action and the reflection.

Paulo Friere (1970), in *Pedagogy of the Oppressed,* says that reflection is essential to action. It is time for me to be about that reflection in order to further inform the action I wish to pursue, and call others to pursue. Friere also says that it is only through communication that life can hold meaning. It is time for me to communicate the meaning these practices hold for my students and me. "Men's activity is reflection and action; theory and practice. It is through this reflection and action that structures can be

reformed" (Freire, 1970,p.38). I want to see our classroom structures reformed into structures that will promote learning communities that know how to respond to conflict in ways that lead to opportunity and closeness rather than danger and distance.

This approach also relates to the learning theory of modeling and observation. I have been modeling, and my students have been observing. I now wish to model what I have been doing for other teachers. Most human behavior is learned by observation through modeling. We observe others, and form rules of behavior. These can be used in the future as a guide for action (Bandura, 1986, p.47). I have found that my students do use their observations as a guide for action, and I hope this thesis will also be used as a guide for action. Providing a model of thought and action is one of the most effective ways to convey information about the means for producing new behavior (Bandura, 1986, p. 51).

CHAPTER 2

What I Began to do in My Classroom

I now had the principles of restorative discipline. The task before me was to figure out how I was going to practice them with my thirty-six active first graders. I will approach this part of the story confessionally. I will simply describe how this unfolded for me as I began to practice restorative discipline.

Beginnings

To begin with, I decided to keep some of the usual incentives for good behavior in place as I worked at putting the principles into practice. These included things like table groups earning points for cleaning up, getting quiet, getting their work done, etc. At the end of the week, the group with the most points would be rewarded by getting to go out to recess first, or getting to go first to lunch. I mixed this up with a fish bowl that I put beans in when I found someone doing something good, which usually meant they were cooperating. When the bowl was full, we would all have a treat.

These incentives were helpful for getting the whole group to do something all at the same time like cleaning up, settling down, or getting ready to go outside. The children enjoyed the incentives, and the incentive of a reward got the children involved in helping me get everyone's attention because the student leaders often helped engage students who were less aware to pay attention and get quiet. Reward and

threat of punishment are powerful, and I was not ready to give it all up. The threat of punishment was imbedded in the reward. If you did not end up with the most points, you might be second to go out or, even worse, last to go. This is where it gets tricky. Student leaders who may tend to lead the rest of the group in more negative behavior directions could dominate this punishment side of reward. Often, once they saw their group losing, they would give up on being good and decide, since they were not going to win the reward, they might as well enjoy not worrying about it. First graders would not be able to verbalize this, but they are amazingly savvy and knew instinctively how to do this. The danger in this was that they could lead a good portion of the class in what I experienced as a negative direction.

What I did not want to do was to separate children from the group for bad behavior, or to threaten calling their parents, or to send them out of the room to the office. Sending them to the office, at this young age, was accompanied by the idea that this would really frighten them into better behavior. In reality, it was frightening for only a few students; many others discovered the office to be a rather exciting and interesting place. And really, I wanted the office to be seen as the place you go when you are in need of help. We had and still have an office full of very caring, nurturing people who prefer to welcome children who are hurt or sad rather than frighten them. Besides, I soon discovered the office experienced a misbehaving individual child as a very cooperative child and often seemed mystified that any of us were having difficulties with this sweet, young child. I also found that when the child returned to class, we still had a problem. Oh, it might be better for the rest of the day, but very soon we would be back into the pattern that caused the problem in the first place.

The principles of Discipline that Restores helped me see that what I needed to do was to model a different way with each misbehaving student. Rather than sending them away (to a remote part of the room, or the office) I needed to invite them into problem solving with me directly. I knew that with thirty-six students the opportunities for this would be endless. How would I ever have the time? I decided to just start practicing, not really thinking yet that by practicing I was modeling. I learned that modeling was a very powerful key to learning.

Practicing With Very Young Primary Students and What We Discovered

Each morning started with all of us gathering on the rug to start the day with a song, the calendar, and sharing. Rug time in the morning usually went well since the children start out a little more subdued than they are about an hour after the start of school. After that, the children would go back to their table groups. This was my chance. While going back to their table, two students decided to get out puzzles instead. I could simply take the puzzles away and tell them, in a stern voice, to sit down. And that would have worked. But later there would have been another problem, and another, until finally, in exasperation, I might have taken away a recess, posted them, or in a really serious situation, sent them to the office. Why did I not want to do this? I did not want to do this because that was the response that I found to lead to a power struggle. I would have been the winner of the moment, but what about later? Since we were not working in a way that leads to rapport building, they would have been challenged to think of something to get a sense of power back. Instead of my old

response, I told them we had a problem and asked if they would be willing to talk with me about it. They were surprised and both said yes. I said that what I wanted them to do was to join their group so we could get our math time started. I asked if they would be willing to do that. They said yes and did it. This took very little time and left all of us feeling better towards each other. I was elated.

I don't want to give the impression that nothing like this had ever been done by me or other teachers before. It had. Many times this is how we respond. What was different was that I became very conscious of my response to misbehavior. I became aware that I had to make the decision to choose this response. This was another difference, I decided that I wanted to choose this response all the time as long as safety was not a concern, and students were willing to engage, and be cooperative. In other words, I decided I wanted to be cooperative with my students. I realized there needed to be mutuality, and sharing of this responsibility. I was elated because I had a feeling of a weight being lifted. I did not have to be the only one with power in the room. We could all share that power together.

I also began modeling on the playground. The moment I stepped out on yard duty, I had an opportunity. One of the girls from my classroom came running up to tell on another girl from our room. According to the person "tattling," she had been dismissed first and had taken out the largest bounce ball. She was bouncing the ball when it got away from her. The other girl had grabbed the ball before she could get it back and was now playing with it, with another friend. I thanked her for telling me about this. We decided we definitely had a problem that needed to be solved. I asked her if I could invite the other girl over to help us solve it. She said that would be ok. She was a

little surprised. Generally the hope is that the person telling will be rewarded by getting back whatever it is that they want, and the other person would be posted for whatever it is the first person had said the other person has done. This was a bit out of the ordinary, but she agreed to go along with it.

I called the other girl over and invited her to bring the ball with her. She came over half expecting to have to give up the ball, at the least. We started the process at the point of each saying what had happened. By the time we were finished just with the part of listening to each other (this took about two minutes), the girls were ready to be friends and went off together with the ball inviting others to play with them as they went. I stood there in awe of the forgiving nature of young children and their willingness to let go of being upset with each other in favor of being friendly.

As this happened several times per day when I was on yard duty, children began figuring out what to do when I was out and they had a problem. Soon as one disgruntled person approached me, the others involved in the problem began heading over to us when they saw they were going to be told on. We could usually very quickly solve the problem and they could get back to their play and enjoyment of recess. These were not problems that had been developing for long periods of time with lots of angry feelings of hurt behind them. I enjoyed this so much more than posting a child and then having to make sure they stayed posted until their time was up. The children clearly preferred this. It seemed so much better for them. They needed this time to be free to run around and use up some of their abundant energy so they could be ready to come back inside where they would need to sit for periods of time.

The result of this experience gave me a new view of tattling. The "tattler" was no longer the whiney little pain who was going to cause someone else to be punished. They could be seen as a person who wants to solve a problem. There were many times I watched a child consider telling on someone to me but decide not to at the last minute. They knew all involved would be invited over. As they considered what that might mean in terms of me finding out exactly what their true role in the whole situation was, they sometimes decided against going forward with telling me about it.

I also noticed more children actually working on the problems among themselves. The children were able to take what I modeled, adapt it, and use it. They discovered they could point out a problem to each other and figure out a way to resolve it by talking about it. Since many of the problems were similar, they could use the options we had generated to solve a previous problem and apply that to their current problem. It was gratifying to observe their self-sufficiency and creativity as they began to take over their own problem solving.

The practice of the principles was contagious. The saying that our actions speak louder than words is so true. What I practiced and modeled, the children began to practice and model too. There were so many opportunities. I even found that if I needed to get parents involved, it was in order to problem solve and to find the best solution for their child while they, their child, and I were all involved. I found parents to be delighted to sit down in this atmosphere of problem solving. It gave them ideas for how to work with their child at home.

One mother, who was no stranger to being called to school because of behavior problems with her children, became a different person when she arrived in the office

through this practice. This mother had two sons. One of them was in the fourth grade and the other was in my class, first grade.

When this mother was called about a problem with her older son, she usually experienced what had been done to correct him as people picking on her son. She did not feel it was fair. If there was a problem, she felt her son was blamed more than the other child who had also been part of the problem. This may have been because her son was a bit more stubborn and did not return to cooperating as quickly as some of the other children were likely to do. He was then punished, and in his eyes, and the eyes of his mother, the other child or children who were involved had nothing done to them.

The feeling that her child was being punished unfairly caused the mother to be very angry. She would arrive at the office ready to yell at the first person she met. Unfortunately, this was usually a person who had had nothing to do with the situation. The administrator would meet with her alone to explain to her why things had been done in the way they had been done. This usually did not convince her that it was fair and she would leave, but she was still angry.

The first time I had an occasion to call her, I was shaking. I had heard a great deal about her and I was not sure how this would all go. Her son and I had had an experience where he had refused my invitation to problem solve. He had stopped doing what I had asked him to stop, but he refused to talk to me about it, and stubbornly crawled under a desk. He would not come out to participate in the lesson we were beginning. I told him he could stay there if he wanted until he felt better (this was really self separation from the group), but that if he did not want to talk to me about our problem, I would need to call his mom and see if she would join us to help us talk about

the problem. He eventually came out from under the table and re-joined us. He was cooperating, but the earlier problem still needed to be worked on.

I called his mother right before school was to be out and asked if she would be willing to sit down with me and her son to work on a problem we were having. I explained the process we would be using, and she agreed. She asked me to make sure neither of the boys got on the bus so she could meet with us and take them home with her when we were finished.

I told the office she would be arriving and to send her to my room when she got there. She was calm. Her older son waited in the office while she, her first grade son, and I met. I actually got my VORP joint meeting process paper out so she could see that we were following a structure that was outside of all of us. This helped us focus on the problem rather than her son being a trouble maker. We had a very good meeting that led to what would become an eight year relationship with her and her children. When she left, the office staff could not believe the difference. When she had left my room she had told me, "This is how I want all the problems related to my sons to be solved. Call me whenever you need me."

None of this happened because of my being some sort of unusually great person. It happened because I had decided to follow a particular model for working with conflict. At this point, it was the VORP process for Reconciling Injustices (Claassen, V.O.R.P. Volunteer Training Manuel, 1992). I had practiced this as a VORP mediator along with having studied conflict and peacemaking in my undergraduate work. This is what we did in the meeting. I will be changing the names of the actual people involved.

I thanked Mrs. Smith for coming to the meeting with John and me. I briefly stated the conflict that needed to be resolved. Generally speaking, it was a situation of John not stopping his play with the blocks when it was time for us to put toys away for reading. This was a refusal by him to cooperate and there was a lack of willingness to talk to me about it. I told her I wanted us to find a way to solve this problem that would be good for all of us. She nodded her agreement to this. We looked at the ground rules and each of us agreed to them. The ground rules were, allow me to lead the meeting, say if the process is not fair, no interrupting, be as honest as we can, no name calling or profanity, and be willing to summarize. We each agreed to this.

I started by saying that when it was time to put away toys, John had refused. When I told him we had a problem that we needed to talk about, he had become more upset and went under a table refusing to join us for reading. (The reality is that this did not go as smoothly as it is going to sound here, but it did happen pretty much this way. (At this point, John's mother was pretty perturbed with John. I let her know she would have a chance to speak as we followed the process.) I asked John to say what he had heard me say. He just looked at us, and said nothing. I told him I should have asked him if he was willing to work on this before we started. I apologized for not doing this, and asked him if we could do that now. He felt a bit better about this and said, yes, and then was willing to say what he had heard me say. I then told him my concern was that he would get behind in learning how to read and that this would be too bad since he seemed like a very smart person. He repeated this also. Now it was his turn to say what had happened. He said pretty much the same thing I had said. Now it was his mother's turn. She told him how she had felt when she had received the phone call

about his behavior. She also told him she was concerned and wanted him to learn how to read.

We were now ready to search for agreements that would restore equity and clarify our future intentions. I suggested that John and his mother talk about ideas. His mom could write them down. I told them I would write some of my ideas down also and then we would look at our ideas. We took a few minutes to do this. Next we shared our ideas. John went first. He said he could stop playing and put the toys away when he was asked. I said I could tell everyone when they had five more minutes to play and set the timer so they would all know when the time was up. We then wondered together about what should happen if we forgot. We agreed that I would walk over and remind him quietly by tapping him on the shoulder that the timer had gone off. We wrote these down on a piece of paper. John told me he was sorry. I told him it had given him, his mom and me a good chance to work together. We signed the agreement and set a date for one week from that day to have a follow-up meeting. John's mom and John knew ahead of time that I would be checking in with them about the agreement. I knew it was also important for me to do what I had agreed to do. John went home with his mom after she and I shook hands and looked forward to working together in the future.

This left me feeling energized. I found myself looking forward to times of conflict. Instead of experiencing the situation as hugely time consuming and frustrating, I found it to lead to knowing my students, and occasionally their parents, better. It did not mean that I would never again have a conflict with John. It did mean that he and I had a history that gave us hope that when that next conflict happened, we would find a way to resolve it so we could go on from there.

It was, in some ways, incredibly simple. Most of the time students could fairly quickly see that it would help if they simply stopped doing whatever it was that was causing a problem. At least, as we followed the process, they were aware of what the exact problem was, and conscious of a solution. Actually stopping was, for some of them, pretty difficult. In class, we talked about the idea of habits, and how often a person could not just stop a way of responding immediately. That is why we needed to keep working together to remind each other of our agreements. The built in follow-up meetings kept us conscious of our decisions.

The process I was modeling was not going unobserved by the rest of our staff. Their questions gave me the chance to tell them about my VORP experience and my other major, Conflict Resolution and Peacemaking. They were genuinely interested in what was happening. Being educators, they were highly interested in learning something new themselves. They could see that there was a difference in what was happening with the children. I was still a new teacher with much to learn myself. It felt good to be part of a staff that was willing both to give me the opportunity to learn, and to share some of the things I had recently learned that were new to them.

My first year of teaching drew to a close. I had survived and really enjoyed it. I committed myself to another year at the same school. I was ready for the break and promise of rest the summer held for me.

Starting a Peer Mediation Program for Students

My second year of teaching found me in a first grade class with over forty students. At this time in my school's history there was a Migrant Camp in the community. The camp was open from April to October. This meant we needed to deal with very large classes in the spring and at the beginning of each year. This was hard on both the staff and the students. The situation presented many peacemaking opportunities. Often, and thankfully, long term substitute teachers were hired to help. They either took a class of their own or we shared their services amongst us to get group sizes down for reading and math.

I knew I would have many more chances to practice discipline principles that were restorative. I spent time during the summer thinking about this and committing myself to this. As my first year of teaching had come to a close, I had noticed that I was becoming better and faster at doing what I knew in my head to be the right response rather than simply responding without thinking and not being conscious of my response.

My second year began with getting acquainted with several new teachers. We were all about the same age. We had all entered teaching somewhat late in our working careers. It was easy to become good friends. This helped us to be open to each other and to the ideas we each had to share. We had a good staff with a mixture of young and older, and experienced and inexperienced. These forming relationships made going to work something that I looked forward to, not to mention a classroom full of eager and bright first graders.

I began practicing the principles where I had left off the year before. The second grade class already knew the routine when I was on yard duty. The rapport I had developed with them was very helpful when there was a problem to be solved. The third graders were also learning fast. We were on our way to having a different atmosphere in the primary grades which consisted of kindergarten, first, second, and third grades.

Meanwhile, Ron Claassen, my husband, and Dalton Reimer had started the Center for Conflict Studies and Peacemaking (later to become the Center for Peacemaking and Conflict Studies) at Fresno Pacific College (later to become Fresno Pacific University). Ron and I frequently talked about what was happening with my classroom practice. The Center decided to offer a Peer Mediation Training session through the Professional Development Program. I decided to participate. I needed to get administrative approval to do this and found that this gave me a chance to discuss mediation ideas in depth with our superintendent/principal. He was intrigued and gave his approval for my participation.

The training was a three day experience using the Conflict Manager materials that had been developed for schools by the San Francisco Community Board Program. The purpose of the training was to acquaint us with the materials that would prepare us to train students who would become conflict managers at their schools. Conflict managers were to be available at recess or at a specific time to mediate student/student conflicts. The training caused me to think in terms of involving students to solve their own conflicts as much as possible on their own. I returned to school wondering how this could be implemented.

This gave rise to another conversation with my superintendent/principal. He was very supportive of the idea. We decided it would be possible for us to institute such a program if I would be willing to supervise it from 2:30 to 3:30 on my own preparation time. At this time in the history of our school we had different dismissal times for the primary, and for the upper grades. This was ideal because I could be available to upper grade students after my own students had gone home. I said I would be willing to do this. We were also at the mid point of our school year. I was happy that he was willing to go ahead with something new. It gave us a short, clear time frame in which to implement the program and try it out.

Our conversation turned to deciding how to determine which students would be trained and how we could arrange for me to do this. We decided to have a two and a half day training for twenty seventh and eighth graders. They would be chosen by their peers and/or their teachers.

We used the materials provided by the Community Board Program to inform students and teachers about exactly what Conflict Management was about. I was given time at a staff meeting to introduce the teachers to the idea. They were very receptive. A video which could be shown over a system that allowed all the classes to view it at once was shown to give everyone a better picture of what all of this would look like. This was followed by a time for students to consider who among their peers they viewed as leaders. They were also asked to consider who among their peers they viewed as people in whom they had confidence. The students wrote the names of three people they wanted considered for participation in the training. Teachers were also encouraged to select students with consideration given to who they thought might be a

negative leader who would really benefit from this kind of training. The teachers also wrote the names of three students they wanted to be considered for training. I took the ballots and figured out who would be among the twenty students I would train. I brought this list to a meeting of the teachers. We adjusted it a bit to be sure we included those who were designated negative leaders.

The selected students were informed, and those who chose to participate received permission slips for their parents to sign. The permission slip described the training, and they were informed of the fact that their child would miss two and a half days of regular class and would have to make up any assignments they missed. Signed permission slips came back, and we were ready with eighteen students to train. The classroom teachers for these students looked at the training plans and decided the work students would be doing in the training was so substantive that they would not require them to do the missed class work.

I was feeling pretty nervous about this. I had never had a vision of myself working with 7th and 8th grade students. This kind of training was also new to me. I comforted myself with the fact that I had sat in on countless VORP trainings and this was not that much different. We had decided to set the training up much like we would set up a training for adults. There was a schedule. Each person was to receive a binder of training materials. There would be snacks available during our breaks. The materials were a good combination of input and activities that got the students involved in trying things.

We got through the training. I cannot say that I particularly enjoyed it. I constantly felt as if I was barely one step ahead of my students. The students were all

people who had chosen to participate. In this setting, the ones identified as negative

leaders were not that noticeable. I was not sure if there would be any who would want

to be mediators when we finished. I thought, many times during the training, that they

thought this was a pretty crazy and unusual way to solve problems. In spite of this, I

learned from their final evaluations that they had really enjoyed the experience. Not

only had they enjoyed it, they were feeling good to be trusted with the chance to

participate in helping each other solve their own problems. Almost all of them indicated

an interest in serving as mediators.

The staff was informed of how they could make referrals. We kept it simple for

getting started. The staff was asked to make referrals initially that involved conflicts with

two disputants. It is complex to work with multiple disputants. We wanted the first

experiences of our mediators to be positive and we wanted them to get some

experience before they tackled the more complex, multi-party disputes. Forms were

made available in the staff room. Each staff member was given five forms to keep in

her/his room. They were to fill out the form, put it in my box, and I was to refer it to

student mediators.

Because my primary students were dismissed at 2:30, this would be the

established time for mediation. Teachers agreed to allow mediators to leave class if

they were needed as well as students who had been referred for mediation. This was a

good time for the upper grades because it was their P.E. time, so they would not be

missing academics. This was a bad time because it often meant that the boys were not

as interested in mediating because they did not like to miss P.E., which was also often

the time they practiced for sports.

