

4-15-2013

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### Recommended Citation

Raija Churchill, *Today's Children, Tomorrow's Protectors: Purpose and Process for Peer Mediation in K-12 Education*, 13 Pepp. Disp. Resol. L.J. Iss. 2 (2013)

Available at: <https://digitalcommons.pepperdine.edu/drlj/vol13/iss2/6>

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# Today's Children, Tomorrow's Protectors: Purpose and Process for Peer Mediation in K–12 Education

Raija Churchill\*

## I. INTRODUCTION

Americans saw school campuses in an entirely new way on April 20, 1999, when two students entered Columbine High School and gunfire began. Pictures of the murdered and footage of weeping families haunted magazine spreads and televisions. Prior to Columbine, many parents saw schools as safe havens. School was a place where parents sent their children to learn, not a place where they expected youth to receive emergency care. As Americans debated how to respond, a plain reality set in: Columbine survivors had to return to their campus, and this time, the students had to be kept safe. Across the nation, school officials also returned to other K–12 campuses, wondering how to keep their students safe.

Research now suggests that shooters Eric Harris and Dylan Klebold had serious psychological troubles, and were not ordinary students bullied into violence,<sup>1</sup> but Columbine's tragedy catapulted K–12 school safety into the national dialogue. Two main approaches to school safety exist today: (1) security-oriented policies emphasize approaches such as on-campus law enforcement officers, while (2) behavior-oriented policies favor conflict

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1. Greg Toppo, *10 Years Later, the Real Story Behind Columbine*, USA TODAY, Apr. 14, 2009, [http://www.usatoday.com/news/nation/2009-04-13-columbine-myths\\_N.htm](http://www.usatoday.com/news/nation/2009-04-13-columbine-myths_N.htm).

resolution and stronger communication between schools and families.<sup>2</sup> This article describes a role for peer mediation programs (“PMPs”)—a form of conflict resolution that trains students to mediate disputes in their own schools<sup>3</sup>—as part of the modern safe schools movement. Student mediators are uniquely positioned: they are peers to the sparring parties, rather than adult authorities, who come alongside their classmates and facilitate solutions.

This article examines PMPs’ potential for training students to be effective everyday peacemakers. First, it describes the two-fold challenge that educators face: they must maintain safe schools while educating America’s next generation. Second, it provides context by examining PMP prevalence and by discussing relevant state laws. Third, it addresses the impact of existing PMP models, illustrates how peer mediation can work, and discusses how peer mediation fits into the interagency collaboration that characterizes school safety law. Fourth, it examines the role that the Supreme Court has articulated for transmitting values in K–12 education. Ultimately, this article aims to articulate a vision that animates educators in their pursuit of school safety, while empowering youth to take up the mantle of protecting others.

## II. THE CHALLENGE: EDUCATORS MUST PROVIDE SAFE SCHOOLS AND TRAIN CITIZENS

Educators have an affirmative duty to maintain safe campus environments, as established by at least one state constitution,<sup>4</sup> numerous state laws,<sup>5</sup> and court rulings nationwide.<sup>6</sup> The California Constitution, for

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2. See NAT’L EDUC. ASSOC., *School Safety*, <http://www.nea.org/home/16364.htm> (last visited Jan. 24, 2013). The “security-oriented” and “behavior-oriented” phrasings are the author’s own.

3. See Matthew D. Decker, Comment, *Unexcused Absence: A Review of the Need, Costs, and (Lack of) State Support for Peer Mediation Programs in U.S. Schools*, 2009 J. DISP. RESOL. 485, 486 (2009); see also CTR. FOR EFFECTIVE COLLABORATION & PRACTICE, *Conflict Resolution/Peer Mediation Project*, <http://cecp.air.org/preventionstrategies/conflict.htm> (last visited Jan. 25, 2013).

4. CAL. CONST. art. I, § 28(a)(7), (f)(1).

5. See, e.g., ALASKA ADMIN. CODE tit. 4, § 06.200(a), 06.210(1)(A)-(B) (2012) (establishing guidelines for determining what is a safe school and permitting parents to transfer students out of schools that are “persistently dangerous”); COLO. REV. STAT. § 22-32-109.1(2) (2011) (requiring Colorado school district boards of education to “adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect”); CONN. GEN. STAT. § 10-220(a) (2011) (providing that each board of education “shall provide an appropriate learning environment for its students which includes . . . a safe school setting”); D.C. CODE § 38-174(c)(8) (2012) (*obligating the District of Columbia Public Schools chancellor to “[m]aintain clean and safe school facilities”*); 24 PENN. STAT. ANN. § 13-1302-A (LexisNexis 2012) (establishing an Office of Safe Schools within the Pennsylvania Department Education and delineating the Office’s duties); 24 PA. STAT. ANN. § 13-1310-A (LexisNexis 2012) (*establishing safe schools advocates for certain*

example, provides that all students and staff in state educational institutions have the right to attend “safe, secure and peaceful” schools.<sup>7</sup> This is a duty that educators embrace, and indeed, the federal Supreme Court has recognized their “substantial interest” in maintaining classroom and campus discipline.<sup>8</sup> When it comes to keeping students safe, educator responsibility is a settled component of American statutory law and jurisprudence.<sup>9</sup>

Educators address a range of issues within their duty to maintain school safety, including drug abuse, weapons hidden in students’ clothing, and anonymous threats.<sup>10</sup> When students fight, either verbally or physically,

*Pennsylvania school districts and describing the advocates’ duties*); R.I. GEN. LAWS § 16-2-17(a) (2012) (providing that “[e]ach student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student”); R.I. GEN. LAWS § 16-77.2-7(2), 16-77.3-7(2), 16-77.4-7(2) (2012) (extending the state right to safe schools to district charter schools, independent charter schools, and mayoral academies); WASH. REV. CODE ANN. § 28A.320.125(1) (LexisNexis 2012) (calling it “a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law”).

6. See, e.g., *Porter v. Ascension Parish Sch. Bd.*, 393 F.3d 608, 611 (5th Cir. 2004) (highlighting “the difficulties of school administrators charged to balance their duty to provide a safe school with the constitutional rights of individual students when violence in schools is a serious concern”); *Knox Cnty. Educ. Ass’n v. Knox Cnty. Bd. of Educ.*, 158 F.3d 361, 383 (6th Cir. 1998) (writing that “the state legislature has acknowledged the role of the teacher and principal as front-line observers in providing for a safe school environment, and, in fact, has imposed on them a duty to report matters that endanger life, health, or safety.”); *Lavine v. Blaine Sch. Dist.*, 257 F.3d 981, 983 (9th Cir. 2001) (discussing the careful balance between students’ right to freedom of expression and educators’ “need to provide a safe school environment”).

7. CAL. CONST. art. I, § 28(f)(1); see also CAL. CONST., art. I, § 28(a)(7) (providing that “students and staff have the right to be safe and secure in their persons.”).

