Peer Mediation in Schools: Expectations and Evaluations

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INTRODUCTION

"Saints should always be judged guilty until they are proved innocent, but the tests that have to be applied to them are not, of course, the same in all cases."[1]

1. WHAT IS PEER MEDIATION?

Peer mediation has acquired almost saintly status in today's elementary, middle, and high schools. Thousands of schools across the United States and around the world have implemented peer mediation programs of various shapes and sizes, with the expectation that violence and suspensions will be reduced, school climate will improve, and students will learn and take with them essential life skills. Rebecca Iverson of the San Francisco Community Board's peer mediation program estimates that there are currently 8,500 peer mediation programs in the U.S. alone.[2] Richard Cohen of School Mediation Associates (SMA) in Cambridge, Massachusetts, guesses that now half the teachers in the country have heard of peer mediation, whereas

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1.   George Orwell, *Reflections on Gandhi, in* A COLLECTION OF ESSAYS 177 (1953).

2.   *See* Interview with Rebecca Iverson, San Francisco Community Board, in San Francisco, CA (March 26, 1997).

In 1993, Annette Townley, executive director of the National Association for Mediation in Education (NAME), estimated that over 5,000 U.S. schools had some type of conflict resolution program. *See* ASCD UPDATE, volume 35 no.10. [SWAT Year]

ten years ago the concept was known only to a handful of enthusi-asts.[3] As we discuss in detail later, many educational and social the-ories have contributed to the rising popularity of peer mediation.

Peer mediation is the use of trained student mediators to resolve disputes among their fellow students. The most common disputes mediated include arguments between friends, playground fights, property/theft issues, rumors, and boyfriend-girlfriend conflicts.

Peer mediation is perhaps an underinclusive name for the di-verse conflict resolution programs implemented in schools. In its simplest form, peer mediation means training a small group of stu-dents to help resolve school disputes. The most common elementary school model features uniformed "conflict managers" who monitor playground activity to resolve disputes before they become physically violent.[4] Middle and high school programs generally substitute class-rooms and hallways for the playground and may set aside a room in the school where the mediations, which are usually longer and more complex, can take place.

Many schools, however, modify this standard model. At the ele-mentary school level, some schools have implemented curricula to teach the principles of conflict resolution the student body, either before or after student mediators are trained.[5] Schools may involve parents in various ways, including recruiting them as trainees and trainers to extend the use of dispute resolution skills to families and communities. Teachers may play a greater role or may use dispute resolution methods in their classrooms.[6] One school had the student conflict managers put together a training on dispute resolution that they then "gave" for their parents.[7] In many schools, conflict manag-ers help put on presentations for the whole school to encourage the use of mediation.[8]

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3. Interview with Richard Cohen, Director of School Mediation Associates, in Cambridge, MA (April 15, 1997). If accurate, Ms. Iverson's estimate would also mean a huge increase from 1991, when there were roughly 2,000 programs in U.S. public schools. *See* David Singer, *Teaching Alternative Dispute Resolution to America's School Children,* ARBITRATION JOURNAL, Dec. 1991.

4. *See* Interview with Richard Cohen, *supra* note 3.

5. *See* Interview with Dolores Vigil, guidance counselor and Peer Mediation Di-rector at East San Jose Elementary School, in Albuquerque, NM (March 31, 1997); *and* Interview with Janice Sevedra, Mary Ann Binford Elementary School, in Albu-querque, NM (April 1, 1997).

6. *See* Interview with Rebecca Iverson, *supra* note 2.

7. *See* Interview with Dolores Vigil, *supra* note 5.

8. *See* Interview with John McCarty, Peer Resources Director, Mission High School, in Boston, MA (March 27, 1997); *and* Interview with Sara Keeney, New Mex-ico Center for Dispute Resolution, in Albuquerque, NM (March 31, 1997).

In middle and high schools, the programs can vary in different ways. Some schools have also implemented conflict resolution curricula, though this is less common than in the elementary schools.[9] Other innovations among older students, however, include student mediators traveling to other schools to mediate larger disputes among groups of students,[10] student mediators mediating teacher-student and parent-child disputes, and student mediators taking a bigger role in the administration of their schools' conflict resolution programs.

II. WHY PEER MEDIATION: GOALS OF EXISTING PROGRAMS

It is important to analyze schools' motives for establishing peer mediation programs. There has been an explosion of new programs created to address widely varying problems. Is peer mediation the wonder drug for which schools have been desperately searching? Can it reduce violence? Raise test scores? Reduce truancy and drop-out rates? Improve school climate and teacher and student morale? And if so, how? Which programs work, and why?

With the proliferation of programs has come the widespread belief that peer mediation is a panacea for many of the ills facing today's schools.[11] Administrators and teachers implementing programs hope to reduce violence in schools,[12] free teachers' and administrators' time so they can teach more and discipline less,[13] and increase student loyalty and morale. They also cite more broad-based goals like teaching students life skills and increasing their understanding of the many nonviolent ways to resolve conflict.

In 1985, Albie Davis and Kit Porter co-authored an article based on their observations of a number of programs then in existence, in

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9. *See* Interview with Rebecca Iverson, *supra* note 2.

10. *See* Interview with Nancy Grant, Mediation Director, English High School, Boston, Massachusetts, March 20, 1997.

11. "Many schools, especially those located in large urban areas such as New York City, Los Angeles, and St. Louis, have joined the recent trend toward the use of mediation as a way to handle problems arising between conflicting parties." Brian Harper, *Peer Mediation Programs: Teaching Students Alternatives to Violence*, 1993 J. DISP. RESOL. 323, 324 (1993).

12. "The AFT's task force on school safety and violence recommends that more school districts consider conflict resolution training as a way to counter violence in the schools and community." From Roger S. Glass *Keeping the Peace, in* AMERICAN TEACHER.

13. "Research reported that peer mediation programs reduce administrators' and teachers' time in working with conflicts." Jerry A Benson & Joan M. Benson, *Peer Mediation: Conflict Resolution in Schools*, 31 JOURNAL OF SCHOOL PSYCHOLOGY 427, 427-430 (1993).

which they identified ten rationales for the implementation of peer mediation programs in schools.[14] The list includes concrete goals such as the reduction of violence, vandalism and suspensions, and a reduction in the time teachers must devote to non-teaching tasks, as well as less tangible goals such as student development of long-term conflict management skills and improvement of the "climate" in schools and communities.[15] These categories that Davis and Porter identified continue to be useful in understanding the goals of school mediation programs.

For example, in 1991, the Ohio Commission on Dispute Resolution and Conflict Management (OCDRCM) published an assessment of mediation programs in seventeen Ohio schools, in which they identified three principal program objectives:

1. "To provide direct benefits to the children by enlarging their set of individual and *interpersonal skills* and conflict response options;

2. To *improve the school climate* so teachers could teach and children could learn by *limiting disruptions. . .* ; and

3. To reach and assist communities through the schools by encouraging children to use their skills in family or neighborhood conflicts."[16]

The first of these objectives corresponds directly with what Davis and Porter identify as the goal of developing "lifetime dispute resolution skills;"[17] the second corresponds with the rationale of allowing "teachers and administrators to concentrate more on teaching and less on discipline;"[18] and with the emphasis on improving school climate; and the third seems to be a focused expression of the more ambitious goal of improving communication "in both the school and the community."[19]

Looking at schools' goals is important for several reasons. First, it is interesting to track the evolution of the school mediation movement to see where the movement originated and how it has changed. More specifically, the multiple and often unrelated goals schools cite when they implement mediation programs raise questions about whether all or many of the goals are well served by mediation. Richard Cohen has found that the first time schools call his organization,

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14. *See* Albie Davis & Kit Porter, *Dispute Resolution: The Fourth "R"*, 1985 Mo. J. Disp. Resol. 121 (1985).

15. *Id.* at 123-28.

16. Sandra Kaufman & Ohio Commission on Dispute Resolution and Conflict Management, Assessment of the Implementation of Conflict Management Programs in 17 Ohio Schools: First Year Report 7 (1992).

17. *See* Davis & Porter, *supra* note 14, at 125.

18. *Id.* at 127.

19. *Id.* at 124.

School Mediation Associates, very few know what they seek to achieve by establishing a peer mediation program.[20] Many times they have funds – either from a government grant or from a private foundation – and have heard of mediation and simply think it might be a good thing to try. Much of his initial work consists of educating them about the demands peer mediation places on a school and of "reality testing" their desire to implement a program. He believes, as do many of his colleagues in the field, that schools implementing programs would be greatly helped if they knew more about whether the programs achieve specific goals, and which ones achieve what. For example, if a model shows success in improving school climate, schools hoping to achieve that goal will presumably want to emulate that model.

III. *Issues to be Addressed*

Despite increasing research on the subject, there is very little in the way of specific guidelines and advice for schools planning the implementation, modification, or expansion of a peer mediation program. Schools thus enter the process more or less blind, going on intuition about what might work. In addition to lack of guidance, schools face budgetary constraints, internal and local politics, pressures from parents, and other limitations that might be better accommodated if schools had a clearer picture of how to achieve their objectives. Moreover, programs themselves make statements about the effects that schools can expect, but there is often little to support the claims.[21]

As noted above, many of the objectives schools have are difficult to quantify. Evaluation is often limited to informal teacher observation and student self-evaluation. Follow-up questionnaires to students and teachers often request data in the form of qualitative

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20. *See* Interview with Richard Cohen, *supra* note 3.

21. In its information packet, for example, The San Francisco Community Board promotional/informational materials read, "Conflict Managers gain valuable leadership skills. They become role models for other students, and often experience improved self-esteem and academic achievement. Faculty spend far less time on disciplinary matters and more time on teaching. Schools report significant decreases in suspensions and expulsions, reduced tensions, and enhanced school climate overall. Parents have reported that conflicts in the home are resolved more effectively as well." The Community Board Program, Conflict Resolution Resources (1997) (materials on file with the authors). This extensive list of benefits is hard to unpack, let alone analyze for accuracy.

responses, which are subject to bias from time gaps and from percep-
tions skewed by the power of suggestion. The most concrete and ob-
jective data typically relate to the number of suspensions or violent
incidents recorded before versus after the introduction of mediation
programs. Evaluations sometimes consider how well students have
learned skills by administering a written "test" of conflict skills and
attitudes. These written tests strive to assess objectively the extent
to which conflict resolution skills have been mastered, but their relia-
bility inevitably suffers from their inability to distinguish between
intellectual knowledge and behavioral application.

Evaluation of mediation programs continues to be inadequate
primarily for two reasons. The first is that rigorous, well-developed
studies have been rare. The second is that judging the degree to
which the less tangible objectives of mediation have been achieved is
difficult, even when relatively well-prepared and properly imple-
mented studies *are* performed. As a result, current information re-
garding the effectiveness of such programs can be viewed as both
promising and tenuous. The promising information derives from ob-
jective data regarding declines in suspensions and violence at schools
where peer mediation and other conflict-resolution programs have
been implemented. The tenuous conclusions result from instruments
that rely on informal observation and self-evaluation to draw conclu-
sions regarding the impact of mediation programs on how students
deal with relationships.

The consequences for funding of new programs are significant.
While advocates of mediation have much descriptive and anecdotal
evidence to support arguments regarding the potential influence of
such programs, continued funding will ultimately depend on concrete
"results" when disbelief is no longer suspended. There is a need for
evaluations that derive objective data from focused information. Lon-
gitudinal studies should also be instituted to follow a specific group of
students over a number of years in order to identify the long-term
behavioral consequences of these programs.

IV. RESEARCH METHODS/STATEMENT OF PURPOSE

Evaluation is clearly an important element in finding out what
works, and researchers have conducted numerous evaluations of peer
mediation programs. These evaluations range in scope from single-
school surveys of teachers to district-wide, carefully researched stud-
ies of teachers, administration and students including control schools

and other scientific insurers of reliability.[22] They also vary greatly in what they measure, from simply recording the steps in the implementation of a peer mediation program[23] to sophisticated analyses of the degree to which schools have achieved such goals as reducing violence and improving student self-esteem.[24]

As our research progressed, it became clear that evaluations should be a lens through which to examine programs' goals and their success in achieving those goals, rather than an end in themselves. Ideally, as a program was implemented, it would be evaluated in a scientific manner designed to indicate success or failure in achieving specific, named objectives. Ideally, too, these evaluations from the implementation of various programs would, collectively, indicate how to design and implement a mediation program that "works," one that achieves the school's goals. Reality, naturally, turns out to be much more complicated.

Evaluating peer mediation programs is difficult on several levels. Financially, schools are often limited in the funds they can devote to evaluation. Most schools cannot pay a researcher to spend the time necessary to prepare, distribute, collect, tabulate, and analyze evaluation surveys. Second, logistics make it hard to coordinate school-wide surveys that generate a valid, representative response from a sufficient number of participants to yield reliable information. Control groups and control schools add important bases for comparison, but finding equivalent schools or groups of students within schools to use as control groups can be difficult. Politically, schools and outside organizations working with them to implement programs may have no incentive to evaluate, or even a disincentive to do so.[25] In a school in which some members of the administration are trying to win the school or parents over to mediation, inconclusive initial results of an evaluation could kill the program before it really gets off the ground. Moreover, in cases where the school implements mediation as a "solution" to chronic violence, pressure to depict the program as successful is intense. So long as it is accepted that the program does what it is supposed to, why question it?

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22. *See generally* JULIE A. LAM, THE IMPACT OF CONFLICT RESOLUTION PROGRAMS ON SCHOOLS: A REVIEW AND SYNTHESIS OF THE EVIDENCE (1989) (surveying published evaluations from programs around the country).
23. *See generally* CHARLES T. ARAKI, et al., RESEARCH RESULTS AND FINAL REPORT FOR THE DISPUTE MANAGEMENT IN THE SCHOOLS PROJECT 18-30 (1989), and *Program on Conflict Resolution*, University of Hawaii, ERIC Doc. No. 312 750.
24. *See* JULIE A. LAM, SCHOOL MEDIATION PROGRAM EVALUATION KIT 9-14 (1989).
25. *See* Interview with Maria Mone, Associate Director of the Ohio Commission on Dispute Resolution and Conflict Management, in Cambridge, MA (Jan. 5, 1997).

