

JUDICIOUS DISCIPLINE

By Forrest Gathercoal

judicious... 1. having or exercising sound judgment.. 2. directed or governed by sound usu. dispassionate judgment: characterized by discretion... **syn.** see **wise**
--*Webster's Third New International Dictionary*

discipline... 1. a branch of knowledge or learning 2. training that develops self-control, character, or orderliness and efficiency... 3. self-control or orderly conduct... 4. a system of rules... 5. treatment that corrects...
--*Webster's New World Dictionary*

Professional Educators and Democratic Classrooms

A key element of democracy is that individuals are given human rights and these human rights are respected by all and protected by the government. It makes sense then that on the first day of class teachers should introduce themselves by saying, "Good morning students, I am <state your name> and I am here to protect your constitutional rights." In one sentence a relationship can be established that creates a feeling among students that their teacher is here to help and support each of them as individuals. Most students have some awareness of what human or constitutional rights mean, but they have not been in a classroom where it has been put into practice. When a teacher begins the first day of class by recognizing and protecting student rights, they have just introduced the first three of ten fundamental legal principles that are the heart of *Judicious Discipline* and provide the structure and framework for a democratic classroom.

Students learn their constitutional rights consist of three foundational principles: freedom, justice, and equality.

- **Freedom** means students are able to be themselves and have the right to express themselves through their behavior and opinions. Educators have a responsibility to protect and respect students' individuality and acknowledge their right to make choices for themselves.
- **Justice** means students have a right to school rules and consequences that are fair to everyone. The right to justice also means students accused of misbehavior have the right to tell their side of the story. For educators to listen to students in matters of concern and consider their views, demonstrates a sincere respect for a student's sense of self worth.
- **Equality** means an equal educational opportunity for each student. It means meeting the individual needs of every student in order to give each a chance to succeed in school. The educator who tells a student 'If I let you do that, I will have to let everyone else do it,' may be denying that students an equal opportunity to learn, if in fact that student needs special assistance in order to find success in school. Equality does not mean treating every student the same. It means educators will respond to students' individual needs so each will have an opportunity to succeed.

The lessons taught about rights and responsibilities must begin with students learning and talking about their rights. It is important students identify first with their own needs and desires. Moving too quickly to responsibilities tends to ignore the importance of empowering students with the language and how it feels to have rights.

After students learn about their rights in a democratic classroom, they need to know those rights are denied or moderated when they exercise individual rights that interfere with the welfare needs of others. In other words,

students cannot say nor do anything they want to say or do; expression and movement are limited. Legally speaking, if educators can demonstrate a compelling state interest, the rights of students can be denied. There are four legal arguments our courts have used to protect the welfare needs and interests of the state. The four arguments are: Threat of Property Loss and Damage, Legitimate Educational Purpose, Health and Safety, and Serious Disruption of the Educational Process. As students learn to think and act using these four arguments as guiding principles, the language used in the classroom moves from autocratic talk to democratic talk. For educators it replaces telling students how to behave to reminding them of their civil responsibilities. For students it replaces obedience with responsibility.

Students will learn how these four guiding principles will deny and moderate their constitutional rights as educators present them as responsibilities associated with the expression of their rights. These responsibilities are:

