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ABSTRACT

This paper describes a philosophy and framework for classroom management and school discipline which represents a citizenship approach, based on the Bill of Rights, that teaches students about their rights and responsibilities for living and learning in a democratic society. The Judicious Discipline framework outlined in the paper could work well with most character-building curricula marketed by commercial publishers. The paper provides a brief summary of Judicious Discipline in action; discusses developing character through democratic culture; and describes and reports on an action research project implemented at an elementary school in Mankato, Minnesota which has been using Judicious Discipline for 5 years. Contains a table and 32 references. (BT)

Judicious (Character Education)Discipline

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A paper presented at the American Educational Research Association (AERA) 2001
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Introduction:

U.S. education has focused on character development from its inception (Field 1996). The very first law dealing with public education in 1640 made the development of character a central aspect of education. However, U.S. education has increasingly turned away from character since the 1930s. In fact, in the past two or three decades educators have largely excluded the teaching of character from the curriculum. Some attribute this situation directly to the reaction against the "values clarification" movement of the '60s and '70s. Educators too often tried to make education value free—a logical and behavioral impossibility—and consciously moved away from teaching anything that looked like character education.

Much of the character-building curricula made available to teachers through commercial publishers, are well-scripted prescriptions for teaching about specific ethics and values. Some employ high-profile people who endorse the curriculum, its process, and substance. Most character-building curricula are marketed well and generally have the best interests of our society at their core. They are teacher-friendly, and complement and work well with *Judicious Discipline*.

A Brief Summary of Judicious Discipline in Action:

Educators have always believed teaching citizenship is an important aspect of their educational mission. *Judicious Discipline* (Gathercoal, 1997) takes that belief one step further -- to acknowledge and respect students as citizens. *Judicious Discipline* is a philosophy and a framework for classroom management and school discipline. It is a citizenship approach that teaches students about their rights and responsibilities for living and learning in a democratic society. It is based on the United States Bill of Rights.

How do we provide students with a framework that balances human rights with the rights and interests of the rest of society? Forrest Gathercoal (1997), author of *Judicious Discipline*, presents educators with a model that respects the rights of every student and balances these human rights with the rights and interests of the rest of the students in the school/class -- a balance that is maintained in a state of dynamic equilibrium. This model

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is best put into action when educators teach students about their individual rights (rights that are enjoyed by all citizens living in a democratic society), **and** allow students to explore their individuality by exercising their rights within the school and its classrooms.

The human rights guaranteed by the constitution of the United States to every individual are freedom, equality and justice. More specifically stated they include freedom of speech, press, peaceful assembly, and religion; the right to privacy and freedom from unreasonable search and seizure; and the right to due process and equal protection of life, liberty and property.

The rights and interests of a school's society can be summed up in four compelling state interests. They represent legal reasons why educational institutions operate and maintain safe, disciplined, and proper educational environments. The four compelling state interests serve as a framework for rules and expectations. Students and educators cooperatively develop behavioral guidelines for their own teaching and learning situations based on these four compelling state interests. These compelling state interests have been winnowed from two hundred years of U.S. constitutional history; they are very legal and represent the four arguments educators can use to limit a student's individual rights.

The compelling state interests are:

- ☆ **Property Loss and Damage:** an interest which acts as steward for the care and appropriate use of individual and state owned property.
- ☆ **Threat to Health and Safety:** an interest that serves a fundamental purpose of government to protect the health and safety of students who attend public schools.
- ☆ **Legitimate Educational Purpose:** an interest that keeps in countenance administrators', teachers', and the educational institution's license to make arbitrary decisions that are based on sound educational practice and the mission of the school.
- ☆ **Serious Disruption of the Educational Process:** an interest empowering schools with the professional responsibility to deny student rights that *seriously* disrupt student activities.

When students are taught about the need for balancing their rights with the rights and interests of society, they come to understand that there is always an appropriate time, place, and manner for exercising their individual rights. The rules and expectations students develop will naturally reflect an understanding of what are appropriate displays of individual behavior. Concomitantly, students will have addressed notions of social justice and will have done much to generate an atmosphere and culture in their school and classroom that fosters the pursuit of academic excellence.