Finally, many advocates of programs doubt that evaluations, especially the kind typically performed, yield accurate data about the programs' achievements, and some even doubt that useful evaluation of mediation programs is possible.[26] Proponents of conflict resolution programs say that, like all new approaches, these programs take several years to bring about noticeable changes. Evaluations, typically done over the course of one year (often the first that the program is in existence), thus misrepresent the programs' impact. Moreover, some say, even if a sufficiently in-depth longitudinal study could be done, quantitative data on the kinds of changes mediation supposedly produces would be hard, if not impossible, to collect. The change is inside of individual students, especially mediators, and programs may affect different children in different ways. For this reason, anecdotal evidence is plentiful, and bar graphs are few.[27]

This paper will summarize the important findings about school mediation programs currently in existence. In addition to providing a brief history of peer mediation, it will present several different models of peer mediation programs and explore their similarities and differences. It will also review the evaluations that have been done of these and other programs and analyze the results. Our purpose is two-fold: to inform actors in the field and schools looking to establish programs about the currently available models and their similarities and differences, and to analyze, based on interviews, evaluations, and other research, what works and what does not, and thus which factors best ensure a successful peer mediation program.

PEER MEDIATION

I. HISTORY

The peer mediation programs of the 1990's grew out of several older, community-based parent organizations and movements. Community-based mediation began in the 1970's in organizations like the Community Board Programs[28] as an alternative to court and as a way to resolve disputes, like neighbor quarrels, that had no official or

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26. *See* Interview with Melanie Moore, Program co-evaluator, Whole Schools Program, San Francisco Community Board, in San Francisco, CA (March 27, 1997) and Interview with Rebecca Iverson, *supra* note 2.

27. "Research on peer mediation programs is too scanty to determine how successful they are, says Daniel Kmitta, a doctoral student at the University of Cincinnati, who is studying this question. But there is a wealth of anecdotal evidence in favor of such programs, he notes. Students report that they are fighting less often, and teachers say their school climates have improved." From ASCD UPDATE.

28. *See* notes 34-35 and accompanying text, *infra*.

legal avenue for resolution.[29] In addition to empowering people to solve their own problems, these organizations sought to preserve and strengthen relationships in communities.[30] In the earliest programs linked to education, Quaker notions of nonviolent resolution of conflicts were introduced into schools through such organizations as Children's Creative Response to Conflict (CCRC), a Nyack, New York-based program that was founded in 1972.

Educators for Social Responsibility (ESR), a Cambridge, Massachusetts group that has worked with students in schools since 1981,[31] began with the purpose of educating students about the dangers of nuclear weapons. Peace education continues to be ESR's focus, with peer mediation being only one aspect of a larger emphasis on teaching and implementing conflict resolution in schools. ESR focuses on the student as a member of the community and stresses the use of education to teach students how to participate actively and effectively in community life. One of ESR's more visible branches, the Resolving Conflicts Creatively Program (RCCP), has become a leader in the field of school peer mediation and conflict resolution. The RCCP began in 1985, and is "widely regarded by public health experts as one of the most promising violence prevention programs now in operation."[32] As of 1994, RCCP had programs reaching 4,000 teachers and over 120,000 students in Alaska, Louisiana, California, and New Jersey.[33]

In San Francisco, school mediation is a more direct descendant of its parent group, the Community Board Program, which began in 1976 by using mediation as an alternative to the court system for resolving neighborhood disputes. That philosophy carries over to its school programs, which aim to empower students to solve their own problems and to learn new avenues to address conflicts.[34] The Community Board moved into the San Francisco schools in 1982, when the first conflict managers program was implemented at Paul Revere Elementary School.[35] In 1984, the program began to expand into

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29. *See* Interview with Rebecca Iverson, *supra* note 2.

30. RICHARD COHEN, PEER MEDIATION IN SCHOOLS: STUDENTS RESOLVING CONFLICT 142 (1995).

31. LINDA LANTIERI & JANET PATTI, WAGING PEACE IN OUR SCHOOLS 204 (1996).

32. WILLIAM DEJONG, BUILDING THE PEACE: THE RESOLVING CONFLICT CREATIVELY PROGRAM (RCCP) 3 (on file with the authors).

33. *See* Resolving Conflict Creatively Program (RCCP) fact sheet (1997) (unpublished; on file with the authors).

34. *See* Interview with Rebecca Iverson, *supra* note 2.

35. *See* Community Board promotional materials, *supra* note 21.

area middle and high schools. In the late 1980's, when the Community Board began implementing conflict resolution curricula to complement the mediation programs.

School Mediation Associates (SMA) grew out of a similar model; its head, Richard Cohen, worked with the New York Community Board program before founding SMA in 1984. He, too, lists among key points of the program providing alternative ways of resolving conflicts, teaching life skills, and improving the climate of schools not just for students, but for the entire school community. Central to his philosophy is the idea of students learning to manage their own disputes. He stresses peer mediation itself – not curriculum integration or teacher modeling of skills—as the central component of student training. Mr. Cohen feels that almost every dispute in a school, short of the "most heinous," is appropriate for peer mediation.[36]

Today, with the entrance of large numbers of educators into the field of peer mediation, SMA has departed somewhat from its roots in Quaker philosophy and student empowerment. Many teachers and programs refer to conflict resolution as "the fourth R" and promote it as a necessary companion to the academic skills taught in schools.[37] Violence prevention and reduction in disciplinary actions have to a large extent replaced peace education and civic responsibility as underlying goals of peer mediation programs. As with any new and chic topic, its advocates have come up with seemingly limitless ways to promote it. For all the apparent diversity of programs, however, the similarities among school peer mediation programs remain the most striking thing about them.

II. MODELS

A. *Background*

On paper, peer mediation programs vary quite a bit in their structure, scale, and goals. The differences between models reflect such diverse influences as parent program philosophy, funding source, school and district size, age of students, and leadership role. In our search for common elements of successful programs, we examined five major models: the ESR/RCCP program from New York, the Community Board model in San Francisco, the New Mexico Center for Dispute Resolution (NMCDR) district program in Albuquerque, the Student Conflict Resolution Expert (SCORE) program

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36. *See* Interview with Richard Cohen, *supra* note 3.
37. *See* Davis & Porter, *supra* note 14, at 135-6 (1985).

in Massachusetts, and the individual school model as represented by schools employing ESR.

There are many programs in existence. Those we studied, though they are among the bigger peer mediation programs, do not include all of the major ones. We focused on programs that have published evaluations in some form. This focus excludes many large and important programs. As an example of an excluded program, Ann Arbor, Michigan began a program in 1988, implemented in all Ann Arbor schools as of 1991. All teachers have basic mediation training, and conflict resolution is part of the curriculum.[38] U.S. school systems as far apart as Florida and Alaska have programs, as do foreign countries including South Africa. In addition, individual schools all over the country have begun independent programs too numerous to catalog. After reading about dozens of mediation programs in individual schools and whole districts, however, we believe that our sample is representative. After we visited schools in different places, that belief was reinforced as the differences among schools faded in relation to the similarities.

Analyzing a school program, whether peer mediation or another type, requires looking at two separate entities: the theory—the program as it exists on paper—and the practice, or the program as implemented. The programs researched for this paper have in common an extensive philosophy, specified goals, and a plan for implementing those goals in schools in keeping with the overriding philosophy. They also share, as do most school programs, a tendency for the implemented program to look different from the theoretical model. This section of the paper will compare the theory and reality of each program and highlight similarities and differences between the programs and the various schools.

B. *The Programs*

1. *ESR/RCCP Program*

RCCP, with its origins in the anti-nuclear movement, takes a broad-based approach to school mediation. RCCP coordinators Linda Lantieri and Janet Patti describe a program designed to change not only the school environment in which a student learns, but also the larger community in which he lives and grows.[39] In keeping with this holistic approach, the RCCP emphasizes multicultural education

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38. *See We Can Work It Out*, TEACHER MAGAZINE, Vol.3, No.2, Oct., 1991.

39. *See* LANTIERI & PATTI, *supra* note 31, at 4 (1996) (arguing that "[i]t takes a whole village to raise a child, and it takes a whole village to rescue one, too").

and appreciation of diversity. In various anecdotes about what they perceive to be the resulting changes in the program schools, Lantieri and Patti cite examples of students using their conflict resolution skills outside of the classroom, of teachers using and reinforcing the skills, and of parents learning to apply the skills themselves and thus to expand the world in which nonviolent approaches to conflict are the norm for their children.[40]

In keeping with its community-wide philosophy, RCCP uses a district model to implement its peer mediation and conflict-resolution programs. The theory behind this system is that to bring about larger change, schools must be working together. RCCP experienced an early rise to prominence on the conflict mediation scene when the New York City school system chose the program to be implemented throughout the city. ESR teamed up with the city to create the Program and began to implement conflict resolution programs in 28 school districts throughout New York.[41] In each program school, a core group of teachers was trained in conflict resolution theory, in ESR philosophy, and also in curriculum use of the materials taught. Peer mediation programs were later implemented in a subset of the program schools.

A key component of the program is support and advice provided by professional support staff, who visit classrooms and help teachers introduce the ideas of conflict resolution into their curricula. In some cases, the RCCP also provides additional training to administrators and parents interested in expanding the peaceful environment for students.

2. *Community Board Program*

In San Francisco, the Community Board has been working with schools to implement peer mediation programs on a school-by-school basis since 1982. Because the schools project grew out of the pre-existing mediation model on which the Community Board was founded, the objectives for the peer mediation programs are closely linked to those of community-based mediation, as noted above. These objectives, like those of ESR/RCCP, are broad-based and revolve around empowerment and the teaching of life skills. Within schools,

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40. "At the Satellite Academy in the Bronx, many RCCP students say they've been able to use their training to help resolve disputes between friends and families. Robert, a senior at the schools, says the guys he hangs out with in the his Bronx neighborhood will sometimes seek him out to mediate their differences. 'They refer to me as the Counselor,' he says." *Id.* at 143.

41. *See* RCCP program materials/promotional pamphlets.

programs give students tools to make their own decisions about education, about the atmosphere in their schools and classrooms, and about how to resolve conflicts. Conflicts are viewed as a potential learning experience that, when used appropriately, can enhance students' understanding of each other and lead them to important insights. As a result, mediation programs are not necessarily viewed as a way to decrease the amount of overall conflict in a school, but rather as a means of channeling that conflict in constructive ways and of empowering students to work through their conflicts with as little adult interference as possible.

Life skills is another theme of the Community Board that has led the Program to team up with the Peer Resources Program in the San Francisco Unified School District to implement the Whole Schools Project (WSP) on an experimental basis. The theory behind the WSP is to have a long-lasting effect on students, conflict resolution needs to be present in many aspects of their lives. The WSP model calls for a core team to organize the conflict resolution program in each participating school and to set up sub-committees to work on implementation of the various components of the program, which might include a peer mediation program, a curriculum to be taught to all students in the school, and a program for parents to bring conflict resolution skills into the home. Inclusiveness is a theme that is reflected in the goal that each core committee include at least one member from each school constituency: faculty, administration, students, parents, and staff .

The Community Board, like other programs bringing mediation and conflict resolution to schools, places a high priority on "buy-in" among both administration and staff in a target school. It uses a detailed survey, entitled "Questions to consider when starting a school mediation program," designed to provide information both to the school and to the Community Board about existing support for the program and the additional commitment that will be required.

In theory, the core team is established in the pre-implementation phase. It works first to generate enthusiasm for the program, map out a plan, and act as central coordinator. It also puts a curriculum in place to teach all of the school's students conflict-resolution skills. Then in smooth steps the plan is put into place, and the program grows in a step-by-step manner, gradually involving all of the students, faculty, and parents in the school community, and becoming self-sustaining as well. In the schools studied for the Whole Schools Project evaluation, the process was originally intended to last five years, time for the school to gradually grow into its new identity. The

program would then be a model for resolving all conflicts in the
school.

3. *NMCDR Program*

The NMCDR began working with peer mediation in 1984, when
it initiated programs in six New Mexico schools.[42] In 1995, the
Center was granted state funding to implement the program state-
wide, under the rubric of special education. Although various
funders have put the emphasis on health, violence prevention, delin-
quency prevention, and other objectives, director Sara Keeney says
shifts in funding source have not significantly changed the central
focus of the program, which continues to be empowering students and
teaching life skills in conflict resolution.[43] Individual schools, she
notes, often have their own objectives, such as reducing violence, that
differ from those of the Center.[44]

After years of working with individual schools, the NMCDR has
recently switched to a district-wide implementation system for peer
mediation programs. This refinement of the school-by-school ap-
proach is the result of a finding that district-level administrative sup-
port was critical to the long-range survival of school mediation
programs. On this point, the similarity to both the Community
Boards' and RCCP approaches is striking. One focus of the NMCDR
is the sustainability of programs after the initial period during which
they are actively supported by the Center. In the past, lack of con-
tinuity among administration and faculty in various schools often
ended a successful program when key supporters in a school left or
moved. The NMCDR sought to prevent this harmful effect of tran-
sience by anchoring the program in the more solid district
administration.

Before implementation, the Center hands out a survey to teach-
ers to measure their commitment to the program's goals. This ap-
proach is philosophically and practically similar to those of other
programs. Coordinators look for a majority of around 80% of staff
within a school who want the program, and, at the elementary school
level, 80% who promise to teach the curriculum. If a school that
wants the program is the first in a district, it has the responsibility of
putting together a district team, and the NMCDR then implements
the program in every school that wants it through that team. The

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42. *See* Interview with Sara Keeney, *supra* note 8.
43. *See id.*
44. *Id.*

idea behind having a team to coordinate in the school is that the job is often too big for one person.[45] The first step in implementation is specialized training for those teachers or counselors who will coordinate the program. All of the teachers in elementary schools, but not all high school teachers, are trained.

One district—Gallup—makes coordination an official duty of school counselors, which has "worked out pretty well."[46] In other districts, the NMCDR encourages the school to give perks and/or extra time to teachers and staff who act as mediation coordinators. Managing a moderate-size mediation program can take hours a day, and when combined with a teacher's regular duties, the work becomes overwhelming. In districts where the program is most successful, coordinators become partially self-sustaining and begin to do expansion trainings without assistance from the NMCDR. The most common cause of problems has been transience. Other problems include unsupportive teachers or administrators who actively block the program's entrance into the school. Ideally, the district team helps to prevent this.

The New Mexico Center conducted a program evaluation during the 1993-94 school year. The evaluation consisted primarily of surveys to administrators, students, and teachers seeking information on the respondents' perceptions of conflict in general, the school climate, and the peer mediation program in particular.[47] Both teachers and students expressed enthusiasm for the program, and teachers reported students as having improved conflict-resolution skills.[48] One of the primary aims of this study was to consider the effectiveness of the relatively new district team approach. The results of the study were encouraging, and the author recommended continued use and development of this structural model.[49]

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45. *See* Interview with Dolores Vigil, *supra* note 5 (expressing her support for the school team approach, and crediting her school's team of three with the longevity and success it has enjoyed).

46. Interview with Sara Keeney, *supra* note 8.

47. *See* SUSAN LEE CARTER, SCHOOL MEDIATION EVALUATION REPORT 2-6 (1995).