We got off to a slow start. But by the end of the year students had mediated about eighteen cases. Our mediators felt very good about themselves and the program. In fact, as we approached the end of the year a number of them expressed a desire for this type of problem solving process also to be available to use to resolve disputes between students and teachers.

I was on my way to coordinating peer mediation for our school for the next fourteen years. It has taken on different forms during that time. We have had three different administrations and two interim administrations. These changes kept providing opportunities for introducing more people to the ideas. They have helped shape it. I began to think of studying Peacemaking and Conflict Studies in the Masters program that was developing at Fresno Pacific University. I knew studying would make me more deliberate about my practice and would encourage me to keep improving the structures and processes we were using at our school site.

Using Mediation to Resolve Problems between Teachers and Students

My first student mediators had ended their commitment to mediating student/student situations with the suggestion that it would be nice to be able to work on problems between teachers and students in this way. It was exciting to hear they would value this. It was a challenge to figure out how this could be done. I was being moved to the fourth grade as I began my third year of teaching. I felt challenged to be more deliberate about how I handled my conflict with students. I was excited to be working with students who were at an age that I could train in mediation. Thinking in this

direction ahead of time was good because I was soon to find out that I would be beginning the year with forty-two students. This was not because some of them were migrant students. The migrant camp had been closed. These were students who were likely to stay the entire year.

My feeling of being rested after the summer disappeared quickly as I tried to manage such a large number of students at a grade level that was new to me. I often felt like I needed a microphone to project to so many active, talkative young people. I decided to teach my whole class the mediation curriculum. It took us about forty minutes a day for three weeks to do this. Then I began to look for any situation possible to use to model what we had just learned.

The end of recess seemed to be a very stressful time. As the students returned to class, it seemed like many of them had a complaint about someone else. This was our chance. I told them of my frustration with them coming in from recess with so many conflicts. I wanted to be able to listen to all of them but, if I just spent thirty seconds listening to each one of them, we would lose twenty-one minutes of class time. I suggested to them that we try to solve this problem of complaints after recess using the mediation process we had all just learned. They were very enthusiastic.

We decided to focus on the problem of name calling. Many had experienced injustice due to a name others had chosen to use for them that they did not like. The students who had experienced this could raise their hand to tell about what had happened. Before they told their story, they chose who they wanted to summarize for them. We went through about five students. When no more raised their hand with an experience to share (I have no idea why only five shared, perhaps others felt their own

experience was somehow covered by what someone had already shared and they did not feel they needed to personally share in order to go on), we moved into brainstorming ideas for making things right and for what we could do so this problem would not happen again.

First we wrote ideas silently on our own piece of paper. I gave them about five minutes for this. When the time was up, I called on students around the room and put the ideas up on the board. It is amusing that the ideas were the obvious – we could stop calling each other names, we could say "sorry." However, there was something about the process that enabled (empowered) the students to really do what they ended up agreeing to do.

One of the ideas that they liked the best was not so obvious. It was suggested that we could all write down the names that were ok for us to be called. We could put that list up and agree to only use those names (this was a brilliant recognition that there were some funny nicknames that were just fine with students). This is what we did. We wrote this as an agreement which we all signed. I still have the tattered list that hung on the board for the rest of the school year. I am amazed at the emotion I feel as I write this. I think it is due to the recognition of the deep connection doing this kind of problem solving with my students allowed me to have. I have saved that list much like a mother carefully saves the pair of shoes her child wore when that child took their first steps.

Did this mean there was never another incident of name calling? No, but we now had a way to quickly solve the problem. We would simply check the list to see if that name was on it. If it was not, the person who had been called a name was owed an apology. This had taken about twenty minutes of class time. It was time well spent. It

brought us together as a community. It saved us a great deal of time later because of this developing sense of a caring community. Somehow, solving a problem really well led to their being able to handle things well themselves so we did not have the problem over and over.

Another problem solved in this way had to do with going down to the restrooms to wash hands right before lunch. Some people were running down the corridor making a lot of noise and disturbing the other classrooms. We first talked about the problem as a group listing our main concerns on the board. These included running on the cement, making noise, and pushing and shoving at the drinking fountain. I told my students how hard this made things for me because I was constantly trying to decide who was causing the problem and whether or not I should allow them to all go down to the rest room or if I should make them go in groups or simply stay in the room to wash their hands.

I handed out paper. They and I brainstormed ideas for keeping this problem from happening. Again the ideas were simple and obvious, but now we were conscious of them, and of the problems we were all experiencing when some of us did not do the obvious. They assured me that they could all go at once, and they could be quiet on their way to the rest room. Running would be allowed as long as they ran out on the grass. There would be no pushing or shoving at the drinking fountain. I would watch from the door and they would self monitor. If someone forgot, they would voluntarily stay in the room to wash their hands for the next two days. We wrote this up and all of us signed it. It worked amazingly well with Thomas particularly deciding he needed to remain in the room to wash his hands several times. He did this cheerfully. I think he

kind of preferred it, because it gave us time to talk a bit one on one. He had a very hard time with big groups of people and realized he occasionally got over-excited when there was a lot of freedom.

I was working at deliberately making problem solving with me directly an option for my students. Not only did I do this process of problem solving with the whole class, I also did this problem solving process between teacher and student. I had several agreements with Thomas. He was not an easy person. He had had many negative experiences with punishment at school. He was very bright and very active. His home life was not easy. The agreements helped immensely. Thomas and I were able to develop a trusting relationship because of the agreements we made and kept. If an agreement was not kept, it simply meant we would look at it again, adjust it, and try again. This system was new and fascinating to him, and he thrived. Thomas moved away before he finished eighth grade at our school, but he made sure he invited me to his graduation. I was very proud to attend. For me, it was a celebration of discovering problem solving without punishment worked, and it worked especially well with the most difficult students.

I have about five to six really difficult students each school year. Besides Thomas that year, I had another student who joined us in October. He was overweight, new, not very cooperative, and an easy target for the other students. He seemed used to being blamed for things. It was like the other students sensed this, and the more they blamed him for misbehaving, the more he seemed to really misbehave.

One day, after he and I had gone round and round about assignments he did not have, I decided it was time for us to meet. He agreed. We ate our lunch and came

back to the room to talk. I asked him what his goals were for school. He wasn't sure

what I meant. I clarified by asking him questions like – Do you want to finish fourth

grade and go on to fifth knowing what a fourth grader should know? Do you want to get

your homework finished, and turned in? Do you want to read on a fourth grade level?

Do you want to make friends? I told him I would write his goals down as he thought of

them. He did want to get his work done. He did want to have friends. He did want to

read on a fourth grade level. We celebrated his great goals (I told him these were

wonderful things he wanted to do and genuinely smiled about them).

Now I asked him what he thought he would need to do to reach these goals. I

wrote down his ideas as he suggested them. They included his need to study and read

at home, and at school, his need to complete his homework and bring it to school, and

his need to be nice to others so he could make friends. He also talked about getting

quiet and listening. I asked him how I could help. He said I could remind him if he

forgot. We developed a signal that I would give him if he started responding to things

with his old habits.

I also suggested inviting someone in to play checkers with him during recess. He

really liked that idea. Because of that, playing checkers was often added to agreements

that students made with each other when they needed to get better acquainted. It took

a little time, some reminders, and some follow-up meetings, but eventually I realized

visitors would not necessarily pick Tony out as a disruptive student if they walked into

our classroom. Before our meeting, they would have noticed him right away.

I enjoyed teaching fourth grade very much and found myself looking forward to

doing it again, largely because it meant I had another year with my first class of first

graders. The school had also gone through a change in administration. I finished the last half of my third year of teaching under an interim administrator. Peer mediation had become more difficult due to this change and also due to the fact that I no longer had the 2:30 to 3:30 hour available when I did not have students. We were continuing on a smaller scale. I had originally trained both seventh and eighth graders. Eight of those seventh graders were now eighth graders. We did a few mediations, but not nearly as many as we had done the last half of the first year.

I was tenacious about not letting it die completely. I had trained my entire class of fourth graders, and they concentrated on solving their own problems. We had a list of jobs at the beginning of each week for which students could sign up. Peer mediators were always on that list. If there was a problem, the mediators of the week would take those students aside right after lunch to work on the problem. I realized students were largely referring themselves in this setting. That also seemed good. Ron and I had done a training for parents as well. It had been well attended, and the group was very enthused about having new ideas to add to their ways of handling issues with their children. It had also left them better informed about what was available at school to help their children with problems.

By the end of the year, I had to admit I had not really made mediation available to teachers and students beyond my own class. However, the idea was alive, and there was a model in existence of an alternative way to create classroom community and to handle classroom problems and misbehavior. The larger school system did not inhibit me from doing this in my own classroom. That is a positive thing about the school environment. There is room for new ideas and creativity is encouraged.

A New Administration and New Rules

As my fourth year of teaching began, I was energized and excited about working with students I had had before in the first grade. I was also working with a completely new administration. Our new administration now included a part time superintendent whom we shared with another one school school district and a full time principal. Both of these people were forward looking and interested in new ideas and methods. Their first year was a year in which to get acquainted. It went quite well from my perspective. I continued to use mediation as my way of working with discipline and did not need much direction from the administration in that area. This was not the case for everyone. There were some who were struggling with discipline issues.

When we got to our second year of working together, discipline had been identified as an issue. The administration approached it with a tightening of the rules with clear punishment for the breaking of the rules, which included what they thought were specific guidelines for when a detention would be assigned and served.

There were forms available which could be used to give warnings and/or detention immediately if it was warranted. You could be warned or given a detention for disrupting class or the cafeteria, for lack of work, for rough play, for defiance, for profanity, and for eating candy, seeds, or chewing gum, or for other (you could write in whatever the problem was). These forms were turned in to a person who was a classroom aid (actually she had been my classroom aid), who had been asked to be in

charge of detention two days a week after school. She was asked to do this because she was an extremely capable person. She grew to hate this job.

Once a student had three written warnings, they served detention. Once they had served ten detentions, they were given an in-house suspension. If you had an in-house suspension you were ineligible to participate in any extracurricular activities for the next three weeks. If you were given three in-house suspensions, you could be considered for suspension from school. A teacher could also give a student a detention immediately (no warnings) if they deemed the behavior to be bad enough.

I was not sure what I thought the results of the tightening of the rules and the assigning of the punishment would be. I was fairly sure I did not like it, and that is one of the wonderful things about teaching, you are pretty free to handle things the way you see fit within your own classroom.   I soon found out this tougher new system would be a gift in disguise.

Rule tightening and punishment were not done because the administration disliked kids. This was done for the same reasons I was practicing mediation and negotiation. This was a way to address problems.

I had another great group of fourth graders (this was my second first grade class), and I was not all that bothered by the new plan because I was confident we could work out our own problems.

The main purpose of the new system was to improve behavior in the upper grades which included fourth, fifth, sixth, seventh and eighth grades. The emphasis was particularly on the seventh and eighth grades. I had never taught middle school age students, so I did not feel qualified to judge what was happening.

All my upper grade mediators were now graduated. The new administration had yet to hear of my ideas. My first fourth graders were now sixth graders. We had gone to a multi-age configuration in the primary through fifth grades in the middle of that first year of the new administration. This helped get some class sizes down in number and had the added advantage of allowing students to have the same teacher more than once which, for me, was wonderful. This meant that some of those students had a double dose of mediation practice. Some of them were fairly experienced mediators.

John's brother, Jim, was in this group of students. John was the first grade student who had not been cooperative when I invited him to problem solve when he refused to put his toys away when it was time for reading. His mother was famous for arriving at the school very angry when her older son, Jim, was in trouble. John and Jim's mother was about to play a key role in helping me tell the administration about mediation.

Instead of things improving with these new and tighter discipline policies, they actually got worse. They did not get worse all at once. It was gradual. Because it was gradual, our new principal had had time to observe me and my classroom several times. She liked what she saw. We talked about what I was doing in terms of my discipline. When things got worse, she turned to me and Ron for ideas.

I say Ron and me because he was really in the background helping give direction to what I was doing. He was working on developing models, structures, and processes that I was trying with my students as they became available. Because the new and tighter controls that had been instituted were causing problems to be worse rather than

better, I was being given the opportunity to share what was happening in my classroom with the administration and other teachers.

John and Jim's mother had also been back in the office upset and angry. Once again she felt her older son, Jim, was being unfairly picked on and punished. She was asking for mediation. She wanted me to lead it. This was another chance to expose more people to the ideas. This was also my chance to extend formal teacher/student mediation beyond myself. Jim's teacher was so frustrated that she agreed to the meeting. The principal was also to be a participant. I asked if they would be open to having Ron lead the meeting with me as a co-mediator. This was agreed to and we had the meeting. The agreement that was made between Jim, his teacher, and the principal helped all involved. There was follow-up and there were additions to the agreement. There were still occasions of frustration, but things were noticeably better for Jim and his teacher.

His teacher now wanted to know more about all of this. Arrangements were made for her to attend the next peer mediation training at Fresno Pacific University. As we headed toward the end of a rather difficult year, Ron was invited to meet with the staff to help all of us think together about discipline. Conflict was leading us in the direction of talking more with each other. It was encouraging us to collaborate on the direction we wanted to take with our discipline plan at both the classroom and the school level.

Our staff meeting focused on discipline was led by Ron. He asked us to think about our preferred discipline methods. With this in mind, we were asked to take some time to think about and write down all the things we hoped to accomplish with a student

when we used these discipline methods. I was thinking about this list of what I wanted from my perspective of restorative discipline. Others were thinking about this list of what they wanted from a perspective that could be described as punitive.   We ended up with a list that is still helpful today. Here is that list:

- Students accept responsibility

- Students learn/develop respect for self and others (students and teachers)

- Develop self control

- Encourage high morals, values, and ethics

- Happy children

- Learn what behavior is appropriate and what is not appropriate

- Students develop internal control

- Students learn not to hurt each other

- Reduce the need to be defiant

- Students better understand why rules exist so they can have ownership of them

- Students develop a sense of self worth, pride

- Students become more self motivated and self controlled rather than peer motivated and peer controlled

- Change behavior when needed

- Provide time to think and /or cool off when needed

- Students develop empathy for others

- Students develop communication skills

- Students develop respect for authority

- Students understand that there are consequences for actions

- Students learn that their decisions affect others

- Students improve decision-making skills

- Students learn honesty, cooperation, integrity, tolerance

- An environment for greater learning is created

We realized together that we all had very mutual goals for what we wanted to accomplish with our individual and corporate discipline plan. This was helpful for us in light of the difficulties experienced with the tightening of discipline. We decided to keep the plan in place, but to add mediation as a response to be offered if students were willing to cooperate. We decided that it would be good if this cooperative response became our first response to misbehavior. I was invited to work on how this would be written into our Student Handbook (see Appendix A).

By now, I was teaching the fourth day of training of the Fresno Pacific University peer mediation course for schools. Fresno Pacific University and my school collaborated on how I would be released for that time. It was decided the school could send a teacher to each course offering in exchange for my release time for teaching the fourth day of the class. This would eventually expose all of us to more cooperative approaches to discipline including the mediation process.

<u>Teaching Middle School and the Need to Become More Deliberate</u>

For the next school year I was invited to consider teaching sixth, seventh and eighth grade multi-age. It was decided to bring the multi-age idea to the upper grades. Three of us would be teaching. I would be the designated home room for sixth grade. They would be with me for twenty minutes at the beginning of each day. Then we would divide up into three multi-age groups with each group containing sixth, seventh, and eighth graders. Each teacher would teach her group literature and language arts. After that, the students would move around to departmentalized classes. I was to teach social studies. The other two classes were science and math. This left us time for an elective, which we agreed to teach for one third of the school year so that each group would have the elective. I would be teaching mediation as one of these electives. We all would be out for P. E.

Change is both exciting and stressful. Not only was I taking on a whole new age group, but they were being put into a configuration that was new to them as well. I had also decided to begin work on my Masters Degree in Peacemaking and Conflict Studies. I experienced the year as a very difficult one. I knew I wanted to be very deliberate with my students in letting them know what I wanted my first response to be when we had a problem. I was not prepared for how complex this would be with students moving around between three different teachers. Plus these were students with attitude. They did not respond in the same way that fourth, fifth, or first graders

responded. I did not really know any of the eighth graders. I did know the seventh

graders; they had been my first class of fourth graders. I also knew the sixth graders;

they had been my first class of first graders. That was helpful, but it was still a very

difficult experience. There is quite a difference between an eighth and a sixth grader.

Not only was there a fairly large size discrepancy, but there was an even larger

discrepancy in what they were thinking about, and how they responded to the same

experiences.

We were not to try to teach three different curriculums. That helped. We began

with eighth grade curriculum in all classes. This meant the sixth and seventh graders

were dealing with eighth grade curriculum. It was supposed to work based on the idea

that all classes have multiple levels of ability anyway, even in single age classes. The

idea was to accept work based on what we knew the ability of the student to be. The

next year we would teach seventh grade curriculum, the next sixth, and then begin the

cycle over again. It sounds simple. It was not.

My intentions were to use mediation processes and structures as I had in the

past. My problem was that I really did not have a specific plan for how to do this with

the added complexities of students changing classes every fifty minutes. My difficult

year, as well as my course work at the University, definitely helped, and encouraged me

to shape a plan that could be used in a departmentalized program as well as a self-

contained classroom.

We remained in this configuration for two and a half years. I had some very

good and very difficult experiences. I learned a lot about middle school students.

During this time, our staff continued to work together at formulating a comprehensive discipline plan that gave students and parents a better over-all sense of what they and their child could expect when misbehavior occurred. We were in a relationship with the Fresno Pacific University Center for Peacemaking that guided this. We began to officially call our plan "Discipline that Restores." We wanted to develop an approach that would include the Principles of Discipline that Restores in order to move to a structure that uses cooperative resolution as its first response. I was learning the theory and gradually putting it into practice, and then modifying the theory as we discovered that, at times, "theory is no match for the mess of reality" (Author unknown, saying often used in training).

I do not believe I would still be teaching middle school students today if it were not for mediation. The Peer Mediation elective gave me the opportunity to teach all the sixth, seventh, and eighth grade students the process of mediation. We were establishing a core group of students who had a great deal of exposure to this. Some of them had me as a teacher in first, fourth, fifth, sixth, seventh, and eighth grades. When the problem was between them and me, there was no mystery in how we would work on it. But I was also still learning what to do when a student was not initially cooperative. How long should I offer this to him/her before the issue went into the other structure of consequences?

A most difficult student gave the answer to this. We mediated a situation. We made an agreement. He broke the agreement. He was unwilling to cooperate. He was issued a consequence. We would begin the cycle over and over again. In his other classes, he accumulated a large number of detentions. Finally it was decided that we

should have a meeting with him, the dean of students (by now we had an official person handling discipline issues), all of his teachers, and his father (his parents were separated and he was with his father). Where coercion stops and cooperation begins is sometimes a very difficult line to discern. Jacob was not exhibiting much cooperation at all at this point. He was following in the steps of his brother who had not been allowed to "walk" for graduation the year before due to his excessive number of detentions. The problems of the family were many and complex. What was finally decided at that meeting, however, was an example of how the process of mediation can work. It was decided that Jacob would leave the school. We discussed the positive aspects of this, which included the possibility of starting anew without a reputation that needed to be upheld. He was not expelled based on the accumulating number of incidences in which he had been involved. He, his father, his teachers, and the administration truly decided this together. It made a huge difference in how we all thought about his leaving. It was voluntary. He is one of two students who have left the school rather than decide to cooperate.

When a child is expelled it feels like a failure. When a child along with the help of her/his parents decides to leave voluntarily because s/he refuses to cooperate with the school, it does not feel good, but it does not feel like failure. The school has upheld its standards. The program and other students are protected, and there is the hope of a new beginning for the student who has decided to leave.