Judicious Discipline is "front loading;" it doesn't work very well unless expectations are in place and the community of learners develops them. To get started, educators and their students develop classroom and school expectations by rewording the four compelling state interests into positive behavioral statements and then ask the students to help define what they look like in various teaching and learning situations. The chart below, represents how the compelling state interests can be reworded into positive statements.

The Compelling State Interest and its Positive Behavioral Statement.

Compelling State Interest	Positive Behavioral Statements
Threat to Health and Safety	Act in a Safe and Healthy Way
Property Loss and Damage	Treat All Property with Respect
Serious Disruption of the Educational Process	Respect the Rights and Needs of Others
Legitimate Educational Purpose	Take Responsibility for Learning

Note that the four positive behavioral statements for students will never change; these are the principles upon which our society limits an individual's rights. However, the examples that students will generate for each positive behavior statement will vary from learning situation to learning situation. The examples students offer will be very different for teaching and learning in the Resource Center than if they are generated for teaching and learning in the Gymnasium. So, the teacher will ask, "What does Act in a Safe and Healthy Way mean in this classroom?" Students then provide the language that defines each positive behavioral statement while another student records the expectation on a large sheet of paper. The teacher leads the discussion that defines each positive behavioral statement by conducting a democratic class meeting (Gathercoal & Connolly, 1997). When the expectations are complete, each student signs her or his name, or places a thumb-print on the paper. The expectations are then displayed in the class area as a reminder to students and educators. Displayed below is an example of a third grade classroom's expectations:

☆ **Act in a Safe and Healthy Way:**

- ☆ Walk in the school - Follow playground rules - Keep hands and feet to yourself - Use a person's first name when speaking - Follow bus rules - Use furniture correctly

☆ **Treat All Property with Respect:**

- ☆ Take care of furniture - books - bathrooms - computers and all personal property - Ask before using other people's property

☆ **Respect the Rights and Needs of Others:**

- ☆ Keep hands to yourself - Work without disturbing others - Cooperate to help others learn - Use respectful language – Guard the process of learning

☆ **Take Responsibility for Learning:**

- ☆ Listen to others - Do your homework and return it on time - Try your hardest and do your best work - Be prepared for school - pencils, books, and folders - Keep track of materials

When students develop the behavioral expectations of the school/classroom, within this democratic structure, the community of learners owns the expectations. As a result, educators may not feel personally violated when behavioral expectations are broken. The educator takes on the role of a mentor, or student advocate who tries to help the troubled student come to terms with a problem situation. In this way, educators remain educators.

When educators use *Judicious Discipline*, work related stress is reduced through the lack of student/teacher confrontations and a greater feeling of professionalism as an educator. As one classroom teacher commented,

"The most immediate effect of my ...reading *Judicious Discipline* is my classroom management. The entire atmosphere of my classroom and the relationships I have with my students has been radically changed. My old emphasis on 'discipline' and 'deadlines' had been replaced with compassion, understanding and awareness of the best interest of the individual. It's remarkable to me how much I am suddenly enjoying teaching and how often my students are finding me to be an adult to whom they can turn for understanding." (McEwan, 1990, p. 40)

Students, too, will feel greater self-worth as they are empowered with taking responsibility for their own behavior. As a consequence, *Judicious Discipline* can be said to be actively involved in constructing a culture of a mutual respect between the educator and every student in the school.

Developing Character through Democratic Culture:

Character education, as portrayed today, is one approach to a much larger set of issues. At the heart of the desire to help our children have "better" character is their moral development. *Judicious Discipline* offers an approach to democratic classroom management that enhances the implementation of any character-building curriculum. We believe that this approach is essential to the implementation of good character education programs in our schools.