- **Property loss and damage or *Treat All Property with Respect*:** Most students understand the need to protect property and usually have no problems with rules and decisions that deal with personal or public property. Sometimes students do not understand that what they are doing is damaging property and only have to be taught how to care for it. Computers, science equipment, shop tools, and so forth would be examples when students would need instruction on the care of school property.
- **Legitimate educational purpose or *Take Responsibility for Learning*:** This is an opportunity for educators to set out rules and make decisions based on their professional judgment. They may appear to students to be fairly arbitrary but are based on professional knowledge and experience and are designed to help students learn. For example, a rule to bring paper and pencil to class would seem arbitrary but to an inquiring student asking why, a reasoned response would be ‘to help you learn.’ Educational curriculum, teaching methodology, assessment, homework, assignments, and testing are all examples of decisions educators make based on their professional judgment in order to carry out their professional responsibilities. These decisions sometimes conflict with rights of students and their families. For example, teaching a lesson on evolution may violate the rights of a family whose beliefs are otherwise. In this case, their child would be excused from the classroom when theories of evolution are being taught. On the other hand, state compulsory education laws which deny students’ freedom during school hours are based on a legitimate educational purpose. School rules and decisions must be both legitimate and educational to legally deny student’s rights.
- **Health and safety or *Act in a Safe and Healthy Way*:** This is one of the principle roles of government responsibility and must be taken seriously. Clear and published guidelines about the physical health and safety at school are essential to ensure a safe and secure learning environment. This principle includes not only physical health and safety, but emotional and psychological health as well. Students who tease and harass are affecting another student’s emotional health. Vulgar language or bigoted slurs heard in hallways or printed on clothing is not constitutionally protected speech. Reminding students of their responsibility for the emotional health of others is an empowering approach to creating a consciousness of tolerance and respect among the student body. Health and safety must become the concern of both students and educators, not by forcing the issue, but by using the power of knowledge, language, modeling, discourse, and awareness to bring about a community of mutual respect.
- **Serious disruption of the educational process or *Respect the Rights and Needs of Others*:** Problematic in teaching and learning about this principle is the definition of “serious.” Classroom disruptions can vary greatly from one room to the other depending on such differences as size, subject matter, age, teaching methods, classroom conditions, and the educators teaching style. Expressing and discussing the various factors which can affect a good learning environment generally result in ownership by everyone and does much to avoid disruptive classroom behaviors. Students usually agree material disruptions can interfere with their education; however, they are also often ready to dispute the seriousness of such disruptions. Class meetings can be an effective means for determining mutually

agreed upon standards of responsible behavior. They allow input from students about their needs and desires and from educators about their educational methods and strategies which require responsible behaviors as well as some behavioral restraints.

The last three fundamental principles are **time, place, and manner**. “Time, place and manner” is a standard used by our courts as a criterion in deciding whether government has abused its authority in limiting individual rights. For example, if a student is distracted by something he or she brought to class, by asking the student if this is the best time, place, or manner to be playing with it, the educator reminds the student of his or her responsibilities and avoids a confrontation. By employing the language of reasonable time, place, and manner, educators reinforce responsible thinking in students who are beginning to use these concepts as organizers and an intrinsic rationale for determining for themselves what it means to be responsible.

These ten principles of democratic talk now become the language used by the classroom community. For example, instead of admonishing a student for harassing another with ‘stop bullying,’ educators can remind them of their responsibility by saying ‘health and safety.’ A teacher who sees a student damaging a textbook is often heard telling the student ‘that’s no way to treat school property.’ This would be replaced by asking, ‘Is there a property issue here?’ Questions using these principles avoid confrontations by separating educators from the rules and thus from an authoritarian role of telling students how to act. Refreshing a students’ memory emphasizes the power contained in a guiding principle and avoids the use of force which often results in counterforce from the student. When educators use language that empowers students with an intrinsic sense of responsibility, they find their students begin to move away from an obedience orientation to one of autonomy and self-control.

Involving students in setting up the rules or behavioral guidelines for the classroom is a first step towards giving students feelings of a sense of responsibility. When students develop the behavioral expectations or guidelines of the school and classroom, within the democratic structure described above, the community of learners takes greater ownership in their maintenance and further development. As a result, educators may not feel personally violated when behavioral expectations are broken by misbehaving students because educators can separate themselves from rules that are based on the same principles of civility we all live by in America. What better way to act in students best interests than for educators to help students learn to live responsibly in a free society.