48. *See id.* at 37 (reporting that 79% of teachers find their students listening to each other more carefully in class); *id.* at 31 (summarizing positive changes in conflict resolution attitudes, particularly for students trained as mediators).

49. *See id.* at 9.

4. *SCORE Program*

In Massachusetts, the Attorney General's office funds and over-sees the SCORE program,[50] which has its roots in the local commu-nity mediation programs. Philosophically, SCORE is thus similar to the Community Boards program; it focuses on providing an alterna-tive to traditional forms of dispute resolution. SCORE has grown from two programs in 1989 to twenty-seven in 1995,[51] with programs in schools throughout the state.

Unlike some of the other programs reviewed here, SCORE is a pure mediation program. Also unlike the other programs, SCORE advocates entering schools one by one, rather than implementing peer mediation on a system-wide basis. Indeed, SCORE's workbook specifically advises school systems considering starting a mediation program to "begin with one or two pilot sites and spend a year or two learning first hand how to achieve successful programs."[52] Moreover, SCORE does not rely on in-house experts, but draws on community mediation programs to run trainings and to work with the program in individual schools. The effect is much like that of the Community Boards and NMCDR models, which bring mediation experts from the community-based parent programs into the schools, but in Massachu-setts, a separate organization – SCORE – acts as the middleman be-tween school and implementing agency.

SCORE's emphasis on extensive pre-implementation analysis and planning led it to lay out five steps for starting a peer mediation program.[53] First, SCORE advises organizations to "develop a vision" and to identify resources within the organization and the community at large on which the program can rely and from which it can expect help, funding, and expertise. This step also includes needs assess-ment and goals development for the program, along with a plan for achievement of the goals, or "objectives." In the next step, informa-tion gathering, organizations are advised to research existing com-munity and peer mediation programs to learn more about different potential structures. It is at this step, too, that pilot schools should be selected and an organizational structure laid out. The workbook notes that it is wise at this point to refer back to and re-assess the programs' mission statement.[54]

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50. *See* SCORE workbook.
51. *See id.*
52. *See id.* at 7.
53. *See id.* at 10.
54. *See* SCORE workbook at 10.

The following phases of implementation include: program design, which includes policy planning, funding and staffing decisions, and timeline; implementation, including selection of sites and coordinators, logistical details, and "sale" of the program to the school and to potential mediators; and management, which includes post-implementation support and evaluation. At each stage, the workbook lays out the major issues implementers can expect to face.

SCORE states that, "a half to full-time PMP Coordinator . . . is necessary."[55] There is great emphasis throughout the materials on supervision by capable and experienced staff. Indeed, part of the reason for collaboration with community mediation programs is the opportunity to have experienced mediators supervising and advising the Coordinators. Because it is run by the state, through the Attorney General's office, SCORE funds the programs and can mandate that each school have a paid Coordinator whose only job is to run the peer mediation program. The program guidelines state that the Coordinator will handle cases referred to mediators, development of a good working relationship with teachers, administration, and students at the school, scheduling of mediations, supervision, follow-up, and keeping of records and statistics on all mediations done.

In addition, the guidelines advise schools on screening and training peer mediators, communicating with the media, funding and bookkeeping, and many other logistical details connected with running a program. SCORE also runs an annual conference for student mediators from all over the state. Because Albie Davis supervises mediation activities for the Commonwealth, acceptance at the state level is assured.

III. SIMILARITIES: COMPARING THE MODELS

Despite some differences on the administrative level, school mediation programs in individual schools resemble one another much more than they differ. On the most basic level, all offer intensive trainings in conflict-resolution skills to student mediators, and most also offer trainings for teachers and staff. On the structural level, too, the programs have much in common. In essence, the different "models" describe varying combinations of similar mechanisms designed to cope with commonly recognized obstacles. All the programs recognize the impact that lack of continuity can have on even a successful, established program. All recognize the need for support

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55. *Id.* at 2.

at various levels within the schools. The programs also advise selecting student mediators who have the trust and respect of their fellow students, and most stress the importance of both "positive" and "negative leadership."[56]

A. *Program Implementation*

Support at the classroom and administration levels is one element universally identified[57] as key to a program's success. With it, programs hope to achieve continuity; acceptance and resulting referrals; support from the community, including parents; and, in some cases, furtherance of non-mediation objectives like curricular implementation.

Program administrators, school principals, teachers, and outside organizations alike identify the degree of transience within schools as one of the biggest obstacles to achieving sustainability. RCCP, the Community Board, the NMCDR, and SMA all seek to establish programmatic roots that will thrive independently of the efforts of outside trainers, funding sources, and individual cheerleaders. All tell of experiencing sudden and disappointing ends to programs that were dependent upon one key person within a school. When a principal who was a strong supporter of peer mediation leaves and a new administrator with no background in mediation takes over leadership of a school, advocates within the school can find the rug suddenly pulled out from under their feet.[58] Sustainability and acceptance are closely connected: when leadership changes, the program has to begin the process of getting "buy-in" from the administration anew. The new principal may not agree that the program deserves priority status or that students should be allowed to leave class for mediation; he may re-allocate the funds that were being used to fund a part-time coordinator or reprioritize requests for space such that there is no longer a room set aside for mediation. The same phenomenon can accompany the departure of a teacher who was the main advocate of peer mediation or the program coordinator. Even if a new person

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56. *See* note 63, *infra* and accompanying text.

57. *See* program materials from SCORE, RCCP, NMCDR, Community Board, SMA.

58. *See* Interview with Sara Keeney *supra* note 8. Keeney spoke of an elementary school with a well-established mediation program that had been successful for years and was supported by parents and students at the school. When a new principal assumed leadership, the program died within a year because of his opposition to the program and his refusal to continue to aside resources for it. This experience was one of the factors that led NMCDR to begin the district team approach.

takes on the role, momentum is lost and re-establishing the relation-
ship between the coordinator and the students takes time.

Various program models address this problem in similar ways,
one of which is the emphasis on "buy-in" at both the school and dis-
trict levels. In New Mexico, the NMCDR uses the district team as an
intermediary to obtain buy-in by the individual schools. What this
means in practice is that when a school approaches the Center about
its interest in establishing a peer mediation program, it is told to
lobby district administrators to put together a team to support peer
mediation at that level. The district team then becomes the first
stage in the implementation of programs in the individual schools.

Individual schools can then in theory use the district team as a
resource when they encounter difficulties, which in practice, NMCDR
hopes, will reduce attrition rates and make the school coordinator's
job easier.[59] The district team also acts as an oversight committee for
the programs, identifying programs with problems, working with
principals and teachers to create buy-in, and helping to implement
new aspects of the program, such as curriculum, in a top-down man-
ner that complements grassroots efforts within the school.

RCCP uses a similar approach. Before RCCP will agree to estab-
lish a mediation program, the school district must declare its intent
to implement conflict resolution district-wide.[60] The purpose is two-
fold. First, support from the upper levels of school administration
facilitates the community-wide approach to resolving conflicts. Sec-
ond, it is supposed to prevent the above-described scenario in which
support for the program comes from a single key advocate within a
school, and the person leaves. Theoretically, if the source of support
is at the district level, a school program will continue to function
smoothly despite changes in staff and administration.

San Francisco Community Board's "Whole School" approach is a
new name with a similar aim. By involving several players in the
core team, the approach ensures greater continuity than would be
possible if all the responsibility rested on one person. The integration
of different parts of the school community—administration, support
staff, teachers, students, and parents—is supposed to increase buy-in
and thus support for the program. Moreover, by integrating conflict
resolution into students' lives, the whole school approach aims to

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59. *See* Interview with Sara Keeney, *supra* note 8.

60. ". . . RCCP requires a buy-in at the highest levels within the schools system
before approaching individual principals and teachers." DEJONG, *supra* note 32, at 4.

make it a basic part of the school's culture, one that gradually becomes self-perpetuating through the curriculum, the involvement of parents, and the implementation of supplemental programs.[61]

In the SMA individual-school model, the "district team" is replaced by SMA itself, which offers ongoing support services, advice on dealing with snags in implementation, new materials, and training updates. Richard Cohen says that few schools take advantage of this follow-up feature of SMA, and he attributes this in part to the general lack of planning that accompanies the implementation of the programs.

Although it does not follow a system-wide model, SMA, which operates on a for-profit basis in individual schools, uses many of the same criteria used by system-wide programs. In his book on designing peer mediation programs,[62] Richard Cohen includes the survey he uses to evaluate a school's readiness for a peer mediation program. The survey measures seven key characteristics of the school: need, philosophical match, support of the principal, support of the disciplinarian, support of the staff, support of the school system, and interested core group. Four and arguably five of the seven categories could be termed aspects of buy-in. Support from the various segments of a school's population is another way of describing buy-in. Because of SMA's position as an outside organization with funds coming from individual schools and their grantors, support cannot be on the district level. Sustainability remains a concern, however, and SMA tries to address the problem by screening schools and by encouraging them to evaluate their own sustainability potential. Cohen, too, ties buy-in to sustainability, but he willingly admits that the survey is at best a rough predictor of a given school's success.

SCORE differs from the other programs in this respect; because it is run by the Attorney General's office, high-level support is built in. Continuity within a school remains an issue, and buy-in is a focus of the program, but it runs in the opposite direction: top down. SCORE materials emphasize the relationship aspect of the Coordinator's job, in terms of building support within the school through strong working ties to the school's administration, staff, teachers, and students.

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61. *See* Interview with Richard Cohen, *supra* note 3.
62. *See* COHEN, *supra* note 30.

B. *The Mediators*

Another key concept found in all of the programs studied is dedication to a diverse, representative, and appealing mediator pool. The RCCP places a strong emphasis on tolerance education and on attracting a diverse group of students for the peer-mediation component of the program. The program stresses that the mix of mediators should reflect a philosophy of cultural awareness and appreciation. Aside from the program's belief in the importance of diversity on a philosophical level, coordinators feel that the student body will be more responsive to a body of mediators that reflects its own racial, gender, class, and academic makeup.

Another important element of mediator selection is leadership qualities. The Community Board values leadership skills regardless of whether these skills have previously been used toward "positive" or "negative ends."[63] In large part, the emphasis reflects an attempt to obtain greater student buy-in. Program coordinators believe that if the mediation program gains a reputation as being composed exclusively of high-achieving academic types, other students will be reluctant to turn to the mediators to help them solve their problems. Since mediation rests on the fundamental assumption of equality between mediators and parties as a basis for voluntariness, if parties feel themselves alienated from mediators, the mediation takes on a quality of discipline, as when teachers "help" students resolve their conflicts. Peer mediation is supposed to be the resolution of problems among equals. One of the main attractions of turning to a peer mediator is the feeling that he or she has been in or could potentially be in a similarly difficult conflict and can thus empathize sincerely. If student mediators were perceived as being from a different group from the student parties, the program would lose this aspect of its effectiveness.

The NMCDR, too, emphasizes an ethnic, academic, and racial mix of students.[64] Moreover, one subsidiary goal of the NMCDR has been the involvement of disabled students, a goal that began when funding for the program came from a state grant that emphasized mainstreaming. Like the other programs, the New Mexico schools accent diversity for philosophical reasons and to create role models,

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63. The terms "negative" and "positive" are often used by program organizers in characterizing leadership qualities. *See* Interview with Rebecca Iverson, *supra* note 2. *See also* Lam, *supra* note 70, at 19, 25, 28.

64. *See* Interview with Sara Keeney, *supra* note 8.

to preserve the egalitarian quality of mediations, and to increase student buy-in. Yet another argument for diversity may be the power of mediation training to draw poor students into the life of the school. Sara Keeney spoke during the interview of her belief in the power of mediation to turn around the lives of students who feel alienated from other aspects of the school experience.[65] The thrill of becoming a mediator and developing the ability to help fellow students solve their problems was a theme mentioned throughout our research and one raised by almost every student with whom we spoke.[66]

Diversity is the first of five criteria for selection of student mediators that Richard Cohen outlines in *Students Resolving Conflict*. Among the advantages he names are improving the training experience, modeling tolerance, reflecting the student body, and increasing flexibility to handle all kinds of mediations. "The greater the diversity of your trainees," he writes, "the more energy and power they will have when they learn to work together. When schools make the mistake of stacking the training group with one type of student, they limit the program's effectiveness."[67] Nonetheless, Cohen says, schools are often tempted into tying the privilege of being a mediator into achievement of some academic standard. This produces mixed results. For some students, it acts as an incentive to pull them into the school; for others, it makes mediation one more activity from which they are excluded.[68]

SCORE addresses diversity under the heading "Appropriate Mediators," with words that perhaps sum up the attitudes of all the programs, "Students believe that the mediators really are 'peers' (i.e. that they are not all honor-roll students who have never been in trouble) and that they reflect the cultures and diversity represented within the student body."[69]

In sum, diversity is another key element that links all the programs we studied. While underlying reasons for emphasizing diversity varied from program to program and even potentially from school

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65. *See id.* Ms. Keeney noted that she had seen several examples of this.

66. In the course of our interviews, we spoke with dozens of students at schools in Massachusetts, San Francisco, and New Mexico and read accounts of surveys and interviews with hundreds more all over the country. Throughout, the theme of pride in being able to help friends and peers resolve their problems non-violently was evident. At Mission High School, for example, Nancy Grant described watching changes in students who came into mediation as parties with histories of problems in schools, became enamored of the process, and went on to become mediators themselves. This was a recurring theme in the schools we visited.

67. COHEN, *supra* note 30 at 113.

68. *See* Interview with Richard Cohen, *supra* note 3.

69. SCORE workbook at 4.

to school, themes of inclusion, reflection of a diverse student body, student buy-in and the potential to involve students who might otherwise drop out or stay on the fringes of academic life were frequent refrains.

C. *Summary*

Overall, the common elements seem to far outweigh the differences. Differences in structure exist on paper; some programs implement with a district-wide or top-down approach, while others go school-by-school and try to establish continuity on that level. Some take the whole-school approach of introducing conflict resolution into students' lives outside the mediation session, while others focus solely on the resolution of discrete conflicts by peers. At the school level, however, the programs look remarkably alike. In schools where the program is well-established, the district team or core team may be peripheral, and some administrators in schools do not even maintain a regular relationship with the district administration. In those schools where the programs struggle, the district team is often too far away to provide assistance effectively.

The programs also have much in common philosophically. Many focus on some combination of violence reduction and prevention, student empowerment, and improvement in school climate. They emphasize diversity of race and gender as key factors and also tend to advocate the mixing of "negative" and "positive" leaders as mediators as a means of making the program more effective.