<u>How I Began to Start a New School Year</u>

Graduate course work has greatly supported and encouraged me to develop ideas that would ensure my practicing the theory about which I was learning. Assignments have often adapted themselves to developing lessons that would specifically teach the ideas I want to promote to my students. Sometimes the ideas seemed incredibly simple and yet I knew they must not be that simple since they were concerning things that apparently are very difficult for us to do consistently (like approach each student and each conflict we have with them constructively). One such lesson is called "Respecting Ourselves and Others." I developed this lesson for a requirement of the class, Discipline that Restores in Schools.

Since that time, I have been using this lesson to begin each teaching year. I did not practice this lesson until after we had returned to a self-contained class configuration for the sixth, seventh, and eighth grades. This occurred as my first class of first graders became my first self-contained class of eighth graders.

This lesson has made a huge difference in me, my students, our attitudes, and the way we treat each other. It gives us a concrete way to begin building community. At the beginning of each year, we look at the concept of respect and determine what respect will look like in our classroom life together. First we brainstorm individually how we think respect would look if students were respecting students, students were respecting teachers/staff, teachers/staff were respecting students, we were all respecting the facilities and equipment (buildings, tables, chairs, books, etc.). Often this

generates lots of thought and questions about respect as students try to figure out what to write.

Once we are all finished (I write too), we meet in table groups to share the ideas we have written. My first instruction is for the group to go around and allow each person to read their list, their paragraph, what they have written in whatever form made sense to them. Next I pass out a large piece of chart paper. One group member writes all the ideas represented by their group on the chart paper. Now each group decides on a spokesperson who will share their list. Each group's list is hung where all can see all of the lists. My ideas are also included.

At this point I am somewhat awestruck at how much they all already know about respect. I take advantage of this to compliment them. I let them know that I think they are wonderful, and they have had wonderful parents, grandparents, aunts, uncles, and teachers who have all done an excellent job in teaching about respect. It truly is impressive to see what results from this exercise. We talk about the idea that knowing all this is different from deciding to do what we know. I tell them I want us to consider all of these ideas and choose the ones we want to include in an Agreement that we will make with each other to help direct us to be a respectful community.

We make these choices in a variety of ways. One that works well is to have each group mark two of their ideas that they think are the most important to have as part of our agreement. Then we simply start with one list and take their two ideas. The next group checks to see if either of those are the same as the ones on their list that they have chosen. If not, we add two from their group. If they are the same, or one of them is the same, they choose another from their list that is important to them. This goes on

until all have had the chance to add to our composite list. I usually have about seven or eight groups of four. Next we ask ourselves if there is anything anyone feels strongly about that needs to be added that is not yet part of our list. I ask them if it is ok with them for me to take the ideas we have generated in order to write them into a form that can be the basis of our Respect Agreement.

I take all of their chart papers and make the composite list. Earlier agreements were written in a form that I assumed meant that I was making the agreement along with them to do what we wrote. Now, I follow a form that explicitly divides the list into what I, the teacher, am agreeing to do, what they, the students, are agreeing to do in terms of each other and in terms of the teachers/staff, and what all of us agree to do in terms of the facilities and the equipment.

Here is an example of an early Respect Agreement:

 We can create a respectful, cooperative class and school by:

1. Treating others the way you want to be treated.

2. Listening.

3. Having and using good manners.

4. Acting with maturity.

5. Being prepared (books, homework, pencils, and open mind)

6. Being responsible for the equipment and the facilities.

7. Complimenting each other.

8. Raising your hand before speaking.

9. Not talking out of turn.

10. Not talking back.

11. Not talking when the teacher is talking.

12. Not making fun of people.

13. Being positive (having a positive attitude)

14. Asking before we borrow and return what we borrow.

15. Respecting diversity (race, culture, traditions, beliefs).

16. Not using profanity.

17. Being open to learning new things.

I am willing to be respectful and cooperative:

(Each student and the teacher sign the agreement when they are satisfied that doing these things will create a respectful learning environment.)

Here is a more recent example of a Respect Agreement:

We can create a respectful/cooperative classroom and school by:

The teacher respecting students:

- Talk in a calm voice

- Be careful not to embarrass students

- Help when someone needs help

- Problem solve – don't give dirty looks

- Guide discussions – decide with students how all will participate and be heard (small groups, raise hands, draw names, etc.)

- Be careful when using a whistle

- Be polite

- Be prepared

- Pay attention to students and their ideas

The students respecting the teacher/s:

- Listen without talking; pay attention

- Don't talk during a test

- Be careful not to embarrass the teacher

- Listen with an open mind

- Be prepared and ready to learn

- Problem solve – don't give dirty looks

- Be polite and nice

- Ask if you need to borrow something and return it

Students respecting each other:

- Don't talk during a test

- Do your own work

- Ask before you borrow something and return it

- Treat each other the way you would want to be treated (with respect)

- No profanity, gum or seeds

- Listen to each other; pay attention

- Keep your hands to yourself

- Problem solve – don't give dirty looks

- Stay quiet for each other

- Pick up after yourself

- Show new students around the school

- Be polite and nice

- Respect the property of others

Respecting the school facilities and equipment

- Put trash in the trash cans

- No chewing gum or eating seeds

- Don't run in the classroom

- Take good care of the books (keep them covered, don't write in them)

- Don't write on the furniture or the walls

- Repair, or replace, or clean what you ruin

I am willing to be respectful and cooperative:

These agreements are signed and put up in a prominent spot in the room. As we work on deciding what will be in the agreement, I make sure to keep their original charts up to continue to remind us that these are ideas we have discerned together. Each step of the creating process causes us to read and think about respect multiple times and in multiple ways. It is helpful to think about these things out in the open and intentionally.

It is also helpful if someone asks what happens if they don't sign the agreement. This is another opportunity to think together about what that would mean. I put that question back to the class and we ponder it together. We think about what the class would be like if we were all willing to do the things on the list. This kind of challenge seems to serve to strengthen the idea of the agreement as a good and important goal to have for ourselves as a classroom community. I let them know that I am willing to do what is on the list as the teacher/leader of this learning community. There has not been

a class, to this point, where there was someone unwilling, after the process is completed, to sign the agreement.

How the Agreement is Used

At the beginning of the year, I begin each day by reading the agreement as a reminder to all of us of our intention to be respectful and cooperative. The process of developing the agreement is helpful in establishing a climate of respect, but it is not magical. All of us have habits we have formed. Habits of responding are difficult to overcome. We use the agreement to remind ourselves of what we would like to do in our relationships with each other. I do not have to tell a student I don't like what they are doing. I can question whether or not what they are doing is part of our agreement. I can ask them to consider this themselves. I can ask if they are planning to keep their agreement. It is not just me expecting something. They can be invited to expect something too.

I have many examples of using this. Here is one. I am beginning a lesson. Stephen is sending messages to his friend across the room with his eyes and gestures that are disturbing to me and a number of students between him and his friend. I stop, and walk over to the agreement. I say something like, "Before we go any further with this lesson, maybe we should read our agreement and remind ourselves of our intentions." I read the agreement and ask if we are all willing to keep it and wait for nods. This is often enough to stop the disruption so the lesson can continue with the attention of everyone. Eventually it gets so all I have to do is walk in the direction of the

agreement and students know they are being invited to keep the agreement without my having to read it. We continue with the lesson undisturbed.

If this is not enough to end the disruption, I might continue the lesson as best I can. When students have enough information to get involved in their own exploration, or discussion of the topic, I walk over to the individual or individuals causing the disturbance and let them know we have a problem. We think privately about what part or parts of the agreement they are not keeping. I also ask if there is part of the agreement they think I am not keeping.   I ask them if they are willing to keep the agreement. If they are, we are ready to go on. This takes from about forty seconds to two minutes and makes a huge difference when we reconvene, once again as a group, to hear first what the rest of the class has experienced in their exploration/discussion, and then to continue.

If this does not solve the problem, I invite the individual or individuals to meet with me to work on the problem of disruption (or whatever the problem might be – lack of work, no books, no pencil, no homework, smart remarks, etc.). I invite them into a cooperative problem solving process that I will discuss in detail later in the chapter. If all of us are willing to meet, we meet. We discuss the problem, figure out ways to solve the problem so it doesn't keep happening in the future, and set up a follow-up meeting to see if we are keeping this agreement in addition to the respect agreement. These meetings might last about fifteen minutes. They are well worth the effort. They help to diminish behavior that has caused, or is causing the student to fall behind and become more and more discouraged as a learner, which leads to more and more disruptive and uncooperative behavior.

One meeting involved two cousins, Juan and Jose. Both were good at becoming very entertaining to the rest of the class when something new was being introduced. We eventually met, just the three of us. The meeting included looking at our respect agreement.   We came to a very good agreement for all of us in which they invited me to give them a signal if they forgot and went into their entertaining routine. This was part of the agreement made with the idea in mind that habits are difficult to break, and it was hoped a signal would help as they worked at diminishing this response to new material. The habit was even more difficult to end because of the great response they got from others in the class when they did this. We try to keep things a bit private and confidential, but a group of 24 to 34 who meet each day for six hours in a 25x50 foot room get to know each other pretty well, so this does not always happen.

We had our agreement and as I was introducing new material, Juan started to go into his routine response. I signaled him. No response. I tried it again. Still there was no response. I walked over to him and signaled a bit closer and more obviously. At this point his cousin Jose blurted out across the room, "Juan, she's giving you the signal." Juan looked confused for a moment and stopped. We all had a good laugh, including Juan. A difficult experience was transformed into one that built community.

As I said earlier, the good thing is that most students come to us knowing what to do to be a good student and how to act to be a good citizen. For them, all of these strategies are reminders of what they already know and do. I find there are usually between two and five students per classroom who need more of this direct contact with what it really means to behave well in class so they can get the most out of their learning experience. These are the students with whom I might meet for the purpose of

making agreements three or four times at the beginning of the year. Some of them

require meetings that go beyond just me and them, we might need to involve their

parents (I find most students regard their parents highly and involving them is very

helpful, especially if it is in a process that really is looking for positive outcomes), and

the administration before they decide to cooperate. I do not view this as a bad thing; I

view it as a positive way to reach students. The more we meet together and have

positive experiences with making agreements, the more I see them take small steps to

changes that make a big difference. Part of the reason these changes make a big

difference is because ultimately they are making those changes themselves.

Beginning of the Year "Goal" Writing

Writing about goals is another experience I have found to be helpful in the

process of getting acquainted and forming community. This lesson, also developed for

Discipline that Restores in Schools, gives me the opportunity to let my students know

the tone I want to set for discipline and problem solving. I have spent time making my

decisions about these areas. It is important to share the decisions and the ideas for

classroom structure with my students. I share some of my goals with them.

I read "Between Teacher and Child," by Dr. Hiam Ginott, (1972) to them.

I have come to a frightening conclusion. I am the decisive element in the
classroom. It is my personal approach that creates the climate. It is my daily
mood that makes the weather. As a teacher, I possess tremendous power to
make a child's life miserable or joyous. I can be a tool of torture or an instrument

of inspiration. I can humiliate or humor, hurt or heal. In all situations, it is my response that decides whether a crisis will be escalated or de-escalated, and a child humanized or dehumanized. (p.1)

I inform them of my commitment to be on the positive end of the spectrums it identifies.

I tell my class I plan to be constructive with them in the conflict situations that arise.

This means that I plan to not react, but to control my behavior. I want to listen to their

concerns. I prefer to do side-by-side problem solving. I let them know I will be teaching

them problem solving skills and a structure that will be used by the class to solve

problems.

Part of problem solving is getting to know ourselves. I invite them to think about

some of their goals for the school year. I give them each paper for reflecting on this. I

ask them to be very specific about what they want to accomplish this year at school.

They are encouraged to think about academic goals like: What reading level do you

want to reach? What would you need to do to reach that level? What do you want to

accomplish in math? What would you need to do to accomplish that? What about

science, writing, social studies, and art or music? They are also encouraged to think

about their goals beyond the academic: What other things do you want to do at

school? Are you interested in sports, year book, mediation, field trips, science projects,

tutoring, etc.? I let them know I will be reading their goals and meeting with them from

time to time to look at this and see how it is going.

I have never had a student who has not had some pretty positive goals for

themselves. Some of them have much better strategies in mind for accomplishing their

goals, and this is something that can be learned. We work at learning this directly, often

when we meet to problem-solve.   I get out the goals of the student with whom I am

meeting to solve a problem. This helps us focus on the problem at hand while celebrating the good intentions the student has indicated in her/his goals. We can look at how certain behaviors block us from reaching our goals. We can decide on what changes in behavior would help to get back on track.

If the help and support of parents are needed, the goals and the respect agreement are a positive way to begin the meeting. Parents are assured that you know they have worked with their child to become a respectful person. They do not feel defensive but can heartily join into the process of finding good solutions for their child, for them, and for me. Often such meetings end with smiles and warm hand shakes and hope for a better future.

Teaching the Skill of Mediation to My Entire Class

Once our respect agreement is in place, and even while that is developing, and once students have reflected on and written about their goals in terms of school for the year, I teach my students a process for mediation. We spend time thinking about the ways we deal with conflict, problems, and misbehavior. We recognize the skills we have developed and talk about becoming more intentional in our choice of processes we will use to handle conflicts. I share some of my journey with them in this area. I tell them of the specific structure I have in mind for dealing with the conflicts that we will have. That structure calls for us to be willing to work together at recognizing when we have a problem, and inviting each other into a process in which we will not be reacting but we will be willing to listen to each other. Once we have listened, we will begin to

figure out how we can make things as right as possible, and how we will prevent the problem from happening again in the future.

Often we have the view that some day, somehow, we will arrive at this place where there are no conflicts. With my class, I discuss the fact that this will not be the case. We will have conflict and that is actually a good, stimulating, and exciting thing. It is important for us to decide how we will deal with those conflicts when they arise. I stress the deciding aspect of this because, if we do not decide ahead of time how we are going to respond, it is much more likely that our response will be an angry reaction that we may regret. Even if that does happen, we can always come back and make things right once we have calmed down. I recognize with my students that they probably already use a cooperative response some of the time when they find themselves in conflict, but usually we have not thought about what method we will use. I tell them that if we think about choosing a cooperative method ahead of time, we can choose a cooperative response more often, and earlier when we find ourselves in conflict.

<u>The Models I Use</u>

There are several models I want to share in detail here. One is the "Options for Handling Conflict," another is "The Peacemaking Model," and the last is "A Peacemaking Process." These models can be found in "Making Things Right." Ron and I co-authored this manual for the purpose of making 32 activities available that teach conflict resolution and mediation skills. The lessons include, along with the three models I will be detailing, developing listening skills, looking at the ways we communicate both in words and in actions, thinking about the difference between thoughts and feelings, thinking about the difference between an I-message and a you-message, thinking about perspective, and more.

<u>"Options for Handling Conflict"</u>

Using "Making Things Right," I show students the model, "Options for Handling Conflict" (Claassen and Claassen, 1996, pp. 12-13). Ron Claassen developed this model (see Figure 1 or Appendix B). It is the foundational model for our classroom structure. I keep a poster of this model and "A Peacemaking Process" (see Appendix C) hanging beside our Respect Agreement in my classroom. The "Options for Handling Conflict" model suggests there are four ways for handling conflict. Option #1 of the model is when one party has the power to force the other to go along even if s/he would prefer not to. I give some examples of
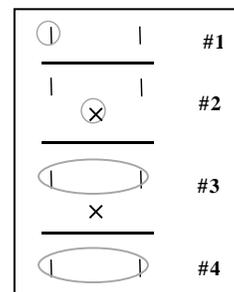

Figure 1

this from my experience and give students a chance to talk briefly about their experience with this option. Option #2 is when a person, rule, or other resource outside the conflict is consulted and makes a decision for the parties. Again, examples are given (e.g. U.S. Court System, dictionary, rules, and arbitration) and students are given an opportunity to discuss this. Options #3 and #4 are when the parties in conflict come to their own agreement about how to resolve it. Sometimes they need assistance from an outside party, but that party is a facilitator – there is no agreement unless the disputants agree on a resolution. Again examples are given and students are given the chance to discuss these options.

We also discuss the fact that a system (family, school, business, nation, criminal justice system) generally uses all four of these ways of handling their conflicts. We discuss the stress experienced if we are in a system that uses option #1 the most for resolving its conflicts, #2 less often, and #'s 3 and 4 even less often. We think of it in terms of a teacher using warnings and detentions as the system for resolving problems. While a student is disrupting they are inside the circle of #1. The teacher can get into the circle by giving that student a warning or a detention. However, students never know when a teacher might decide to do this. That increases the stress, especially if there is no way to negotiate or to "make things right." We discuss how less stress is experienced if we use #'s 3 and 4 more and #2 and #1 less often. We identify these methods as the more cooperative methods and discuss why cooperative methods are not used more if they reduce the stress experienced. The reasons these methods are not practiced more is because we often lack the skills and strategies, people and organizations lack the format and structures, no one invites, encourages, or helps them,

and people tend to respond to rule-breaking with punishment. This is the basis for thinking explicitly about our classroom structure, of learning the skills and strategies, inviting and encouraging each other to use option #'s 3 and 4 first, and me committing myself to not responding to rule-breaking with punishment.

       I tell my class that the training we will be experiencing will focus on the skills that they will need to handle conflict using cooperative resolution so they will be able to invite others in conflict to use the method that is less stressful and more effective. An agreement is more likely to lead to a resolution that will help all feel that the problem has been solved in a way that is fair for everyone. I tell them over and over of my commitment to use #'s 3 and 4 to resolve our conflicts, using #1 mostly when there is a safety concern, or using #2 or #1 when there is not willingness to cooperate. I let them know that even if they are not cooperative, I can use options #1 and #2 in a restorative way by working at finding a consequence that is reasonable, related, respectful (Nelson, 1996), and restorative.

"The Peacemaking Model"

"The Peacemaking Model" (Claassen and Claassen, 1996, p.25) is another model developed by Ron Claassen (see Figure 2 and Appendix D). The model shows, in a graphic way, that problem solving includes three steps. If these steps are followed, problems can be solved in a constructive way that leads in the direction of respect and restoration. We recognize as a class that we are interested in having the trust of others. The model also shows how trust can be earned. As Ron says, "Trust grows when agreements are made and kept." Here is an example: A student asks to go to the rest room. S/he is allowed to go. S/he returns promptly. She/he has kept the class respect agreement. S/he can be trusted to leave the class again. A student asks to go to the rest room. S/he is allowed to go. S/he is gone for a long time. A teacher calls to ask why the student is standing outside her room doing nothing. Finally the student returns. S/he has not kept the class respect agreement. S/he cannot be trusted to leave the class again.
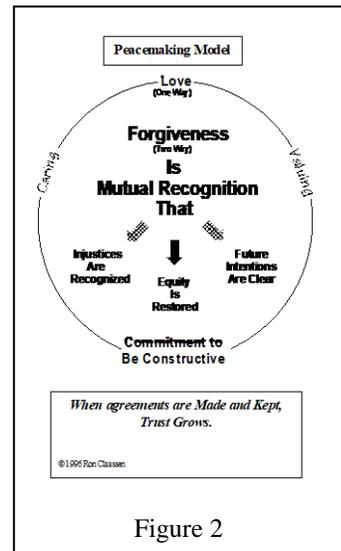
I put "The Peacemaking Model" on the overhead and tell the students that this is a picture of what they will be doing in the mediation process that they will be learning and using. I also tell them that this is a picture of how to work on building trust when trust has been lost. The circle surrounding the process contains the elements needed to work towards peace, justice, and trust.

Peacemaking Model

Love (One Way)

Caring — Asking

Forgiveness (Two Way) Is Mutual Recognition That

Injustices Are Recognized — Equity Is Restored — Future Intentions Are Clear

Commitment to Be Constructive

When agreements are Made and Kept, Trust Grows.

©1996 Ron Claassen

Figure 2

All need to come to the mediation with a commitment to be constructive. We help this happen when we recognize that we have a problem, invite each other into problem solving, and commit ourselves to be constructive in how we talk to and treat each other. As Ron describes in the model, the caring, love, and valuing which are also part of the surrounding circle are important elements for the commitment to be constructive. "Love" in this sense is not romantic love. The English language has only one word for love. "Love" can also be understood to mean "a commitment to be constructive." It is possible to decide to be constructive even if disputants are not feeling a great sense of love and care for the other person at the moment. Mediators offer these elements to the disputants by helping them until they are able to solve that situation between them so that they can return to caring and valuing as their agreements are kept. In negotiating, it takes one of the persons involved to extend this. This is what I commit myself to doing as the teacher/leader.