8. *N.J. v. T.L.O.*, 469 U.S. 325, 339–40 (1985) (writing that “maintaining security and order in the schools requires a certain degree of flexibility in school disciplinary procedures, and [Supreme Court justices] have respected the value of preserving the informality of the student-teacher relationship”).

9. See, e.g., *T.L.O.*, 469 U.S. at 340. As the state provisions suggest, school safety is certainly concerned with student wellbeing, but legislatures also recognize that educators should be safe on campus. See CAL. CONST., *supra* note 4; see also R.I. Gen. Laws § 16-2-17(a), *supra* note 5.

10. *Bd. of Educ. v. Earls*, 536 U.S. 822 (2002) (upholding a school board policy that required all students participating in extracurricular activities to undergo drug testing); *In re Alexander B.*, 220 Cal. App. 3d 1572 (1990) (upholding a search where educators removed a machete knife and scabbard from inside a student’s trouser leg); *Lausin ex rel. Lausin v. Bishko*, 727 F. Supp. 2d 610 (N.D. Ohio 2010) (upholding educators’ decision to search a student’s locker while investigating a threat to kill minority students).

While educators have a duty to maintain safe schools, courts recognize that educator responsibility and liability have limits. In the context of gang-related concerns, for example, one court wrote that “the law requires ordinary care, not fortresses; schools must be reasonably supervised, not impenetrable to all gang-related violence.” See *Raija Churchill and Bernard James*,

educators can respond in at least two ways. First, if school policies require student discipline in a given situation, educators must discipline each offender fairly.<sup>11</sup> Otherwise, school officials risk liability for selective enforcement.<sup>12</sup> Second, student quarrels are an opportunity for educators to be proactive, by shaping how students resolve fights. This second response—dispute resolution—is where PMPs enter the school safety world.

Providing safe schools is part of a larger goal, which schools know as the “education mission.” For purposes of this article, the education mission is defined as training self-governing students, who become responsible citizens and leaders of the republic.<sup>13</sup> Students need to be educated for freedom, both individual and national. In teaching dispute resolution, PMPs support the education mission by equipping students to self-govern. Further, peer mediation offers educators an opportunity to empower students, by casting a vision for noble and spirited service.<sup>14</sup> Education mission will resurface later in this article, but at present, the task is to continue setting the context for PMPs. Next, this article examines the prevalence of PMPs.

### III. THE BACKGROUND: PEER MEDIATION IS AN ACCEPTED COMPONENT OF K–12 EDUCATION TODAY

#### *A. Peer Mediation Is Largely a Matter of Education Policy, Though the Law Supports PMPs.*

At the outset, it is important to distinguish education law from education policy. For this article’s purposes, *law* is what legislatures and courts dictate to educators. As a matter of law, educators enjoy substantial leeway in whether and how they adopt PMPs. No state prohibits peer mediation.<sup>15</sup> A number of states endorse it by providing funding and other resources.<sup>16</sup> As

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*Gangs: Take a Fresh Look at Your Campus Policies*, J. SCH. SAFETY, Summer 2011, at 16–21 (quoting *Brownell v. L.A. Unified Sch. Dist.*, 4 Cal. App. 4th 787, 795–97 (1992)).

11. See Bernard James, *Selective Enforcement: Lessons Learned from Discrimination Cases*, J. SCH. SAFETY, Spring 2012, at 21, 24 (citing *E.W. v. Wake Cty. Bd. of Educ.*, 2011 U.S. Dist. LEXIS 39163 (2011) (upholding educators’ decisions to give two different punishments to students who fought each other, because the students’ offenses fell under different requirements in the school’s disciplinary policies)).

12. James, *supra* note 11, at 20.

13. Cf. RICK PHILLIPS, JOHN LINNEY, & CHRIS PACK, *SAFE SCHOOL AMBASSADORS: HARNESSING STUDENT POWER TO STOP BULLYING AND VIOLENCE* 128 (2008).

14. Cf. JONATHAN I. CLOUD, *PARENTING THE GUARDIAN CLASS: VALIDATING SPIRITED YOUTH, ENDING ADOLESCENCE, AND RENEWING AMERICA’S GREATNESS* (2008).

15. See Decker, *supra* note 3, at 496–99.

16. *Id.*

the next section shows, the legal framework around PMPs promotes educator decision-making.

Within the law's often generous boundaries, *policy* is defined here as how administrators and teachers choose to run schools. Peer mediation's goals are policy goals. Negatively framed, PMPs are an effort to diminish the need for campus discipline. This effort is clearly law-related. Yet implementing PMPs remains a policy decision on how to pursue campus safety. Positively framed, peer mediation's policy goals are to reconcile student relationships and to equip students for lifelong peacemaking. Given these aims, it is unsurprising that many schools choose to adopt PMPs.<sup>17</sup>

*B. Peer Mediation and Local Control of PMPs Are Accepted Components of State Law.*

Peer mediation has found a warm welcome in primary and secondary education. Mediation is now taught as the "fourth R" in many schools, alongside the foundational subjects of reading, writing, and arithmetic.<sup>18</sup> PMPs enjoy government support at local, regional, and state levels.<sup>19</sup> Notably, states govern much of K–12 education in the United States, by setting state-level curricular standards for topics including English, mathematics, and science.<sup>20</sup> When it comes to mediation curriculum, however, state legislatures prefer encouragement over mandates.

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17. This paper provides a present day analysis of peer mediation by examining education law and policy as they currently stand. To briefly place PMPs in historical context, however, they have existed since about the 1970s. Alixandra Blintz, *Peer Mediation Programs: An End to School Violence?* 4 CARDOZO J. CONFLICT RESOL. 4 (2002) (citation omitted). These began as community-based mediation programs and, at least by the 1990s, were transitioning into school campuses. *Id.* (citation omitted).

18. William S. Haft & Elaine R. Weiss, *Peer Mediation in Schools: Expectations and Evaluations*, 3 HARV. NEGOT. L. REV. 213, 222 (1998).

19. See Decker, *supra* note 3, at 496.

20. See, e.g., CAL. STATE BD. OF EDUC., *Content Standards*, <http://www.cde.ca.gov/be/st/ss/> (last visited Jan. 24, 2013) (providing standards for twelve curricular subjects and writing that "[c]ontent standards were designed to encourage the highest achievement of every student, by defining the knowledge, concepts, and skills that students should acquire at each grade level."); KAN. STATE DEP'T OF EDUC., *Curricular Standards, Model Standards, and Resources*, <http://www.ksde.org/Default.aspx?tabid=1678> (last visited Jan. 24, 2013) (providing curricular standards for six academic subjects and model, non-assessed standards for thirteen additional subjects); VA. DEP'T OF EDUC., *Testing and Standards of Learning (SOL)*, [http://www.doe.virginia.gov/testing/sol/standards\\_docs/index.shtml](http://www.doe.virginia.gov/testing/sol/standards_docs/index.shtml) (last visited Nov. 8, 2012) (writing that "[t]he **Standards of Learning (SOL)** describe the commonwealth's expectations for student learning and achievement in grades K–12" in nine subjects).