If the programs have so much in common, what, if anything, distinguishes one program or school from another? What makes the program work in some places and not in others? Part of the answer lies in looking at the data the programs themselves have collected about their efforts.

PROGRAM EVALUATION

I. *Introduction*

The implementation of many peer mediation programs includes plans for assessment. There is great variety, however, in the type and depth of the assessments that schools have conducted. The disparity can often be traced to the amount of funding reserved for evaluation and to the priorities of the program implementers. This portion of the paper focuses on mediation program evaluations for fourteen schools as reported to the National Association for Mediation in Education in 1989. For the most part, these reports contain

descriptive and anecdotal accounts regarding specific programs. Some statistical data is provided, but the depth and quality of the statistical information varies widely.

Following a description of typical programs and an overview of the study results, the paper focuses more specifically on the results from two studies, one conducted in Hawaii and one in New Mexico. These studies are exceptional in that both contain a substantial sample size as well as some analysis of controls and of the validity of the instruments used.

II. THE NATURE OF PEER MEDIATION PROGRAMS

While schools have implemented peer mediation programs that train students as early as the fourth grade,[70] their most sophisticated implementation has ranged from seventh grade through high school.[71] Some programs function within a more comprehensive conflict management curriculum, and some function as an independent program within the school.[72] In either case, programs tend to be distinct from the general curriculum because a relatively small percentage of the total population trains as mediators.[73] Even when students who participate as disputants are included, only a minority of the school population is directly involved in the mediation aspects of the program.[74]

Teachers recommend or students nominate their peers for mediation training. Adults typically recommend student mediators on

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70. *See, e.g.,* Chatham County Dispute Settlement Program implemented among fourth and fifth graders in a rural elementary school with population of 750. JULIE A. LAM, THE IMPACT OF CONFLICT RESOLUTION PROGRAMS ON SCHOOLS: A REVIEW AND SYNTHESIS OF THE EVIDENCE 28-30 (1989).

71. The O.J.J.D.P. recommends that age-appropriate activities for high school students include not only dispute resolution services, but also community training and development of conflict resolution programs for younger children. Donna Crawford & Richard Bodine, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, CONFLICT RESOLUTION EDUCATION PROGRAM REPORT 77-78 (October 1996).

72. *See generally,* LANTIERI & PATTI, *supra* note 31 (discussing peer mediation as just one component of RCCP conflict resolution programs. *Compare* Crawford & Bodine (OJJDP), *id.* at 25 (calling a curricular supplement to peer mediation "optional" at the middle and secondary levels); *see also* SARAH KEENEY & JEAN SIDWELL, TRAIN-ING AND IMPLEMENTATION GUIDE FOR STUDENT MEDIATION IN SECONDARY SCHOOLS (1990) (presenting a program capable of functioning independent of or without a curricular component).

73. *See, e.g.,* SUSAN LEE CARTER, SCHOOL MEDIATION EVALUATION REPORT 11 (1995) (reporting that approximately 3000 of over 60,000 or 5% of students trained as mediators)

74. *See id.* at 11 (reporting a total of 2,308 mediations for a maximum of just over 4,500 different disputants or approximately 7.5% of the total population).

the basis of their "leadership qualities."[75] It is reasonable to assume that when students select their peers for training, leadership qualities also play a significant role. In some cases, as in the Pulaski High School Program in Milwaukee, Wisconsin[76] and the middle school program in Poughkeepsie, New York,[77] schools have established ethnic diversity as a program goal. And many programs that do not formally seek diversity do so informally.[78] The Poughkeepsie program also made explicit reference to choosing a cross section of the student body, including "[b]oth 'good' kids and 'bad'" ones.[79] Still, within this range, even the "bad kids" must meet a leadership criterion in that they already demonstrate influence over their peers through roles such as gang leader.[80]

Many of the available evaluation summaries are vague regarding the types of dispute students and teachers most commonly refer to mediation. Where information is available, the most common disputes listed generally involve gossip or "harassment."[81] Because programs frequently seek to reduce suspensions or other comparable disruptions,[82] we can infer that some disputes that might otherwise result in suspension or other disciplinary action are considered mediable in many schools. Implementation of this approach varies. In most schools mediation supplements traditional disciplinary measures.[83] Most programs do not mediate disputes involving physical violence,[84] yet experts do not consider such disputes inherently

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75. *See, e.g.,* JEFFREY JENKINS & MELINDA SMITH, SCHOOL MEDIATION EVALUATION MATERIALS 1 (1987).

76. *See id.* at 31.

77. *See id.* at 25.

78. *See* Interview with Kathy Grant, English High School, in Jamaica Plain, MA (March 20, 1997).

79. *See* LAM, *supra* note 70, at 25; *see also* CHARLES T. ARAKI, ET AL., RESEARCH RESULTS AND FINAL REPORT FOR THE DISPUTE MANAGEMENT IN THE SCHOOLS PROJECT 42 (1989), Program on Conflict Resolution, University of Hawaii, ERIC Doc. No. 312 750. (finding that effective mediators need leadership qualities without having to be "student council type").

80. *See id.; See also* SCHOOL MEDIATION EVALUATION, *supra* note 73 at 1.

81. *See, e.g.,* Araki, et al., *supra* note 79, at 143 (finding gossip/rumor and harassment accounting for over 50% of all disputes).

82. *See* Davis & Porter, *supra* note 14, at 125.

83. Interviews at English High School, in Jamaica Plain, MA (March 20, 1997).

84. The Poughkeepsie, NY program identifies 16% of the mediated disputes as involving "a physical fight." Lam at 27; School Mediators' Alternative Resolution Team Program (S.M.A.R.T.) being implemented in a number of New York City public schools. Statistics regarding reduction in fighting following implementation of mediation implies that such disputes were subject to mediation. *See* Lam, *supra* note 70, at 24.

unmediable.[85] Indeed, the SCORE program in Massachusetts has es-
tablished an "advanced" program that trains student "conflict inter-
vention teams" to intervene in group disputes, that may involve
previous violent incidents.[86]

At least two schools report gender data studies indicating that a
majority of mediated disputes involve females. A program introduced
in Fremont High School in Oakland, CA reported that no cases in-
volved two males.[87] The total number of cases reported was only ten,
so the sample size from that study is not large enough to enable relia-
ble conclusions to be drawn. In a much larger study, however, the
Program on Conflict Resolution at the University of Hawaii reported
that among 136 mediated cases in three Hawaiian schools (one ele-
mentary, one intermediate and one high school), nearly two-thirds of
disputants were female.[88] In the Hawaii program, no disputes in-
volving weapons, drugs or assault were permitted in mediation. The
most common type of dispute to go to mediation was gossip/rumors,
which was also the type most likely to involve females.[89] Anecdotal
information from student mediators in other schools about the fre-
quency of mediation involving gossip and rumors corroborates this
trend.[90]

III. The Nature of Program Evaluations

Among the fourteen program evaluations we reviewed for this
paper, we found several methodological problems to be endemic. One
of the most fundamental was the frequent presence of a small sample

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85. *See, e.g.,* interview with Richard Cohen, *supra* note 3 (expressing belief that
mediation can serve an important remedial purpose even where violence has entered
the relationship).

86. *See* Massachusetts Association of Mediation Programs "The Mediation Com-
munity Responds to Medford High," The Mediator's Agenda at 1, 7 (Spring 1993)
(describing successful conflict intervention in a racially-charged dispute which in-
cluded numerous injuries and arrests); *see also* Melanie Moore & Victoria Thorp, Us-
ing Conflict Resolution for Whole School Change: An Evaluation of Year Two of the
Whole School Conflict Resolution Project 7 (1996) (unpublished manuscript on file
with authors) (finding most Mission High School disputes to be 'he said, she said'
arguments, but reporting mediator intervention on school-wide racial conflicts that
had potential for large scale violence).

87. *See* Lam, *supra* note 70, at 5.

88. *See id.* at 12.

89. See Araki, et al., supra note 80, at 143.

90. Students from English High School in Jamaica Plain, MA (part of the SCORE
program) report that most disputes are relatively minor if intervention is prompt. *See*
Interviews at English High School, *supra* note 84.

OVERVIEW OF PROGRAM INFORMATION

Program	Grade Level	Number of Mediators	Number of Mediations	Settlement (% rate)	Compliance rate (% of settlement)	Length of Program (years)	% response from mediators	% response from disputants	% response from general population	Method of Trainee Selection	Control Group?
Tuscon, AZ	Middle School	25	13	100%	NA	1	96%	82%	61%	Peer	N
Oakland, CA	High School	61	10	90%	NA	2	NA	NA	NA	Adult	N
Burnaby, British Columbia	Element. School (grades 4-6)	140	X	X	X	1	NA	X	NA	All trained	N
Colorado Springs, CO	Element. School	NA	NA	NA	NA	NA	NA	NA	3 adults responded	NA	N
Honolulu, HI	Element., Middle & High School	87	136	98%	93%	3	≥45	≥26	NA	Adult	Y
Northern Idaho	Element. School	NA	NA	NA	NA	0.5	NA	NA	NA	Peer	Y
Greenfield, MA	Middle School	43	X	X	X	NA	68%	X	NA	Adult/Volunteer	N
Albuquerque, NM	Element., Middle & High School	331 63 17	NA	NA	NA	1	NA	NA	X	Peer/Adult/Volunteer	Y*
Brooklyn, NY	Element. & Middle School	32	NA	NA	NA	1	NA	NA	88% (teachers)	NA	N
New York, NY	High School	349	1328	NA	≥90%	ongoing	NA	NA	NA	NA	N
Poughkeepsie, NY	Middle School	14	81	NA	NA	1	NA	NA	26 faculty responses	Adult	N
Chatham County, NC	Middle School	29	146	90%	NA	3 months	63%	NA	25 faculty responses	Peer	N
Milwaukee, WI	High School	43	65	92%	92%	1 year	NA	NA	NA	NA	N
Waukesha County, WI	Middle & High School	≥20	250	NA	NA	2 years	95%	55 disp sample	53 teach / 8 par. sample	NA	N

NA = Information not available

X = Information not applicable to program structure

* The program was implemented primarily at the elementary and middle school levels. There were seventeen high school participants.

** The elementary school had a control group of 193, the middle school had a control group of 181; there was no control for the high school group. Only 16 student attitude responses were received from the elementary school control group.

size (N).[91] For purposes of mediation program evaluation, we consider N to be important for two groups. The first is the number of students trained as mediators. This number is important because evaluation frequently takes place through interviews with mediators and through testing of mediator skills.[92] Of the schools for which relevant information was available, three had trained twenty-five mediators or fewer. These programs, in Tuscon, AZ, North Idaho, and Poughkeepsie, NY, do not include N adequate to draw reliable conclusions regarding the impact of programs on mediators. We discuss results from these programs in the context of general trends that seem prevalent in both large and small studies.

The second N of concern is the actual number of cases mediated within each program. This number is important with respect to information about the types of cases that go to mediation, the types of disputants (ethnicity and gender characteristics), and the settlement and compliance rates. It is possible that a program with a small N for mediators could have a sufficient number of mediated cases to make the results useful independent of a meta analytic approach.[93] One example is the Poughkeepsie program, where only fourteen students were trained as mediators, but those fourteen mediated 81 cases. By contrast, there are programs that trained a sufficient number of mediators to make their responses valuable but that performed a number of mediations insufficient to produce useful settlement data. An extreme example of this situation is the Middle School Conflict Managers Program in Greenfield, MA. The school trained forty-three students as mediators, but the program was never implemented, so no mediations actually took place.[94] While the response from trainees regarding the impact of the training is interesting, it is of limited value with respect to many of the goals of mediation. A less extreme example of this situation is the Oakland, CA program, for which sixty-one students were trained over a two-year period, but where only ten mediations took place.

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91.   N is a statistical symbol for the sample size of a study. For explanation of the relationship between sample size and the statistical power of a study, *see* NEIL A. WEISS, INTRODUCTORY STATISTICS 522 (4th Ed. 1995).

92.   *See generally,* Lam, *supra* note 70 (reporting for a majority of programs relied on skill testing including the New Mexico and Hawaii programs, two of the most extensive).

93.   Meta analysis is a sophisticated statistical method by which statisticians group smaller, independently unreliable studies to establish a larger N. *See* Charles C. Mann, *Can Meta-Analysis Make Policy?* 266 SCIENCE 960- 962 (November 11, 1994) (discussing both the appeal and limitations of this type of analysis).

94.   *See* Lam, *supra* note 70, at 16-18.

Assessment information must be qualified by two other study design limitations. The first is that only three of the fourteen studies implemented some form of control group. The Hawaiian study selected five schools—one high school, two middle schools, and two elementary schools—for comparison with the program schools. The Northern Idaho study followed a similar approach, selecting two elementary schools for comparison with the two test schools. The New Mexico study selected 193 students from two elementary schools and 181 students from two middle schools for comparison. This study, however, evaluated only one program school and one non-program school at the high school level, making the results less reliable.[95]

A second limitation of the studies is that few appear to implement randomization in any form when finding mediators. The vast majority of studies include mediator "selection," either by peers or by teachers. This process inevitably eliminates any genuinely random structure even though the selection process sometimes included efforts to balance gender and ethnicity in proportion with the school population. The primary bias within the selection process derives from emphasis on the "leadership qualities" that prospective mediators must usually show.[96] We consider the bias to be implicit where mediators were selected by their peers, and explicit where adults specifically sought these qualities in choosing the mediators. Of the nine studies for which we had selection information, three had adults select the trainees, three had peers select the trainees and two employed some combination that also included volunteers.[97] The inclusion of volunteers contains at least as much and perhaps more inherent selection bias than nomination by adults or peers.[98]

A third limitation of the studies is also apparent from the chart above. The proliferation of "NA's" indicates that current assessments contain limited quantitative information. Evaluators conducted

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95. *See* SUSAN LEE CARTER, SCHOOL MEDIATION EVALUATION REPORT 33 (1995).

96. *See e.g.*, Araki et al., *supra* note 79, at 42; *and* Lam *supra* note 80, at 19, 25, 28 (reporting New Mexico; Poughkeepsie, NY; and Chatham County, NC programs using both "good" and "bad" leadership in selecting mediators). *But see* Schrumpf et al., PEER MEDIATION: CONFLICT RESOLUTION IN SCHOOLS (recommending random mediator selection to minimize student feelings of rejection). [from Crawford & Bodine OJJDP at 30-31].

97. The Greenfield, MA program, one of the two to employ a combination, was never implemented beyond the training stage. *See* Lam, *supra* note 70, at 16; New Mexico employed a combination of adult, peer and volunteer selection. *See* Carter, *supra* note 96, at 16 (finding positive effects of being a mediator on "negative leaders").

