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Restore the Respect

How to Mediate School Conflicts and Keep Students Learning

by

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Contents

About the Forms	vii
About the Author	ix
Foreword <i>Jed Baker</i>	xi
Preface	xiii
Acknowledgments	xix
1 A Call to Action: Reforming Discipline, Improving Relationships, and Building Better Schools	1
2 Systems to Help Students: How Response to Intervention and Multi-tiered Positive Behavior Supports Transform a School	19
3 What Is Teacher–Student Mediation?	41
4 How to Conduct Teacher–Student Mediations	53
5 What Is Required of a Skilled School Mediator?	75
6 Sources of Teacher–Student Conflict, Problem-Solving Strategies, and Sample Mediations	87
7 Feedback on Teacher–Student Mediation.	111
8 Promising Data: Mediation Is Effective	127
9 How to Conduct Student Mediations	141
10 Mediation with Adults in Schools: The Next Frontier	169
Afterword	199
Appendix A: Your Mediation Toolbox	203
Appendix B: Tier II Intervention Guide	213
References	219
Index	223

About the Author

Ondine Gross, M.S., Ed.M., is a nationally certified school psychologist who has worked in public school settings for more than 30 years. She began her career in diverse California public school districts, and the California Association of School Psychologists named her an “Outstanding School Psychologist.” While in California, Ondine earned licenses as a marriage and family therapist and as a licensed educational psychologist.

In Champaign, Illinois, Ondine has worked as the school psychologist at Centennial High School. In Illinois, she became a licensed clinical professional counselor and a mediator. She earned a master’s degree in educational policy, organization, and leadership from the University of Illinois at Urbana-Champaign as well as certification to be a school administrator. In addition to her school psychology duties, Ondine is Centennial High School’s student services department chair.

Ondine speaks publicly on a wide range of topics related to students and families. She has appeared on TV and radio and has presented to national professional conferences, school districts, and parent and community groups. Ondine and her husband live in Champaign and Chicago and are the proud parents of twin daughters.





What Is Teacher– Student Mediation?

Understanding is another name for love; love is another name for understanding.

—Thich Nhat Hanh

Teacher Susan Schneider: As a teacher for 37 years, the single most important factor in the classroom is a positive and mutually respectful relationship between the student and teacher. When this is compromised, it is essential to get that back on track...but that is not always an easy process. Teachers and students deserve skill building in understanding and insight into each other’s worlds. It sounds simple, but it’s not always the case. Mediation is a way to foster empathy, understanding, and a humanization between each member—student and teacher—for one another.

WHAT IS MEDIATION?

The Latin root for the word *mediation* means “middle carrier.” Mediation is an intervention to help people in conflict reconcile differences, settle a dispute, or reach a compromise. Many people practice mediation all over the world. Mediation often refers to the complex dispute resolution process performed by lawyers or professional mediators in divorce, labor and contract negotiations, or property or other complex legal disputes. The outstanding *Getting to Yes* books of Fisher, Ury, and Patton (now in the third edition—2011) are a classic example of how to understand and conduct such negotiations. In a school context,

the Center for Appropriate Dispute Resolution in Special Education (CADRE; see www.directionservice.org/cadre) provides families with an excellent free resource on steps to resolve complex educational disputes with their child's school district. However, not all mediations are complex. In fact, this book promotes the use of a voluntary and efficient mediation technique that can be used among teachers and students, students and other students, and even adults.

The use of mediation is continually expanding within educational, community, and youth settings. Although there is little to no research on the use of mediation as a Tier II intervention to specifically restore and improve teacher-student relationships, since the early 2000s, the use of mediation has been promoted within the context of restorative practices. In 2014, the U.S. Department of Education's *Guiding Principles* defined restorative justice practices as "non-punitive disciplinary responses that focus on repairing harm done to relationships and people, developing solutions by engaging all persons affected by a harm, and accountability" (p. 24). The goals of restorative justice intervention in schools are "to address the harm committed and enhance responsibility and accountability, build relationships and community, and teach students empathy and problem solving skills that can help prevent the occurrence of inappropriate behavior in the future" (p. 24).