Ron further describes where the elements of the mediation process are in the model. They are inside the circle. In order to achieve forgiveness the elements include: recognition of injustices, "making things right," and future intentions. The model introduces the idea that forgiveness is only possible when we come together to work on our problems. It is "two way" and happens when there is mutual recognition that injustices (actions which are perceived as a violation of another's rights or of what is right) are recognized, equity is restored (there is an apology and/or a replacement to the best of one's ability of something that was lost, ruined, or damaged), and future intentions are made clear (there is a plan in place so there is some assurance this injustice/violation will not happen again). When all of this has been discussed, when an

agreement has been made, when that agreement is kept, trust begins to grow again and there is the possibility for healing in the relationship.

A Peacemaking Process

The "A Peacemaking Process" (Yellow Card developed by Ron Claassen as a "pocket" visual for mediators in schools, group homes, etc.) enables one, in a six step process, to do "The Peacemaking Model." Here is the process, in brief:

A Peacemaking Process

1. Invitation/Safety. "Is everyone willing to search for a constructive, fair, and just agreement? Can we agree to use option #4 or #3? (If no, should we use option #2 or#1?)

2. Ground Rules.   (Ask for agreement to each)

    • "Follow the process."

    • "If the process seems unfair, say so."

    • "No interrupting."

    • "Be willing to summarize."

3. Describe, Summarize, and Recognize.

    • Person A: "Describe how you experienced the problem, conflict, or injustice."
      Person B: "Summarize."

    • Person B: "Describe how you experienced the problem, conflict, or injustice.
      Person A: "Summarize."

    Have experiences been recognized? If no, repeat 3.

4. Search for Agreements that will:

   Restore Equity: "How can you make things as right as possible now; and

   Clarify Future Intention: "How can you prevent this from happening again?

5. Summarize Agreement and Congratulate.

   Write Agreement (when possible). Set a follow-up meeting. Congratulate for

   being cooperative. (If no agreement, return to 1 above.)

6. Follow-up: Are all agreements being kept? If yes, celebrate. If problems

   are reported, repeat the process.

"Trust grows when agreements are made and kept."

The models give us a common language, some common pictures, and a

common process to use as a first response to classroom conflict. They are up on the

walls (along with our respect agreement) so we can point to them and be clear with

each other about decisions we are making concerning how we are working on each

conflict. Once we begin to have this common knowledge, we practice, practice, practice

as conflicts emerge, are resolved, and new ones emerge. The more conflicts we solve,

the closer we become as a community. The more agreements we make and keep, the

more trust grows.

A Summary of the Journey

As I take this time to look back and reflect, I realize the journey I have been

embarked upon has been a very good journey. I have had the chance to get to know

new people (both students and staff members), new structures and systems, and myself. It is an experience I enjoy sharing with others. I began teaching with high expectations for myself, my school, and my students. I am convinced the practices that have been developed because of that journey lead to the reaching of high expectations.

The realization that school discipline structures were similar to the criminal justice structure gave me hope for working on creating a cooperative model in a school system similar to the model VORP was creating in the criminal justice system. I knew that there were many possible ways to respond to rule breaking. I knew I wanted to make those options available to my own classroom. The discussion of discipline with my husband which led to him developing the Principles of Discipline that Restores gave me a framework to use as I started to practice the principles.

I began with modeling what could happen if we used a cooperative structure for handling conflicts. Students observed the modeling and found practicing what they observed to be helpful. Their enthusiasm encouraged me to look for more ways to share the structures more deliberately within my own classroom and, eventually, to the rest of the school.

This led to my starting a peer mediation program. Students helping students find cooperative solutions to their problems caused those students to wonder why they couldn't do this with teachers when they and a teacher had a problem.

I became more deliberate about solving my own teacher/student issues using cooperation whenever possible rather than punishment for rule breaking. As I practiced, I became more aware of using cooperative models in my classroom and making those models explicit for students by directly teaching them the models.

I was energized by what I saw happening. I wanted to increase my skills and ability. I began to study Peacemaking and Conflict at Fresno Pacific University. In the process of studying, I was encouraged to develop and write lessons that could be used by others as they became interested.

It has been a great journey. That journey is not at an end. There is so much more that can be done to make cooperative conflict resolution our first response to misbehavior.

CHAPTER 3

EXAMINATION OF THE THEORY OF RESTORATIVE JUSTICE

The practice I have developed for my classroom is based on the theory that has emerged in the literature of restorative justice. It is this theory that really empowers me to pursue a different paradigm for the structure of discipline in my classroom. A dominant paradigm that exists currently in our school system is that of punishment (retribution) for rules that have been broken (misbehavior). The paradigm that emerges from restorative justice is different. It is this restorative paradigm that I wish to examine.

Background for the Development of Restorative Justice Theory

To begin, some background on the development of the practice of restorative justice might be helpful. The roots of restorative justice practice go back to the 1970s. The events of the preceding decades of wars, increasing incarceration rates, and increasing rates of juvenile delinquency, to name just a few, led some to think that we were in need of new ways to respond to conflicts.

We were living in Elkhart, Indiana in 1978. The church we were attending was supporting a new organization called the Victim Offender Reconciliation Program (VORP). It was the first program of its kind in the United States. It was modeled after the development of a similar program in Canada. I became involved in one of the cases. I was intrigued as I worked on my case, and as I parented my children, with the ideas of

the program that led to the cooperative resolution of very serious conflict. The idea was for a community trained volunteer mediator to bring the victim and the offender of a crime situation together to talk about the offense, and to figure out what could be done by the offender to make things as right as possible.

Other practices of alternative conflict resolution were being developed at this time in business, law, schools, and church. When my husband, Ron, and I moved back to California in 1981, Ron started the first VORP in California. The Community Board Program in San Francisco, at approximately the same time, was working at developing community dispute resolution groups, which led them to also develop materials for conflict resolution programs for schools. The idea was to encourage peers, who were specially trained in conflict resolution, to get involved in helping their peers resolve their conflicts at school. It was a period of practice, trying strategies, and developing structures.

These practices, strategies, and structures needed to be available in a written form. Around this time, the Harvard Negotiation Project was providing some books that became very popular like *Getting to Yes* (1981)*, Getting Together* (1988)*,* and *Getting Disputes Resolved* (1988)*.* These provided insight and ideas for resolving conflicts in cooperative ways.

Howard Zehr was part of our church in Indiana. He and others impacted our lives in the direction of learning and practicing alternative ways to handle disputes involving misbehavior and crime. Within time, Zehr wrote *Changing Lenses* (1990) to express what some of the hopes and dreams were for this idea of bringing people who had experienced a crime (conflict) together to talk, and to figure out what to do about it.

He expressed, in his writing, hope for a return to ways of being in community that involves the ordinary people of the community in solving their own problems cooperatively. His book was one of the first to articulate the idea of restorative justice.

Howard Zehr was not the only one practicing, searching, and writing. The 1980s and 90s have seen many books written about restorative justice. It has become an international interest and concern. I will be looking at the theorists of restorative justice who have been helpful to me in the development of my own practice. I will begin with the theorists who set out some of the broader ideas of restorative justice. These will be followed by the theorists who have given greater detail to particular aspects of carrying out the practice of restorative justice, or who focus on whether these practices make a difference.

Howard Zehr: The Big Picture

Howard Zehr is an important contributor to the literature and theory of Restorative Justice. *Changing Lenses* (1990) helped clarify the paradigms of justice I was experiencing as I was both working at VORP, and as I began teaching. This book was helpful as I decided that I wanted to work at changing my school discipline system in much the same way restorative justice advocates were working at impacting the criminal justice system.

Zehr's (1990) book is a look at our current paradigm for crime and justice and an invitation to look at and consider a different paradigm. His invitation is, in some ways, to return to the past when justice was more restorative than retributive. This past, or more

ancient view of justice, was more of a community justice as opposed to a state justice. "Community justice, at its best, represented negotiated, restitutive justice. Its sense is captured in *frith,* tribal word for peace implying a horizontal agreed-upon peace. State justice, however, is the King's peace. It is vertical, hierarchical, imposed, and punitive" (p. 116).

Zehr (1990) says retributive justice causes us to define and respond to crime in certain ways. If we are looking at crime through a retributive lens, we define it as lawbreaking. This causes us to concentrate on the act of the law breaking rather than the actual harm done or on what the victim and offender have experienced (p. 80). In criminal law, crime is defined as an offense against the state. This causes us to define the state as the victim. Criminal law pits offenders against the state. Professionals take over and justice is defined more by the process than the outcome (p. 78). Guilt must be established before the proper amount of punishment can be applied. The punishment usually has nothing to do with the crime and does nothing to help victims get their questions answered or repayment for damage or loss. The punishment also does nothing to help offenders understand the harm they have done, and nothing to help the offender decide to do things differently in the future when they have "paid their debt to society" and are free again to make their own decisions. This describes the state model (p. 114).

Zehr (1990) goes on to say that restorative justice defines crime as a violation of people and relationships (p. 181). Since crime is an offense against people, the first step towards justice should be to find ways for the relationship to be repaired. Crime

through this lens involves injuries which need healing. Those injuries represent four

basic dimensions of harm:

1. To the victim

2. To interpersonal relationships

3. To the offender

4. To the community (p.184)

Restorative justice seeks to bring the victim and offender together for the purpose of

giving the offender the chance to "make things right" (p. 186) and the victim a chance to

get answers to questions and repayment for losses.

The paradigm shift from retributive to restorative is something that will take time.

Many of the authors I will be looking to caution us of this. I am also finding that to be

very true of my experience of working toward shifting our paradigm of punishment for

rules broken to a paradigm of "making things right" in the school setting. However,

schools provide us with a mini system in which we can model this shift for the macro

system.

This shift from retributive to restorative is what I have been working toward in

changing my classroom structures. The paradigm shift from retributive to restorative

starts by responding to conflict in a way that restores relationships and people. The

people most impacted by the misbehavior are given central roles in identifying the

needs and obligations that must be met so that things can be made right. Dialogue and

mutual agreement are encouraged.

As I read, and started to practice restoration in my school setting, I realized both

paradigms include coercion, but with a difference. Even in a restorative system, not all

misbehaving persons will choose to be cooperative, and coercion may be needed to make decisions for the misbehaving person who is not yet willing to be cooperative. However, those decisions made for that person should be tested by whether they are reasonable, related, respectful (Nelson, 1996, p. 86), and restorative (Claassen, 1993). This kind of coercive system can be caring and constructive even when a student is not yet being cooperative. Uncooperative students will be continually invited and encouraged to become responsible and cooperative; and they should be given that opportunity at the earliest possible time they so choose. The hope remains that they will want to go from the vertical hierarchical system into the horizontal side by side system.

School discipline systems typically go right down the retributive side of justice. First we decide what rule has been broken and who has broken it. Then we decide on an appropriate amount of punishment for that rule breaking. Students pay for the rule breaking by "taking" their punishment. Students do not hear how their behavior impacted others. Students have not made any agreements related to the future, so they may decide to break the same rule over and over if the results of the rule breaking are worth the punishment. That means schools need to make the punishment severe enough that students will not want to experience the pain. This causes things to be added like after ten detentions, you may not participate in any extra-curricular activities for three weeks and so on trying to make the punishment difficult enough to stop the behavior of those who do not respond as quickly to lighter punishment.

Zehr (1990) describes this same process in the criminal justice system. He says, "The current lens builds upon the unusual, the bizarre. It makes procedures for such cases normative for 'ordinary' offenses. Some offenders are so inherently dangerous

that they need to be restrained. But these special cases should not set the

norm"(p.180). Some students may also be dangerous and need to be removed, but not

nearly as many as are currently being removed. I have been working at instituting

restoration in my classroom, recognizing that all may not be willing to be cooperative

immediately, or at all. I may have to make decisions for these students that will keep

them and others safe while continuing to invite them to be cooperative. Many do decide

to cooperate once they have calmed down and have had a chance to think. Once they

become cooperative, they deserve a chance to decide to take responsibility.

To some educators it just does not seem right to allow a misbehaving student

another chance (restorative lens). Not allowing another chance is looking at school

discipline through a retributive lens. Zehr (1990) says:

> The choice of lens, then affects what is in the picture. It also determines
> the relationships and proportions of the elements included. Similarly, the
> lens we use to examine crime and justice affects what we include as
> relevant variables, what we consider their relative importance to be, and
> what we consider proper outcomes. (p.178)

Zehr (1990) goes on to say: To find our way out of this maze, we will have to

look beyond alternative punishments, and even beyond alternatives to punishment. We

will have to look to alternative ways of viewing

 both the problem and solution (p. 179).

Zehr has encouraged me to really look differently at how I practice

discipline in my classroom. By changing the lens through which I look at misbehavior, I

have discovered ways to re-define the problem. Instead of figuring out how to punish a

misbehaving child, I have been figuring out how to build our relationship. Especially in

times of trouble, Zehr has sharpened my awareness of this need for a better relationship that will truly lead to changed behavior so we can continue to work together in a trusting atmosphere that is constructive rather than destructive for all of us.

Daniel W. Van Ness, and Karen Heetderks Strong: Emphasizing the Community

Restoring Justice (1997) by Dan Van Ness and Karen Heetderks Strong gives a picture of what restorative justice is or might be, and summarizes a number of programs that have begun to put some of the restorative justice ideas into practice. They include an illustration of a judge who recognizes with a victim that what had been done to her was not her fault. This had been very helpful to her in her quest for healing and led the judge to say to a group of legal scholars and law reformers that what criminal law practitioners should be about is the healing of wounds caused by crime. This cannot happen until we view crime as an offense first against victims, their families and the community. Again this is recognized as being closer to a more ancient pattern than to the current pattern (p. 7). Today the victim's conflict is being stolen by the state (p.9). In the past, relationships in the community were close, and that determined how to right a wrong.

Relationships in a school community are close, and this idea of the community being involved in determining how to right a wrong is important because of that.

This helps us to remember at school that the primary victim of the misbehavior is the one most impacted by the offense. A school community is usually small enough that relationships can be close. Certainly a classroom community is small enough that

relationships can be close enough to determine how to right a wrong. In situations involving a student who has wronged another, it is very helpful for the person wronged to hear the person who wronged them take responsibility for that wrong. This is an integral part of the healing of wounds process.

Van Ness and Strong suggest that in order to get back to where we were we need to put the emphasis on compensation rather than punishment and on a process of confession, repentance, and absolution. They feel restitution is a very important part, as was originally noted by Albert Eglash, the person who coined the term "restorative justice" (Eglash as sighted in Hudson, and Galaway, 1977, p.91 -92). Albert Eglash suggested that there are three types of criminal justice: 1. Retributive justice based on punishment,

2.   Distributive justice based on therapeutic treatment of offenders and, 3. Restorative justice based on restitution. The first two focus on actions of offenders, deny victim participation in the justice process and require merely passive participation by the offender.   Restorative justice, on the other hand, focuses on the harmful effects of the offender's actions and actively involves both victims and offenders in the process of reparation and rehabilitation. Van Ness and Strong do not say we should dismantle what is currently in place for justice. They caution us to move slowly and increase the use of programs currently working at these issues (viewing crime as more than simply lawbreaking, an offense against governmental authority to understanding that crime also causes multiple injuries to victims, the community, and even the offender). They say we need to begin transformation with ourselves. We need to be about building

community starting with our families and friends and then reaching out to the larger community beyond. Modeling is a very effective way to work toward change.

Van Ness and Strong (1997) say restorative justice theory returns to the ancient view that there are actually four parties affected by crime: victim, offender, community and government (p. 37). In a classroom, the four parties would be: victim, offender, the school community, and the school government.

As I have been putting restorative theory into practice, I have been viewing misbehavior primarily as an offense against human relationships, and secondarily as a violation of a school rule. This recognizes the need for the school structure of rules, and for both the victim and offender, and possibly others who are part of the school community like other students, teachers, parents, and administrators to be involved. The rules are for safety. The victim and offender work at resolution. All are needed for the system to function as a system that promotes the healing that Van Ness and Strong point to as so important in restoration.

My classroom structure involves us in a process of "making things right" to aid in promoting healing. In *Restoring Justice* this would be what an encounter would be. Van Ness and Strong (1997) say:

> An encounter offers victims and offenders the chance to decide what they
> consider relevant to a discussion of crime, tends to humanize each of
> them to one another and permits them substantial creativity in constructing
> a response that deals not only with the injustice that occurred but with the
> futures of both parties as well. (p. 89)

I believe follow-up is where the future is safeguarded. I do not simply make agreements. I set up a time when the student/s and I will meet again to re-read our agreement, ask each other whether the agreement is being kept, and whether there is

anything that needs to be added or changed. This ensures a time of continued

accountability, which is where trust begins to rebuild. Neither the victim nor the offender

is left out. Victims of misbehavior can preserve their sense of self-control and dignity,

and offenders, who may be stigmatized if only punishment happens, may experience

reintegration into the community through this encounter (process). Reintegration can be

seen as building trust once again as agreements are made and kept.

Van Ness and Strong's work has helped me to focus on the community, the

process of compensation rather than punishment, and confession, repentance, and

absolution. Their writing strongly encourages me to see the need to bring students

together who have wronged one another so the victims hear that the offenders

recognize the harmful effects of their actions, and what they are willing to do to make

reparation. The structure and process are for all of us. All of us need to be involved in

the healing of the wounds of misbehavior. Who are "all of us?"   Van Ness and Strong

define "all of us" as the victim, the offender, the community, and the government. They

set out the clear need for the involvement of each of these entities. Each has a distinct

role to play, and all need to work together in order to achieve the best outcomes.

Herman Bianchi: Fixing the System

Another book that has impacted my thoughts about restorative justice/discipline

is *Justice as Sanctuary* (1994) by Herman Bianchi. Bianchi writes this book because he

thinks we need to do something about how we treat offenders and victims of crime. He

says that what we are doing is not working and it is not helping anyone – offender,

victim, or the community. In order to think about reform, we need to look at the concept of justice. He says that we tend not to do this when we try to reform, and that has been a problem.

Justice is a principle serving to assess rules of law and their just operation, and eventually to assess whether their promised effect has been realized (Bianchi, 1994, p. 5). Laws are rules enforceable by an authority, court, or state. Rules of law are principles that regulate those relations between humans concerning problems of law. Our problems have occurred because we have put all our hope in rules of law, which tend to handle offenses with punishment. Punishment, in the Roman legal system, used to be the exception. Now it is difficult for us to imagine there has ever been anything different than our punitive system.

Bianchi (1994) proposes a model of *tsedeka*, which is the Hebrew word for justice. It is diametrically opposed to the Western model of justice. "Its most striking contrast to traditional Western justice is the implied priority given to results over intentions. In a tesedka model the act of justice is judged by its result, just as the tree is known by its fruit" (p.19). Tsedeka is more than an intention to do what is right, it an unending commitment to admitting the truth, and to restoring the rights of the wronged by making amends that lead eventually to the release from guilt. This result is experienced as release within a system of eunomic law (a system of rules which supports one's life and social interactions).   He points out the concern for whether or not our system of justice generates the results we expect. Consequences can be required, but we must realize that release (from guilt which results in a feeling of restoration to the community) for the offender does not come from punishment.