There is much literature advocating that an educator's style of school and classroom management needs to shift from autocratic to democratic approaches (Hill, 1990; McEwan, 1990; Sarason, 1990; Shor, 1992; Glickman, Allen & Lunsford, 1994; Johnson & Johnson, 1994; Gathercoal, 1997; Gathercoal, 1999; McEwan, Gathercoal & Nimmo, 1999; Landau & Gathercoal, 2000). The rationale for this paradigm shift is simple. Students need models from which to learn. Educators delude themselves if they believe students will learn to be responsible citizens in a democratic society by passively learning about democracy in autocratic schools and classrooms. Students need democratic models operating in their daily lives and opportunities to exercise their democratic rights and responsibilities. It is pure fantasy for educators to believe that their students will operate at the higher levels of moral development as a result of their meting out rewards and punishment in hopes of reinforcing "good" behavior and discouraging the "bad." Students need educators who can model appropriate knowledge, dispositions and skills at the principled level of moral development.

Public education exists to preserve and promote literacy and democracy. The ends of education are to assure that students succeed to the best of their abilities, and lead a healthy, personally enriching lifestyle. Although meaningful and humane goals, they are hardly important if not achieved in the context of a democratic society. Our means must match the ends of education; they are intrinsically linked. What we do in the classroom inevitably impacts the ends of education for every student in that classroom. For example, isn't it absurd to think that we can prepare students for living and learning in a

free, democratic society by teaching them in autocratic classrooms? Character education will work only if it is founded upon the principles of democracy.

Often, character-building curricula will use rewards and punishment to encourage good character. Rewards and punishment (negative consequences) are at the lowest levels on any taxonomy for moral development. Isn't this antithetical to the process? This is why we wanted our readers to keep in mind the ends of education and how the means and the ends are intrinsically linked. If we are truly interested in developing good character in students, then the process must involve intrinsic rewards. When we rely on extrinsic motivators, acts of good character are dependent upon the reward being present or the negative consequence being absent. The lesson learned by the student is to avoid the unpleasant and seek the pleasant. If the rewards are not forthcoming, you can do what you like, when you like, and however it feels best for you. *Judicious Discipline*, on the other hand, operates at the principled level of moral development. The teacher acts as a professional, the student's mentor. *Judicious Discipline* uses intrinsic motivation and celebrates good citizenship. Rather than establishing and maintaining a codependent relationship with students, the teacher empowers students who then want to be strong in character.

Character-building curricula offer little opportunity for students to get to higher-level thinking. In fact, these curricula often encourage lower-level thinking skills. Students are asked to parrot responses to ethical dilemmas with rehearsed social scenarios, legislated by those in authority, and thrust upon students as right answers. These exercises in character building use recall, explanation, and some application. On the other hand, *Judicious Discipline* encourages higher-order thinking skills through real social situations. Students are invited to describe, explain, predict, and make reasoned choices in a democratic classroom.

When students find themselves in a problem social situation, the teacher who practices *Judicious Discipline* will approach them as a professional educator. The teacher will probably ask, "What seems to be the matter?" The students then have the opportunity to tell about the situation, recalling what happened, explaining perceptions of the situation, making predictions about what is likely to happen, and suggesting possible choices based on recollections and predictions. Now they are practicing critical thinking. Isn't that what education is about? Educators will not get there by providing students with "canned responses" to vicarious social situations.

For schools serious about character education, *Judicious Discipline* can provide the foundation—and, with some modification, good character-building curricula may help. Character education is more than a lesson or two each week. If we are really serious about preparing students to live and learn in a free, democratic society, we have to do more. Educators must be judicious educators and live what they are teaching.

The Research Design:

Kennedy Elementary School, in Mankato, Minnesota, has been using *Judicious Discipline* for five years. This study has followed the school's progress over the five-year

period. Our qualitative and quantitative results show significant improvement in students' social development.

Implementation and evaluation of *Judicious Discipline* has been on-going over the five-year period and was facilitated by *action research* methods.