Seventeen states and one U.S. territory support peer mediation in K–12 schools through state- or territory-level laws.<sup>21</sup> This means that only one-third of the states have policies that directly bear on PMPs. In the remaining two-thirds, by implication, local educators have even more free reign. When state legislatures address PMPs, they can require schools to develop peer mediation or other conflict resolution programs, but only Alaska takes this mandatory approach.<sup>22</sup> Some states provide funding for non-violent conflict resolution programs, if local educators choose to adopt such programs, either by authorizing targeted dispute resolution grants or by permitting general grants to be used on PMPs.<sup>23</sup> Other states encourage mediation via non-monetary resources, such as by provide technical assistance to educators who implement PMPs.<sup>24</sup> In short, whatever policies state legislatures adopt regarding peer mediation, the states are permitting local discretion in peer mediation.<sup>25</sup> This flexible policy approach empowers schools to tailor mediation programs toward local needs, based on the stories and the situations that educators encounter each day.<sup>26</sup>

*C. PMPs Combine Aspects of Both Mediation and Negotiation.*

Before delving into a more concrete discussion of PMPs, a definition of terms may be useful. In the education context, peer mediation is defined in ways that may surprise those familiar with dispute resolution terminology. Scholars compare PMPs to all three major dispute resolution types: mediation, negotiation, and arbitration.<sup>27</sup> Yet mediation and negotiation are

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21. See Decker, *supra* note 3, at 496–99. The states are Alabama, Alaska, Arkansas, California, Colorado, Delaware, Louisiana, Maine, Mississippi, North Carolina, Pennsylvania, Tennessee, Vermont, Virginia, Washington, and West Virginia. In the Virgin Islands, peer mediation is found in perhaps its strongest form among the American states and territories. This territory requires peer mediation and other conflict resolution training in all schools. *Id.* at 499.

22. *Id.* at 497.

23. *Id.* at 497–98. As one example, California’s School Safety and Violence Prevention Act authorizes \$5000 per school or \$10,000 per district, whichever is greater, for non-violent conflict resolution and PMPs. *Id.* at 497. Delaware takes another approach to funding peer mediation: PMPs are one way, among others, that local educators may spend state grants for disruptive and troubled students. *Id.* at 498.

24. *Id.* at 498. The Commissioner in Maine’s Department of Education must provide technical assistance to educators for peer mediation or conflict resolution training, for instance, while North Carolina’s State Board of Education is required to list recommended curricula that include peer mediation instruction. *Id.*

25. *Id.* at 497–99.

26. Customization is considered one of the key elements to PMP success, along with effective student mediator training and with proper program implementation. See Blintz, *supra* note 17.

27. Peer mediation is, by name and by nature, a mediation process. It is further compared to negotiation and arbitration because PMP disputants could emerge as winners or losers. Kelly

the best descriptions. First, PMPs typically offer mediation, a voluntary process in which student disputants work with a neutral student mediator.<sup>28</sup> Second, a close look at PMPs reveals that some programs are akin to negotiation training: students may acquire the skills for resolving disputes on their own, without any mediator present.<sup>29</sup> This is also an important educational offering, because sooner or later, all students must learn to resolve disagreements independently. Thus, when educators choose PMP curriculum, they can implement (1) peer-to-peer mediation with neutral facilitators, (2) negotiation education without facilitators, or (3) both peer mediation and negotiation education. Each of these approaches supports the education mission.

#### IV. THE SOLUTION: PMPs ARE AN EFFECTIVE STRATEGY FOR EMPOWERING STUDENTS AND FOR IMPROVING CAMPUS CULTURES

##### A. *PMPs Yield Positive Outcomes for Student Wellbeing and for Academic Achievement.*

Because educators have a duty to maintain safe schools—and because state legislatures give local educators the latitude to customize PMPs—there is no uniform example for what a PMP looks like. Yet to better understand how these programs succeed, several real life studies are useful. Despite the

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Rozmus, *Peer Mediation Programs in Schools: Resolving Classroom Conflict but Raising Ethical Concerns*, 26 J.L. & EDUC. 69, 72 (1997).

28. See AM. ARBITRATION ASSOC., *Alternative Dispute Resolution Basics FAQs 1*, available at [http://www.aaaonline.org/upload/439166290\\_adr\\_basics\\_faqs.pdf](http://www.aaaonline.org/upload/439166290_adr_basics_faqs.pdf).

Because mediators do not impose a decision, a successful mediation outcome depends on the disputants reaching actual agreement. *Id.* In arbitration, parties can be compelled to go through the arbitration system and submit to the arbitrator's decisions, but peer mediation is always optional. RICHARD COHEN, *STUDENTS RESOLVING CONFLICT: PEER MEDIATION IN SCHOOLS* 95 (2005). When students begin mediation, one of the gatekeeper questions that student mediators ask is, "Are you willing to try mediation?" *Id.* Among school-based PMPs, at least, voluntary participation has been a bedrock principle since their inception. *Id.*

PMPs' non-binding nature may explain why student mediators operate with two goals as they help student disputants. See Rozmus, *supra* note 27, at 72. These aims are to equally weigh each disputant's perspective and to facilitate solutions that satisfy all parties. *Id.* Without such goals, student mediations would likely be less effective in helping the parties reach a satisfying and settled agreement.

29. See David W. Johnson & Roger T. Johnson, *Teaching Students to Be Peacemakers*, NAT'L REGISTRY OF EVIDENCE-BASED PROGRAMS AND PRACTICES (June 2009), <http://nrepp.samhsa.gov/ViewIntervention.aspx?id=64>.



diversity among such programs, these actual PMPs suggest that schools consistently see two outcomes when they implement PMPs. First, students are healthier, in terms of dispute resolution skills and self-image.<sup>30</sup> Second, academic learning increases.<sup>31</sup>

In two New York City schools, both campus and student wellbeing improved after PMPs were implemented.<sup>32</sup> The first program was New York City's Resolving Conflict Creatively Program, which covered four school districts.<sup>33</sup> Seventy-one percent of teachers reported moderate to great decreases in physical violence on campus, while sixty-six percent reported less name calling or verbal putdowns, and ninety-eight percent called mediation an important tool for students dealing with conflicts.<sup>34</sup> These findings represent dramatic changes in campus climate, which any district should be proud to see. Similar, though less quantitative, results were found at an alternative school within the city. Here, students learned to better manage conflict, provided social support to each other, and were less victimized as a result.<sup>35</sup> Their sense of wellbeing and personal control went up.<sup>36</sup> Depression levels decreased, which, in turn, led to stronger academic performance.<sup>37</sup> Indirect evidence further suggests that students performed better at work,<sup>38</sup> an important skill given that they must eventually support themselves. Together, these New York PMPs brought welcome changes for student victims, student bullies, and the educators who must maintain safe schools.