Children make mistakes, and it makes sense to provide venues for them to understand their actions and how those actions affect others and to make amends. Oakland School District has been widely praised for the implementation of restorative justice principles and practices in order to "build community and respond to student misconduct, with the goals of repairing harm and restoring relationships between those impacted" (Oakland Unified School District). Using a tiered system of supports, Oakland's use of restorative justice involves "creating space for dialogue" via mediation, restorative conversations, circles, family group conferences, and community conferences. Citing the positive impact of restorative justice approaches, Ralphe Bunch High School, a continuation school for 250 students in Oakland Unified School District, reported a reduction in suspensions by half (Khadaroo, 2013).

Upon completing a standard 40-hour mediation training in 2009, my new knowledge percolated in my mind for more than a year, and then I saw an opportunity. School discipline was transforming to include a tiered system of SWPBS that recognized the importance of teaching social, communication, and conflict-resolution skills rather than just being a system of punitive consequences. I knew that counselors, social workers, and school psychologists intervened frequently with teachers and students, but why not apply the structure and principles of mediation to teacher-student meetings?

I asked three questions: 1) Would conducting teacher-student mediations be feasible given my busy schedule? 2) Would teachers accept the idea? 3) Would mediations be effective? In the spirit of "action research," which I interpret as permission to try something new and collect data to measure effectiveness, I began to search for answers. Fortunately for me, the formation of Tier II meetings was concurrently being rolled out at Centennial High School. While

teacher–student mediation can operate as a stand-alone intervention using existing trained school staff member(s) as the mediators, teacher–student mediation can also be used as a Tier II intervention embedded into MTSS.

Although I was the only practitioner of teacher–student mediations, I had assistance in data collection and analysis at our Tier II meetings. To my surprise, the answers to my initial questions were

Yes: Teacher–student mediations were doable given my busy schedule.

Yes: Teachers can accept the idea.

Yes: According to our data, mediations were effective.

In this chapter, I describe the “what” and the “why” of teacher–student mediation. In Chapter 4, I discuss the “how” in detail. In Chapter 5, I detail the qualities of a skilled mediator. Then, in Chapter 6, I examine the root causes of teacher–student conflicts and provide examples of problem-solving strategies.

WHAT IS TEACHER–STUDENT MEDIATION?

Teacher Beth Hogan: I had the opportunity to participate in a teacher–student mediation that restored the peace in our classroom and healed a fraught teacher–student relationship. The key to this mediation was that the student and I were temporarily asked to step out of our prescribed roles and artificial hierarchy to express concerns and to collaborate toward a resolution. This was a deeply humanizing process for both my student and me, one that prevented a possible suspension for my student, but also increased my joy and effectiveness in the classroom.

Mediation is not simply getting people in a room to talk. Teacher–student mediation takes place in a voluntary meeting with a teacher, student, and trained mediator, usually in a private office during a 50-minute period. Mediation is structured so that the mediator sets the tone and is “in charge.” All parties must follow the mediator’s directions. Mediation provides the means for people to tell their full story. It is dignifying and healing for people to be heard, understood, and affirmed. Mediation strives to improve the self-esteem and effectiveness of the teacher and student. Mediation also aims to bridge racial and cultural divides and to help build trust. *The goal of teacher–student mediation is to restore respect and improve relationships so that teachers can teach and students can learn.*

The meeting opens with a review of the rules of mediation. The teacher and student are asked to speak only to the mediator and to answer the question: “What brought us here today?” The mediator takes notes and asks clarifying questions during the first part of the 50-minute mediation. Then, the teacher and student are invited to speak directly to each other and to develop a plan to move forward. Mediations are simple and easy. However, there are dynamics that the mediator must be aware of, which are examined in more depth in Chapter 6.