98. For discussion of random sampling's importance to statistical studies, *see* WEISS, *supra* note 91, at 18.

much of the assessment for these programs through follow-up questionnaires given to mediators and faculty. Sometimes they sought reactions from disputants and from others within the community such as parents. This type of qualitative data may be useful, but it is subject to significant bias and potential error.

IV. OVERVIEW OF PROGRAM RESULTS

A. *Awareness of Issues*

Assessment of responses on student methods of dealing with conflict suggests that conflict resolution programs successfully provide students with a vocabulary with which to discuss conflict resolution. The Burnaby (British Columbia) program[99] included pre- and post-test responses to questions regarding approaches to conflict.[100] For girls, the responses indicated a decreased tendency to practice avoidance and an increased tendency to approach conflicts constructively. Boys indicated less tendency to "tattle" and a greater inclination to make assertive statements. Although assertion is potentially confrontational, it is also a key element of a constructive, problem-solving approach to conflict. Test scores showed a mean improvement of 18% for girls and 9% for boys between pre- and post-treatment responses. There was no control group against which to measure this change, and because the school did not implement an actual mediation program, it is impossible to assess how the changes in attitude might have corresponded with behavioral changes.

A northern Idaho program obtained similarly positive results when it compared a test group to a control group (rather than comparing pre- and post-treatment).[101] The report states that there was a significant difference in students' perceptions of their effectiveness in dealing with conflict.[102] Teachers observed improved conflict-resolution vocabulary among students who had completed the training. In the Poughkeepsie, NY study, both males and females achieved significantly higher post-treatment scores on a "Morals test" compared

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99. *See* Lam, *supra* note 70, at 7-9.

100. Approaches to conflict resolution have been commonly grouped in four categories: 1) accommodation; 2) avoidance; 3) competition; and 4) problem solving. See Kenneth W. Thomas & Ralph H. Kilmann (1972). The fourth "style" is the one which mediation and other conflict resolution programs generally seek to engender. *See generally* ROBERT BARUCH BUSH & JOSEPH P. FOLGER, THE PROMISE OF MEDIATION (1994) (discussing the problem solving model as predominant in mediation, though arguing that the transformative model is ultimately superior).

101. *See* Lam, *supra* note 70, at 14-15.

102. *See id.*

with pre-treatment scores.[103] The Poughkeepsie results have limited independent significance because only fourteen students actually participated in the program from a school population of 820,[104] but they corroborate the Idaho results. The Brooklyn, NY program trainees, with N=32, also achieved significantly higher scores on dispute resolution achievement tests than did the control group.[105] The clear indication is thus that mediation training tends to improve students' understanding of conflict resolution issues. This understanding is one of the program goals identified by Davis and Porter in "The Fourth 'R.'"[106]

Developing a vocabulary to address conflict resolution issues is one goal that mediation programs thus appear to meet. Achieving this goal has long-term merit, however, only if it serves to change behavior. If rote mastery of vocabulary does not evolve into behavioral adaptation, then the knowledge will not achieve its ultimate purpose. It could even be argued that knowledge of the vocabulary without internalization of the values could ultimately have a negative impact on behavior. It would provide children with the language of constructive behavior that might be employed as a veneer to conceal unproductive approaches to conflict. It might also teach students to approach conflicts more aggressively without ensuring that they have the capability to resolve them.

B. *Mediation Outcomes*

Superficially, most mediations appear to be successful. Where programs track settlement rates, they are consistently at or above 95%, and compliance rates are typically higher than 90% of settled cases.[107] In addition, teachers tend to confirm that the programs improve student behavior. These positive evaluations often take the form of subjective responses to vague questions, like one in the Brooklyn program that asked respondents to evaluate the impact of the program on "classroom climate." On a Likert-type scale,[108] 81% of respondents noted a positive change in the classroom climate, and 52% noticed a positive change in the school climate. It is unclear from the results of the study how these terms were defined.

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103. *See id.* at 26.
104. *See id.* at 25.
105. *See* Lam, *supra* note 70, at 22-23.
106. Davis & Porter, *supra* note 14, at 125.
107. *See, e.g.,* Araki, et al., *supra* note 79, at 33; *and see* Carter, *supra* note 96, at 11.
108. *See generally* WEISS, *supra* note 91.

The S.M.A.R.T. study produced similarly vague though positive results from faculty questionnaires. A number of instruments sought responses addressing faculty perception of the school atmosphere. These included perceptions of student participation in solving problems in the school, feelings of school involvement, and perceptions of school discipline. Faculty responses generally showed a statistically significant increase in their perception of school climate, according to Julie A. Lam's report.[109] Eighty percent reported feeling that conflict had decreased in the school. In addition to the problem that this "80%" comprises an N of only 15, no reliable conclusion about actual frequency of conflict can be drawn from teacher *perceptions* of conflict. The studies' failure to support these responses with statistics about actual incidents of violence or suspensions, or numbers of students involved in school activities renders the research less convincing. The school climate issues are difficult to quantify, and it does not appear that most evaluators have had the resources to make serious attempts to do so.

An extreme example of how reliance on perceptual studies can be misleading is evident in the Oakland program's evaluation, which reports a ". . .definite perception that there have already been significant improvements in safety and order as a direct result of the Conflict Resolution Club's activities."[110] Participants make this assertion regarding a program in which only ten cases were actually mediated. While it is possible that the training of fifty-one students as mediators had, in itself, a positive impact on safety and order, there are no data to support this hypothesis. Not only are there no data to support the validity of the teachers' perceptions, there are also no indication of a causal link between the mediation program and a concurrent improvement in school safety and order. This combination of gaps between 1) perception of change and evidence of change and 2) evidence of change and evidence of causation, makes the Oakland study's results marginally helpful at best in ascertaining the objective impact of Oakland's peer mediation program.

In addition to scale questions seeking information on perceptions of school climate and conflict resolution, studies frequently collect descriptive anecdotes. This qualitative evidence generally suggests positive program results. For example, a teacher from the Brooklyn program stated that the mediation program "taught (the students)

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109. *See, e.g.,* Lam, *supra* note 70, at 20 (finding positive results in the New Mexico program).

110. *See id.* at 6.

that there are other ways to resolve their conflicts besides fight-
ing."[111]   Similarly, classroom teachers in Milwaukee found that
among student mediators whose records contained previous negative
disciplinary reports, "instances of troublemaking decreased. . . after
participation in the program."[112] This type of evidence may be per-
suasive for those already inclined to support mediation. In fact, one
might argue that if one goal of mediation programs is to improve
school climate, then the fact that people perceive improvement is it-
self evidence of success regardless of whether this perception can be
verified with objective data. Such assertions will carry little persua-
sive power, however, for those neutral toward or skeptical of peer me-
diation programs, unless they are ultimately supported by data
regarding reductions in violence, conflict, suspension or other out-
comes that could be causally linked to implementation of mediation
programs.[113]

It would be unwise to assume that poorly developed proof of vio-
lence reduction implies that mediation does not, in fact, have the de-
sired effect. The Community Board in San Francisco, one of the
original community mediation programs in the country, has recently
entered the field of school peer mediation. Beginning in 1995, the
Community Board instituted an annual evaluation of its Whole-
School Conflict Resolution Project.[114] Although the evaluations have
focused on the extent of program implementation, they have also col-
lected some data on outcomes. At Mission High School, where imple-
mentation has been relatively successful, student researchers found
that "in no case did the same conflict reoccur" after it had been medi-
ated.[115] In spite of the tenuous and anecdotal nature of the evidence,
both education professionals and the media have begun to associate
peer mediation with violence reduction.[116]

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111. *Id.* at 37.
112. *Id.*
113. Such evidence may be forthcoming from an extensive RCCP evaluation of its
New York City schools; a previous assessment of the S.M.A.R.T. programs in New
York City reported 46%-70% decreases in fighting suspension rates during the pro-
gram's first year. The S.M.A.R.T. report did not constitute a formal evaluation so the
reliability of the statistics is difficult to assess. *See* Lam, *supra* note 70, at 24.
114. *See e.g.*, Melanie Moore & Victoria Thorp, Using Conflict Resolution for
Whole School Change 9 (August 1996) (unpublished manuscript on file with the
authors).
115. *See id.* at 9.
116. *See, e.g.*, Linda Powell, Minnesota Department of Education, DANGEROUS
WEAPONS INCIDENT REPORT IN MINNESOTA SCHOOLS, 1993-1994 SCHOOL YEAR 12 (Feb-
ruary 1995) (recommending the importance of mediation and other conflict resolution
alternatives to punishment as a way to reduce violence); "U.S. Kids Turn to Mediation
to Stem Rampant Violence," CALGARY HERALD, Dec. 27, 1992 at B2; Edna Negron,

V.   ALBUQUERQUE AND HAWAII STUDIES

At least two studies have taken a more systematic approach to the evaluation of dispute resolution programs. One is the evaluation conducted by the New Mexico Center for Dispute Resolution of programs in Albuquerque. The other is the University of Hawaii's Program on Conflict Resolution evaluation of dispute resolution programs in Hawaiian schools.

A.   *University of Hawaii Program on Conflict Resolution (PCR)*

1.   *Assessment Structure*

The Program on Conflict Resolution evaluated mediation programs in elementary, middle, and high schools in Hawaii. The evaluation had three stated purposes:
1. To determine the extent to which the Dispute Management in the Schools Project has been developed and operationally installed in a school complex;
2. To examine basic questions about the nature of disputes or conflicts in the schools; and
3. To determine the effects of the project upon the school's climate or environment.[117]

Instruments used for the study included questionnaires, interviews, school climate surveys, and profile reports for information such as attendance and suspension rates.

The study generated a research hypothesis that the mediation project has a positive effect on school climate. The project developed an assessment scale that evaluators systematically distributed to elementary and secondary school students and adults.

One reason that this study offers more reliable information than others we saw is the use of comparison or control schools. Each comparison school was from the same district as its corresponding project school. Evaluators divided the three purposes, including effect on school climate, into subcategories with corresponding sub hypotheses. For example, the research on school climate included seven subcategories: Respect, High Morale, Opportunities for Input, Continuous Academic and Social Growth, Cohesiveness, School Renewal, and Caring. The overall hypothesis for school climate was that the mediation project had a positive effect. In addition to the

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"Resolving Conflicts is a Lesson for Everyone," NEWSDAY (New York), Sept. 27, 1992, News Section, at 8) (reporting that over 70% of classroom teachers found a reduction in classroom violence after implementation of peer mediation).

117.   *See* Araki, et al., *supra* note 79.

questionnaire instruments for each subcategory, evaluators collected data regarding retentions, suspensions, dismissals, class offenses, and attendance. Both the data collection and the school climate survey had a clear basis for comparison: the period before the schools established peer mediation. The presence of a clear baseline is another element of this assessment that distinguishes it from most of the others reviewed in this article.[118]

2. *Study Results*

The Hawaii study produced mixed results. Mediation appears to be an effective way of managing "undesirable" student-student conflict, but the mediation programs generally demonstrated no discernible impact on school climate. High settlement and compliance rates, typical of mediation programs, argue for the apparent effectiveness of mediation. Staff, mediator and disputant responses to questionnaires also supported the conclusion that mediation effectively resolved conflicts about misunderstandings, personality differences, and communication problems.[119] The long-term effects also appeared to be positive with respect to these types of disputes. Questionnaire respondents found mediation to be ineffective, however, for reducing violence, vandalism, and dropout rates. In spite of the mixed results, well over two-thirds of staff, mediator, and disputant responses supported using mediation to resolve disputes.

The impact of mediation on school climate appears to be less clear and less promising. While the mediator and disputant questionnaire responses indicated a positive impact, the results of the school climate survey, with few exceptions, show mediation having no discernible impact on school climate.[120] This finding remained consistent across lower, middle and upper school groups, and it was generally consistent across mediator, disputant, and school staff groupings.[121] It also was consistent in each of the subcategories of school climate, such as morale and growth. Among the seven subcategories, "Caring" and "Respect" were the only two to show some indication of improvement. The perceived (though not statistically

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118. *See id.* at 52 (reporting faculty perceptions of school climate change after introduction of a mediation program). It is important to caution that even the one-year baseline may produce flawed results because that year might have been anomalous for reasons other than the presence or absence of mediation.

119. *See id.* at 32-33.

120. *See id.* at 52-54.

121. *See id.*

significant) positive effect on Caring was reflected primarily in teacher and student surveys.

Quantitative data, such as school incident reports, support the general conclusion that mediation programs failed to have a significant positive effect on school climate. Overall attendance, suspension, dismissal, and class offense rates showed no discernible change attributable to the introduction of mediation programs. The only notable exception to this result was in the middle school, where there were some signs of possible effects on the number of class offenses committed by students.[122] The change was positive, but not statistically significant, meaning that further study is warranted.[123] Looking at the school climate survey by school, results for the middle school did show statistically significant effects on "General Climate."[124] In addition, ratings for the five subcategories were significantly higher during the years of the mediation program than in the year before its implementation.[125] The elementary and high schools showed no discernible effects during the years of the program.[126] It is possible that mediation programs did have an overall positive effect, both quantitatively and qualitatively, on middle school students, but further study would be required to establish overall statistical significance.[127]

As with any program, peer mediation can meet its goals only if properly implemented. The PCR assessment examined several aspects of program implementation to eliminate possible confounding factors. The study evaluated implementation of the mediation program in general and determined that the school implemented the program effectively. Training received positive evaluation from student participants as well as from adults in the school. Teachers and staff considered the mediators to be excellent.[128] The program was adequately implemented. The study reviews many aspects of implementation that, if not properly conducted, might have contributed to the program's lack of impact on school climate. This analysis provides another reason why the results of the PCR study appear to be more reliable than others considered here.

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122. *See id.* at 35.
123. *See id.*
124. *See id.* at 111.
125. *See* Araki, et al., *supra* note 79, at 111.
126. *See id.* at 110.
127. *See id.* at 126.
128. *See id.* at 24.

In reviewing the Hawaii study, we conclude that while it relies to a large degree on qualitative data, this data, unlike that in many previous studies, was rigorously collected and scrutinized, and the results are therefore more reliable than those generated by many other studies that ostensibly evaluated similar issues. In addition, the N in the PCR study is larger, and the study extends over two years, which may be particularly important. In several of the school climate subcategories, study results indicated a discernible improvement in the first year of the study, only to have that progress disappear in the second. For example, school personnel considered "Morale" at the middle school to be "satisfactory" prior to the project year. In the first project year they found it to be "more than satisfactory," only to find it "satisfactory" once again in the second project year.[129] Similar results were obtained at the middle school when students evaluated the subcategory of "Caring." After being "satisfactory" prior to the project, students rated it "more than satisfactory" in the first project year, then "satisfactory" in the second project year. This pattern indicates that the program may have had only a temporary positive effect on some aspects of school climate. This "bump" may be attributable to the novelty of the program that dissipates after a year, erasing previous gains. The implication of the study is that while some responding groups (students, teachers, staff and administrators) report peer mediation improving school climate in middle school, the results are generally not encouraging with respect to either intangible relational goals or to tangible behavioral goals (as measured by statistics on attendance and suspensions).