On the opposite side of the nation, a report by the New Mexico Center on the Dispute Resolution Mediation in Schools program found PMP students taking ownership of mediation.<sup>39</sup> Among 2300 mediations that occurred in the program, only 250 required adult intervention.<sup>40</sup> In other words, about nine in ten times, student mediators facilitated a peaceful

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30. See Decker, *supra* note 3, at 493–94.

31. *Id.*

32. *Id.*

33. *Id.* at 493.

34. *Id.* at 494.

35. Decker, *supra* note 3, at 494. This finding may be particularly significant, given that some view alternative schools as places to “permanently remove” students who cause trouble in the regular school system. See Sherry H. Bowen, *Discipline in School: What Works and What Doesn't*, EDUGUIDE, <http://www.eduguide.org/library/viewarticle/553/>. Given the concentration of difficult and needy students at alternative schools, these are tough testing grounds for PMPs. The positive outcomes at this New York campus should be encouraging.

36. Decker, *supra* note 3, at 495.

37. *Id.*

38. *Id.*

39. *Id.* at 494.

40. *Id.*

resolution for their classmates' disagreements. Students learned to set "win-win" goals, developed creative conflict resolution strategies, and grew in their own confidence.<sup>41</sup> These are victories in the pursuit of safe schools. Beyond creating campus safety, the New Mexico program also modeled a way to shape who students become. It empowered students to become peacemakers, which in turn showed students that they could make a difference in others' lives, beginning on their own campus.

School counseling and mediation efforts are often *reactive*—by responding to specific disputes—rather than *proactive* in preventing conflict.<sup>42</sup> Expanding the PMP is a chance to do both, by weaving it into the regular curriculum, as the Teaching Students to be Peacemakers ("TSP") model has done.<sup>43</sup> In the TSP study, a ninth grade literature class combined peer mediation and dispute resolution education with the regular curriculum.<sup>44</sup> Another ninth grade literature class was taught normally, without a PMP component.<sup>45</sup> A study tracked improvements, if any, in the students' academic performance and in their need for school discipline.<sup>46</sup>

Thirteen weeks later, when both literature classes were tested for their grasp of a novel that both studied, the students who learned conflict resolution via literary analysis showed significantly higher retention of the novel.<sup>47</sup> This suggests that, by giving students a way to "practice" their literature studies through dispute resolution, students learn better. Further, as an entire program, TSP is credited with a sixty percent drop in disciplinary problems that teachers had to moderate.<sup>48</sup> Referrals to school principals were cut by about ninety-five percent.<sup>49</sup> This decrease in

41. *Id.*

42. See Jaana Juvonen, School Violence, RAND CORP., available at [http://www.rand.org/pubs/issue\\_papers/IP219/index2.html](http://www.rand.org/pubs/issue_papers/IP219/index2.html) (discussing counseling and mediation provided by adults).

43. Johnson & Johnson, *supra* note 29.

44. See *id.*; see also Decker, *supra* note 3, at 493.

45. See Johnson & Johnson, *supra* note 29.

46. See *id.*

47. See *id.* (click on "Outcomes," then scroll down to "Outcome 3: Academic achievement and retention of academic learning").

48. See Decker, *supra* note 3, at 492. The ninth grade students' literature classes represent one particular study of the TSP program. There were many studies, however, which went into the overall assessment of the program. Eighteen studies were conducted to evaluate the program; sixteen of these were included in a published meta-analysis of results. Johnson & Johnson, *supra* note 29. TSP has been implemented in American Indian schools; in schools with primarily African American student populations; and internationally, with curriculum translated into Arabic, Chinese, Korean, and Spanish. *Id.*

49. See Decker, *supra* note 3, at 492.

disciplinary problems freed students, teachers, and principals to focus on more positive aspects of K–12 education. By combining reactive discipline and proactive training—and by involving entire classrooms rather than training only designated mediators—this program made school a demonstrably more agreeable place to learn.

These studies suggest that PMPs offer an important contribution to K–12 education. This article does not mean to argue that PMPs are the one golden solution for safety challenges. Instead, to summarize, peer mediation offers three major benefits. First, it can transform school climates by reducing disciplinary problems and by teaching students to support each other. Second, when peer mediation and academic studies are combined, students appear to retain their learning at a significantly higher level. Third, peer mediation can change how students view themselves. As they learn to resolve disputes—their own arguments and their peers’—students are emerging more confident and less depressed.<sup>50</sup> This has spillover value into campus safety, academic outcomes, job performance, and every other area of students’ lives. In short, these major benefits suggest that PMPs are one way to accomplish the K–12 education mission.

*B. Real PMPs Show That Students Are Reconciling Their Peers and Are Improving Campus Safety.*

After outlining the legal landscape in which peer mediation exists, and after discussing the outcomes that PMPs enjoy, at least one task remains: describing how a real peer mediation functions. At East Hartford High School (“East Hartford”) in Connecticut, educators created a peer mediation program known as the Student Assistance Center (“the SAC”).<sup>51</sup> One year after the SAC opened, East Hartford reported a forty-four percent decline in suspensions and detentions.<sup>52</sup> The SAC is described as “a vibrant and integral part of the school,” to which educators can refer students and where

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50. *See id.*

51. MARY MEGGIE, STEVEN W. EDWARDS, & KENNETH GWOZDZ, *CONFLICT RESOLUTION: A BLUEPRINT FOR PREVENTING SCHOOL VIOLENCE* viii (2001). East Hartford is an urban community located halfway between New York City and Boston, with an estimated 55,000 residents. *Id.* at 16. Educators describe it as “a community in transition”: its students hail from more than seventy nations around the world and speak more than fifty languages. *Id.* Thus, while East Hartford sees its cultural diversity as a strength, it must also find ways to help its students resolve the conflicts that can come with the social changes that students experience. *Id.*

Its approach to conflict resolution—the SAC—is now a national PMP model. As of 2001, the East Hartford staff had worked with over 1000 school districts nationwide to help these districts plan and implement their own SACs. *Id.* at viii. More than 350 institutions had also visited East Hartford to see the SAC themselves. *Id.*

52. *Id.* at 16.

students voluntarily go to find “a safe place.”<sup>53</sup> Further, the SAC is a vital part of violence prevention at the school. This is because, in the words of East Hartford educators, “it empowers students with the tools and the skills they need to resolve disputes themselves before they become violent.”<sup>54</sup> It is fulfilling the education mission. What follows is an actual mediation that occurred in this urban high school’s conflict resolution center.<sup>55</sup>

Students often enter the SAC for help because they feel disrespected.<sup>56</sup> In the dispute discussed here, Cindy requested a mediation because she heard that Ana was spreading rumors about her.<sup>57</sup> On the disputants’ arrival, the SAC director briefs peer mediators (known as “M1” and “M2”) on the situation and then assigns them to work with Cindy and Ana.<sup>58</sup> First, the student mediators separate Cindy and Ana and explain the ground rules.<sup>59</sup> Then, still privately, the girls each explain their sides of the story to a mediator.<sup>60</sup> At this point, the mediators and disputants are all ready to meet together.<sup>61</sup> The real mediation begins.