Other results of tsedaka might include mercy. "Mercy means help by all the role takers in a crime-control system, help given to victims and offenders in overcoming their conflict and restoring human relations. That is also the restoration of right order" (Bianchi, 1994, p. 48). Most of all, the results participants want in a crime-control system is protection of society from criminality. Bianchi (1994) says:

> But if offenders get opportunities to acquit their guilt, there will be protection, since there will be fewer recidivists. If victims can participate in negotiating conflict resolutions, there will be protection; if victims and offenders are reminded of their rights and duties, criminality will decrease. And all of society will finally experience the meaning of genuineness in crime control. (p. 48)

Bianchi has helped me to see that if I want to support the life of students and their social interactions I need to provide a structure for the resolution of conflict to happen with the people who are involved in that conflict. This supports the notion of results over intention (though intentions are important before results can be achieved). This support of results is present in a structure which calls for follow up. This need for follow up and accountability is linked to results because it is in the follow up gathering that people have the chance to look at whether people have done what they said they were going to do. The eventual release from guilt is also here. Once agreements are kept and trust is re-built, there is no longer a need for guilt. The result is that the incident can be put in the past and all are free to go on from there with the guilty person now being a restored person.

Bianchi goes on to say criminality used to be considered as an act demanding repair rather than retaliation or punishment. (An example of how far away we are from this notion today is the use of police on many school grounds. It used to be that if

candy were stolen at school, the problem was worked out within the school and the community. With police on campus, this becomes a criminal issue.) He says punishment serves no positive purpose. Suffering can bear no positive fruit so it is not tsedeka. Bianchi (1994) goes on to say this is the main cause of recidivism:

> If we really believe in a declaration of human rights we should not be able to suspend those rights whenever we feel someone has committed a crime. Rather we should use a system in which the feelings of guilt can be turned into a desire to figure out a way to repair the wrong done which has caused those feelings. (p. 39)

He says that despair is the result of having no chance to redress the harm done. In order to redress the harm done an offender needs the victim. His definition of reconciliation is when the victim is at a point of readiness to acknowledge the repentance of the offender.

This is an important aspect of doing discipline. The best way to cause students to despair is to offer no way for them to be restored to the community. When there is no clear way for restoration to occur, many students caught in punishment get themselves into a cycle of wrongdoing, punishment, more wrong doing, etc. I have worked at this by recognizing the danger and the opportunity created by misbehavior. As Ron Claassen has said and taught, the danger is that there will be despair and no chance for healing. The opportunity is realized when we work at resolving the conflict at the earliest possible point and with the maximum amount of cooperation. The teachable moment is when those parties involved get together and listen to each other. This is done using a cooperative structure directly between the ones in conflict. This cooperative structure brings the offender to the point of acknowledging the wrong they have done, and this prepares the victim to recognize that. They can both consider

working together once again as part of the classroom community (Claassen, 2003b, p.264).

Is this a soft, guilt-denying system meant to coddle the criminal? Bianchi says, no, a eunomic system is useful for both criminals and victims, or rather defendants and plaintiffs, in collectively finding a way out of their often intricate problems. It will benefit not just the offenders but also the victims, their relatives, and their communities (Bianchi, 1994, pp. 57-58).

To put a eunomic system in place, we need a model where problems of right and wrong are taken so seriously that one is aware of our incapacity to pronounce final statements about them. Bianchi proposes a dual system with both anomic justice, which is the repressive crime control, and eunomic justice, which is a system of crime control and tsedeka justice. This would give us a dialectic balance of power. If persons cannot find justice in one of the systems, they can appeal to the other system.

We have the anomic justice system already in place in the criminal justice system and in our school discipline systems. It is the eunomic system that we need to set up. I have been providing for setting up the eunomic system in my classroom structure. The structure helps transform repressive, punitive power into negotiative power aimed at the eventual redress of harm caused by an offense.

Bianchi (1994) suggests it would be helpful to define offense as a "wrong" because a wrong can be corrected. He says we need to create an office of praetor. A praetor would be an equalizer whose task would be to ensure fair dispute settlement (pp. 109-110). I am the praetor in my classroom. I invite all of this to happen, and as students are trained, they also invite this to happen.

For this other system to be put into effect we might need to consider the creation of places of sanctuary to give people a chance to enter the eunomic side of the system. Seeking sanctuary would mean the offender wants redress, reconciliation, and reparation. Sanctuary would provide the offender a place from which to enter this side of the system. This would enable us to attain horizontal peace, peace resulting from dispute settlement. The anomic system of vertical peace would still exist for those who are not willing to seek this other kind of peace. My classroom can be a sanctuary within the larger school community.

At my school and at another school that has been instituting restorative discipline into their system, Ron Claassen has introduced the idea of a "thinkery." If one encounters students not yet willing to be cooperative, they can be sent to the "thinkery" where they are given some time to think and where they are invited to consider entering the side of the discipline system which invites problem solving directly with all of the people involved. This is a kind of sanctuary. It is not a punishment, but a place seeking peace resulting from dispute settlement.

A favorite idea for me put forth in Bianchi (1994) is the idea that "Torah has never given ready-made solutions to trouble. On the contrary, it is a bidding to enter into endless discussion to find a solution together" (p. 51). My classroom structure also invites students into an endless discussion to find a solution together if we are willing to decide to do that.   The structure for this is developed in the actual processes for problem solving, which will be discussed later. The idea of an endless discussion to find a solution is an amazing gift we all could give to each other if we were willing to practice it. Becoming conscious of this idea makes it far more likely to happen.

Another interesting aspect of Bianchi (1994) is the idea of looking for the "truth."

He says:

> The main justification for the existence of repressive procedures is the attempt to find the truth, that old objective of the Inquisition. The means by which the repressive system seeks its truth are overwhelming in their destructive force: the mental and physical torture of incarceration even before trial, suspension of civil rights, mental maiming and blackmail. (p. 60)

I am not saying what we do in school is exactly like the Inquisition, but a punitive system does have some bearing on whether or not the truth will be forthcoming. Students in this type of system invariably opt to not tell the "truth" if they think that telling the "truth" will cause them some sort of pain. Using a structure that seeks to bring people together to "make things right" is much more likely to lead in the direction of the "truth." This is because a cooperative structure leads in the direction of "relational truth, which might help restore human relations, not so-called objective truth, to be wrung out of suspects in such a way that they can be convicted" (Bianchi, 1994, p. 60).

Ron Claassen: The Whole System as a Restorative System

"Restorative Justice Principles" (2002b, unpublished) was written by Ron Claassen to describe how the Restorative Justice Principles (1996) emerged from a dynamic interaction between his experience with the Victim Offender Reconciliation Program (VORP) and my experience teaching and implementing many of the VORP strategies in my classroom. The principles (Appendix E) suggest that it is possible to have a single integrated system for discipline as opposed to dual retributive/restorative systems as suggested by Bianchi.

Claassen says it is possible for Restorative Justice to be the whole system. There is no need for a parallel retributive system. The challenge to a restorative system comes when persons don't cooperate. However, non-cooperation does not need to trigger a retributive response.

Claassen (2002b) says:

Restorative Justice recognizes that not all offenders will choose to be cooperative. Therefore there is a need for outside authority to make decisions for the offender who is not cooperative. The actions of the authorities and the consequences imposed should be tested by whether they are reasonable, related, respectful, and restorative (for victim(s), ffender(s), and community). (p. 23)

Schools gave Claassen the vision for the idea that the entire system could be restorative. There is interplay between looking at a micro system like schools, and a macro system like criminal justice. Each has contributed to the articulation of a system that is restorative even when the offender is not cooperative.

Claassen suggests that when one encounters one who is not ready to cooperate within the restorative system, one considers that there could be a number of reasons for this lack of cooperation. One might be that the person did not do what they are accused of doing. Whatever the reason, authorities in a restorative system would still need to get to know the parties and their needs in order to design a plan that would meet as many of the needs as possible. Perhaps they would find some of the unmet needs of the offender contributed to the offender committing the offense. This is not to be considered an excuse for doing the wrong thing, but it is recognized that it would be very helpful to address these needs in creating a more constructive future.

Claassen also says the authorities within a restorative justice system, dealing with an uncooperative offender, would still aim to achieve the goal of "making things as right as possible." This would include recognizing the injustice, restoring equity as much as possible, and designing a plan to create a constructive future for the uncooperative offender.

There are criteria suggested for authorities to use as they design a plan for the offender's future. The criteria are that one would measure this plan against whether or not it is reasonable, related, respectful, and restorative. Claassen suggests we think about these criteria in terms of their opposites. "If the authorities act in ways that are unreasonable, or intended to hurt or put down, or are disrespectful, then they are not doing Restorative Justice" (Claassen, 2002b, p. 25). The idea is that when the offender is unwilling to cooperate, a plan will be created for them that is as restorative as possible. To do this would require authorities to listen to those who were impacted by the offense to discern the needs created by the offense. They would need to talk to the victim and to the offender and those who know them to discern the needs created by the offense and those that contributed to the offense. They would not simply punish the offender.

Claassen (2002b) goes on to say, "Restorative Justice prefers that offenders who are not yet cooperative be placed in a setting where the emphasis is on safety, values, ethics, responsibility, accountability, and civility" (p. 25). He suggests they should be exposed to the impact of crime on victims, invited to learn empathy for victims and offered learning opportunities to become equipped with skills to be a productive member of society. "They should be continually invited (not coerced) to become cooperative

with society and given the opportunity to demonstrate this in appropriate settings as soon as possible"(Claassen, 2002b, p.26).

With that in mind, the place to put those who are not yet cooperative needs to be one in which the offender is in contact with people who will provide encouragement to make pro-social decisions. We do not want them in a place where they will be with others who have made bad decisions. We want them where they are with adults who will hold them accountable while teaching them about values, ethics, responsibility, accountability, and civility. Restorative Justice will create restraint options that place the offender in settings where they can be with people who they respect.

Claassen challenges me to create a system that is restorative even with those not yet cooperative. This is an important challenge to consider as I work to institute restorative justice and discipline. He suggests that classroom discipline structures need to keep this in mind so that they do not have parallel retributive systems that are confusing. I am encouraged by this view to continually work at figuring out how to be consistently restorative even in the face of non-cooperation in my classroom.

John Braithwaite: The Use of Reintegrative Shaming

How do we proceed to reintegrate those who have misbehaved back into the community? How do we encourage them to acknowledge their behavior in a way that encourages reparation, repentance, and reconciliation? To answer these questions I have found *Crime, Shame, and Reintegration* (1989) by John Braithwaite to be very helpful. His idea is that shame which is reintegrative can be useful and helpful when a

crime has been committed. He defines crime as a kind of behavior which is poorly regarded in the community, compared to other acts. Reintegrative shaming is what happens in countries that are more communitarian than the U.S., which he sees as more individualistic. The shaming he recommends is the type that does not go so far as to stigmatize the person being shamed. Reintegrative shaming lets persons know what they have done is not approved behavior, but if the behavior is stopped, they will be loved and able to continue as a part of the community. It stresses the idea that it is the deed that is not liked rather than the person. It sees criminals as choice making persons. They can commit crime, join a subculture, adopt a deviant self-concept, or they can reintegrate, and respond to others' gestures of reintegration against a background of societal pressures mediated by shaming (p. 9).

Reintegrative shaming is not an easy thing to do. Simply punishing a student with no expectation of change is not this kind of shaming. Misbehaving students are not let off the hook because they are not ready to cooperate; consequences are imposed, with shaming to the extent that they still feel invited to become cooperative. "Family life teaches us that this shaming and punishment are possible while maintaining bonds of respect. Two hypotheses are suggested: first, families are the most effective agents of social control in most societies partly because of this characteristic; second, those families that are disintegrative rather than reintegrative in their punishment processes, that have not learned the trick of punishing within a continuum of love, are the families that fail at socializing their children" (p. 56). This is a caution for us in school communities because it could be that if we don't learn the trick of punishing within a

continuum of love we will fail at socializing children as well. One good reason for using

a restorative kind of discipline system is for the purpose of socializing children well.

Another reason school is a good place to practice this is that we are a mini

community. We can set up learning situations in which we look at both the idea of

individualism and communitarianism (teachable moment). Braithewaite (1989) says:

> Shaming is conceived in this theory as a means of making citizens actively
> responsible, of informing them of how justifiably resentful their fellow citizens are
> toward criminal behavior which harms them. In practice, shaming surely limits
> autonomy, more surely than repression, but it does so by communicating moral
> claims over which other citizens can reasonably be expected to express disgust
> should we choose to ignore them. (p. 10)

Somehow we need to balance this expression of disgust with love for the misbehaving

person. We can do this if there is a clear structure in which the misbehaving person can

find ways to make things right by stopping the behavior, and fixing, or replacing any

actual physical damage done.

A difficulty this notion of shaming presents is the fact that it looks different

according to one's ethnic and cultural background. What we would need to be careful

about is being sure it is expressed and experienced as disapproval with forgiveness. If

it is clear that we love the child but dislike the behavior one can take time to explore the

cultural aspects of this together within the classroom, which has a cultural background

of its own. This involves accountability that is two way (both the teacher and the

students are responsible). The classroom teacher needs to structure classroom

procedures for handling problems that will be gentle and loving toward the child, while

being hard on the problem. These structures define the classroom culture.

Braithwaite goes on to look at who is committing crime. Males between the ages

of 15 and 25 commit most crimes. Most are unmarried, live in large cities, have a high

residential mobility, tend to be less attached to school and family, do not have a high level of education (do poorly in school), and are more likely to have friendships with criminals. This is a big caution to schools. Schools can help shape the outcome of who will become criminal with their structures. When we rely only on punishment, one can see how those who have experienced that structure of punishment, with no structure to "make things right," end up being less attached to school and more likely to form friendships with others who are less attached to school and more likely to cause problems there.

Reintegrative shaming works because the person who commits a crime is more concerned about repute in the eyes of close acquaintances than the opinions or actions of a criminal justice official. Reintegrative shaming is superior to stigmatization because it minimizes risks of pushing those shamed into criminal subcultures, and because social disapproval is more effective when imbedded in relationships overwhelmingly characterized by social approval. The need for shaming and punishment diminishes as a person matures. Reintegrative shaming also works in the direction of helping one learn internal control. It brings into existence two very different kinds of punishers – social disapproval and pangs of conscience. The reintegration happens when indirect expressions of disapproval are combined with direct expressions of re-acceptance (Braithewaite, 1989, p. 77).

The way we have professionalized criminology has caused the way we do crime control to be unhelpful because it has systematized, scientized, and de-communitized justice (Braithewaite, 1989, p. 6). This also speaks to us in the field of education as we have turned behavior issues over to the person hired to work on this. The classroom

teachers need to be the ones working on setting up structures that cause us to care enough to work on the issues ourselves. We are the ones who need to be in relationship with our students, whether they are behaving or misbehaving. Teachers and students are in a human relationship, and this relationship needs to be characterized by social approval that brings those two kinds of punishers mentioned above into existence. We need to handle behavior issues ourselves. These issues should not be professionalized.

Braithwaite (1989) concludes with ideas about how we can develop responsibility within the community and change policies to reflect these ideas. He says:

> Social control that is cold and punitive is not the way to go, nor is social control that is warm and permissive. Rather the strategy of first choice should be social control that is warm and firm, with shaming rather than pain-infliction providing the firmness needed in all but extreme situations. (p. 152)

He says we need to foster apology, compensation, and forgiveness. Teachers need to spell out steps to follow once an offense has happened. Decisions need to be made about what to do about the offense, the offender, and the experience of the rest of the community. What will be done needs to be reintegrative. Providing a structure where listening to the other starts changing the direction of the shaming from being too negative to letting the person know you do not intend to write them off, but rather want to continue in relationship with them, is very important.

David Augsburger: The Bridge of Forgiveness

If forgiveness and reconciliation are a part of restorative justice we need to look into them more to see how we can promote and support them. David Augsburger looks at these issues in *Helping People Forgive* (1997)*.* Forgiveness is a very complex thing. Augsburger (1997) describes it as a bridge from one person to another person (p.7). Reconciliation is the interpersonal bridge. Jesus says forgiveness allows us to disavow our past and alter our future (Augsburger, 1997, p. 9). That is good news! We can "make things right" (disavow our past) and do things differently in the future. Ron Claassen adds to that, the idea that the mediation process that invites us to make agreements for the future helps us to do this. Augsburger says it is a remedy for irreversibility and unpredictability. It allows us to correct previous actions or release persons from consequences of those actions.

He spends some time in the book looking at what happens to people from infancy that might cause some to be more able than others to forgive. He puts it on a scale of maturity. This is helpful in that it points to the possibility that we may need to do more work with some people than with others to help them go back and recapture what they may have missed in order to become empathic adults who can see their error, see what it has done to others, decide to make changes, be willing to talk with others and apologize, and then begin to act in new ways.

Some children really need this kind of effort. In fact, those who need more effort are already the ones demanding effort. At least the idea of restoration offers hope that they will mature a bit as they experience cooperative structures. Augsburger (1997)

puts this in terms of remorse, restitution, and renewal (p.16). He tells us we can learn new ways of responding, however, our level of maturity is crucial. Looking at our own systems (family, work, and church) can help us learn these new ways of responding. Lasting change comes from changing one's own responses (Augsburger, 1997, p. 39) I have certainly experienced this. As I have changed my responses more and more to be cooperative responses, I have seen more lasting change in the behavior of my students. Just as I was invited to look at my own systems as I learned the mediation process, students are invited into the process of looking at their own systems when they are invited to specifically learn the mediation process.

There are things we do to try to gain forgiveness without really wanting to make the changes necessary for true forgiveness. Sometimes we just want to appease. In appeasement we are asking for escape from consequences, or punishment for acts, or humiliation for choices in masochistic placating. Sometimes we just want an account. We do this by offering excuses, presenting disclaimers, and appealing to reason for recognition and release. We ask for reasonable understanding by virtue of the explanation that either partially or totally denies authorship of responsibility (Augsburger, 1997, pp. 39-40). These things are what make forgiveness tricky and difficult to understand. What is needed is an apology, which offers not defense or excuse. It gives true sorrow or regret for the injury, and pledges full change in a clear appeal to the whole person. It is a painful embracing of one's deeds and their consequences. It requires a mature person to be able to do this (Augsburger, 1997, p. 42).

As teachers, we really miss an opportunity if we do not have structures available that enable us to do this kind of teaching which leads to maturity. Cooperative structures lead students to developing more mature responses. How to do what Augsburger calls for as forgiveness is evident in the actual "Peacemaking Process" (Claassen, Yellow Card, 2000). The process is a tool that can be used in times of conflict that will not only resolve the conflict, but will lead to higher levels of maturity to be experienced by the students involved.

Augsburger goes on to say we all need to be aware of how to invite and support the internalization of good. This happens when the community is gracious in its response to frailty, clear in its confrontation of evil, and effective in maintaining boundaries. The forgiving community affirms its members as good and invites its members to experience and incorporate its reconciling processes within persons, and to practice them between persons. This can have destructive or constructive ends. For the ends to be constructive two things must happen: there must be regret or remorse over a past deed and there must be a promise to refrain from future misdeeds. This is the process of turning the evil toward virtue. How the community responds to this will make a difference (Augsburger, 1997, pp. 66-68).

Teachers and administrators have a responsibility to help shape how the community responds to a student who is willing to express regret and seek ways to "make things right."   If we are not consciously aware of this, it is difficult to assure that this response will be one of acceptance (restoration) of the person back into the community.

What we are aiming for is reconciliation, which is the restoring of relationships. Reconciliation is very complex. Forgiveness or repair of relationships requires reparation, repentance, and reconciliation. A restored relationship would be reconciliation. This is so much more constructive than suspending or expelling which leads more and more in the direction of no restoration. Augsburger encourages us to use processes (like the Peacemaking Process) which are much more likely to lead to restoration than processes like punishment. The goal is to win back the offender rather than to punish and put outside the community.

Each of us values being forgiven when we do something wrong. It may take continual inviting and encouraging to be cooperative. The earlier we respond, the better our chances for restoration. Those of us in leadership of a school/learning community need empathy, values, ethics, responsibility, and accountability as we model reconciling and restoring relationships.

Burt Galaway and Joe Hudson, editors: Restoration Around the World

The purpose of this book, *Restorative Justice: International Perspectives* (1996), is to give a broad picture of what is happening in the world related to putting restorative justice into practice. It is a collection of articles that deals with the various aspects of what restorative justice is and how different people/programs are using it. The three elements that are fundamental to restorative justice are stated by Galaway, and Hudson (1996):

> First crime is viewed primarily as a conflict between individuals that results in injuries to victims, communities, and the offenders themselves, and only

secondarily as a violation against the state. Second, the aim of the criminal justice process should be to create peace in communities by reconciling the parties and repairing the injuries caused by the dispute. Third, the criminal justice process should facilitate active participation by the victims, offenders, and their communities in order to find solutions to the conflict. (p. 2)

These fundamental elements are so important in heading a person or system

that wishes to practice restoration rather than retribution in the direction of practicing

restoration. One must test one's structures of discipline to make sure these elements

are included.