In spite of the absence of quantitative data, respondent schools continue to demonstrate a clear preference for continuing to offer peer mediation. Over two-thirds of the staff indicated that they support mediation because it allows students to resolve their own disputes.[130] Mediators and disputants overwhelmingly responded positively to the option of mediation for similar reasons. Both groups showed over 90% approval of mediation in the first year and over 85% in the second year.[131]

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129. *See* Araki, *supra* note 79, at 55-56.
130. *See id.* at 112.
131. *See id.*

B. *The New Mexico Study 1986-87*[132]

The New Mexico Center for Dispute Resolution conducted a study of peer mediation programs in elementary, middle and high schools. Two characteristics of the study make it more reliable than many of the others discussed above. First, there was a randomized control group for elementary and middle school groups (though not for the high school group), and, second, the assessment itself evaluated the reliability of the instruments used.

The goals of the New Mexico program are similar to those of many mediation programs. One purpose is to teach students specific conflict-resolution skills; another is to effect change in student attitudes concerning interpersonal conflict and means to resolve it; a third goal is to have changes in student attitudes be reflected in student behavior.[133] Evaluators assessed the program's impact on these goals primarily through three instruments. One was a Student Attitudes About Conflict Scale (SAAC), in which students evaluated their attitudes toward conflict; a second was a Student Observation Form, which teachers used to evaluate student attitudes toward conflict; and a third was the Teacher Attitude Scale, which explored teachers' own attitudes toward conflict resolution as well as their attitudes toward schools as an arena for conflict resolution.[134] Overall reliability of the SAAC scale was about .75. Reliability for the Student Observation Form was .94. Reliability for the Teacher Attitude Scale was only .51.[135]

For elementary school students, the SAAC instrument indicated only moderate improvement. The greatest difference between the test group and the control group came in students' knowledge of problem solving/conflict resolution skills. Whereas the control group declined by 1.1 in score, the test group increased 2.2 on a scale with a mean of 50 and a standard deviation of 10. This was the only subgroup to have students in training demonstrate a statistically significant increase in skill. The results for Perceptions of Social Skills/ Interpersonal Relations, another subscale, are statistically significant because the control group declined by 1.1 points while the test

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132. NMCDR conducted a second study during the 1993-94 school year. The study relied primarily on student, teacher, and administrator perceptions of school change. While there was positive response from all groups, we are reluctant to rely on this indirect evidence for proof of attaining specific outcomes.

133. *See* JEFFREY JENKINS & MELINDA SMITH, SCHOOL MEDIATION EVALUATION MATERIALS 2 (1995) (discussing a 1984-85 evaluation in the context of program goals).

134. *See id.* at 3-5.

135. For information on statistical reliability, *see generally* WEISS, *supra* note 91, at 522.

group increased by 0.3. When taken together, the difference of 1.4 points between the (insignificant) test increase and the control decrease becomes statistically significant.

This phenomenon was even more pronounced at the middle school level, where the difference between test and control averaged 7.5 or ¾ of a standard deviation, but where declines in control group scores rather than increases in test group scores accounted for much of the difference. Of the four subcategories, only one showed a statistically significant increase (3.9 points) between pre- and post-test scores for program participants. It may be that the program acted to stabilize (and slightly increase) scores that would otherwise have declined, and this effect may be important. For both elementary and middle school students, one test group subscore actually declined.[136] For middle school students this decline in Perceptions of Social Skills/ Interpersonal Relations, was statistically significant (4.0 points) and was greater than the 0.3 point decline showed by the test group.[137]

The high school assessment did not use a control group. Participants gained 3.4 points on the SAAC total, with a range of 1.9 to 3.3 point gains on the subscores.[138] This total gain is greater than those for either elementary or middle school test groups. It is thus particularly unfortunate that there was no control against which to compare these gains.

Across all three school levels, results indicate mildly beneficial effects from participation in a mediation or dispute resolution program. The study corroborates results from studies discussed earlier, which suggest that students' knowledge of dispute resolution concepts improves with training. Similarly, responses from the Teachers' Observations of Student Behaviors Form in elementary schools generally supported the premise that students' skills had improved not only in their own perceptions, but as evidenced by their behavior as well.[139] There was no comparison group for the corresponding middle and upper school forms, so the responses lack context and thus have diminished value. Similarly, because of the low validity score and generally vague presentation, we found the Teacher Attitude Scale to be unreliable for conclusions about the mediation program.[140]

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136. *See* JENKINS & SMITH, *supra* note 133, at 7.
137. *See id.*
138. *See id.*
139. *See id.* at 8-11.
140. *See id.* at 11-12.

The assessment administrators conclude that "the program had a positive effect on the student mediators in the areas of problem solving and conflict resolution skills."[141] They emphasize the middle school results, which were the "most impressive" of the three groups when compared with the control scores.[142] These results seem to support indications from other programs that mediation training can improve student knowledge of dispute-resolution concepts and skills, and they corroborate the Hawaii study's assessment indications of middle school benefit. The teacher survey also suggests that there may be some improvement of student behavior in addition to the effect on student knowledge.

Another interesting aspect of the teacher survey was the 14% fewer teachers who felt that school disputes were resolved primarily through teacher intervention, while 10% more teachers felt that students generally resolved their own disputes.[143] These results from the teacher survey are as intriguing as they are unreliable. They should not be the basis of policy decisions, because they are based on subjective responses rather than on concrete data. They are also subject to bias from the lack of a control group (the comparison was teacher responses prior to implementation of the program). Still, these results, along with those from the student survey, suggest positive effects on both skills and behavior for students involved in mediation programs.

VI. EVALUATION SUMMARY

While none of the studies is definitive[144], there are strong indications that mediation programs can successfully meet some of their

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141. *See* JENKINS & SMITH, *supra* note 133, at 14.
142. *See id.*
143. *See id.* at 2.
144. *See* William S. Carruthers, Brian Sweeny, Dan Kmitta, Gig Harris, *Conflict Resolution: An Examination of the Research Literature and a Model for Program Evaluation*, 44 THE SCHOOL COUNSELOR 5 (1996). The authors provide a brief summary of results and research on conflict resolution and peer mediation program. The authors note both the high number and low quality of evaluations done to date and point to the need for more, and more systematic, evaluation. "Criterion-related or external validity for CR and PM programs is not yet well established. We cannot say with statistical confidence that these programs have associational, causative, or predictive relationships to other measures of the populations under study. For instance, although the evidence is encouraging, we cannot say with assurance that training in CR curriculum or experience with PM programs increases academic achievement, decreases the incidence of conflict and violence at school, translates into other settings or situations, or affects school climate. The many studies that have attempted to address these issues have been hindered by methodological flaws." Carruthers, et al, at 15.

fundamental goals in the school setting. They improve student awareness and knowledge of dispute resolution skills, and they may improve the school climate. They may also help reduce the number of violent incidents in a school. Support for these conclusions comes from objective skills tests, from student conflict-attitude tests, and from teacher assessments of student attitudes. Knowledge of skills is clearly an important step toward meeting the loftier goals of mediation, just as knowledge of phonics may be an important step toward learning to read. If proponents of mediation are to demonstrate its value in reducing conflict, increasing teacher ability to focus on teaching, and generally improving school climate, they must first establish, as they have, that mediation and dispute resolution training have some effect on student awareness of conflict theory.

At the same time, the value of these apparent gains will be short-lived if they do not extend to student behavior as well. Most studies have failed to show a connection between knowledge and behavior, perhaps because the studies have been inadequately designed to do so. While all data suggest a consistently high settlement and compliance rate for cases that go to mediation, it is unclear whether those resolutions have an effect on future behavior, and thus whether peer mediation is more effective in the long term than other means of resolving disputes. The New Mexico study seems to provide the most concrete indication of behavioral change, and even there, the indication is based on informal observation leading to qualitative responses, rather than on quantitative data.[145]

Based on our research, there appear to be several barriers to gathering quantitative information regarding the effect of mediation programs. One set of barriers stems from the difficulty of quantifying many program objectives. Determining peer mediation's effect on "school climate," for example, involves reducing school climate to a series of quantifiable sets of information. Other goals, such as developing life-long dispute resolution skills or introducing dispute resolution skills to the general community, require that data be gathered over long periods of time and in settings extending beyond the relatively controllable school building. In addition to problems of quantification, such studies would thus involve the additional complications related to increased time, cost, and scope.

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145. *See generally* JENKINS & SMITH, *supra* note 133, at 1.

There are other mediation objectives, however, that seem to be more easily quantified and controlled. The question of whether mediation training reduces the amount of time teachers devote to classroom management, for example, should be quantifiable. With sufficient resources, one could design a randomized study to record the time a group of teachers devotes to conflict resolution in a school with peer mediation as compared to one without it. Evaluators could examine these numbers in proportion to the amount of time each teacher devotes to actively teaching students. It should also be fairly simple to gather statistics regarding violent incidents, suspensions, and truancy rates for schools with and without mediation programs, because many schools are required to record this information as part of their daily operations.[146] Such data could be used to shed light on the impact of mediation programs, both through comparison to pre-mediation "baseline" data in one school and through comparison among comparable schools where one offers mediation and the other does not. Ideally, both a baseline and a control would exist for evaluation of mediation programs as was the case for the New Mexico assessment of elementary and middle schools.

Unfortunately, logistical and monetary concerns are not the only barriers to meaningful program evaluation. There are also institutional barriers ranging from inertia to aversion. In fact, inertia and aversion regarding assessment often form a unified barrier, according to Maria Mone, Associate Director of the Ohio Commission on Dispute Resolution, who coordinates implementation and evaluation of dispute resolution programs in Ohio schools.[147] Mone believes that schools often fear assessment because they are unfamiliar with it, and because it requires new learning and assignment of new tasks.[148] In addition, she finds that there are often political incentives to avoid assessment.[149] Because dispute resolution programs have become popular in legal as well as educational settings, there is a political will to presume value even where no such value has been demonstrated. Once money has been allocated for a particular program, the grant often becomes self-renewing, although assessment may be nominally expected. This tendency induces schools either to avoid assessment or to approach it with vague and ill-defined goals that are

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146. In the course of our school visits, we often found that while districts require public schools to maintain such information as part of their daily operation, administrators were often unable to tell us where such information existed in practice.

147. *See* Interview with Maria Mone, Associate Director, Ohio Commission on Dispute Resolution and Conflict Management, in Cambridge, MA (Jan. 5, 1997).

148. *See id.*

149. *See id.*

unlikely to be definitively affirmed or rejected. In the absence of de-
finitive results, and with little scrutiny from funding sources, contin-
ued funding may become automatic.

This approach on the part of schools seems short-sighted. Dis-
pute resolution does not have acceptance as a basic educational ne-
cessity. It is not, at least not yet, viewed as a fundamental skill like
reading or mathematics, and there are always competing demands
for scarce education funds. It is reasonable to anticipate that both
private and public funding institutions will demand proof of its effec-
tiveness relatively soon. When the conceptual novelty dissipates, re-
sults must be concrete and appreciable or the funding will go
elsewhere. For this reason, we recommend that future assessment of
mediation programs should define clearly measurable goals, even if
those goals are measured over an extended period of time. It would
be wise for program evaluators to assess changes in the frequency of
violent incidents, suspensions, and truancy, along with measuring
the time teachers devote to teaching. Anecdotal evidence and quali-
tative data on whether the "school environment" has "improved," or
whether the effects of mediation have extended to the general com-
munity,[150] while very important to schools, students, and teachers,
should not come at the expense of more objective measures.

Peer mediation appears to have an intuitive appeal that gener-
ates support and enthusiasm. It does not, however, have a history of
formal practice to support this intuition. The time has come for its
proponents to test the validity of their claims in a quantifiable and
verifiable manner. If proponents do not conduct such research, critics
will soon use the lack of substantial evidence to argue for a multitude
of other uses (and perhaps other fads) for the funding that currently
supports the growth of such programs.[151] Although there are cer-
tainly indications to the contrary, it is possible that such evidence of
long-term benefits will not materialize. If that is the case, it would be
better to know sooner rather than later, so that scarce education re-
sources can be more productively allocated.

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150. D.R. Crary, *Community Benefits from Mediation*, 9 MEDIATION QUARTERLY
241-252 (Spring 1992) (finding no evidence to support community benefits from medi-
ation, and explaining reasons why this result was not reliable).
151. Interview with Maria Mone, *supra* note 147.

CONCLUSION

School districts around the country have developed a variety of institutional program models through which to implement peer mediation. Important institutional conceptions range from the district model developed under the auspices of the New Mexico Center for Dispute Resolution to the joint funding model developed through the Massachusetts Attorney General's SCORE program, to the Whole School Model that the San Francisco Community Board endorses. Yet beneath these varied approaches to establishing peer mediation programs, we find that mediation models themselves look quite similar. In other words, we suspect that a pair of mediators from English High School (Jamaica Plain, MA) could mediate a dispute between Mission High School (San Francisco) students, and John McCarty, the Mission High Program Coordinator, would not blink an eye as he observed their methods. Once they are in the room, peer mediators around the country do the same kinds of things.

How can programs combine such fundamentally different structures with similar philosophical concepts? How can programs create such clear implementation objectives and achieve the mixed results they have without one model asserting itself as "right" or at least definitively "better" than the others?

Our research suggests that the answers lie somewhere between the disparate theories and the common practices. There appear to be underlying principles that must guide the implementation of any theoretical framework if the framework is to be successful. A theory, no matter how good, cannot make a mediator effective, and an aspiration, no matter how pure, cannot make a program work.

Sarah Keeney of the New Mexico Center alluded to these intermediate issues when she discussed the Center's shift to a district model: "The first thing that happens is that we want to establish a district team to oversee the program. Over the years we have found that this is really the only way – and it doesn't always work perfectly either – but it's is the only *hope* of establishing some district support for the program and. . . at least they would maintain programs when staff changes."[152] Ms. Keeney's reflections on the challenges of implementation imply that many intervening elements other than the quality of the model may determine the ultimate success or failure of a program.

Melanie Moore offered similar observations from her perspective as a program evaluator. In discussing her evaluation of the Whole

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152. Interview with Sarah Keeney, *supra*, note 8.