Peer mediators are neutral parties, and while they help resolve hurt feelings, they can be straightforward in their speech. “You have a problem you need to solve,” M1 says.<sup>62</sup> “You have to speak one at a time to us, not to each other.”<sup>63</sup> “Why are you mad at her?”<sup>63</sup> Cindy focuses on the rumors: “I just wanted to bring her up here so I could ask.”<sup>64</sup> After some

53. *Id.* at 3. Students describe the SAC as a refuge where they can take any type of conflict: “SAC helps in class problems, personal problems, everything.” *Id.* at back cover.

54. *Id.* at 4.

55. The logistics of how to build a PMP are beyond the scope of this article, but one point is worth noting. East Hartford educators emphasize the importance of starting with school administrative and faculty support. *Id.* at 18. Once that foundation is established within the school, educators work as a team to build student and parent support, plan office space, and more. *Id.* at 18–28. This helps ensure the program’s success.

56. *Id.* at 40.

57. *Id.* at 41. This narrative is based on transcript excerpts provided by the SAC. The students’ names were changed to protect their privacy. *Id.*

58. *Id.* at 40–41. There was also a third mediator, introduced as “M3,” but the mediation transcript does not show M3 saying anything. *See id.* at 40–42.

59. *Id.* at 41.

60. *Id.* At other times, peer mediators will gather together to hear the disputants’ stories. *Id.* This permits mediators to clarify the facts and to hear disputants’ accounts first hand, all at once. *Id.* These explanations may be given with both disputants present, but the disputants are speaking directly to the mediators and not to their fellow disputants. *See id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.*

dialogue, M1 clarifies what Cindy wants: Cindy wants to ask what Ana said.<sup>65</sup> The rumor is that Ana called Cindy an unsavory word, which Cindy struggles to describe without saying.<sup>66</sup> M1 moves the conversation on, rather than dwell on the offense: “We got that part, she call [sic] you—whatever.”<sup>67</sup> While speaking as peers, the mediators are deliberately seeking to guide Cindy and Ana toward a written agreement, which establishes how these girls will behave in the future.<sup>68</sup>

Ana is insistent; she says that someone has been lying to Cindy.<sup>69</sup> M2’s response is direct: “She asked you up here to ask you. You don’t want a [fight].”<sup>70</sup> Cindy follows up on this, affirming her motive for requesting the mediation:

No, I just wanted to ask her, but if you start saying something in the hall it turn[s] into a big thing and everybody just wants a fight, and I didn’t want that. I just wanted to bring her here to ask her. I don’t want it to turn into *L.A. Law* or anything.<sup>71</sup>

In short, the SAC offers students a way to avoid a verbal argument at best, a physical altercation at worst.

M1 laughs at the legal drama reference, but refocuses on the mediation’s purpose, which is to find common ground between the disputants that enables them to keep the peace.<sup>72</sup> “So what’s the agreement here?” M1 asks.<sup>73</sup> When Ana asks what is meant, M1 elaborates, saying, “You’ve got to agree on something like, you all can’t say stuff about each other behind each other’s back.”<sup>74</sup> Ana does not trust the system: “Whoa, whoa. If you’re speaking out for both of us that’s a lie, ‘cause we’re gonna wind up saying something. That’s a lie.”<sup>75</sup> At this point, M1 makes an appeal to school authority, saying that the disputants are “gonna get in trouble” for any breach of the agreement.<sup>76</sup> M2 suggests the basic terms of their contract: “Can you leave this here? If you agree you don’t want to get up in each other’s face?”<sup>77</sup>

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65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.* at 40.

69. MEGGIE, EDWARDS, & GWOZDZ, *supra* note 51, at 41.

70. *Id.*

71. *Id.* at 42. *L.A. Law* was a popular legal drama that ran on NBC from 1986 to 1994.

72. *See id.*

73. *Id.* at 42.

74. *Id.*

75. *Id.*

76. *See id.* M1 further notes that disputants’ principals are notified about peer mediations. *Id.*

77. *See id.* at 42.

It appears that Cindy never confirmed whether Ana spread rumors about her. This reflects the reality of any mediation: peacemaking depends on how much each disputant is willing to confess and to forgive. Yet despite Ana's initial resistance, Cindy and Ana are able to draft and sign an agreement, which the student mediators also sign.<sup>78</sup> The girls end by contracting not to spread rumors in the future.<sup>79</sup> This is a double win. For Cindy and Ana, it is an end to rumors, instead of a hallway fight. Moreover, peer mediators M1 and M2 have demonstrated that students can contribute to the safety of other students, by brokering peace.

PMP models vary from one school to another, as educators consider the needs of their unique campuses and students, and customize peer mediation to succeed on their campuses. Yet East Hartford provides a model that is emulated nationwide: its students are trained as mediators and are guiding their classmates to ceasefire agreements. Even better, they sometimes go further and preserve friendships.<sup>80</sup> Thus, the mediation between Cindy and Ana, in East Hartford's diverse campus, offers a real example of how PMPs are succeeding in American schools.

### *C. The Presence of an Official PMP Provides Three Concrete School Safety Benefits.*

The presence of a formal mediation program, such as East Hartford's SAC, is a boon to educators who seek student safety. Earlier, this article discussed two basic models for peer mediation training. One is a formal mediation session with peer mediators; the other is classroom-based education that equips all students with conflict resolution skills. Educators would do well, within their policy discretion, to consider both approaches. Classroom education enhances both campus safety and academic learning by training students to manage their own disputes, as the Teaching Students to be Peacemakers model suggests.<sup>81</sup> Further, an official mediation program like the SAC offers at least three advantages for campus safety.

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78. *Id.*

79. *See id.* The terms of Cindy and Ana's agreement are not provided, but East Hartford offers this sample contract, which was drafted after two boys provoked and spread rumors about each other. It says: "We agree to stay away from each other and not to say anything in the hallways and no confrontation." *Id.* at 40. The language is direct and functional.

80. *See id.*

81. *See Johnson & Johnson, supra* note 28.

First, the official PMP gives students a place to go. It is a location that students identify with confidential help. As one East Hartford student said, “Kids like to come to the SAC to keep things in a closed environment. If you talk it out in the hallway and raise your voices, everyone thinks a fight is going to go on, so people get nosy.”<sup>82</sup> Further, it is a physically safe space, a place of refuge, where both the offender and the offended can run. Once inside the PMP office, students find both emotional and physical breathing space, along with peace-oriented counsel.