The following four principles, adapted for school use from the 2005 Model Standards of Conduct for Mediators (American Arbitration Association, American Bar Association, & the Association for Conflict Resolution), are useful in school settings:

1. **Impartiality:** Mediators do not take sides. They are there to listen—not to solve problems, evaluate solutions, or provide options. Mediators are to even-handedly facilitate communication because it is critical for all parties to be perceived as having equal rights and dignity (p. 4).
2. **Confidentiality:** Within the parameters of mandated public school reporting (i.e., child abuse), a mediation is a private meeting. Knowing the mediation is confidential gives people confidence in the process (p. 6).
3. **Self-determination:** The two participants choose to talk about whatever topics they wish. The mediation simply provides the structure and safe opportunity to do so. Self-determination empowers the participants and helps them feel more effective (pp. 3–4).
4. **Voluntariness:** Participants come to mediation voluntarily and stay voluntarily (p. 2).

WHY MEDIATE WITH TEACHERS AND STUDENTS?

Principal Greg Johnson: It's [teacher–student mediation] consistently our highest performing intervention, and of course, it makes sense. You have interpersonal conflict, you resolve that interpersonally. It's clear.

Teacher–student mediation is a common-sense solution that improves student learning and teacher morale, fosters an environment of caring and respect, improves racial understanding, and models conflict resolution skills.

Why Is Mediation Helpful for Teachers?

Teachers are trained and certified professionals. Unfortunately, no training program adequately prepares a teacher for the wide and varied behavioral challenges that students present—a teacher's first years are often "baptism by fire." I often joke that I couldn't last a day in the classroom; the physical, emotional, and organizational demands of the job are nonstop. It is stating the obvious, but teachers are only human and are not immune from adult pressures and bad days. Most can recount a time when a situation with a child could have been handled better. Mediation can help teachers rebuild their relationships with their students and gain additional ways of responding to challenges that students may pose. Even the most experienced teachers ask for assistance in working with some students. Many teachers who come to mediation are highly skilled, sensitive, and have excellent classroom management techniques, but those techniques may not be effective with a particular student. I have deep respect for teachers who walk into a mediation. They are stepping out of their comfort zone in order to improve their effectiveness with a student.

Why Is Mediation Helpful for Students?

Students can benefit from mediation by learning about a teacher’s perspective and possibly obtaining a more sympathetic understanding of the teacher’s responsibilities. Also, students can benefit from learning how to appropriately express their feelings and discovering how dignifying it feels when those feelings are heard and validated. In addition, a mediation meeting provides outreach and care and models appropriate problem-solving behavior for students. Students come to school with a variety of social, educational, behavioral, and medical challenges. Many are affected by poverty, abuse, neglect, loss, substance abuse, and inadequate exposure to appropriate social and cultural experiences. Mediation gives these students a voice and can provide an outlet for them to discuss some of their life challenges. Anyone referring a student to teacher–student mediation will assess the suitability of this intervention on a case-by-case basis. It has been my experience, however, that students of diverse backgrounds rate their teacher–student mediation experience as a positive one (see Chapter 8).

Why Is Mediation Helpful for Both Teachers and Students?

Teachers and students see each other every school day. Consider the implications of an ongoing interpersonal problem:

- The conflict produces stress and tension. It saps the joy out of teaching and learning.
- Even “planned ignoring” (i.e., consciously avoiding the situation or avoiding communication) requires mental and emotional energy.
- The discomfort reduces the effectiveness of the teacher and student in their activities.
- The negativity permeates the classroom climate and affects other learners.
- The academic achievement of the student is affected, possibly leading to increased truancy, behavioral problems, and disciplinary consequences.
- The ongoing difficulty may reduce the overall success of the teacher in promoting student learning.
- The conflict may be rooted in racial bias or misunderstanding.
- Unresolved conflicts can linger and even snowball. Students and teachers can get into a rut without the tools to form new patterns of behavior.
- Both parties have a stake in improving the relationship: The student wishes to earn a passing grade (and hopefully excel in the class), and the teacher wishes to create an effective, positive, affirming learning environment.

Regardless of the student’s age, mediation may provide the first safe venue for the student to problem-solve in an appropriate manner with a

teacher. It can also be the first time that a teacher has had an opportunity to have an extended, frank, problem-solving conversation with a student. In many communities in the country, mediation may also provide the first opportunity for a more in-depth cross-cultural dialogue as teachers and students alike are exposed to people of different backgrounds. Mediation provides an excellent opportunity to foster respect and promote cultural awareness for all parties. Consider the following scenario: Sammy, a shy high school freshman, is falling behind in biology. His mother told him to go talk to his teacher about raising his grade. He approaches Mr. Perkins during a 4-minute passing period.

