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| Fair and Effective Classroom Discipline April 14, 2016 | Volume **11** | Issue **15** [**Table of Contents**](http://www.ascd.org/ascd-express/vol11/1115-toc.aspx) | [Share](http://www.addthis.com/bookmark.php?v=250&pubid=ra-4e206563102c8b65)| |

**Fair Is Not Equal**

*Richard L. Curwin*

One of the great problems of deciding which consequence to use in any given situation is believing that all children must be treated the same if they do the same thing. There are many students, parents, teachers, and administrators who mistakenly believe treating everyone the same is fair. The foolishness of this belief is easily exposed. No one believes that different students learn the same way. Differentiated instruction and individual learning processes have long been accepted practices in the classroom. No one would go to a doctor who treated everyone with a severe headache the same because we understand the causes of a headache can be drastically different.

The fairest way to treat students is to meet their specific needs and focus on their own issues. One of the most critically important principles of good discipline is this: Fair is never equal. Fair is meeting individual needs. This principle is abused most often in the sequencing of consequences. Most schools and classroom sequence consequences to reflect the number of times a rule is broken. For example:

* First offense = Consequence #1 (warning)
* Second offense = Consequence #2 (behavior plan)
* Third offense = Consequence #3 (parent meeting)

The obvious problem with this approach is that the teacher or administrator has to follow this path even if it makes no sense for a particular student. The whole structure of rules and consequences comes tumbling down when we use consequences that we know in advance will not work. Ironically, this system is not fair, even though fairness is what the system aims for.

A much better system is to list all the possible consequences in no particular order and tell students and parents that the best consequence will be selected based on how well the school or teacher knows the student. If accused of being unfair, we can say the following:

* To the student: "If you think this consequence is unfair, then tell me what you think will work. I'll try it, and if the problem is solved, that will be great. But if it is not solved, we'll do it a different way."
* To the parent: "We are willing to do what is best for your child, and if you have an idea, we can try it. You know your child better than we do. But there is one thing we will never do, no matter how much you want us to. We will never treat your child like everybody else. Your child deserves a lot better than that."

In our discussion of rules, we established that students need predictable consequences for their behavior. How, then, can unsequenced consequences be effective if a student never knows exactly what will happen when he breaks a rule? The answer is that the student just needs to be able to predict with certainty that something will happen, that there will be a consequence, and that the specific consequence might be any of those that have been explained. The legal system operates the same way. A person committing a crime may not know the exact sentence to expect if caught and convicted, but that person is aware that being caught and convicted will lead to a sentence and that the sentencing judge or jury has a range of options.

**Try This:**

1. Think of two different students who come from different homes. One has to babysit his two younger sisters until his mother comes home from work at 7 p.m. Then he has to help make dinner and help clean up afterward. The other student likes to play on his computer after school and watch television after dinner. Both students do not do their homework. What is the best consequence for each?
2. Think of times that you have used a sequenced list of consequences. How many students did not respond to the first consequence in the sequence? Can you now think of unsequenced consequences that might have worked better for these students?