



# The Fourth R

The Newsletter of the National Association for Mediation in Education,  
Promoting the Teaching of Conflict Resolution Skills in Schools.

## Statewide Initiatives

In this issue, we highlight nine states where those involved in school conflict resolution are active in efforts to coordinate programs on a statewide basis. In some cases, these efforts have been mandated by state legislation, and the authors, from New Mexico, New Jersey, Ohio and Minnesota, discuss the pitfalls and successes of working with the legislature. In other states (Wisconsin, Massachusetts, New York, North Carolina and Iowa) legislation is pending, other methods have been developed to fund mediation programs by the state, or statewide organizations are managing to organize creatively on a statewide level without the help of the legislature. We also include an update on federal legislation and an article about a report from the US Office of Disease Prevention and Health Promotion which recommends increasing conflict resolution programs in schools as part of quality health education. As always, we welcome your response.

## Statewide Program and Legislative Initiatives: A Strategy for Survival and Growth in New Mexico

by Melinda Smith

It has been our experience in New Mexico that developing a statewide school mediation program has enhanced our ability to make an impact on children and schools, created a broad constituency of program support, and made it easier for us to succeed in getting legislation passed to fund the program.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:** Section 1. APPROPRIATION. \$200,000 is appropriated from the general fund to the children, youth and families department for expenditure in the eighty-second fiscal year for the purpose of funding school mediation programs that reduce incidents of school violence and mediate truancy and family related problems impacting children's school behavior and performance. Any unexpected or unencumbered balance remaining at the end of the eighty-second fiscal year shall revert to the general fund.

This is the language of a funding bill that will be introduced in the 1993 New Mexico legislative session to obtain significant funding to sustain and expand the statewide Mediation in the Schools Program operated by the New Mexico Center for Dispute Resolution (NMCDR). Building the base of support for this bill has taken years of program development, constituency development and trial-by-error encounters in the sometimes Kafkaesque world of the legislative process.

In this article, I advocate for the establishment of statewide school mediation programs as a means of creating broad-based program support and ultimately legislative funding. I then outline some strategies for obtaining funds through the legislative process.

### Statewide Mediation Programs

It has been our experience in New Mexico that developing a statewide school mediation program has enhanced our ability to make an

impact on children and schools, created a broad constituency of program support, and made it easier for us to succeed in getting legislation passed to fund the program. Our program structure has the NMCDR serving as the organization that provides training and technical assistance to schools throughout the state. The NMCDR has obtained several state contracts, one with the NM Department of Education (through a legislative appropriation) and one with the NM Children, Youth and Families Department, to deliver services to schools. The NMCDR has established the following protocol for working with schools:

- Schools must request NMCDR's services, rather than the NMCDR attempting to "sell" school mediation to the schools.
- In a staff vote, at least 80% of the staff must vote to implement the program.
- The school must commit resources to the program, including a \$200 cash match to the NMCDR, funding for substitutes to enable school coordinators to attend a regional training and student training, and costs involved in duplicating training and curriculum materials.

In return, the NMCDR provides schools in their first year of program implementation with:

- One day of coordinator training for school staff who will operate the program;
- Five site visits to the school to provide a staff orientation to the program, co-train student mediators with school coordinators, and provide technical assistance and follow-up;
- Mediation training materials and conflict

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resolution curriculum; and

- On-going phone contact and program support.

The NMCDR gives schools two additional years of program support with two site visits the second year and one site visit the third year. In addition, program staff work with school districts to build district level support for continuation and expansion of the program. The number of new and continuing schools that the NMCDR can take on is, of course, dependent on the amount of state funding we receive. The cost per new school is estimated at \$2000 and per continuing school is \$500.

In a state like New Mexico, with a small population and a large geographic area, a statewide program structure has been effective. In small towns and cities, the program is visible to teachers, parents, community members, and legislators. It is relatively easy to get legislators to support a funding bill. Often, legislator's kids have even served as school mediators. Program services that reach rural areas are highly valued and attractive to legislators in New Mexico. For states with larger populations and multiple community mediation centers, an alternative strategy might involve several mediation agencies collaborating to implement a statewide program. For states with offices of dispute resolution, those offices might serve as the operational center of programs.

Statewide programs have the potential of reaching more schools more efficiently than random growth and development of school mediation.

#### Legislative Strategies

In 1989, as novices in the legislative process, NMCDR worked with legislators to introduce a bill to fund school mediation. The bill failed, but we began building awareness and support for the program among legislators and in the NM Department of Education, which would have administered the contract. In 1990, a strategy was initiated to build support for the program by successfully passing a Memorial which called for the State Department of Education to study the program by asking school principals to rate the program in ten different areas. The results of the study were presented to the Legislative Education Study Committee before the 1991 Legislature convened. As a result, in 1991 and again in 1992, we were successful at obtaining legislative funding, though the amounts were modest at \$60,000 and \$40,000 respectively. To initiate the process, the NMCDR contacted a member of the Legislative Education Study Committee, a permanent committee of the House and Senate. Along with requests for other special education initiatives, the mediation in the schools program

was included in an omnibus bill which was introduced in the legislature. The wording of the bill designated the New Mexico Department of Education as the recipient of the total funding program package in excess of \$4 million.

In 1992, the Legislature did not want to identify specific amounts for each program. It left it to the discretion of the Department of Education to divide the funds among the programs identified in the bill. Unfortunately, the total amount of funding was reduced from \$4 million to about \$1.5 million and the school mediation program ended up with only \$40,000.