Not only does this book provide theory, it also helps deal with issues of cultural

diversity by exploring practices among indigenous peoples. In Part II: Restorative

Justice Among Indigenous Peoples, there is evidence of the structure of the process

used to bring victims and offenders together. Here is an example from the Navajo

Nation in R. Yazzie, and J. W. Zion's article, "Navajo Restorative Justice,"(Galaway and

Hudson, 1996):

An important Navajo term is *k'e,* for which there is no corresponding English word. *K'e* is the cement of Navajo law; it describes proper relationships, and underlies and fuels consensual justice. It is what allows a traditional justice system to operate without force or coercion. It allows people to be their own judges and to enforce binding judgments without jails or sheriffs. (p.171)

These structures are more egalitarian than hierarchical.

Most of the settings where restorative justice has been more thoroughly tried are

where there are smaller numbers of people in smaller areas like New Zealand. In

Frederick W. M. McElrea's article, "The New Zealand Youth Court: A Model for use with

Adults" (Galaway, and Hudson, 1996), the idea of transferring authority to the

community is discussed. McElrea says:

The New Zealand Youth Court is based on restorative justice principles in

the sense that power is transferred from the state to the community. Family group conferences are used as a mechanism for producing a negotiated, community response; involvement of victims as key participants makes possible a healing process for both the offender and

victim. The practices under the legislation reflect in part the introduction of Maori concepts into the system for responding to youthful offenders. (p. 74)

He goes on to say that the three distinctive elements of the Youth Court Model are: transfer of power from the state to the community; family group conferences as a mechanism for producing a negotiated, community response; and involvement of victims as key participants making possible a healing process for both offender and victim.

Within the classroom, Ron Claassen would call for a similar mechanism of a conference first between those most impacted by a misbehavior. If that does not solve the problem, a second gathering of those impacted, and the family of the misbehaving student should be called. The main responsibility for handling the situation rests with those whose relationship has been impacted, rather than persons being sent to the office or elsewhere to be made to behave through some type of punishment, which can range from a stiff "talking to" to detention, suspension, or even expulsion from the community.

The mechanism for the problem being handled by those whose relationship has been most impacted leads in the direction of an offender taking responsibility for what they have done, and leads the community in the direction of stepping in, and providing support, and structure for that individual who is struggling.

The notion of supporting the person in the community who is struggling with issues of right and wrong is made more apparent and important in Julie Leibrich's

article, "The Role of Shame in Going Straight: A Study of Former Offenders," (Galaway, and Hudson, 1996). Leibrich indicates that the decision by offenders not to offend is a first step. Offenders need to arrive at this decision themselves. The community as well as family being involved in sentencing is a large factor in bringing offenders to this decision. There need to be benefits for staying straight and the involvement of family and of the community are important parts of providing those benefits.

These involvements are possible within a school community. Our structures need to support these involvements. Cooperation requires a decision to be made in the direction of being constructive with each other. Involvement by the ones most impacted by the offense as well as the secondary victims which include other students, teachers, parents, administration, and community will aid in the setting of a constructive direction. Our tendency is to keep these situations quiet and private. If we really want change, these ideas point in a direction of opening up the conflict to involve more people to help the person who is struggling. They suggest there is a need for the community to be more involved rather than less involved. This is the idea of being more horizontal than hierarchical. In school, the principal, or dean of students, would be involved but in much the same way as the rest of the community would be involved. At the center would be the two whose relationship has been affected. The real decisions would be made by them.

The articles of this book give one a sense for all that is going on in the world that leads in the direction of restorative justice. They call us to become more radically involved in the lives of our neighbors. Schools are a smaller setting in which we can model these ideas, structures, and processes.

Mark Umbreit: The Measurement of Effectiveness

Mark Umbreit's book, *Victim Meets Offender* (1994), is a report of how the Victim Offender Reconciliation Program (VORP) movement is working as a part of the criminal justice system. He writes this to fulfill a need for empirical evidence that restorative justice is valid. He says that restorative justice is based on principles that were practiced prior to the Norman invasion. These principles are very similar to those cited by Howard Zehr. They include the idea of rather than defining "the state" as the victim, restorative justice theory says that criminal behavior is first a conflict between individuals, and the person who was violated is the primary victim, and the state is the secondary victim. Victim Offender Reconciliation Programs are programs that most closely operate according to these principles, so that is why he wants to see what evidence there might be that would say this is a better way.

His research cited in this book finds the process that is offered by VORP to be helpful to both the victim and the offender. Both report high satisfactions from having been involved in the process offered by mediation. Victims tend to be more satisfied with the outcome of their case with mediation. Offenders are not significantly more satisfied with the outcome of their case with mediation, but they are much more likely to pay the restitution that they have agreed to pay with mediation than when it is simply ordered by the court. Victims tend to see the outcome as more fair with mediation. Offenders are not affected as much on the issue of fairness. However, they do not experience mediation as being "easier" than other sanctions that could be ordered.

Most find it very difficult and scary to face their victim, and then be expected to take responsibility to "make things right." Recidivism remains difficult to look at objectively. This is due to the all or nothing that is involved in looking at it. If one could look at degrees of seriousness of recidivism, mediation would be shown to be beneficial.

It is important for us to look at these outcomes. Some administrators and teachers respond negatively to discipline that restores because they see it as being too easy. The qualitative research I have done and documented over the last fifteen years would indicate that it is not easy. What I find students indicating is that they too find mediation a more difficult experience than punishment. Sometimes when I have invited a student into mediation they have said they needed time to think because if they made an agreement, they would be expected to keep the agreement and that was more difficult than serving a detention. This is an opportunity for teaching and learning. Students invited into the process of "making things right" learn so much about others and themselves.

Another complaint about discipline that restores is that mediation doesn't end the problem once and for all. It is more like needing to be able to look at degrees of stopping unwanted behavior. Punishment doesn't end the problem for all time either, and it doesn't call for any specific change in behavior (many teachers have called on me to mediate after they have punished a student over and over for the same thing). This is why punishment is preferred by some misbehaving students, the student can choose to continue the behavior. They haven't told anyone they would stop. Cooperative problem solving, through the use of mediation, on the other hand, often ends in the misbehaving student realizing they need to make a change in their behavior.   The

misbehaving student agrees to stop doing whatever it was that caused the problem. Follow up encourages them to really change their behavior. There are times when the change is immediate, and there are times when the change happens gradually over time with support.

Umbreit cautions against losing the underlying vision of restorative justice as programs become preoccupied with securing funding and developing more routine day-to-day operating procedures. These underlying values and principles are things like the importance of providing opportunities for addressing the emotional issues surrounding crime and victimization, including even the possibility of forgiveness and reconciliation (Umbreit, 1994, pp. 157-158). The retributive system of punishment does nothing to ensure the possibility of forgiveness and reconciliation. The restorative system of cooperation does ensure the possibility of these two things happening. I want a classroom structure that will be concerned with forgiveness and reconciliation, and not just determining restitution and payment, or consequences. It is important to keep the possibility of forgiveness and reconciliation foremost in our minds as we develop the processes and structures we need to implement our practice.

A Summary of the Theory

These authors encourage us to think of ways to get restorative justice practices working in each of our settings. We could be doing restorative justice in our families, at

our places of work, any place where there are people in relationship, as well in our schools.

      Howard Zehr's (1990) work points out the current focus of our justice system on the breaking of a law, which then defines the victim as the state. He proposes that we would experience a difference if the focus of our justice system was on the harm done to the persons directly involved in the experience of crime. This would cause us to work closely with the actual victim and offender. His theory is that we need to make our first approach to crime an approach that asks those directly involved to actively participate in figuring out what it would take to "make things right." If that can be figured out, the offender has a much better chance of being restored to the community as a person who can make a positive contribution.

      Van Ness and Strong (1997) build on that theory and include the theory that there needs to be an emphasis on the community, on compensation rather than punishment, and on a process of confession, repentance, and absolution. This means that victims and offenders will be actively involved in a process of reparation and rehabilitation. They point out that restorative justice theory is actually a return to the ancient view of justice which says there are four parties affected by crime: victim, offender, community, and government.   Each of these entities share a part in the restoring of members of the community who commit a crime.

      Bianchi (1994) says that what we are currently doing about offenders and victims of crime is not working or helping anyone – offender, victim, or community. His theory of justice is that it is a principle serving to assess the rules of law and their just operation and eventually to assess whether their promised effect has been realized. If their

promised effect is not being realized, we need to make some changes. Our tendency has been to handle offenses with punishment. Since that is not accomplishing the result we want, we need to figure out other ways to handle offenses. He proposes that change comes when the offender is given the opportunity to "make things right" so they can put their guilt behind them. Instead of being a guilty person, they can become a restored person. He proposes a dual system. The anomic justice system (which uses punishment) is already in place in our criminal justice system. We also need a eunomic system where an offender can take responsibility and restore peace by seeking sanctuary, which means the offender wants redress, reconciliation, and reparation.

Claassen (2002b) puts forth the idea that Restorative Justice is the whole system rather than there needing to be a parallel system for those who are not yet ready to cooperate. He does this by establishing principles for Restorative Justice that can be used to measure whether or not one's structures are restorative. Two of those principles (#8 and #9) speak specifically to what staying restorative with an offender would look like even if that offender had not agreed to cooperate. Criteria are given to enable one to determine whether or not restraints imposed are restorative. Authorities are required to get to know the parties in order to design a plan that would best meet the needs of the offender and the needs of the offender's victim in order to create a more constructive future. The plan would be measured against whether it is related, reasonable, respectful, and restorative.

Braithwaite (1989) explores how reintegrative shaming can be used to restore a misbehaving person. His theory is that shaming should be done in a way that does not go so far as to stigmatize the person being shamed; the context being one where the

misbehaving person is asked to change while knowing that they will continue to be loved. Reintegrative shaming lets the persons know what they have done is not approved behavior. If the behavior is stopped, the misbehaving person will be loved and able to continue as a part of the community. Punishment is shaming that is not reintegrative. He encourages finding ways that change the direction of shaming from being focused on persons to being focused on what they have done that is wrong and needs to be stopped/changed so that persons can continue to feel like they are an integral part of the community.

Augsburger (1996) puts forth the theory that forgiveness is the bridge from one person to another person, and must be a part of restorative justice. Forgiveness needs to be sought in order for real change to be made. It allows us to correct previous actions or release persons from the consequences of those actions. It is a very important part of restoration. True forgiveness includes an apology, which expresses true sorrow or regret for the injury, and pledges full change in a clear appeal to the whole person. It leads to maturity of the offender.

Galaway and Hudson (1996), *Restorative Justice: International Perspectives,* support the theory that there are three elements that are fundamental to restorative justice. They are that crime is viewed primarily as a conflict between individuals that results in injuries to victims, communities, and the offenders themselves, and only secondarily as a violation against the state. They suggest that there needs to be a transfer of power to those who are most closely involved. Added to the above theory is that this encourages the inclusion of the family of the misbehaving person. The contributors to the book are from all over the world and give an account of how

restorative justice ideas have helped bring back the use of practices that had been forgotten. They are finding the re-implementation of more communitarian practices to be beneficial.

Umbreit (1994) presents evidence that supports restorative practices. His idea is that there is a need for empirical evidence that restorative justice is effective. Are there improved results when we put the theory that a victim and offender should meet to figure out what should be done about a situation of crime, into practice? He finds that restorative practices are helpful. He cautions against losing the underlying vision of restorative justice, which includes the possibility of forgiveness and reconciliation. These are very difficult to measure, and they are very important aspects of restorative justice which are even less likely to be present if restorative practices are not used. A classroom example of losing the underlying vision of restorative justice would be focusing on determining restitution and payment, or consequences without being equally concerned with forgiveness and reconciliation.

Where the Theory of Restorative Justice Leads in Terms of School Discipline

This has been an interpretive review of authors who have impacted me and my practice of restorative justice. I have looked at the theory of Restorative Justice in somewhat of a chronological order. I have thought about it in a somewhat cumulative way. Each author contributes something significant to our thought and each builds on what they have experienced as the theory has been put into practice. Restorative Justice theory gives me insight into how to approach the issue of discipline in the school

setting. Earlier I talked about the well developed academic curriculum we have for our schools. I also talked about there being a social curriculum in our schools, but the social curriculum is less well developed. In fact, it usually just happens without our giving it a great deal of thought and attention. Restorative Justice theory points the way to the development of what we would do in a well planned social curriculum. Using the insights of the theory I want to articulate what that curriculum would look like in a step by step plan.

CHAPTER 4

THE PEDAGOGY OF DISCIPLINE THAT RESTORES

In this chapter, I plan to especially address those of you who are classroom teachers. I will be reflecting on my own story, and what others might do in light of that, and the theory of restorative justice. That is not to say that there is nothing here for anyone else. On the contrary, I believe the pedagogy shared here can be helpful in many other settings.

I have been working at implementing restorative justice/discipline principles in my classroom for the last fifteen years. I have come to the conclusion that we cannot assume that we know how to discipline misbehaving students without careful thought and examination of ourselves and our motivations before we enter our classrooms and set about the business of building a community of learners. That community will be develop whether we carefully plan it or just let it happen. I believe it must be carefully planned if we want to ensure a positive community where the maximum amount of risk can occur to achieve the maximum amount of learning.

Learning is so much more than what we write down in our lesson plan books after careful consideration of each standard in each subject the state has identified we must teach. I find students are much more likely to pick up on what I do and how I act than on what I simply say. If there is a discrepancy between what I am doing and what I am saying, students tend to believe what I am doing. I want to be sure I am doing what leads to responses of increased understanding and love. The word disciple and

discipline are closely related. There is a sense in which my students are my disciples. I want the doctrine they will be spreading that they have learned from me, by being with me, to be one that is worthy of spreading, one that has been thought out and then implemented.

I will be articulating, in this chapter, nine critical steps, based on restorative justice theory, my classroom practice, and experience that can be used in order to more fully ensure that discipline in the classroom will be restorative.

Step one: Enter into a process of self reflection and decision making about how you are going to respond to students.

Step two: Formulate a Respect Agreement with the class.

Step three: Invite students to think about and write about their goals.

Step four: Describe the structure that will be used for problem solving/conflicts, and promise/assure students of your commitment to that structure.

Step five: Acquaint students with the "Four Options Model."

Step six: Teach students the processes and skills that will promote a restorative structure in order to give them maximum access to it because of a deep, personal understanding.

Step seven: Model the process as often as possible by being alert to anything that will lend itself to the whole class, with the teacher as leader, working through the problem step by step.

Step eight: Empower students to act on their own (a peer mediation program is an excellent way for them to get experience in using the processes themselves).

Step nine: Be sure you and the students will keep inviting each other into side by side problem solving by setting up class meetings where you directly check to see how you are doing.

Step 1 – Self Reflection and Decision Making

A dictionary definition describes discipline as teaching and instruction. This teaching is to include training that corrects, molds, or perfects the mental faculties or moral character of the student. Added to this is the notion that discipline is orderly, or prescribed conduct. It is self-control. It is a rule or system of rules governing conduct or activity. A classroom teacher is in the classroom to do all of this and more. When it comes to the idea of discipline, teachers must decide how they are going to do this in a way that promotes the most learning while preserving the dignity of each student. I have discovered this to be most possible when I stop focusing on control and put more effort into building community.

I start the process of community building by making conscious decisions about how I want to respond to students. A good time to work at this is during time off or when one is in the preparation stages of welcoming a new class. However, this decision can be made at any point in time when one becomes aware of the need for it. I especially want to be aware of how I respond to students at times of stress and misbehavior. Whether I make a conscious decision or not, some decision will be made and acted upon. I want to be very aware of what that decision will be. I do not want it to simply happen (this is sometimes where we excuse what we do as being something we just

couldn't help, it just happened before we could think about it). When a way of responding simply happens, I have found that that response is often not as restorative in direction as one that is made with thought and deliberation. A response that has not been planned may be retributive. The theory of restorative justice tells us we must become aware of our decision in order to move towards restoration.

Jane Dick, pastor of Mennonite Community Church, said in a sermon on May 12, 2002 entitled "Teach Them to Your Children," that children need love the most when they deserve it the least. Perhaps all of us need love the most when we deserve it the least. Thinking about this idea helps to focus what I want to do as a teacher of children before I enter the classroom. It is a way for me to prepare to love each of my students with an Agape love (Claassen, 2003b, p. 38). Fisher, and Brown (1988) describe this as an unconditionally constructive strategy. This unconditionally constructive strategy requires that I work at understanding by balancing reason with emotion, work at good communication, to be reliable, use persuasion rather than coercion, and work at acceptance. Thinking about this, and making a commitment to do this, heads me in the direction of being able to have a restorative response to my students. We are in human relationship with each other. Misbehavior by either of us damages our relationship. But I, as the adult, can make a decision about my response that can lead to repair of that relationship.

Much of the restorative justice literature does not focus on, or give much insight into the self-preparation that is needed to really implement restoration. (There is a sense in which reading restorative justice literature is part of this self preparation step.) However, I am sure they would not disagree with this as a first step.

Without making this conscious decision, one may not be able to respond constructively to situations like: Victor calling the girls sluts and otherwise harassing them. Judy flirting with the known boyfriend of Sandy, causing Sandy to tell all the other girls to stop showing Judy any friendship what-so-ever. Steve running up close to people and acting like he is going to karate chop them or kick them. John launching into a show that disrupts the flow of the class the minute you start introducing a new concept that must be learned. It is hard to respond out of love (agape) if you have not committed yourself to this response ahead of time.

Luckily children are understanding and forgiving and allow you to correct your response when you stop to think, and get it where you want it to be – a response that respects the person and lets them know the behavior is something that needs to change. Actually these students, who one would describe as misbehaving, are giving you the gift of letting you know they have something to learn. We learn best from those with whom we have a good relationship, and restorative justice focuses on the relationship of those directly involved in a conflict. This is a teachable moment. This is about how we live in community with one another. This is about civility. These are standards all of us are mandated to teach.

Getting in touch with one's faith can be another aspect of preparation that is helpful, and beneficial. My faith has guided me in this endeavor. I would encourage all people of faith to consider what their faith teaches as they consider their relationships with students. I am of the Christian faith. This is a confession of what my particular faith has to say to me about how I practice discipline as I am in relationship with my students.

I have experienced, many times in my faith, the idea of things being upside-down. "John's announcement is a warning that this new order will be an Upside-down Kingdom in sharp relief against the prevailing social landscape" (Kraybill,1978, p. 22). Because of my faith, I will do things differently. What "the world" says is sometimes opposite of what my faith says. For example, the world says that if children are respectful, they should do that which an adult tells them to do, and they should do it immediately. This is power over. What I have found to be more helpful is to be willing and open to discuss with children what needs to be done and how it might be accomplished. We can come to an agreement together. The things that need to be done still get done. The difference is that the students experience this as power with rather than power over. This time of needing to solve a problem is also often the place where real teaching and learning occur (and often I am one of the learners). Many perceive this as being upside-down, and even wrong. It goes against their idea of how the social order should be.

A child who is misbehaving (not cooperating) does not need to hear, "Get out of my class." Usually that is the time they really need an extension of love and concern (another example of things being turned upside-down). I am not saying we ignore the misbehavior. We need to pay a great deal of attention to that. The other thing we must pay attention to, however, is the person. It is so much better to let the person know you continue to like/love them. It is very hard for a child being told to leave the room to hear this. What you do not like is whatever it is they are doing that is causing the problem (the focus needs to be on the problem, not the person). 1 Corinthians 4:21 in the New Revised Standard Version of the Bible says, "What do you prefer? Am I to come to you

with a stick, or with love in a spirit of gentleness?" Galatians 6:1 says, "My friends, if anyone is detected in a transgression, you who have received the Spirit should restore such a one in a spirit of gentleness."