It is important to note the major limitation of PMPs: these programs are good at stopping low-level violence, not the high-level violence of school shootings.<sup>83</sup> Columbine was a catalyst for the modern safe schools movement, but different school safety policies are appropriate for addressing different school safety problems. In spring 2012, a small community in Ohio dealt with nationally-felt school safety anguish.<sup>84</sup> A seventeen-year-old student entered his high school and began shooting at random.<sup>85</sup> There are moments when the only way to halt violence is something akin to what a heroic football coach did at this Ohio school: he ran at the shooter, chasing the student out of the school building.<sup>86</sup> In that moment, unfortunately, it was too late for PMPs to offer a place for conflict resolution. The PMP’s role is different. Peer mediations provide a safe location where students learn to manage jealousy, teasing, and some physical aggression.<sup>87</sup> Whether viewed as a preventative measure or as life skills training, PMPs support students in resolving relatively smaller conflicts, rather than more extreme forms.<sup>88</sup>

Second, an official PMP gives student mediators direct access to school authority. This benefit was seen when Ana questioned whether an agreement was enforceable, only to learn that the SAC would enforce agreements. In another SAC mediation, student mediators spoke with

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82. MEGGIE, EDWARDS, & GWOZDZ, *supra* note 51, at back cover.

83. See Blintz, *supra* note 17.

84. AP, *Prosecutor: Ohio school shooter is ‘someone who’s not well,’ chose victims randomly*, WASH. POST (Feb. 28, 2012, 9:54 PM), [http://www.washingtonpost.com/local/education/sheriffs-office-reports-shooting-at-northeastern-ohio-high-school-number-of-victims-unknown/2012/02/27/gIQAx2hidR\\_story.html?hpid=z2](http://www.washingtonpost.com/local/education/sheriffs-office-reports-shooting-at-northeastern-ohio-high-school-number-of-victims-unknown/2012/02/27/gIQAx2hidR_story.html?hpid=z2).

85. *Id.* Three students died from their wounds; two additional students were wounded. *Id.*; see also Thomas J. Sheeran, *Conditions of 2 wounded Ohio students unchanged*, AP (Feb. 28, 2012, 5:38 AM), <http://www.chron.com/news/article/Conditions-of-2-wounded-Ohio-students-unchanged-3365799.php>.

86. AP, *supra* note 84. The coach survived, unharmed. *Id.*

87. See Blintz, *supra* note 17.

88. This is part of why “proactive” and “reactive” conflict resolution training—respectively, the classroom education that teaches students to resolve their own disputes and the official PMP that offers neutral mediators—are each valuable offerings.

Ashley and Simone, who shared a locker.<sup>89</sup> Ashley and Simone were friends, but they had a problem.<sup>90</sup> Simone was messy.<sup>91</sup> She dirtied Ashley's coat.<sup>92</sup> As in Cindy and Ana's situation, the agreement reached here was simple: these girls would stop sharing a locker and would remain friends.<sup>93</sup> Perhaps, when the SAC director initially briefed the student mediators, the mediators obtained official permission for a locker change.<sup>94</sup> Whenever the permission came, these student mediators spoke with authority, and the mediation and the solution were therefore seamlessly woven together.

Third, school safety is an interagency concern, which means that peer mediation fits into the broader picture of interagency collaboration. By way of background, it is well established that education and law enforcement agencies work together toward accomplishing campus safety.<sup>95</sup> Interagency collaboration serves at least two purposes. First, it removes information barriers. Schools and law enforcement often have information about students who pose a safety threat. By sharing juvenile records as the law permits, educators can better observe and mentor students, when records indicate that students either pose a safety risk to others or have themselves been abused.<sup>96</sup> Second, interagency collaboration can reduce costs. It avoids duplicating the same service in two agencies and, in specified

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89. MEGGIE, EDWARDS, & GWOZDZ, *supra* note 51, at 44. As before, these are not the students' real names.

90. *Id.*

91. *Id.*

92. *Id.*

93. *Id.*

94. *See id.*

95. *See, e.g.*, CAL. EDUC. CODE § 32261(b) (Deering 2012) (writing that "the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems"); TEX. HUM. RES. CODE § 221.005(b)(1) (2012) (encouraging compliance with state and federal by "facilitating interagency coordination and collaboration among juvenile probation departments, school districts, and the Texas Education Agency").

96. *See, e.g.*, FL. STAT. § 39.202(2)(p) (2012) (providing that child abuse and neglect records will be available to "[a]n employee of the local school district who is designated as a liaison between the school district and the department pursuant to an interagency agreement"); IOWA CODE § 280.25(1) (2011) (requiring school boards and superintendents to "adopt rules which provide that the school district or school may share information contained within a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system").



circumstances, permits agencies to share managerial tasks and expenses.<sup>97</sup> In all this, the interagency goal is to safeguard schools and communities.<sup>98</sup>

With this background, educators who implement PMPs should appreciate the benefits of introducing peer mediation into the broader interagency context. Schools that desire peer mediation, due to frequent student conflicts, are sometimes among the campuses that need a dedicated police officer or school resource officer (“SRO”).<sup>99</sup> When educators and students work in a PMP, they sometimes hear threats that must be referred to the SRO, who in turn can investigate and stop violence before it happens.<sup>100</sup> At other times, the PMP-SRO collaboration strengthens the SRO’s role as a mentor to students: it helps the officer understand who needs a friendly word or help.<sup>101</sup> Further, if schools desire, PMPs can offer a location for probation officers, students on probation, and PMP staff to meet and to provide ongoing support.<sup>102</sup>

Peer mediation does not exist in a vacuum within the school safety movement. By establishing an official PMP presence, educators reap a three-fold benefit. They provide a safe place on campus, while giving student mediators the support of school authority. Further, PMPs fit directly into the existing framework for educators, law enforcement, and courts to collaborate on student safety. Indeed, PMPs bring a unique contribution to the interagency model. Most interagency collaboration focuses on adults: elected, appointed, and hired people who work to keep students safe. Peer

97. See, e.g., MINN. STAT. § 260A.05(2) (2011) (providing that “[a] school attendance review board shall prepare an annual plan to promote interagency and community cooperation and to reduce duplication of services for students with school attendance problems.”); MO. REV. STAT. § 161.504(4) (2011) (writing that in a drug-free schools program the local law enforcement agency and the school district “shall enter into interagency agreements between themselves which will allow the management and fiscal tasks . . . assigned to both . . . to be performed by only one of them.”).

98. See, e.g., CAL. EDUC. CODE § 32261(b), *supra* note 95.

99. Compare KENNETH S. TRUMP, PROACTIVE SCHOOL SECURITY AND EMERGENCY PREPAREDNESS PLANNING 85–86 (2011), with MEGGIE, EDWARDS, & GWOZDZ, *supra* note 51, at 77–78.