The research project involved students and educators in Kennedy Elementary School, in Mankato, MN. The primary researchers were:

- ☆ Paul Gathercoal, Associate Professor, California Lutheran University, Thousand Oaks, CA. (Lead Researcher)
- ☆ Candy Bell, School Counselor, District 77, Mankato, MN
- ☆ John Klaber, School Psychologist, District #77, Mankato, MN.
- ☆ Ginny Nimmo, School Psychologist, District #77, Mankato, MN.
- ☆ Tom Ommen, Principal, Kennedy Elementary School, Mankato, MN.

The sample population consisted of volunteer students, faculty, administration and school support personnel, who attended or serviced Kennedy Elementary School. The action research project documented successful strategies employed by educators who implemented the principles of *Judicious Discipline* in their schools and classrooms and investigated the effectiveness such a framework for classroom/school discipline had on teaching students to be responsible citizens through social development.

The project involved educators and researchers identifying successful strategies for teaching and learning that resulted from implementing *Judicious Discipline* in their schools, and classrooms. Through a variety of means, the primary researchers gathered data and artifacts that documented teaching and learning successes in the school/classroom. Instruments for gathering data included surveys, meetings, class meetings and videotape interviews. Other artifacts took the form of anecdotes, student-made products, teaching resources, instructional materials, or ideas for future implementation. Class meetings provided a vehicle to discuss the results of the group with the students and determine their community's needs. The result of this project was a sharing of successful experiences and the accumulation of qualitative data in support of the implementation of *Judicious Discipline*.

The primary researchers met periodically and shared data gathered from their research sites. Observations were made and supported by the primary researchers with the artifacts and the data they collected. The primary researchers reflected upon these observations and recommendations were made. The observations and recommendations are presented in this paper for further consideration and discussion.

The *action research* sharing meetings occurred as often as practical. It was understood that the qualitative data presented at these meetings could be used as supporting evidence for the implementation of *Judicious Discipline* in schools, and classrooms throughout the United States. The evidence shared could be published and disseminated to others interested in implementing *Judicious Discipline*.

The Significance of the Mankato Action Research Project:

This research project was of both theoretical and practical significance. Theoretically, the project addressed the notion that if students are given responsibility

they may become responsible citizens. For many of our American schools the responsibility for good citizenship is couched in the educator's power to wield punishment upon wrong doers. This project has produced qualitative data, that adds support to the theory that building a school culture through a non-punishment, democratic approach to classroom/school management can produce students who are responsible for their own actions and consciously strive to do good for societies sake (Gathercoal, 1990; Sarson, 1990). It also provides support for a transfer effect of good citizenship at home, at work, on the sporting field, and in other social settings. Citizenship skills were found to be transferable from situation to situation, unlike the rewards and punishment models for school/classroom discipline that tend to be situation specific. There is data to support the notion that students who were in *Judicious Discipline* classrooms established better student/educator and student/student relationships. As a result, it can be argued that the schools/classrooms where the principles of *Judicious Discipline* were applied contributed to students' social development and helped prepare them for living and learning in a democratic society.

Practically, the project was designed to produce ideas that could be used as models for implementation by other educators who wish to implement *Judicious Discipline* in their schools and classrooms. Several artifacts have emerged including an instructional videotape on "Conducting Democratic Class Meetings" (Gathercoal & Connolly, 1997).

The Social Development Questionnaire:

Throughout the five-year period a questionnaire developed by *The Social Development Group*, Research Branch of the South Australian Department of Education, and published in their 1980 publication *Developing the Classroom Group*, was used to ascertain students' level of social development. The questionnaire differentiates between power and affect relationships through a series of eight true/false questions and places the individual's response in one of four developmental groups (dependent, rebellion, cohesion, and autonomy).