For the current legislative session, the NMCDR has taken a different strategy. Although a similar omnibus bill is being introduced by the chair of the Legislative Education Study Committee and endorsed by the Department of Education, we are concerned that the funding will be inadequate for our purposes. Instead, we decided to submit a completely separate funding bill and we have obtained sponsorship of the bill by one of the most powerful legislators in the Senate, the chair of the Senate Finance Committee. We traveled to the southern part of the state in the fall of 1992 to meet with the senator and teachers and administrators in his legislative district. He agreed to sponsor the bill and named other powerful legislators to support it.

At the same time, we decided to change sponsoring state agencies and approached the Secretary of the newly created NM Children, Youth and Families Department. The Secretary lent his strong support for the program, agreed to administer the funds, and assigned a staff person to testify for the bill. We also decided to expand the scope of the mediation program to include school-based, parent/child, and truancy mediation. These services address some of the crucial needs of schools and are consistent with the goals of the Department.

The outcome of this new strategy will not be known until the conclusion of the legislative session in March of 1993.

#### Recommendations

Legislative work is often perplexing and frustrating. A strategy can be planned but events beyond one's control can disrupt it. So many programs compete for scarce dollars in most states that no amount of hard work can insure a successful outcome.

If you are just beginning to think about obtaining legislative funding for a statewide program, here are some recommendations:

1. Plan ahead. Start your legislative strategy a year before you are ready to introduce legislation. Visit your local legislators with school staff

## New Mexico Strategies

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Statewide programs have the potential of reaching more schools more efficiently than random growth and development of school mediation.

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- Structure inter-organizational dialogue on quality of services issues (SPIDR: Robert Jones)
- Convene a conference on Conflict and the Media (AAA: Tom Colosi)
- Sponsor a Conflict Resolution Pledge Campaign (The Network: Interaction for Conflict Resolution: Dean Peachey)
- Develop an inventory of public education methods and resources (Community Boards/Community Justice Centers: Terry Amsler)

In addition, John Helie agreed to conduct a survey of the computer technology currently being utilized by the participating organizations.

AGREED that the committee which prepared the Mission Statement and management options for this meeting would serve as interim Coordinating Committee until the next meeting of the Council.

#### Participants in the Meeting:

- ABA Standing Committee on Dispute Resolution: Frederick Woods
- Academy of Family Mediators: Marilyn McKnight, Jim Melamud

already implementing a school mediation and "sell" the program to them. If programs exist in other areas of your state, make appointments with legislators in those jurisdictions and bring school personnel and students who have benefited from the program. Ask legislators to recommend strategies for gaining broad support and ask them if they would be willing to sponsor a funding bill. Discuss the best strategy for accomplishing this.

2. A funding bill should be tied to a state agency. In New Mexico, the funds in 1991 and 1992 were not appropriated as a separate bill but assigned to be administered through the Department of Education. Identify the state agency most likely to take on the funding and administer a contract with a non-profit provider. Do this by asking the advice of legislators as to which agencies may be appropriate and willing. Consider not only the Department of Education, but also the Department of Youth Services or its equivalent, the Department of Human or Social Services, or even the Department of Health, which could view the program as a violence prevention/health promotion program. Get a high level administrator in one of these agencies to support the program and testify for it at legislative hearings. Obtain agency willingness to take on the contract and monitoring of the program, or to request that the program be an expansion item in its current budget.

3. Visit lobbyists of agencies and organizations sympathetic to school mediation and enlist their support to help lobby legislators and testify

- AAA: Tom Colosi
- Assoc. of Family and Concil. Courts: Anne Milne
- CCRC: Marsha Blakeway, Priscilla Prutzman
- Community Boards (Community Justice Centers): Terry Amsler
- Conflict Resolution Center International: Paul Wahrhaftig
- ConflictNet: John Helie
- COPRED: Priscilla Prutzman
- Council of Better Business Bureaus: Carol Stuart
- Council of State DR Offices: Robert Jones
- ESR: Carol Miller Lieber
- Family Mediation Canada: Paul Young
- Fund for Dispute Resolution: Rosemarie Schmidt
- Hewlett Foundation: Steve Toben
- NCPCR: Linda Baron, Juliana Birkhoff
- NIDR: Tom Fee, Patrick F. Piere
- NAME: Annette Townley
- SPIDR: Valerie Graff, Liz Neumeier, Wallace Warfield
- The Network: Interaction for Conflict Resolution: Sylvia McMechan, Dean Peachey
- University of Hawaii: Neal Milner
- U.S. Association for Victim Offender Mediation: Melinda Smith ■

at committee hearings. State bar associations, public health associations, pediatric societies, child advocacy organizations, and drug prevention organizations may lend support.

4. Well in advance of legislative sessions, prepare a brief public relations packet. Mail it to key legislators. Stress the prevention aspects of school mediation and the potential for responding to growing school violence. Stress the prevention potential of a statewide mediation program, cite research, and emphasize that states can no longer afford to pay for intervention costs, like housing of juvenile offenders in corrections facilities (in excess of \$25,000 in most states).

5. If you have some funding, try to develop a program in a geographic region represented by one or more powerful legislators and sell them on the program.

6. If your bill is heard in a legislative committee, prepare well for your presentation. Rely on personal testimony from students, teachers, and principals. Legislators do not usually like to listen to program directors drone on about a program. Make your presentation brief and dramatic, and let your school program people take over. Have students conduct a brief mediation role play — they are your most powerful salespeople! ■

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## NAME National Meetings

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## New Mexico

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