School program, Ms. Moore described how conceptual goals may sometimes diverge from "ground level" goals: "[The Community Board's] goals seemed to be... whole school change, sort of sweeping philosophical and interpersonal change at the school, and what we were seeing in terms of implementation wasn't leading to that... [M]aybe they really wanted a great peer mediation program... and that's okay... but that's a different goal."[153]

I.   ELEMENTS ENABLING PROGRAM SUCCESS

After looking at the various models and at the evaluations they have done, what conclusions can we draw about our original question: how does a "good" program work?   "Work" happens on two levels. The first, or basic level, involves the implementation of a program that trains mediators, generates mediations, and resolves disputes. On the second level, a school or program evaluates "work" based on its goals in implementing the program.   For example, is there a positive change in classroom atmosphere and school climate?[154]

With respect to program implementation, a great deal seems to depend upon intangible elements.   Perhaps the most accurate thing would be to say that although the presence of these elements is no guarantee that a program will survive and succeed, their absence seems to dramatically increase the incidence of failure.   Schools and programs name these items based both on intuition and experience, and visits to schools confirm them: continuity, buy-in, administrative support, and cheerleaders, not necessarily in that order, all of them interconnected.

By cheerleader, we mean a strong advocate of peer mediation who takes upon him or herself the job of persuading other people in a school to try a mediation program and support it.   In some schools, this person is a teacher who is particularly dedicated, or a guidance counselor who is willing to put in some extra time to get the program started.   In others, it is a principal or another school administrator who came from a school that had a good program and wants to establish one in the new school.   The most effective cheerleaders seem to be people with a combination of attributes: experience, time, dedication, and trust from staff and students.   John McCarty at Mission High in San Francisco is a good example of a cheerleader whose strength in

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153. Interview with Melanie Moore, Program co-evaluator, Whole Schools Program, San Francisco Community Board in San Francisco, CA (March 27,1997).

154. *See* Davis and Porter, *supra* note 14, at 123-25 (categorizing ten common goals of peer mediation programs).

many areas made him an ideal candidate to advocate and establish a strong program. Being established in a school can make a big difference; even a smart, capable, coordinator must struggle to build relationships within a school.

Buy-in is, to a large extent, a result of effective cheerleading unless the school as a whole has widespread support for mediation from the beginning for some other reason. Buy-in includes not only the school's administration, which has to provide rooms for mediation and may have to allocate funds and teacher time as well as altering some school policies to allow and encourage mediations to take place. It includes teachers, without whom a program cannot move beyond basic implementation to flourish. Many programs rely on teachers for the bulk of their referrals, and, in many cases, teachers have to be willing to let mediators and parties out of class to take part in the mediation itself. School support staff—counselors, janitors, cafeteria workers, and others—also play a role in whether a given mediation program sinks or floats. Last, but far from least, student buy-in is key. Students need to trust the mediators and to feel that mediation is a good option. Buy-in is to a large extent circular: seeing that they can trust mediators encourages students to try mediation, which in turn produces more buy-in and often the desire to become a mediator. Many programs note a parallel circular effect on teacher buy-in; teachers who are willing to refer a student once to mediation are reluctant to do so again unless the mediation succeeded. Once they receive feedback, however, teachers will begin to refer mediations more regularly.[155] Feedback to the school as a whole, then, seems to be one important mechanism for achieving buy-in. This also ties into our statement that schools need to be more diligent in monitoring the impact of the mediation program; before it can be reported to the school, data must be collected.

Support from administrators is clearly linked to both effective advocacy and buy-in, and it also has distinct impact in its own right. Support from administration is different from teacher and staff support because of the power a school's administration has, through policy making and resource allocation, over a program's success.[156]

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155. *See* Interview with Nancy Grant, *supra* note 10.

156. "The importance of administrative support for the long-term viability of peer mediation programs cannot be overemphasized. Too often, initiators of school mediation programs have minimized the principal's role in implementing this program. Perhaps they know that they do not have the principal's support; perhaps they fear that they will not receive it if they ask. In either case, they start a program without the administration's blessings. 'If we can just get this program going,' they convince themselves, 'we can demonstrate the worth of peer mediation and win the principal's

Administration, more than teachers, staff, or students, can provide the continuity a program needs to continue to run smoothly after the initial rush of implementation. Because the administration is the nerve center of the school, through which messages are relayed back and forth, it is in a unique position to publicize the program and help with cheerleading. Students and parents as well as staff can sense when a program is not supported by the school's administration. Administrative support is also vital for securing permission and resources to implement such non-mediation aspects of conflict resolution programs as curriculum and parent involvement.[157] The broader a school's goals and the more ambitious its planned course of implementation, the more important administrative support becomes.

Administrative support is also unique because of the principal's role, in many schools, as head disciplinarian. Many times, mediation is opposed by teachers and administrators who perceive it as a threat to the school's traditional disciplinary structure. Part of the key, then, to obtaining support from administrators and from teachers is a clear delineation of the boundary between mediation and traditional means of discipline in the school. Teachers must be reassured that students will not simply use mediation as a means of avoiding punishment for infractions. Administrators must feel that their effectiveness as enforcers of school rules will not be compromised by mediation, but rather will be enhanced by it.[158]

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support.' This approach has little chance of long-term success... Without the assistance of the principal to overcome attitudinal and structural resistance in the system, many pioneering mediation efforts fail after their first year." *See* COHEN, *supra* note 30, at 63.

157. One example that stands out of the importance of buy-in and support from the administration is English High School, in Jamaica Plain. The school's flourishing mediation program, noted by students and faculty alike, has been supported since his arrival by the new principal. When questioned about the impact of the program and what he believes lies behind its success, the new principal was eloquent in his praise of the program's coordinator, and of students involved. He voiced a philosophy of supportive non-interference and explained his role as one of persuading teachers to use it as a tool against fights in the school. *See* Interview with Jerry Sullivan, Principal, English High School, Boston, Massachusetts (March 20, 1997).

158. Rebecca Iverson believes that the school administration must be open to some changes in how school discipline works in order for a program to succeed. Philosophically, the idea of empowering students to resolve their own conflict may clash with more traditional disciplinary dogma and hierarchical school structure. Part of the Whole School approach is an attempt to alter those workings of the school that disempower students, teachers, and also administrators. It is thus not clear that in all programs, mediation and the school's disciplinary measures can be kept separate. *See* Interview with Rebecca Iverson, *supra* note 2.

Continuity is the fourth key factor upon which a program's success seems to hinge. The loss of a key player, whether it is a teacher supervisor, a principal, or the training director, can bring even a well-established program to a rapid end. Ensuring continuity and creating self-sustaining programs is thus a major goal of all the programs we surveyed. It is not clear, however, whether a core team, a district team, extensive follow-up support, or some other method best ensures continuity.

These factors seem, on one level, obvious. That is, many people would guess that a principal's support is important or that transience in a school would hurt a program. On another level, these factors are quite surprising. Success does not appear to be linked to the academic standing of the mediators, or at least not to their achievement of a certain uniform level of scholarly achievement; students of all academic backgrounds and abilities seem to make excellent peer mediators. The fact that a school has actual violence or a reputation for it also does not appear to hinder the establishment of a mediation program. Society stereotypes violent students as kids who have no interest in peacemaking and no sense of right and wrong.[159] The power of mediation to resolve disputes among such students might thus be counterintuitive. However, mediator after mediator told of seeing parties to a mediation change in character during the mediation[160] and of seeing the parties to mediations one year become mediators the next.[161]

Still, the above factors beg the question: Assuming that these items are important to the success of our program, how do we achieve them? Part of the goal of program evaluation is finding an answer to this question. Ideally, evaluations study the effectiveness of implementation along with progress toward a program's long-term goals. Evaluations measure indicators like teacher and student buy-in as

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159. *See* Susan Opotow, *Adolescent Peer Conflicts: Implications for Students and for Schools*, 23 EDUCATION & URBAN SOCIETY 416 (1991).

160. At Taylor Middle School in Albuquerque, a group of students under the direction of Coordinator Anne Hayes described their initial surprise at the respect with which known "bullies" and troublemakers addressed one another in the context of the mediation. One student said that students seemed much older during the mediation. The same kids might be horsing around in the halls and calling names, but the seriousness with which the mediations are handled enabled the same kids to sit together and honestly try to figure out solutions to their problems.

161. All but one of the mediators we interviewed at Mission High School in Boston had been parties themselves before being trained.

well as administrative support. They flag the need for better advo-
cacy and document the effects of transience. They should also let im-
plementers of a program know, on a deeper level, whether the
program is "working" in terms of achieving its level two goals. In-
deed, as school mediation peaks, the initial period of blind enthusi-
asm is likely to give way to a more critical period in which funders
demand effective assessment of program success on both levels.

II. THE NEED FOR MORE EFFECTIVE EVALUATION

There is no reason to believe that the general enthusiasm for
school dispute-resolution programs[162] will not soon face criticism
comparable to that confronting dispute resolution advocates in the
legal community.[163] The two are different, of course: in the legal
community, criticism focuses on concerns about mediation's effect on
fairness and due process,[164] while we expect most criticism in the
school context to stem from the disparity between apparent goals and
outcomes.

There is no traditional "market" in which to let supply and de-
mand determine mediation's value, but there is a highly competitive
market for educational program funds, and those who have gener-
ously funded mediation programs will be eager to scrutinize them for
results.[165] Those who directly benefit from school programs are a dif-
ferent group from those who fund them. This disparity raises two
fundamental constituency problems.[166] The first is that the benefits
of a mediation program may be difficult to "translate" to a form "mar-
ketable" to outside funders. The second, and related issue is that par-
ticipants' definitions of "success" may be quite different from those of

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162. *See, e.g.,* Office of Juvenile Justice and Delinquency Prevention, U.S. Depart-
ment of Justice, CONFLICT RESOLUTION EDUCATION: PROGRAM REPORT 67-71 (October
1996) (asserting unqualified and uniformly positive results in numerous dispute reso-
lution program evaluations without reference to study flaws or overall quality).

163. *See, e.g.* Owen Fiss, *Against Settlement,* 93 YALE L.J. 1073 (1984) (arguing
that extrajudicial settlement exacerbates pre-existing power imbalances which a judi-
cial proceeding could otherwise remedy); Harry T. Edwards, *Alternative Dispute Res-
olution, Panacea or Anathema?,* 99 HARV. L. REV. 668 (1986) (suggesting that
mediation should be court-annexed in order to protect individual rights).

164. *See id.*

165. In addition to community-funded projects, national sources as diverse as the
Hewlett Foundation and the Attorney General's Office under Janet Reno have made
significant contributions to peer mediation program development.

166. *See generally* DAVID LAY & JAMES SEBENIUS, THE MANAGER AS NEGOTIATOR
(1986). *Cf.* Robert H. Mnookin, *Why Negotiations Fail: An Exploration of Barriers to
the Resolution of Conflict,* 8 Ohio State J. on Disp. Resol. 235, 242 (1993) (discussing
problem of disparities between principals' interests and agents' interests).

funders. Recent articles about program effects lead to the anticipation of these potential conflicts. While many programs assert their interest in long-term skill development and school community,[167] program assessments conducted for funders' benefit tend to emphasize the effect on violence prevention.[168] Although these interests may not be mutually exclusive, or even incompatible, evaluators must take limited funds and design a study to identify particular outcomes. If a program has several distinct goals, some identified by the participants and others identified by the funding source, evaluators must typically choose which goal to study, or, more likely, attempt to study several goals without thoroughly assessing any of them.[169]

More than just competition for funds, however, should be pushing schools to search for conclusive answers to whether peer mediation works and how to build an effective program. The discussion above suggests that teachers and others seeking to make schools less violent, more welcoming, and better at educating children have little solid evidence that peer mediation and other conflict resolution programs are really helping students. In the discussion above, we named some of the more basic elements that seem common to working peer mediation programs. More specific directives on the subject will only be provided, however, by better evaluation of existing programs.[170] Below, we outline the major elements that such a study should include, based on the many studies and evaluations we analyzed while writing this article.

III. One Study Proposal

The first, and perhaps the fundamental element of an effective evaluation is a statement of evaluation goals. Schools and evaluators both should know what it is they hope to find out in conducting the evaluation, and they should make sure that they have a common idea of how to best go about it. They should also clearly establish how the goals of the evaluation relate to the goals of the program, and the two

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167. *See* Lantieri & Patti, *supra* note 31.

168. *See, e.g.,* R. Glass, *Keeping the Peace: Conflict Resolution Training Helps Counter Violence.* 78 American Teacher 5, 6-7 (February 1994) (discussing the role of RCCP and other dispute resolution programs in reducing classroom violence).

169. *See generally* Carter, *supra* note 47, at 1993-94.

170. In their 1996 article on conflict resolution, William Carruthers and others emphasize the importance of evaluation in designing good programs and improving existing ones. They also distinguish between the implementation evaluations many programs already do and the "laboratory" model evaluations that may be necessary to draw valid conclusions about both conflict resolution and peer mediation programs in action. *See* Carruthers et. al., *supra* note 144, at 5-18.

should be clearly linked. In other words, evaluators and schools should know which questions they hope to answer with the data they collect.[171]

While this element may appear self-evident, it can be conceptually and politically complex in practice. The two most clearly defined constituencies, program funders and program participants (the school community), may demand of the evaluator very different answers. When a school chooses to implement a program, it often establishes lofty and ill-defined goals relating to community and tone of the school.[172] These goals, while difficult to quantify, may also be the most important ones in the eyes of the school community and tend to be particularly characteristic of early mediation programs.[173]

Recently, schools have placed much greater emphasis on the effect that mediation and other conflict-resolution programs have on violence in schools.[174] This trend may be the result in part of significant media attention to the issue of violence in schools.[175] A more direct reason for this shift in focus may be funding sources. As an extension of the development of youth violence into a prominent political issue, federal and state governments along with other funding

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171. *See* RICHARD LIGHT, JUDITH SINGER, AND JOHN WILLETT, BY DESIGN: PLAN-NING RESEARCH ON HIGHER EDUCATION 13 (1990). "Information-gathering is essential, but it should not be your first step. Your first step should be to *articulate a set of specific research questions*. Good design flows from clear goals." (emphasis in the original).

172. *See, e.g.*, interview with Richard Cohen, *supra* note 3 (explaining that he must frequently "reality test" schools regarding what they want to accomplish with a peer mediation program and whether peer mediation is suited to meet their needs, even after they have offered him a contract to conduct a training); *and* Davis & Porter, *supra* note 14.

173. *See, e.g.*, S.M.A.R.T. program in New York City developed by E.S.R.; the New Mexico Center for Dispute Resolution programs in New Mexico; and the Community Board programs in San Francisco.