When students mess up or stray from the class guidelines, the educator takes on the professional posture of one who works to help the troubled student come to terms with a problem situation. If educators are going to be effective in helping students recover from their misbehavior, get back on track, and do something else next time, they must create and maintain a “professional relationship” approach to consequences. A professional relationship can be defined as a fiduciary relationship in which students are entrusted to the care of educators. The professional ethics of this relationship is always acting in the best interests of those in our care. It is important, too, that each student believes his or her educator is always acting in his or her best interests. This is not easy for educators to bring about in a school setting unless students are included and feel some sense of responsibility in the relationship.

Developing a professional relationship with a misbehaving student begins with avoiding language and strategies that often lead to adversarial relationships. First, avoid lecturing students. Language like “I told you not to do that again” and ‘you should be ashamed of yourself’ are usually voiced by educators to make themselves look responsible. Pointing out mistakes students already know about and retelling them what they have heard many times are examples of educators forcing the issue with guilt trips and threats in hopes of bring about compliant, submissive, or passive students. If students are going to learn to be responsible they should be doing the talking and the responding defensively to moralizing lectures.

Second, stop judging students. Playing judge and jury is the criminal justice approach often designed to humiliate, punish, and push students away from the learning community. Educators must learn to accept students exactly where they are now, assuming they have done the best they could. This does not imply that we agree with what they have done, it simply establishes a professional relationship with the student much like that

of a doctor/patient or lawyer/client relationship. Misbehaving students are not asking educators to approve of what they have done, but they are asking for a professional educator to trust and understand that their behavior at the time was genuine and, under the circumstances, what they thought they needed to do at the time.

The first words spoken to a misbehaving student are always in the form of a question. The question empowers students to respond. The student talking is the one becoming responsible. Discourse encourages use of intellect and the associated feelings lead to mutual respect and responsible behavior for both students and educators.

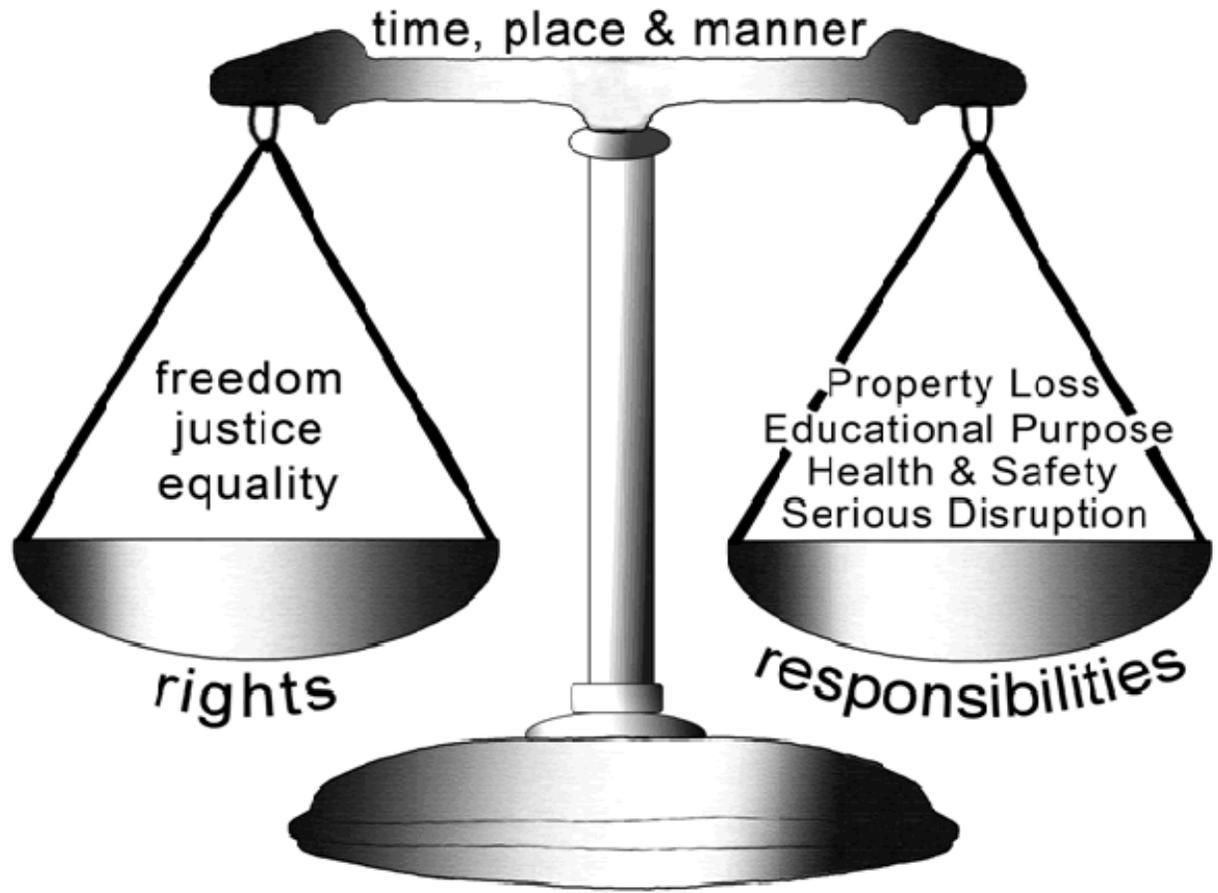
Educators using a democratic approach to setting up school rules and classroom guidelines have separated themselves from the rules making it easier for educators to talk about rules without becoming defensive. By the same token, it is also easier for students to talk about their problems if educators separate students from what they did. This can be done by avoiding 'why' questions and focusing on questions related to what happened. 'Why did you...,' for example, focuses on the 'you', which often leads to defensiveness and litanies of excuses. Whereas 'What happened', asks students to describe 'what' occurred. 'Would you like to talk about it?' also emphasizes 'it' and thereby avoids students feeling they will be judged.