Student behavior for each developmental stage is described below:

- ☆ In **stage 1**, the main issue is dependence. Students are generally dependent and submissive, and do what the teacher says. The students' interaction is mostly through the teacher, so there is low covert interaction among students. there is little disruptive behavior, but some "attention getting." Order is fairly high. anxiety levels high in some students. Some students are bored. Motivation is extrinsic; approval, praise and encouragement from teacher and parent/caregiver(s) is important. There is fear of punishment.
- ☆ In **stage 2** the main issue is rebellion. The students test, challenge and try out the teacher. The student group separates into two camps, one in opposition to the teacher, the other seeking to maintain dependent group behavior. Some students challenge or ignore the teacher's efforts to control the class. Noise level tends to be high. trust level among students is low, and aggressive interactions and put downs are common. The rebellious sub-group is extrinsically motivated by peer group approval, moderated by fear of teacher

punishment. The intrinsic motivation is for autonomy, moderated by dependency needs.

- ☆ In **stage 3**, the main issue is cohesion. Students are friendly and trusting to each other and the teacher. There is very little disruptive behavior. There is lots of interaction but of an orderly type. They conform to group norms. There is little disagreement, as this is seen as disruptive to the harmony of the group. This inability to handle conflict results in some covert bad feeling. Extrinsic motivation comes from praise and encouragement from peer group and teacher. Breach of class norms brings strong group disapproval.
- ☆ Autonomy is the main issue at **stage 4**. Individuals are self-directed, able to seek and give support but function well without it. Students take responsibility for their own learning. There is a high level of interaction. Agreement and discussion are the norm; agreement occurs in the context of disagreement. Feelings (positive and negative) are openly expressed. Students work the same with or without the teacher present.
Disruptive behavior is virtually non-existent. Students show flexibility and adaptability in a variety of learning situations without demanding conformity of all members. They utilize self-awareness and empathy rather than rules to choose behavior. Motivation is mainly intrinsic. Social behavior is based on respect for self and others. Learning is seen as a way of gaining personal competence and joy. (Education Department of South Australia , 1980, p. 31 - 35)

Results:

The questionnaire was administered to students five times throughout the five-year period. It was administered by the Primary Researchers and scored by the Lead Primary Researcher. The following, TABLE 1., provides the distribution of responses at the various levels of social development over the five-year period.

TABLE 1. School-wide Results for Kennedy Elementary School's Questionnaires

Questionnaire #1 - Administered to All Students in September 1995

Dependency	Rebellion	Cohesion	Autonomy
N = 449: 26%	N = 68: 4%	N = 736: 42%	N = 498: 28%

Questionnaire #2 - Administered to All Students in January 1996

Dependency	Rebellion	Cohesion	Autonomy
N = 335: 20%	N = 179: 10%	N = 570: 34%	N = 602: 36%

Questionnaire #3 - Administered to All Students in May 1996

Dependency	Rebellion	Cohesion	Autonomy
N = 284: 17%	N = 129: 8%	N = 510: 31%	N = 742: 45%

Questionnaire #4 - Administered to All Students in October 1999

Dependency	Rebellion	Cohesion	Autonomy
N = 122: 9%	N = 169: 13%	N = 419: 32%	N = 602: 46%

Questionnaire #5 - Administered to All Students in June 2000

Dependency	Rebellion	Cohesion	Autonomy
N = 101: 8%	N = 139: 11%	N = 280: 22%	N = 748: 59%

Qualitative Results:

The qualitative findings indicated that teachers who took the time to teach students about *Judicious Discipline* reaped many benefits:

- ☆ Their students were more likely to indicate they are operational at the autonomous stage of social development, and as a result,
- ☆ Teachers were less likely to feel frustrated and/or experience high levels of work-related stress.
- ☆ They were more likely to be respected by others, and
- ☆ They felt a sense of professionalism.
- ☆ They knew they were using management strategies that are legal, ethical, and educationally sound, and
- ☆ Their students were provided with a “language of civility,” that established a common vocabulary for discussing, mediating and reconciling social problems, and
- ☆ Their students used that “language of civility” to advocate for themselves and to solve their own social problems, and
- ☆ Through class meetings students learned a model for dealing with conflict resolution and problem-solving within their respective communities, which also carried into other areas of the school.