100. PMPs are confidential programs, where mediators neither condemn nor advise their peers. See Blintz, *supra* note 17. There are two exceptions to this confidentiality: when students share information about illegal or life threatening matters. *Id.* Cf. MEGGIE, EDWARDS, & GWOZDZ, *supra* note 51, at 78 (describing incidents when a mediation program notified an SRO of a weapon on campus and of a threatened drive-by shooting, which enabled the security officer to take action on both counts).

101. Compare TRUMP, *supra* note 99, with April Hale, *Woods Cross student resource officer receives honor*, STANDARD-EXAMINER (Feb. 19, 2012), <http://www.standard.net/stories/2012/02/19/woods-cross-student-resource-officer-receives-honor> (quoting an award-winning school resource officer who said that “I can go out and write tickets, make arrests and get drunks off the street, but I feel like I am being proactive in getting [to mentor] these kids early and being a positive role model.”).

102. MEGGIE, EDWARDS, & GWOZDZ, *supra* note 51, at 78.

mediation envisions a new role for students, by bringing them into the interagency collaboration and by authorizing them to take ownership of campus safety concerns. This is more than allowing youth to help. It is empowering them to move into adulthood.

#### V. THE VISION: YOUTH DEVELOPMENT COMBINES EDUCATION MISSION AND SCHOOL SAFETY

##### *A. Values Are a Vital Foundation for Education Mission and for School Safety.*

Peer mediation is one component in a larger challenge: keeping students safe and, along the way, educating them to become responsible adults who can shoulder a free republic. Thus far, this article has focused on peer mediation as a specific approach to maintaining safe schools. This section takes a step back, to consider how educators approach school safety as a whole.

School safety is often considered in terms of measureable outcomes: the number of disputes resolved by student mediators or how many students were found dealing drugs, for example. Some schools grasp that all these outcomes rest upon a values foundation.<sup>103</sup> Properly respecting oneself and others, for example, is the foundation for healthy relationships and for productive peer mediation. In its decisions, the Supreme Court affirms educators' responsibility to teach "fundamental values" in public schools, as this section discusses.<sup>104</sup> Students have challenged educators' ability to uphold values in two Supreme Court cases, which deal with innuendo and with illegal substances. The Court's rulings make one thing clear: educators have constitutional authority to impart values as they fulfill the education mission.

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103. At one California public school, for example, educators make the connection between safety and values with a short video that illustrates four characteristics: respect, optimism, acceptance, and responsibility. See KIRSCHEN ELEMENTARY SCHOOL, *Kirschen Elementary ROAR Video* (Aug. 20, 2011), <http://www.youtube.com/watch?v=88nzoGZNYPM>. By demonstrating how students should live out these values, from the cafeteria to educators' offices, Kirschen Elementary is teaching students the foundation for student and teacher safety. The principal credits this values-focused education as the reason he can say, "We have a safe school." Conversation with Principal, Kirschen Elementary School, in Modesto, Cal. (Oct. 5, 2012).

104. See, e.g., *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986).

In *Bethel School District Number 403 v. Fraser*, the first case, Matthew Fraser was a student at Bethel High School in Pierce County, Washington.<sup>105</sup> He defied his school's instructions regarding a student government nomination speech.<sup>106</sup> Throughout the speech, Fraser amused himself by using what Supreme Court justices termed "an elaborate, graphic, and explicit sexual metaphor."<sup>107</sup> His audience included about six hundred high school students, many as young as fourteen-years-old, who were required to attend the student government assembly.<sup>108</sup> Some students reacted with hooting and explicit mimicry; others stood in quiet bewilderment and embarrassment.<sup>109</sup> After Fraser was disciplined, he sued the district.<sup>110</sup>

Fraser carried the day in district court and in the Ninth Circuit Court of Appeals.<sup>111</sup> The nation's high court, however, saw his case differently. Writing for the majority, Chief Justice Burger called it "perfectly appropriate for the school to . . . make the point to the pupils that vulgar speech and lewd conduct is wholly inconsistent with the 'fundamental values' of public school determination."<sup>112</sup> Justice Burger quoted Justice Black's dissent in *Tinker v. Des Moines Independent School District*, which disclaims the idea that the Constitution "compels the teachers, parents, and elected school officials to surrender control of the American public school system to public school students."<sup>113</sup> In short: the First Amendment permits punishing lewd speech—and transmitting the American value system is a proper purpose for K–12 education.

*Fraser* was recently affirmed in *Morse v. Frederick*, the infamous "BONG HiTS 4 JESUS" case, after student Joseph Frederick unfurled these words on a fourteen-foot-banner at a school-sponsored event.<sup>114</sup> His school was observing the 2002 Olympic Torch Relay as it passed through Alaska.<sup>115</sup> In explaining the banner, Frederick said he wanted the camera crews to put

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105. *Id.*

106. *Id.*

107. *Id.* at 678.

108. *Id.* at 677.

109. *Id.* at 678.

110. *Id.* at 679.

111. *Fraser*, 478 U.S. at 679–80. The lower court judges held that Bethel School District violated Fraser's First Amendment rights. This was because they found the school district's rule against disruptive conduct both vague and overbroad. They further wrote that, by removing Fraser's name from a graduation speakers list, the school district violated Fraser's Fourteenth Amendment Due Process rights. *Id.*

112. *Id.* at 685.

113. *Id.* at 686.

114. *See Morse v. Frederick*, 551 U.S. 393, 397 (2007).

115. *Id.*

him on television.<sup>116</sup> Whether Frederick made the small screen is unclear. Yet when his principal saw the banner, she had a different concern—that students would interpret it as promoting illegal drug use, at an officially school-sponsored event—and she suspended Frederick for ten days.<sup>117</sup>

After Frederick sued educators for suspending him, the Supreme Court affirmed schools' authority to build the education mission and school safety policies upon values.<sup>118</sup> Jesus was not the problem; promoting bong hits was the problem.<sup>119</sup> Writing in concurrence, Justice Thomas observed that, in the American tradition, “teachers instilled ‘a core of common values’ and taught [students] self-control.”<sup>120</sup> Here, promoting drug use threatened students' physical well-being, a special consideration that enabled the Alaskan principal to enforce the common core of values.<sup>121</sup>

Educators may not realize it, but they are constantly promoting values in school safety curriculum, whether they are stopping inappropriate speech, dealing with drug abuse, or training students to resolve disputes in a healthy way. This is the core of their education mission, and according to the Supreme Court, educators enjoy significant discretion in the execution. This is part of preparing students to become self-governing citizens. It also begs a question: do students understand that their values—and their sense of personal purpose—are being shaped? School safety policy is an opportunity for educators to cast a vision for what students can become.