Once students have had an opportunity to respond (and regardless of what they say), the next question to be discussed is '**what needs to be done now?**' This discussion with students revolves around what students need to do to put things back together and make things whole again. It is the legal concept of "restitution." Also important are the feeling of others which may have to be considered. If feelings have been hurt, then some discussion regarding an apology should be considered.

When students have come to some resolution about what needs to be done about what happened, the next question to discuss is '**what can we learn from this?**' Questions and discussions are related to changing goals and attitudes and talking about 'what can we do next time so this will not happen again?'

It is important that throughout the whole discussion of consequences, educators must always respond to students in the form of questions. If students are reluctant to respond to questions or have no ideas, educators could ask question which introduce their own ideas for student consideration. For example, 'what do you think about doing ____ as something you could do now?' or 'what would happen if you did ____ next time?' or 'do you think an apology would help the situation?' are some examples of questions which could be filled with ideas and next steps for students to consider. Decisions made from discussions must be volitional on the part of students. They must have the feeling they are making their own decisions and not playing off the authority of another. Troubled students are truly fortunate to be in the professional care of an educator committed to helping them recover and get back on track.

Guidelines and decisions based on democratic principles and consequences grounded in a professional relationship help bring students to a principled level of thinking. This reasoned and considerate approach to rules and consequences provides students with a paradigm they take to other social situations. There is a significant difference between learning obedience through rules and consequences designed to force behavioral changes and learning civil responsibility through the empowering language and discourse of professional educators. A democratic school experience is about developing learning goals with students designed to enhance character and courage which will hopefully provide them a presence of mind for living a life of equability and self-control.



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Caddo Gap Press
3145 Geary Boulevard, Suite 275
San Francisco, California 94118
Telephone: (415) 666-3012
Email: caddogap@aol.com

Paul Gathercoal, Ph.D.
School of Education
California Lutheran University
Thousand Oaks, CA 91360
Cell: (805) 479-1256
Email: gatherco@clunet.edu

Forrest Gathercoal, J.D.
School of Education
Oregon State University
Corvallis, Oregon 97331
Home: (541) 752-4732
Email: fgathercoal1@comcast.net

Website: http://www.dock.net/gathercoal/judicious_discipline.html