The qualitative findings also indicated that in those classrooms where teachers had not spent adequate time teaching the philosophy, or in the use of class meetings experienced more difficulty with peer relationships and student to teacher relationships. The students did not show growth in levels of autonomy. This was evident in student interactions in unstructured settings, and also with associated referrals to the school counselor and referrals for assessment.

Discussion:

The results of this action research project suggest that when teachers use strategies complementary with the philosophy of *Judicious Discipline* they do much to lead students toward the autonomous stage of social development, as measured by our questionnaire. Students become more self-directed and are able to take responsibility for learning. They display flexibility in a variety of social situations without demanding

conformity of all students. They are able to empathize with others and establish mutual expectations based on respect for themselves and others.

The findings of this research project suggest that teachers need to take the time to teach students about *Judicious Discipline*. Teachers who take the time to teach about and practice *Judicious Discipline* in their classrooms reap many benefits. Students in their classrooms are more likely to respond at the autonomous stage of social development on our questionnaire, and as a result, these teachers are less likely to feel frustrated and/or experience high levels of work-related stress. The study indicates that educators who practiced *Judicious Discipline*, ostensibly as it is designed to be used, were respected by others and they taught their students respect by giving them respect; these teachers were "models of respect." These educators indicated that using *Judicious Discipline* gave them feelings of professionalism they had not experienced before. They felt that they were using management strategies that were legal, ethical, and educationally sound. In teaching about *Judicious Discipline* and providing students with a "language of civility," educators found common ground for discussing, mediating and reconciling social problems that developed as a result of living and learning in a democratic classroom/school. As well, students who learned about *Judicious Discipline* were able to use "the language of civility" to advocate for themselves and to use it to solve their own social problems. Students with Downs Syndrome were able to learn the language and respond to its use as a modifier of inappropriate behavior and as a reminder of socially appropriate behavior. Students with emotional and behavioral disorders were treated with respect, and the result was learning the concepts of conflict resolution and a language to help them in the school community and future society.

Judicious Discipline did much to establish a new school culture at Kennedy Elementary School. It provided all students, educators, administrators and staff with a common language of civility that was used to solve social problems and think about what was "right" and "good." "Our perceptions and interpretations influence the way our bodies respond. *When the "mind" is in a context, the "body" is necessarily also in that context.* To achieve a different physiological state, sometimes what we need to do is to place the mind in another context." (Langer, 1989, p.177)

Practicing *Judicious Discipline* at Kennedy Elementary School helped everyone to construct a context they perceived as fair, free, and caring. When we truly believe that this is the state of the environment, we are more likely to think of ourselves as having value and as a result, we will be less likely to act out against people and things in that environment.

It makes sense then to project that teachers who use *Judicious Discipline* are less likely to be victims of revenge. Consider that some, not many, but some students will be "tagged" with this description and will exhibit these characteristics:

...signs of irrational thinking are usually absent. They are egocentric and lack the capacity to feel empathy and love. They have little or no conscience or sense of guilt, tend to project blame when they get into trouble. They are unreliable, untruthful, and insincere, but they are often convincing because they believe their own lies. There is a vast gulf between what they say and what they do. They are impulsive, the whim of the moment being paramount. They are given to periodic and often senseless antisocial behavior, which may be either aggressive or passive and parasitic. (Restak, 1988, p. 310)

This is the description of the violent psychopath. For these students, no discipline model will work well. They are not normal. However, **using *Judicious Discipline* will not make things worse, and *Judicious Discipline* has the potential to make things better.**

The teacher who uses *Judicious Discipline* avoids power struggles and encourages students to be responsible for their actions. In this way, the teacher remains on the same side as the student and is rarely viewed by the student as the problem. The teacher remains student-centered. The teacher maintains the role of mentor and guide when the student is in trouble. The teacher remains ever the educator, armed with knowledgeable resources for teaching and learning. The teacher embraces student behavior problems as another "teachable moment;" another opportunity to teach about what is "right" and what is "good." Isn't this why responsible adults go into education? Isn't that why we call them "teacher?"

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