It has been important to commit myself to be constructive when I am confronted with a conflict, misbehavior, or a problem with a student or students. Verses and ideas that speak to me related to being constructive, as I prepare to meet new students, come from 1 Corinthians 13: 1 to 13. Dalton Reimer (2002, p. 49) has developed "The L-Scale" (see appendix F) to help one discern whether or not they are being constructive in their problem solving. The scale takes the ideas of love (defined in this context as a willingness to be constructive) and contrasts them with not love (defined in this context as acting towards another in a destructive manner). Using the scale I ask myself if I am willing to be patient, kind, courteous, self-controlled, to seek our way, etc. in working at our problems and differences. When I can answer "yes" to this, I know I am ready to work at being constructive when conflicts arise.

Throughout the year, I listen for encouragement in this undertaking in sermons, and conversations with others of faith. A recent idea presented in a sermon that spoke to me had to do with asking oneself if one was looking for self-protection or self-offering (this was in the context of extending love to enemies, Luke 6:27). Sometimes we need to do both. So much of this has to do with balance. Using the idea of telling a student to leave the classroom, I can show what I mean by balance. There are occasions when it is helpful for both the teacher and the student to have a little separation. This is the self-protection part. However, one must have a plan in place for what will happen when that student returns to the classroom. This is the place for self-offering. A student

should be invited into a process of problem solving. I do not think it is good to simply ignore them, and the problem, hoping for self-protection. Actually the reverse happens when there is self-offering. If you, and that student can come to some understandings and agreements, you really gain more self-protection and so do they.

I have presented the process that I have used with my students in detail. Here, I want to say that that process allows me to follow Matthew 18: 15 to 17 (Bible, New Revised Standard Version):

> If another member of the church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax collector.

These verses encourage us to use our anger to recognize that we have a problem that needs to be solved. We are then advised to go to the person with whom we have the problem (I work directly with my student with whom I have a conflict). If that does not result in resolution we are to increase the size of the group aware of the problem, and ask for their input as we continue to try to resolve it together (I invite the parent of the student to help us resolve our conflict). If that does not work, we are advised to tell it to the church or further enlarge the group. (I invite the parent, other close relatives they think would be helpful, and the school administration to join us to help us solve the problem.) Finally, if that does not work we are advised to "let such a one be to you as a Gentile and a tax collector," Matt. 18:17. In this instance, we must think about how Jesus treated the Gentile and the tax collector. I believe Jesus stayed open to them, and willing to work some more if they expressed that willingness as well.

In Acts 1:8 we are called to be witnesses of the spirit of Jesus. What we actually do, I have learned, is far more important than what we say. I find that students imitate the ways in which they have been treated. I must, as their teacher, make the decision to model what I say. I want to be a reflector of the Word – I want to model a forgiving and a reconciling spirit. Time spent in reflection, and making decisions before I enter the classroom will ensure that what I do when I am with my students will be restorative.

Step 2 – The Respect Agreement

At the center of beginning to institute restorative practices is the idea of respect. I believe, in my decision to be unconditionally constructive, I am deciding to respect myself, my students, and others (this ends up affecting one's whole life of relationships). Because respect is so central, this is where the class should begin. Following the "Respect Agreement" lesson (appendix G), the class needs to develop their own agreement about how they are going to show each other respect. This agreement is a first step in beginning the process of building trust, "for it is in making and keeping agreements that trust is built" (Claassen 2003a, p. 71). Respect and trust enable a learning community to be able to take the chances that need to be taken for maximum learning to occur. Often we learn the most from our mistakes. If we can make our mistakes in an atmosphere of respect, we are much more likely to learn positive things from them.

An example of putting the respect agreement to work would be thinking about the situation of Steve running up to people and acting like he was going to karate chop them, and actually hitting them once in a while. He did this after an assignment was

given with time for the students to get started on it in class. After observing this (I try very hard to do this on my first observation because the sooner a misbehavior is approached, the better the chances are for not permitting something that is against our agreement), I let Steve know I was experiencing this behavior as something that was against our respect agreement. I asked him privately if he would be willing to read the respect agreement over to himself, and to think about which things on the agreement he was not keeping. He said he would. After he read them, we talked a little about what he identified as not keeping the agreement. He decided he was not treating others the way he would want to be treated, he was not being polite and nice, he was not getting his work done without disturbing others, and he was not acting in a way that would enable him to be prepared. I asked if he was still willing to keep the agreement that he had signed. He said he was. He stopped the behavior after a couple more reminders that were very brief. "Steve, are you remembering our agreement?" He would say, "Oh yeah," and get to work. As the behavior stopped, and as he kept our agreement, it became easier to trust him. I was not worried that he might hurt someone. I no longer felt I needed to watch him as carefully.

I have earlier described the process of making a respect agreement in Chapter 2, page 56 to 63. Briefly, the respect agreement process begins with having the students brainstorm and write privately what they know about respect in terms of themselves, each other, teachers/staff, and the furnishings, equipment, and facilities. In a small group, each shares what they have written and the group composes a composite list. The list of each group is put up and shared. All participate in a process of deciding what

from those lists they would like to see included in a whole class agreement. The ideas

are written into a class agreement that everyone signs.

Step 3 – Students Setting Goals for Themselves

Once the respect agreement is established, it is important for students to get in

touch with what goals they have for themselves for the school year. These need to be

brought to their consciousness just like we, as teachers, need to bring our goals for

responding to misbehavior to our consciousness. It is also a good way to get

acquainted with your students the first day of school. You begin to get some idea about

who they are and what they want to accomplish. You feel energized as you see that

each student has academic goals for themselves in spite of what a few of them might

want you, and others to think.

Often a teachable moment happens when what they need to learn is that if they

keep doing what they are doing, (lack of homework, refusal to read assignments on

their own, lack of attention, lack of getting class work done, lack of listening, lack of

writing notes, etc.) they will not be able to reach their academic goals. Ultimately this is

a lack of self respect. It is essential to work on this lack of self respect with the really

difficult students. Respect and goals are very important ground work for what will be

practiced as the community forms.

Having their goals in a written form is useful when there is a problem that needs

to be addressed by the whole community, and by individuals. Getting them out for

students to re-visit when there is a problem can bring them back to the positive hopes

they had as they began a new school year. When one has them out, the focus is directed on their hopes and dreams, and how those might be accomplished, and away from how they have failed.

Beginning of the year goal setting was earlier discussed in Chapter 2, page 66 to 68. Briefly, I invite students to think about what they want to accomplish during the school year. I let them know I will be reading their goals and meeting with them from time to time to look at their goals and to discuss how it is going.

Step 4 - Description of the Structure

Once how we are going to respect each other has been agreed upon, and once goals for the year have been thought about, written about, and brought to the front of the mind, it is important to directly tell students about the structure you have in mind for the class. This is what Ron Claassen developed (2003a, p. 42), with some input from me, to help teachers see the structure in terms of steps. I do not give students the structure in this much detail. I think it is important and useful for us as teachers, however, to see the steps fully described.

> "School Name" prides itself on a discipline plan that is fair, restorative, and consistent. We feel that all students have a right to go to school in a safe environment. Each student also deserves the opportunity to learn free from the influence of disruptive classmates. Each student and teacher has a responsibility to do their part in creating and maintaining a respectful, safe and stimulating learning environment. We realize that there will be times when students forget their responsibility or are temporarily unwilling to be cooperative. For this reason we have developed a plan of discipline that has as its goal restoring both a safe and stimulating environment and restoring those who are negatively impacted by the misbehavior.

When a student is involved in a conflict (with other students, teacher, or school rules) we view that as a situation that needs to be resolved and as a teachable moment. Therefore, we first pursue a cooperative resolution, unless the student is uncooperative and/or an unsafe situation calls for immediate action.

All teachers will start the year by developing a respect agreement with their class(es). The respect agreement outlines those things that identify how students respect students, how students respect teachers, how teachers respect students, and how everyone respects the books, desks, and all facilities. This agreement does not replace the school rules. We think that respect is fundamental to creating a safe and stimulating school and classroom environment. Within this basic framework of respect it is possible to resolve conflicts in very constructive ways.

One of the structures to encourage students to resolve their conflicts cooperatively is the Peer Mediation Program. In this program students are trained to lead other students through a mediation process to help them resolve their conflict. Agreements are written and follow-up meetings are scheduled.

Teacher/Student conflicts can also be handled using conflict resolution. A cooperative student and her/his teacher can recognize the problem, repair the damage, and make agreements to prevent the problem in the future. If it is helpful another teacher or conflict resolution specialist may be asked to act as a mediator to help teacher/student resolve their conflict. Agreements are written and follow-up meetings are scheduled.

The Thinkery is designed to help students who are misbehaving or in conflict to "think" about what happened and to decide if they are willing to seek a cooperative and restorative resolution. The Thinkery is intended to be an encouragement to a student to consider being more cooperative. Students write a description of what they were doing that caused them to be sent and what the reasoning is behind the rules they violated. They will also be asked if they would like to meet with someone to get the help needed to change their behavior to prevent the conflict from happening again. (See Appendix I for an example of the Thinkery form.)

A Family Group Conference will be convened if the problem is serious or if the student is uncooperative. A Family Group Conference brings together parents, and extended family with school personnel to support and encourage their student to develop a plan they all think is reasonable, respectful, and restorative and that will resolve the conflicts. The conference is led by a trained conflict resolution specialist.

If a student continues to be uncooperative (repeatedly violates her/his agreements, or is unwilling to make agreements) or is creating a safety concern, the school policies and procedures will be enforced as needed to create a safe

environment. As long as the student is enrolled at the school, the student will continue to be invited to be cooperative and given the opportunity to do that as soon as school authorities deem it is safe.

The key to a safe and stimulating learning environment is the willingness of all people on the school campus to treat each other respectfully and that includes being willing to resolve the conflicts and misbehaviors that do happen in ways that are cooperative and constructive.

For safety reasons, any severe disruption will be dealt with immediately by the Vice Principal.

The steps of Discipline that Restores are:

Usual reminders
> The student is made aware of their disruptive behavior.
> The student is invited to modify her/his behavior.
> The student is reminded of the respect agreement.
> The student who modifies her/his behavior is encouraged and supported.
> If the student does not modify her/his behavior, proceed to Step 1.

Step 1: Reminder of the Respect Agreement
> The student is made aware of their disruptive behavior.
> The student is invited to remember their respect agreement and if
>> they plan to keep the agreement.
> The student who modifies her/his behavior is encouraged and
>> supported.
> If the student does not modify her/his behavior, proceed to Step 2.

Step 2: Teacher/Student Meeting
> The student is made aware of their disruptive behavior.
> The student is asked if they would be willing to try to resolve the
>> problem cooperatively (using Conflict Resolution Option
>> #4.
> If the problem is a student/student conflict, a referral is made
>> to Peer Mediation Program (Conflict Resolution Option #3.)
> The student and teacher each describe the problem, they listen
>> and summarize each other, and they make agreements on
>> how to repair the damage and to prevent the problem in the
>> future.
> The teacher and student have follow-up meetings to be sure the
>> agreements are being kept.
> The teacher and the student celebrate if the agreements are
>> working.
> If the agreements are not being kept, repeat Step 2 or proceed to

Step 3.

Step 3: Thinkery
    The student who refuses to resolve the problem cooperatively
        (using Conflict Resolution Option 4) is sent to the Thinkery.
    If a rule has been violated, the rule is identified and its purpose
        is explained. The student is invited to summarize.
    The student is asked to think about what happened by writing
        or talking about what happened. The adult in the Thinkery
listens to and summarizes the student's concerns.
    The student is invited to reconsider working cooperatively with
        the teacher.
    The student writes a plan to present to the teacher in a Step
        2 meeting.
    If the student is uncooperative, proceed to step 4.

Step 4: Parent Contact and/or Family Group Conference
    If the misbehavior is a serious concern but not an immediate
        safety concern or if the student refuses to resolve the
        problem cooperatively, parents are contacted. Parents are
        invited to help their child consider resolving the problem
        cooperatively with them present or return to Step 2.
    If the student behavior is not modified and the student does not
        return to Step 2, a Family Group Conference is convened.
        This meeting includes parents and extended family, if
        possible, and school personnel (usually teacher, counselor,
        and someone from administration). The meeting is led by a
        Conflict Resolution Specialist using a mediation process.
    The group writes and signs the agreements made to resolve
        the problem.
    Follow-up meetings are held to assess if the agreements are
        working.
    If agreements are not being kept, proceed to Step 5.

Step 5: Joint Conference: Parent/Student/Teacher/Vice Principal/
    Principal
    The group reviews the behavior, the respect violation, and
    Rule violation.
    The reason behind the rule is explained.
    The group seeks to arrive at a cooperative agreement to
        remedy the situation.
    The administration informs what consequences must be imposed.
        The imposed consequences are reasonable, respectful, and
        intended to be restorative when possible.

I let students know of my decision to be committed to working at problems between us in a side by side cooperative process. My first response to misbehavior will be to invite them to remember our respect agreement. If the conflict is not resolved at that point, I will invite them into mediation with me. I tell them they may not know what that is yet, but that we will be spending time during the first few weeks of school getting acquainted with that process. I find that a good place for this is in the area of social studies. This is an excellent way to begin looking, in detail, at a way to socially structure ourselves to be a productive, positive community.

I also use literature to identify conflicts and think deliberately about how they were resolved in the story. Each of our lives is a story, and by the end of the year there will be a story about us as a community. That story will include many times of conflict. I let them know that this is a positive thing. We do not want a life without conflict. It is not possible. Working on our conflicts in constructive ways that lead to change and growth is possible.

I let my students know I will not give up on our ability to find ways to solve our problems, and that parents, and other family may be needed to help us work together. I let them know that the system of rules and punishments is there to keep us safe. As soon as a dangerous situation is made safe (students running and chasing each other around the room is dangerous, they will be told to stop and expected to stop), and as soon as they are willing to cooperate (they stop running and are reminded of the respect agreement), I will be open to using a cooperative process at the earliest time possible where we sit together and figure out what to do about our problem.

An example of this would be the problem of Victor calling some of the girls sluts and otherwise harassing them. This was happening at times when I was unaware of what he was doing. One of the girls finally came to tell me what was happening. The girls had tried to handle it themselves, but he was not stopping the behavior. I reminded myself that I cared deeply about Victor and that it was the act of harassing the girls that made me upset and angry. That anger told me we had a problem to solve, and that it was a very important issue on which to work.

I met with Victor to let him know I had been made aware of a problem between him and some of the girls. I told him what they said the problem was. He agreed that this had been happening. I asked him to read over our respect agreement. He did. I asked if he was still willing to keep our agreement and if he was willing to think about which parts of the agreement he was not keeping when he was harassing the girls. He was willing to do this. I told him that this was a good start to working on the problem and that I thought it would be good, if he would be willing, for all of us to sit down to work on the problem together. He was willing. I asked him if he could make sure he did not harass the girls or call them names between now and when we scheduled our meeting. He said he could. I will continue with this conflict as an example as we explore the next steps.

Step 5 – The Four Options Model

Restorative justice theory tells us there is more than one way to solve problems. The Four Options Model (Claassen, 2003a, p.29) describes the ways we have for

problem solving in a graphic way. The model provides a visual for us to look at as we make decisions about what option we will choose to solve a problem. We all use all of the options. The model shows us what we can decide to do. It provides me with a way to enter into a decision making process with students about how we want to solve a particular problem. Students find this interesting, and challenging. They also find it to be good news. They do not have only one way to respond. There are many choices they can pursue, and they can change their mind if the choice they have made does not seem to be working the way they want it to work.

Since this model has already been described in Chapter 2, I will use the example of Victor and the girls to show how I use it in problem solving. I would remind Victor, or the girls in an individual meeting, that we have four options we can use to solve this problem. I would get the model out for us to look at, and show them each option as we talk. This helps make us deliberate about the decisions we make about what we are doing to solve the problem. We might think together about how they have already been experiencing option #1. Victor calls them a name or harasses them. They respond by getting angry. He has power over them and discovers he can control making them angry. The girls are not without power. They can call him names. They can ignore him. They can tell me about the problem. I can give him a detention for name calling. We can go back and forth, with different ones of us being in the position of power at different times.

Option #2 might look like this. Victor calls the girls names and harasses them. We can get out the school rules and note that name calling, and harassment are against the rules. The rules might tell us that the consequence for this is one detention. Or the

girls could point to our respect agreement and ask Victor if he is planning to keep his agreement. I can also do this when I become aware of the situation. Our respect agreement might include that we will problem solve if we have a problem which would bring us into Option #3 or #4.

Let's look at Option #4 first, it might look like this. Victor calls the girls names and harasses them, and then realizes he is doing this because he was not given an invitation to a party one of them was having. He could tell them of his insight, and see if they would be willing to let him know why he wasn't invited. The girls might figure this out on their own and decide to negotiate with him by telling him they are sorry, and that when he began to call them names, they didn't know what to do, and were convinced that he should not be invited. This can be further negotiated as they talk together. They might all decide he should be invited in light of the apology, and realizing that he is actually a pretty good friend who has been willing to seriously negotiate with them to work things out between them.

Option #3 is very similar to #4 except that an outside person invites them into problem solving and leads them in a process that will help them work on the problem themselves. The leader/facilitator does not solve the problem for them. The facilitator leads a process that will help them reach their own conclusions together. Depending on the people involved, they might decide that Victor should apologize, and agree to not call people names. They might decide that he should tell them what is really bothering him (Victor would be involved in this and might readily agree or even suggest this himself). They might all agree to apologize to each other and decide that whenever there is a class party, everyone in class will be invited (this might seem unreasonable if

the class is huge, but what agreements look like depends on the people involved).

There are many more possible options. They are limited only by the people involved in thinking of them.

The Four Options Model poster needs to be up in the classroom. I keep it right next to our respect agreement. This is a reminder that we make choices all the time about our behavior. When our behavior is disrespectful, and we have done something wrong, we still have choices we can make. Visual reminders make it possible to get to a point, as the community forms, to simply walk in the direction of, or look in the direction of the reminders, and the community begins to do what they need to do to assure the keeping of the agreement.

Step 6 – Teaching Students the Process of Mediation

I use "Making Things Right," a book co-authored by Ron Claassen and me, that has thirty-two lessons/activities for teaching students the skills and process of mediation. The process that is taught by these lessons is called "Reconciling Injustices" (see Appendix H). This is the process most often used in my teacher/student mediation and in student/student mediation.

"Reconciling Injustices" is a more detailed description of the "Peacemaking Process" mentioned in Chapter 2. It is closely related to the "Peacemaking Model" (see Appendix D). There are many ways to do the "Peacemaking Model." "Reconciling Injustices" is just one way. Students are introduced to the process and given opportunity to experience it using role plays. The role plays put them in the roles of

both disputants and mediators. The situations are similar to what they experience themselves in school conflicts.

Once students have learned about the process and experienced it through practice in roles of both mediator and disputant, they have a much better feel for what it is you have told them you have committed yourself to do when there is a conflict/misbehavior within the classroom community.

It is ideal to have a peer mediation program in place in the larger school community, but it is not necessary. There can be a classroom mediation program that enables students to practice their skills and gives them a chance to handle problems themselves, among themselves. This is a job that can be added to the list of classroom jobs such as answering the phone, and carrying messages, or whatever else there is for students to do for their classroom community. Time set aside for this is not wasted. Students do a lot of creative thinking, and writing while following a step by step process that leads to problem solving. Perhaps giving students a real-life way to experience being in a leadership position through leading students in mediation is the best part of their participating in peer mediation.

Going back to the conflict of Victor and the girls (let's just say Victor and Jennifer for the sake of simplification), "Reconciling Injustices" would begin by meeting individually with Victor and Jennifer to invite them to participate in mediation and give them a chance to decide if they are willing to be constructive with each other, and cooperative. If both agree, a meeting time is set.