Sammy: Uh, Mr. Perkins, can I talk to you about raising my grade?

Mr. Perkins: OK. Give me a minute to look up what you're missing. It looks like you have three tests to make up, the leaf project, and the homework from Chapters 9, 11, and 14. I'm here most days after school if you need some help and you can do your make-up tests at that time.

Sammy: OK, thanks. Bye.

Sammy now has a pile of homework and make-up tests to do. He may not know how to get started on the work and is too embarrassed to ask for help. Mr. Perkins said to come after school, but Sammy knows he will never do that. He has to catch a bus and get home to help care for his siblings. Mr. Perkins sees that Sammy is a no-show after school and interprets this as Sammy not caring about his grade.

As the weeks pass, Sammy's grade gets lower and lower. His mother is upset. Sammy never turned in the missing homework, and the pile grows. As each day passes, Sammy's rut deepens. His mother grounds him because of his low grades. Soon he has outbursts at home because he is overwhelmed and frustrated.

Maybe all along, all Sammy needed was the time and opportunity to discuss his areas of need with his teacher to help jumpstart him on the right path. What Mr. Perkins sees, however, is a student who does not do his work and does not show up for help—and that does not make a great impression. Though Mr. Perkins did initially invite Sammy to come for help, such brief conversations do not always result in improved student work habits. Mr. Perkins provided the information about make-up work to Sammy and directed him to come after school, yet he did not show a more personal interest in Sammy, identify what had caused him to fall behind in the first place, or provide encouragement. This is not because Mr. Perkins did not care. There simply was not time. When the bell rings, Mr. Perkins must change classrooms and has only 4 minutes to travel to his next destination before the next bell. Such a hectic pace is not conducive to an in-depth conversation.

Mediation provides the means for a completely different interaction. Because the meeting opens with the teacher and student only speaking with the mediator, the tone of voice is different. With all due respect to teachers, I

have observed that some tend to use a “teacher voice” when speaking with students who have misbehaved or fallen behind. This voice is slightly stern, always serious, and is not accompanied by smiles. Some students, particularly teenagers, also have a voice they use with teachers. It may be sassy or sarcastic and include a dose of eye rolling. This tone, too, is absent from mediation meetings. In fact, I am continually amazed at the level of kindness and understanding that is expressed by both parties in mediations. This drives my enthusiasm and desire to share this easy, quick, game-changing intervention with others.

Not all teachers will require the use of a mediator in resolving conflicts or improving relationships with students. Many are very adept and comfortable with difficult conversations that root out the problem and develop solutions. Despite the demands of teaching their subject area curriculum, these teachers recognize the importance of building a positive culture in their classrooms and have developed the skills to do so. Such teachers have also examined their own backgrounds and biases and attended to issues of respect, equity, and fairness in their practices.

Administrator Angela Schoonover: As a teacher, I always encouraged students to come to me if they felt as if I was disrespecting them. I had gone to and taught at a camp in California 5 years ago, and there were really good things that came out of it. One of the things was accepting and being able to work through conflict with people. Part of it is acknowledging this is what happened, acknowledging how the other person felt about it, and then moving forward...what do we do to make this better? And so I took that and I actually incorporated it in my classroom. I always encouraged students to come if they felt at any point in my class I disrespected them or treated them unfairly...to please come and talk to me about it. We talked about good times to do that. And I did have students who felt empowered to do that.

AREN'T TEACHERS RESISTANT TO MEDIATION?

Principal Greg Johnson: Strategies about how to get teacher buy in and deal with teacher resistance aren't necessarily needed if the thing you are doing has a chance to breathe and then is obviously and undeniably successful. And so I think what happens with teacher–student mediations is they become their own best advertising tool. They're just working. I've never, ever, heard a teacher complain about it.

Administrator Ryan Cowell: I have seen very little negative response from teachers or students regarding mediation, and I have seen it do tremendous good in many cases. I do a significant portion of the referring for teacher–student mediations, and I rarely run into teachers that do not want to take part in a mediation.