#### *B. Peer Mediation Offers One Pathway for Raising Youth into Adulthood.*

When describing teenagers, people are more likely to use the word *trouble* than *noble*. Yet *noble* is exactly how Jonathan I. Cloud, a veteran in juvenile justice and youth development, describes American youth.<sup>122</sup> He writes about the low self-image that many, who are well beyond adolescence, remember and perhaps retain from their teen years.<sup>123</sup> Cloud's profession has undoubtedly familiarized him with the ugly side of adolescence, from fights in school hallways to young people serving time in

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116. *Id.* at 434 (Stevens, J., dissenting).

117. *Id.* at 398.

118. *See id.* at 410.

119. *See id.*

120. *Id.* at 411 (Thomas, J., concurring) (citation omitted).

121. *Id.* at 411, 425.

122. *See* CLOUD, *supra* note 14, at 2.

123. *See id.*

prison. Yet Cloud works to help youth form healthy identities, so that students understand their worth and express this through valiant action.<sup>124</sup> His vision is to train “spirited” youth, who promote justice and truth—and, as he writes, “[t]his way of growing up must be well supported.”<sup>125</sup> Parents are vital here. Educators can also support this vision for stalwart youth, and school safety challenges offer a practical training ground.

Youth are often an undervalued resource on campus.<sup>126</sup> They have power in numbers: in most schools, there are about ten students for every one staff member.<sup>127</sup> Students also have the power of knowledge: they see and hear things that adults miss, and often, they observe a code of silence when it comes to communicating with educators.<sup>128</sup> Through the relationships they build, students can communicate with each other in ways often closed to educators.<sup>129</sup> Further, students have the power to establish and to change social norms among themselves.<sup>130</sup> To positively connect students with educators, youth need meaningful roles, and that is where peer mediation comes in. Notably, this is not only establishing a consequential role for students within the school safety context. It is also teaching students that administrators and teachers—the adults with whom they interact, every class day—hold meaningful roles. Thus, where educators are vested in student wellbeing, PMPs provide students with role models in their everyday lives.

Giving meaningful roles to students implies two things. First, a role is something to do. It often means tapping a student’s abilities to serve others. A sixth grade student named Eddie, for instance, was teased by his classmates for reading at a fourth grade level; he was often sullen and his class attendance was poor.<sup>131</sup> Eddie’s teacher asked him to become a cross-age tutor for second grade students.<sup>132</sup> Second, in giving students meaningful rather than inconsequential roles, educators plant a visionary seed in students. The ability to do seemingly inconsequential work, with a willing spirit, is worthwhile. Yet here, the student should be grabbing on to a sense of purpose—or, to begin with, should at least sense that he is entrusted with something consequential. When Eddie tutored the second graders, and invested in younger students, he became two years ahead rather

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124. *See id.* at 1–2.

125. *See id.* at 181.

126. PHILLIPS, LINNEY, & PACK, *supra* note 13, at 137.

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.* at 135.

132. *Id.*

than two years behind.<sup>133</sup> As he responded to his meaningful role, his attitude and class attendance improved.<sup>134</sup> American youth are beginning to embrace the challenge to accomplish hard things, rather than fall into the low expectations that many hold for them.<sup>135</sup> Yet some need more of a helping hand than others. This is where educators can become role models. The challenge is changing the *ethos* on campus, so that students see their roles as meaningfully contributing to the safety of their peers—and even to the safety of adults.

While there are many ways to accomplish this, Rick Phillips, John Linny, and Chris Pack suggest a youth development formula: 3P + 3E = 3C.<sup>136</sup> Once the terms are defined, they call this a “compelling vision that is understandable to educators, parents, students, and the community at large.”<sup>137</sup> The three P’s are building blocks: purpose (a goal to accomplish), power (capability), and place (belonging).<sup>138</sup> The three E’s describe how adults and youth come together: they engage, equip, and empower.<sup>139</sup> Finally, the three C’s are positive outcomes: youth become capable, connected, and contributing.<sup>140</sup> These are essentially nine goals, which together provide a blueprint for educators to cast a vision at school and to tap into the resource that their student bodies offer. In this task, schools are not alone. The more parents buy in and participate, the more likely students are to mature well, because parents are the first line of nurture and discipline for children. Conflict resolution training is one constructive path for educators—in partnership with parents and communities—to further the process of students’ growth.<sup>141</sup>

Phillips, Linny, and Pack argue that youth development is a necessary part of educators’ responsibilities: educating youth to become good workers,

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133. *See id.*

134. *See id.*

135. *See generally* ALEX & BRETT HARRIS, DO HARD THINGS: A TEENAGE REBELLION AGAINST LOW EXPECTATIONS (2008).

136. PHILLIPS, LINNEY, & PACK, *supra* note 13, at 128.

137. *See id.*

138. *Id.* at 129.

139. *Id.* at 130–31.

140. *Id.* at 132–33

141. *Cf.* BARBARA COLOROSO, THE BULLY, THE BULLIED, AND THE BYSTANDER 181 (2008) (writing that children “need adults at home, in the school, and in community programs committed to breaking this cycle of violence whenever they see it and whenever they hear about it”); *see also* PHILLIPS, LINNEY, & PACK, *supra* note 13, at 117 (writing that parental involvement is key to building a safe school climate).

neighbors, and citizens.<sup>142</sup> It is also essential to students' drive for high academic achievement.<sup>143</sup> These are all values statements. They culminate in maturity. In short, by educating students on the foundation of fundamental values, schools accomplish the education mission. School safety is one tangible and meaningful application of this principle, where students are trained to mediate between their peers and to thereby enhance campus safety. To be an adult, after all, is to be a protector; to be a child is to be the protected.<sup>144</sup> Through PMPs, students are raised up into the role of protectors.

## VI. CONCLUSION

Equipping youth to negotiate disputes, from catfights to fist fights, is vital to school safety. Peer mediation advances two additional goals: it equips students for leadership, by teaching them to make peace throughout their lives, and it builds a generation that can shoulder a self-governing republic. In a sense, the PMP is like student government. Both are school-sponsored programs that hone students' skills in self-governing. Student government is training in interpersonal negotiation and in crafting workable, agreed-upon policies. Likewise, PMPs build a student's toolbox for identifying sources of relational conflict and for working with peers to achieve lasting solutions.

Adults are protectors; children are protected.<sup>145</sup> This knowledge drives the educators, SROs, and parents who labor to prevent a Columbine-like tragedy from ever touching their children. Accomplishing school safety, however, requires more than adult protection. Some student buy-in is needed. To realize a safe campus, educators need either inherently decorous students or students with a vision for protecting others. Casting this vision—together with practical dispute resolution training—naturally lends itself to establishing PMPs. As educators promote campus safety, peer mediation programs are accomplishing the essence of the educational mission. They are raising today's children to become tomorrow's protectors.

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142. *Id.* at 128.

143. *Id.*

144. Andrew May, Director of Prison Ministry, Andrew Murray Center, Address at Pepperdine University School of Law (Nov. 16, 2011).

145. *Id.*