The meeting is started by confirming that the purpose of the meeting is to make things as right as possible between them in the most fair, just, and equitable way

possible. The ground rules (established in the individual meetings) are also confirmed. Once that happens, Victor and Jennifer are ready to recognize the injustice. The mediator might flip a coin to decide who will start to describe how they have experienced the conflict, both facts and feelings, or Jennifer might begin.

She might say something like this, "My friends and I were getting a drink when you walked by and told me I was a slut. Then he crowded in front of me, and took such a long drink at the fountain – I think he just did that on purpose – I couldn't get a drink because we had to get to class. I was really mad, and I was hurt. I have never been called a slut before. I don't really understand what you meant by that, or why you did that." The mediator would say, "Victor, what did you hear Jennifer say?" Victor would summarize what he had heard (if he is unable to do this, Jennifer would be asked to repeat what she had said, and Victor invited to listen more carefully).

When Jennifer has no more to say about what she experienced and how she feels about it, the mediator would turn to Victor and ask him to describe how he experienced the conflict, both facts and feelings. Victor might say something like this, "Everyone in our class was talking about getting an invitation to your party at recess. They asked me if I got one. I had to say no. They all laughed at me. I felt stupid. When I saw you getting a drink, I thought I could show everyone I didn't care by calling you a slut, and making sure you didn't have time to get a drink. I still don't understand why you didn't invite me." Jennifer would be asked to summarize.

When Victor has no more to say about his experience and feelings, the mediator would turn the discussion to restoring the equity, and clarifying future intentions. This is where Victor and Jennifer think privately about what should be done to restore balance

in their relationship now, and what can be done to prevent a conflict like this from happening again, with the guidelines that it should be related, reasonable, respectful, and restorative. Each would be given a piece of paper, and a pencil to write their ideas. When they finish writing, they share their ideas while the mediator writes them down where both can look at them. They decide which of their ideas they want to act upon in order to solve the problem. This is written into an agreement that needs to be kept in order for trust to build.

The agreement might include things like: Victor will apologize to Jennifer for calling her a slut, and not letting her get a drink (this is the restore equity part). Jennifer will give Victor the invitation she has had in her pocket for him (Victor feels really sorry at this point since he realizes Jennifer just hadn't had the chance to give him his invitation). To keep this from happening again in the future, they could agree to no name calling – if someone is confused, they will talk to the person about it, or get the mediators involved. They will not let others determine how they should act or feel. If there are invitations to be given out, they will be handed out all at the same time before class starts so there is no misunderstanding, or hurt. The mediator summarizes this and writes it down on an agreement form. A time for a follow-up meeting is set, the agreement is signed.

Victor apologizes. Jennifer gives him his invitation. Victor tells Jennifer he feels really stupid. Jennifer tells him that it is ok, that she understands. Often, at this point, the two who were in conflict naturally begin a conversation together. A week later the follow-up meeting determines the agreement is being kept.

Students knowing, understanding, and using the process ensures, or at least makes it much more likely, that this kind of problem solving will occur more frequently. While it does not appear that there were consequences for Victor that would be a wrong impression. There were a number of very good consequences. The students involved had to make a decision about how they were going to resolve their conflict, and continue to be in relationship. Once they decided to use Option #3, they had to meet, listen to each other, and make agreements. Then they had to keep those agreements. The really exciting thing was, that when they were finished, they both had more understanding and tolerance for each other, and were able to proceed in a positive, community building direction.

It is interesting to consider what would have happened if Victor had been heard by a teacher and immediately assigned a detention. He and Jennifer may never have talked with each other, and the invitation may have remained in her pocket. Victor may have spent his hour in detention becoming even angrier, and more embarrassed as he thought about being the only one not invited to the party. He might have resolved to get even with everyone who had made him feel stupid, or silly. The potential for escalation could go on and on until Victor might have been suspended, or expelled, and Jennifer further traumatized. This simple act of imposing a consequence with no mechanism for coming back to a point where talking can begin, leads our schools more in the direction of not being safe rather than in the direction of being safe.

Step 7 – Model the Process as Often as Possible

Once the classroom community has been established, and the class taught the process of mediation (and even before), look for situations similar to the Victor/Jennifer one to model, and practice the structure. The more students experience the structure, the more they will understand it, and want to participate in it. This can be done with the most simple of conflicts, ones that are between two people, and do not have a long history. It can also be done with very complex conflicts, ones that involve multiple parties, and have gone on for a number of years.

Examples of the latter include the whole school working on a respect agreement for the cafeteria. This started in each individual classroom, and ended with an agreement that was put on a large poster for the cafeteria wall with the signatures of each student on a smaller version of the agreement posted all around the larger poster. Another issue involved the proper use and care of the rest-rooms. Each class in the school decided what they needed to do to make sure the rest-rooms were used properly. They each wrote and signed agreements that were posted in their classrooms. Playground safety was also a problem. Each class decided what respect and safety would look like on the playground. Their ideas were recorded and given to a committee that took the ideas into account in order to write a playground agreement. In each situation, we ended up with agreements of which the whole community felt a part. Because of that, they were much more likely to be followed.

Examples also include individual classes working on issues. One year my fourth grade class had a list of jobs that we had decided would be out on the back table for people to sign up for each morning as they came into the classroom. Things went pretty well for a couple of weeks. After that, some jobs became much more popular

than others. Some of the students who particularly liked to have a job began lining up at the door way before the bell rang. There began to be conflicts about who had actually been there first. This led to some pushing, shoving, and name calling. As a class, we recognized that we had a problem that needed to be solved.

We met to decide what we should do. First, students who felt they had experienced an injustice had the chance to tell of their experience. Before the next person could speak, that student needed to summarize what the person before them had said. When there were no more who wanted to speak, we moved to what needed to happen to make things right. Several people offered apologies. Apologies were accepted. We then turned to figuring out how we could solve the problem of people wanting to be first to sign up for jobs. Each wrote their ideas on a piece of paper. We listed the ideas on the board until there were no more offered. We talked about choosing ones that were reasonable, restorative, related, and respectful. The ideas chosen by the class included having a random drawing of numbers each morning. Whoever had number one had first choice and so forth. We also decided that you could not do the same job twice in one week. The drawing of numbers would be student led with that job being added to the list. We decided to try the system for four weeks, and then to have a follow-up meeting to decide whether or not it was working. The system worked amazingly well. We decided to continue with minor adjustments until the end of the year.

I have found such occasions with students to be energizing. The class really draws together as they solve problems using this kind of structure. They experience first hand what opportunities there are in conflicts, with togetherness, and understanding

being among the major opportunities.   We experience a sense of openness to one another, and tolerance is increased as a result.

Here is a collection of phrases that Ron Claassen (2003a, p. 77) put together when he was asked for some ideas about what to say to help get started working on a problem.

- Looks like we have a problem. (*Rather than you have a problem.*)
- I'd like to resolve our problem at #4. Are you open to #4 also? (*Rather than you had better shape up.*)
- These are the ground rules that help a #4 to work. We both need to agree to them. I can agree. Can you agree? (*Rather than these are the ground rules for you to follow.*)
- For #4 to work we must both agree to be constructive, to look for a way that will work for both of us. I agree to do that. Can you also agree to do that? (*Rather than you had better agree to do what I suggest or you can leave.*)
- Do you want to start, do you want me to start, or shall we flip a coin to decide who starts? (*Rather than giving no choice and giving the impression that I decide everything around here and I do it to my advantage and you have no choice.*)
- When a student complains to you about another student, if it is not a case of immediate safety, respond to the student, "You are (a little annoyed, quite upset, really frustrated) with what they are doing. Is this a problem you would like to be resolved?" (*Rather than I know that student and he really is a problem or I can't imagine her/him doing that.*)
- When an agreement has been broken you say, are you planning to keep our agreement? (*Rather than you had your chance, now its punishment time.*)
- If the student says yes, then offer congratulations and offer support if needed. (*Rather than saying I don't believe you or you have one more chance.*)
- If the student says no, I don't plan to keep the agreement, then you ask why? If they say they think the agreement was not fair, then you ask if they would like to try #4 again and see if you can arrive at a fair agreement for both of you. If they refuse to say why or don't want to take your question seriously then you compassionately educate them to the consequences of that choice (by describing how #2 and #1 work) and ask if they still want to make that choice. If they say yes or refuse to answer, then move to #2 or #1 continuing in a respectful and reasonable way, even if they are not being respectful. (*Rather than saying, you're in trouble now.*)

- If a student is wasting time and not working up to their potential you might say, "Do you remember the goals you wrote as school started? Do you think you are on track to meet those goals? Do you need some help?" (*Rather than saying you're…*)
- If the class as a whole is messing around, becoming chaotic, and not responding to a quick reminder, you might say, "I'm feeling some tension. I'm wondering if we need to look at our class agreement." If chaos continues, "Are we all still willing to keep the agreement?" (*Rather than slamming books or shouting out a threat like, "if you don't quiet down right now I'm going to cancel our next class party.*)

Step 8 - Empower Students to Act on Their Own

Students need the chance to solve their own problems using the structure, and process they have learned. We have a peer mediation program that enables them to do this, but it can be done even if a school does not have a formal program. You can run your own mini classroom program. This gives students a place in which to practice their newly acquired skills. Allowing students to work as mediators gives them this opportunity. "Making Things Right" trains student mediators to work in teams of two. Working on real situations helps students to internalize the skills for problem solving. I have had a number of students tell me they have used the process to help solve problems at home as well.

Here is an example of a conflict involving 8th graders that was resolved by students using mediation. It made a huge difference in their lives, and in our classroom. I began to notice that one of the girls did not want to be outside with the rest of us for

lunch recess, or P.E. She began going from room to room in the primary asking if there was anything she could do to help in their classrooms since their lunch hour is different than ours. This kept her off the playground for lunch. She also began asking if she could help in the primary instead of being out with the rest of the class for P.E. I noticed she was not spending time with the group of girls with whom she had usually spent time. I realized she was being ostracized from the group. I asked her if there was a problem that needed to be worked on. At first she said, "No."

I kept asking and offering to help. I told her she could not miss P.E. since this is a class. I think because this time was so miserable for her, she finally told me that there was a problem. She did not want to say exactly what had happened. I asked if she would like me to arrange a meeting with her, and the rest of the girls. She said, "Yes." I asked the other girls if they would be willing to meet together with their former friend. They were not all that enthusiastic about it, but they agreed. We met. The air was cleared between them a bit, but they were still reluctant to really work on specific issues. I finally said that I knew they all knew how to use the Reconciling Injustices Process, and that if they preferred, I would leave and they could just talk about it themselves. They were relieved and enthusiastic about that. (Later they told me it all just seemed too stupid and embarrassing to talk about with me there.) I left the room but stayed close in case they decided they needed me. I felt confident that they would work hard on the problem together because they had committed themselves to being constructive and cooperative.

They talked for about half an hour. When they emerged, they were laughing and talking together – <u>all</u> of them.

The next morning, the student who had been put out of the group arrived at school back to her usual smiling, happy self. The girls were closer than ever including several who had befriended the one left out by the other group. They had all been in on the resolution which basically was written as letting bygones be bygones. Our school year ended on a much happier note due to the problem being solved. It had even started to affect the boys and a few of the seventh graders. I still do not really know what it was all about, but my confidence in the ability of students being able to handle problems successfully if they have a good structure and process in mind, plus the skills to use them, was once again, greatly strengthened.

Step 9 – Keep Inviting Problem Solving

There are four reasons for Options #3 and #4 not being used more (Ron Claassen). One is that parties lack the skills and strategies. If you have taken the time to learn these skills yourself, and to teach them to your students, it is important to figure out ways for you and for them to practice. When we use a skill, we internalize it to the point that it can become second nature like riding a bike.

Another reason these options are not practiced more is that people and organizations lack the format and structures. It is up to those of us who value these structures to make sure they are available.

A third reason for not using Options #3 and #4 is because no one invites people into a side by side problem solving process. At first, when this commitment to side by side problem solving is made, it is important to be sure to keep inviting problem solving.

If one is not conscious of this, one might be more likely to slip quickly back into using Option #1, or Option #2. Step nine is here to emphasize the importance of keeping one's own commitment to Options #3 and #4 and to inviting students to also use their new found skills.

The last reason given for not using Options #3 and #4 is because people tend to respond to rule-breaking with punishment. If you make a commitment to establish a different structure that invites taking responsibility and "making things right," and then invite people to use that structure as often as possible, you will find it to be more effective than punishment. I believe this is because the problem actually gets talked about and resolved. The structure leads to relationships being able to grow, and flourish. That creates an atmosphere in which learners can take risks. Sometimes it is taking those risks that increase the opportunities for learning to occur.

Obstacles/Problems

Time is the obstacle that is mentioned the most when teachers first learn of these strategies. How do I get the time to do all of this, plus teach my students all the other things they must know? I have found the strategies to be so helpful that I wonder how one cannot find the time to use them. Like many things that become important to us,

we can manage to find the time to do them. I have found that once I have made the commitment to be constructive with all of my students, these strategies are needed to help me accomplish that.

Discipline takes time. It is important that the time spent is productive time that really changes the way a student is going to respond. My experience is that most students do not need a great deal of time and energy to encourage them to do what is positive for them. The ones who require time are the ones who are most in need of discipline. A punishment rarely works with them. In fact, usually a punishment escalates the problems until someone needs to leave. These strategies have proven to be effective with the small number of students who are in need of some time and energy to help them mature and to re-involve some of their family in their lives. It does take a tenacious desire to make this happen.

Some people feel there must be a punishment if a student does something wrong. This structure does not call for punishment. However, there are consequences for wrong doing in this structure. Experience has taught me that it is a serious consequence to be called to make and keep agreements. Students who have had several meetings with me, or with each other sometimes have to stop and think before agreeing to meet. The reason most often given for that is that they know they will be asked to think about making some changes, and then expected to do what they agree they will do. This is hard work. Some even go so far as to say they would prefer a punishment because that seems easier, and they don't have to make any changes.

Another difficulty mentioned is finding the time to teach students the strategies in the standard driven environment of the school. There is a place for the skills and

strategies in several areas. Students are learning real world problem solving skills. They are learning critical thinking skills. They are invited to look at a process and then to follow it step by step in a real life situation. They get the chance to think creatively, and to write what they think will solve the problem in a way that all can understand. They are invited to take responsibility for themselves and each other, to be leaders, as they work on actual conflicts that affect their community. I believe the curriculum enhances social studies, literature, math, and science. Students can be invited to think in new directions in each of those subjects because of their training in mediation.

Finally some worry that it is not something the entire school community is doing. I believe this is a way to be a change agent in your community. When students are trained, and excited about what they are doing, and what is happening, others will want to know about it. You can always figure out ways for them to have the experience, at least while they are with you. It is possible to have your own small "thinkery" within your own classroom. It is possible to encourage student mediation within your own classroom. Students begin taking on the task of spreading the news by using their skills at home and with other students informally and formally.

The Steps - Empowering Teachers and Students

A goal of education is to empower students to mature and grow to the point that they will be ready and able to become positive participants and leaders in their families and communities. We must be developing and encouraging the skills each of them will need in order to accomplish this. These skills must be specifically and deliberately

taught. This will lead to our realizing the vision of having a restorative classroom.

Once a commitment has been made to this vision, the steps direct putting the

strategies, structures, and processes into practice on both the personal and classroom

community levels.

Encouraging young people to be responsible for how they act in society is a gift

to our young people, and to us. It is important for them to be empowered to be able to

make positive contributions to the world around them.

As they are empowered, we are energized to do more to encourage their development

into mature, capable adults. The ability to meet one another in a problem solving

atmosphere, to talk about and create possibilities to solve our conflicts, is an ability that

can be used on both the micro and the macro level. I view it as a very important part of

the peacemaking work we are all responsible to be doing in our world.

Chapter 5

SIGNIFICANCE RE-VISITED

This thesis has given me the opportunity to tell my story about what I have discovered about the use of restorative discipline in my classroom as I have practiced over the last fifteen years. It has given me the chance to share my experience and the contribution restorative justice theory has made to what I do and how I do it. As I was practicing at a variety of grade levels, that theory was being developed and written. I had the opportunity to not only study the theory, but also to put it to use. This time of reflection and writing has enabled me to sharpen the pedagogy of Discipline that Restores. It has enabled me to articulate directions for the future in the use of restorative discipline as a model that can be practiced in more classrooms.

The recognition that school discipline systems were a mini-model of the larger criminal justice system was the point of insight for me that headed me in the direction of wanting to change the way I was practicing discipline. I have shared how, as I changed my practice based on what theory was teaching me and as I experienced the changes I was making as very positive, I began to think that I could help articulate new directions for the future in the use of restorative discipline. I decided I wanted to put this model in the form of a step by step plan that could be used by other teachers to practice restorative discipline. This step by step plan functions as an integrated system of discipline. Not needing a parallel system which is retributive in nature has been an important insight for me as I have studied and practiced, though a parallel system in the

larger school has not prevented me from establishing an alternative system in my classroom.

Another important insight was idea that the first step is one of self preparation. Instituting practices of restorative discipline will be a process of deciding we want to do things in a different way than we have done them in the past. This can be a personal decision to change how one practices discipline in the individual classroom, or it can be a decision that can impact the whole discipline system of a school.

Both the sharing of my story/experience, and the looking at what the authors of restorative justice theory who have influenced my practice the most have to say, have led to the nine step plan that teachers can follow. If this plan is followed, the practice of restorative discipline in classrooms will be a very real possibility. Stories similar to the stories I have shared throughout this thesis will be happening over and over again in classroom communities that are built on the ideas of respect that those communities have articulated themselves in the second step of my plan. The idea that relationships are more important than a particular rule violation led me to this all important step.

The ideas of reintegrative shaming led me to the third step of goal setting. Reintegrative shaming, which continues to value the person while pushing them in the direction of acting in ways that are approved by the community, is difficult, and tricky if we are not careful. I have found that looking at a student's own goals have been very valuable in helping me to accomplish the goal of applying enough pressure to effect a change for the better in behavior. Student's goals are invariably very positive in direction, and reminding students of what they have said they want to achieve is very powerful and reintegrative.

Having a structure in place to which all have access is essential. The fourth step of my plan speaks to this structure. Imbedded in the structure is the idea of a Thinkery (Claassen, 2003a). The Thinkery provides a student with a place of sanctuary when they need time to think about cooperating. It enables the structure to continue to be restorative in the face of non-cooperation. It gives everyone a chance to make the best decisions possible. It is a place where the "never ending conversation" (Bianchi, 1994) can continue.

In step five, I discuss The Four Options Model (Claassen, 1995). Using this model to teach my students about the decisions we can make when we find ourselves in a conflict has been invaluable. It helps us to focus on the actual problems that are between us rather than putting each other down personally because we are angry. Having graphic reminders available has enabled me to work with problems faster. They have enabled us (my students and me) to have some mutual understandings that we do not need to re-establish each time there is a conflict. This helps us save time when we do have a problem.

Another way that time spent in solving conflicts can be enhanced is to do step six. Teach all the students the skills of mediation. This is a way to teach a real life skill that they can begin using immediately. Integrating this into other academic areas is powerful. Problem solving is present in all areas of study, and students enhance their understanding by being encouraged to compare and contrast what happens depending on what model of problem solving one uses.

Step seven and eight are about modeling, and using the skill. A peer mediation option within the class, or the school gives students a chance to practice their skills with

each other. This empowers them to solve their own problems. It also serves as a model. As I said earlier in this thesis, modeling (what you actually do) is more influential than what you simply say. My students and I are kept stimulated and on our toes as we look for ways to model restoration, and to use our skills each and every day we are together.

Finally, the ninth step, "Keep Inviting Problem Solving," is there to remind us to keep practicing. This step brings me back to what I know I want to do in my head, but which I sometimes do not do. It emphasizes the importance of keeping one's own commitment to restorative discipline.

I believe these steps will empower teachers, who choose to follow them, to practice restorative discipline. That practice will lead to powerful classroom communities. In this kind of classroom communities, learners will be much more able to take the risks they need to take to enable them to reach their full potential.

I believe this to be a very significant direction for educators to pursue. Knowledge of restorative justice theory is significant for the positive changing of classroom discipline structures in schools. These structures can be restorative if the nine steps I have articulated are carefully followed.

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