174. *See* COHEN, *supra* note 30, at 3 (implying that violence reduction is the primary goal of peer mediation programs).

175. *See, e.g.*, ACLU Press Release, "Groundbreaking California Study Examines Students, Schools and Violence (March 11, 1997) (discussing, in a press release, results from the second largest school district in the nation, examining the impact of violence on student life); Ezra Bowen, *Getting Tough*, TIME, Feb. 1, 1988, at 52, 54 (listing assault, burglary, arson, bombings, drug abuse, rape, and robbery as the primary disciplinary problems that school teachers say they must face in the classroom). *But see* Susan Opotow, *Adolescent Peer Conflicts: Implications for Students and for Schools*, 23 EDUCATION & URBAN SOCIETY 416 (1991) (citing data "which contradict the common notion that schools are violent places, [and which] are corroborated by two studies that also suggest that adolescents' peer conflicts in school are neither violent nor commonplace."); J. Garofalo, L. Siegel, & J. Laub, NY TIMES, pp. B1, B2 (reporting a police finding that violence is scarce in schools)

organizations have directed money to schools for the purpose of addressing problems related to violence and even drug use.[176] As a result, administrators have begun to find financial support for mediation programs in organizations whose primary goal is violence reduction. For example, Illinois schools now have an extensive peer mediation program network that began with funding from the Clinton administration under Attorney General Janet Reno's authorization.[177] While a particular Illinois school may be interested primarily in enhancing communication and the overall climate of the school, the attorney general's office will want to see violent incident reductions when it comes time to renew the funding. Program evaluators must negotiate these divergent (and potentially conflicting) goals when designing a study. The evaluator must, at best, make more difficult decisions regarding how to allocate limited funds. At worst, an evaluator will feel political pressure to frame the findings in a (perhaps misleading) way that will justify and support continued funding.[178]

In response to these challenges, we recommend that schools pool their resources to conduct a common, in-depth longitudinal study of peer mediation in schools. We believe that such a study could assess multiple goals, both those identified by funding sources and those identified by the schools themselves. We recognize that money is frequently and erroneously seen as the "cure-all" remedy for a problem, especially when the problem originates in a general lack of quality. In the case of school mediation program evaluations, we believe that adequate money is already present in the system, but that it has been too thinly spread to be used efficiently.[179] The pooling of resources

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176. *See, e.g.,* Janet Reno, "Attorney General Announces New Effort to Prevent School Violence," U.S. Department of Justice Press Release (May 29, 1996) (explaining that "many minor arguments become deadly confrontations because many young people only know how to use violence to solve their problems. Conflict resolution shows them another way."); Richard Cohen has helped schools establish peer mediation programs with funding designated for health awareness and drug prevention programs comparable to D.A.R.E. *See* Interview with Richard Cohen, *supra* note 3.

177. Primary funding for the inception of the Illinois Institute for Dispute Resolution peer mediation program came through Attorney General Reno's support. *See id.*

178. Melanie Moore, who conducted the Community Board Whole School Program evaluations in San Francisco suggested that there may be "no such thing" as an objective evaluation due to the inevitable political interests. *See* Interview with Melanie *supra* note 26.

179. One example of this can be seen in the 1996 comprehensive evaluation conducted of the RCCP program in New York. The study, which took two years to complete, was designed to evaluate RCCP's effectiveness in preventing violence, teaching students tools for resolving conflicts, and improving classroom and school environment, based on teacher responses. As a part of the RCCP Research Program, the

would permit schools to develop a focused longitudinal study. Such an assessment might identify several program goals, from the concrete and immediate violence reduction aims of some programs to the more intangible and expansive communitarian and life-skill aims of others. Again, determining the scope and purpose of the study with some specificity is vital to asking the right questions and to getting the answers that are necessary for assessing the success of school mediation programs, guiding their further development, and founding new programs.

The most difficult aspect of the multi-program/multi-school approach might be the choice of schools. Programs vary immensely in their implementation, from both the institutional perspective (ranging from district-wide to school-by-school approaches) and the structural perspective. The researchers must thus decide how big their potential pool of schools and respondents is and select schools for study from among this larger group. Our research belies the argument that one existing structural framework is fundamentally "right" or inherently better than the others. Although some approaches will be more successful than others, our research indicates that the ultimate success of a mediation program depends on qualities that must exist regardless of differences in a structural framework. Strong leadership and community support are among the qualities discussed above. A pooled study might test this hypothesis by comparing one program model to another or by comparing individual school programs and schools that are part of district-wide or other systemic models. Returning to an earlier theme, however, researchers should have specific questions in mind about the model and how it influences students and other program participants. These questions should be influential in deciding which schools to study from among the thousands that use peer mediation.[180]

Pooling resources would have another important advantage; it would allow researchers to track students for longer than the one or

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evaluation was done with the goal of providing data on "the effectiveness of such programs and the ingredients for their success." *RCCE Research Program: An Overview* (on file with the authors). [SWAT] The Program is funded by a three-year $660,000 grant from the Federal Centers for Disease Control as well as by private foundations. The results of the evaluation, while promising, appear to suffer from many of the compromisers of reliability described throughout this paper.

180. Light et al discuss the importance of choosing and specifying a target population, and then of deciding which groups among that population to study. "With an imprecise specification, you will never know how useful your results are." Light et. al., *supra* note 172, at 43.

two years currently the norm for such studies. This advantage is significant in two respects. First, it helps to eliminate the risk that positive results obtained in the initial years of a program are "blips" of enthusiasm on a screen that reverts to flat after the program's introductory period. Furthermore, long-range evaluation responds to the legitimate complaints of mediation advocates that real change does not occur over a period of one or two years, but rather over five or even ten. A second advantage is that tracking students for several years after their participation in such programs is the only realistic way to measure changes in life skills or real-life approach to conflict. A longer term study might ask such questions as: "What percentage of student mediators are later suspended for fights, compared to those with no mediation training?" or, "What percentage end up in jail, or in college, compared with the general population?" Because of the many programs, San Francisco and RCCP prominent among them, that name acquisition of life skills in resolving conflicts among their primary goals, this approach to evaluating programs seems logical and necessary for measuring success.

The combined study would also enable researchers to study enough schools, students, and teachers to make the results statistically significant. As discussed above, meta-analysis allows for the pooling of data from studies already done to draw conclusions based on a larger N. However, this approach is limited by the need to control for variations among the studies' methods and approaches. Were the combining of groups done at the outset and a larger data pool achieved, reliable results would be more likely. The number of participants necessary to make data reliable depends on a number of factors, including types of data collected, number of responses attained, and also number of factors compared and controlled for. Designers of a pooled evaluation would have to take this factor into account in deciding on the necessary N.

Given the pooled resources approach, there are several preliminary steps that the designers and implementers of the evaluation should take. First, they should take great care in selecting schools for evaluation. It is important that the schools selected have mediation programs conforming to the same basic model, that all train student mediators in similar ways and conduct mediations in similar ways. Or, if the study is more ambitious, it can use school selection as part of the control process to isolate and test for the effectiveness of various aspects of a program. For example, by choosing a subset of schools for inclusion that have no teacher training among a larger pool of similar schools that use teacher training, the evaluation can

test for the importance of that element. Evaluators must similarly choose appropriate control schools for comparison with the test sites. Controls should correspond to test schools in number and age of students, size of school, and rough ethnic and socioeconomic background to be effective. Of course, no two schools are identical, but a sufficiently large group of schools and students evaluated should serve to erase the effects of minor differences. As noted above, of the dozens of studies already done, many suggest that peer mediation programs improve students' and teachers' lives in a variety of ways, including by reducing violence, improving classroom atmosphere, teaching conflict-resolution skills, and even improving academic performance. In many, however, the small N of respondents precludes definitive results. A main goal of any comprehensive study should be to provide more conclusive answers to funders' and advocates' questions.

Virtually no studies to date have used pre-implementation testing to establish a baseline. The studies discussed above either did not compare pre- and post- implementation data, or did so by asking teachers and students to compare their memory of pre-implementation classroom environment, for example, with classroom environment at the date of the questionnaire. This method leads to very unreliable results, because such responses are based on dim and variable perceptions. We suggest that once schools are selected for evaluation and compatible program models selected, evaluators use the year during which the school is preparing for implementation to conduct an initial survey of the elements it wishes to measure. Included in the survey should be questions about classroom and school atmosphere, student attitudes toward conflict, teacher interventions, violence in the school, and disciplinary measures, as well as any other relevant matters. At this point, too, the school should begin to keep and provide statistics on numbers of suspensions, referrals, fights, truancy, and other items relevant to the evaluation. These responses, both statistical and questionnaire-based, serve as a baseline for comparison and, along with the use of control schools, help to ensure the reliability and validity of post-implementation data. If evaluators wish to include some schools with pre-existing programs to show changes over time, the use of baseline data from comparable schools will be particularly useful. In such an event, however, evaluators should be careful to eliminate other potential influences accounting for change reflected in data collected in the schools with more established programs.

At the implementation stage, there are also important things evaluators should do to ensure the usefulness of their results. They

should monitor the implementation process at the test schools to see that it is progressing more or less according to plan. In too many studies, the reality of implementation diverges so much from theory that the reliability of the results is doubtful. In those cases where such divergence occurs, that fact should be recorded; it is part of the reality of implementing a program, and it is important information for other schools seeking to do the same. Whatever the advantages of one properly implemented model over another, visits to schools indicate that the most salient comparison is probably between those that succeed in establishing a program and those that do not. Indeed, it is at this point that so many schools veer off track. Thus, one of the most frequently asked questions is, "How do I establish a mediation program that works?" Recording accurate and complete data during the implementation process, including notes on which schools complete implementation and which do not, and the potential factors influencing implementation, will go a long way toward answering this question.

Finally, researchers must carefully track changes in schools that do and do not succeed in implementing programs and in control schools. In designing questionnaires for teachers, students, and others involved in the programs, evaluators should screen the language of the questions for bias. Many studies include questions with an obvious bias toward evidence of progress and improvement, to the point that evidence to the contrary is not only discouraged but impossible to obtain. For example, a question worded, "Since the implementation of peer mediation, students in my class are: 1) much more helpful to each other, 2) significantly more helpful, 3) somewhat more helpful, or 4) about the same" is likely to elicit very different responses from a question designed to answer the same question but worded along the lines of, "Compared to this time last year, the students in my class seem 1) noticeably more cooperative, 2) somewhat more cooperative, 3) about the same, 4) somewhat less cooperative, or 5) noticeably less cooperative." Answers should be scaled, and questions should be worded neutrally, with the goal of eliciting truthful responses rather than confirming the evaluators' anticipated or desired response.

Moreover, researchers should emphasize recovery of data from a high percentage of solicited participants. In some of the studies mentioned above, the percentage of distributed surveys recovered by evaluators was so low as to risk nonresponse bias. When less than a certain high percentage of participants responds, evaluators must allow for the possibility that those responding are self-selecting along

some lines and thus biasing the results. It seems likely in this scenario, for example, that those responding are teachers, administrators, and students most involved in the mediation program. Results would thus likely be skewed toward showing positive changes resulting from the program.

Perhaps most important of all, when researchers collect data, they should make every effort to analyze it scientifically and objectively, rather than trying to compile it in any way that seems to show what they hope it will. In our initial research, we saw many studies and articles reporting inconclusive data but trying to explain why the researcher's hypothesis was still probably valid. Our guess is that a rigorous study of the type outlined above will show positive effects on students, teachers, and schools implementing peer mediation programs. It also seems likely that some of the more high-extravagant claims programs make will be proved false. Distinguishing between the two and viewing the results with a critical and dispassionate eye can only bolster the reliability of the evaluation and promote its use in establishing and modifying future programs.

Mediation should not be mistaken for a fad or compared to the latest teaching innovation. Educators with any knowledge of mediation are aware of the political,[181] legal,[182] and public policy[183] implications that dispute resolution programs raise. In addition, while reports vary widely, conservative estimates suggest that several thousand schools currently have peer mediation programs.[184] Indeed, it is because mediation is in widespread and increasing use both within and outside of schools, that more solid study of its impact

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181. *See, e.g.,* JIMMY CARTER, TALKING PEACE: A VISION FOR THE NEXT GENERATION xiv (1993) (discussing the effort and skill required for effective peacemaking).

182. *See, e.g.* Owen Fiss, *Against Settlement,* 93 YALE L.J. 1073 (1984) (arguing that extrajudicial settlement exacerbates pre-existing power imbalances which a judicial proceeding could otherwise remedy); Harry T. Edwards, *Alternative Dispute Resolution, Panacea or Anathema?,* 99 HARV. L. REV. 668 (1986) (suggesting that mediation should be court-annexed in order to protect individual rights).

183. *See, e.g.,* William DeJong, *School-Based Violence Prevention: From the Peaceable School to the Peaceable Neighborhood,* FORUM, no. 25, 8 (Spring 1994) (arguing that violence prevention programs must strive to create a community "credo" of nonviolence).

184. As of 1992, the National Association for Mediation in Education (NAME) reported that there were over two thousand peer mediation programs in existence nationally. Lisa Leff, *Schools Using Peers to Press for Amity; Trend Toward Mediation Teams Cuts Across Grade Levels in Effort to Curb Violence,* Washington Post, April 19, 1992, at B1. With the continued expansion of programs in Denver (C.D.R. Associates, Boulder), New York (S.M.A.R.T., and R.C.C.P.), Boston (S.C.O.R.E.) and San Francisco (Community Board) among other places, this number is likely to have increased dramatically in the last five years.

is so vital. Schools provide a relatively clearly defined, cohesive institutional structure in which to learn what mediation can and cannot do. We envision a study of significant scope and complexity.[185] The greater a study's scope, the harder implementing it becomes. There is precedent, however, for the ability of schools, as institutions, to conduct effective studies on a large scale.[186] Given careful preparation and implementation, mediation advocates will gain evidence for some of their loftier claims, and perhaps they will also gain insight into the limitations of which mediation's detractors warn.

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185. ". . . research and evaluation efforts in school settings cannot be as well controlled as one would like, and this is true regardless of whether the research is conducted by investigators from outside the schools or by practitioners within the schools. But, this should not dissuade practitioners in the schools from making the effort to evaluate their CR and PM programs. What is needed is for practitioners to adopt a practical approach to research and evaluation that fits the school environment while it also provides valid and useful information." Carruthers et. al., *supra* note 144, at 10.

186. *See, e.g.,* Frederick Mosteller, *The Tennessee of Class Size in the Early Grades,* THE FUTURE OF CHILDREN 113 (Summer/Fall 1995) (calling the 6,500 student longitudinal study of the relationship between class size and reading development "a controlled experiment which is one of the most important educational investigations ever carried out" *id.* at 113).