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Surfacing Thinking – the Academy Class

"We only think when we are confronted with a problem."

--John Dewey

By: Bob Harrison

It is often easy for us to reflect back on the instructors who we regard as “the best.” Having experienced classes with both good and bad, most can easily recall those that seemed to fly by; those where the instructor who somehow created an intensity and high level of engagement that hooked everyone in the room. Some might just think it was the instructor’s rare talent. Others could just chalk it up to chance. As you will see, though, in the following pages, there are structures and strategies you can learn and follow to replicate just that kind of experience. This paper is an exercise designed to illuminate the complexity of classroom dialogue and to provide an experience for you to analyze a classroom dialogue to surface questioning strategies. By completing this exercise you will develop a deeper understanding of the belief that teaching is a deliberate act, full of consciousness and in-the-moment applications of effective skills.

To study this further, we will “sit in” on a police academy class and listen to its progress. If you’re a peace officer, this might bring forth the emotional response of a similar experience. If you are not, the dialogue will still be quite familiar to that in any other adult learning setting. And so we begin...

Imagine you are sitting in on an academy class. You’re there to see “what’s happening” in academies today; you may also be wondering how much it will remind you of when you were there as a recruit. The room looks and feels just like one with which you are familiar, and the rows of chairs, plaques on the walls and sights, smells and sounds all rush in to take you back to your days in those same seats. Think back to that experience. What do you most remember?

Many can close their eyes and still see the lectern, the officer or deputy lecturing to them, the chalkboard or Power Point filled with information. Most can recall hurriedly scribbling notes, working hard to memorize code sections, pass tests, rest for the upcoming PT session later that day and hoping whatever they might do in class will not draw the attention of their tac officer or training staff. Few, though, can recall the facts of the lecture, or think of many occasions where, later

in the field, they might have thought back and said “Hey; I remember this from the academy...”

You settle to watch the class. It’s their first session on Criminal Law. They’re in their second week, and just getting their uniforms to fit the “right” way. Most sneak a glance back at you; you’re hopeful that being there doesn’t keep them from listening to their teacher. As always, they rise immediately to attention when the instructor walks through the door. He asks them to “sit and relax” and then...

“OK, good morning everybody.”

“Good morning, sir” the class responds in unison. You’re a little pleased to see some decorum, and also see and hear much of what you have experienced before.

“As you know from our syllabus, we will spend a number of hours together studying criminal law and its relevance to your work as peace officers. Before we start, though, I wanted to throw out a question. Why should we spend your valuable time studying this subject?”

The class hesitates, and then a student in the back raises her hand, is acknowledged, and says “Because we are in law enforcement?”

“Say more about that.”

“Well, we are going to enforce laws, so we need to know what the laws are.”

“How many laws do you need to know?”

The student ponders that for a moment, and then says “Probably the most important ones?”

“So, there are laws that are unimportant...?”

“No, I guess not” the student says.

“But, are there laws one might need to know more completely?” The class nods and voices agreement with the statement as the instructor continues “Might it not be more effective to assess what the law means and is trying to do?”

The class falls silent; most lean forward as the instructor lowers his voice. “No, I guess not” he says, almost seeming to talk as if thinking aloud.

“Understanding the intent of the law may be one of the most important things for you to learn. That could allow you to act quickly without relying on rote recall.”

He continues “What comes to mind for you when you say, or hear others say, the word ‘important’?”

“Important means we need to enforce it?” a student volunteers.

“So, you enforce more important laws?”

“No, we enforce all the laws.”

The instructor pauses, sweeping his arm across the room. “What does it mean to ‘enforce’ a law?”

The same student replies “To arrest people who break it?”

“So, do you arrest everyone who breaks a law with whom you come into contact?”

Another student in the back of the room raises her hand and is acknowledged. “Sir, we sometimes let traffic violators go with a warning, and I think that is the right thing to do.”

“So, your decisions to enforce are based on a lot of information in code books, reference manuals, case law and other sources?”

You see several heads nod affirmatively around the class. Good, you think to yourself, they at least know a little about where they can find the law.

The instructor continues “think for a second; how many code sections might you possibly be able to memorize, and how would you use that information?”

The class murmurs, and then another student raises her hand. “Sir, we need to know the sections related to arresting people, and for the felonies and other serious crimes.”

“OK, so we don’t really need to know the laws for minor crime?”

“I guess we need to know them, too. It’s just that we need to know the important ones first.”

“So, you believe there are important and unimportant laws?”

“No, there are just laws we need to know on the spot, and others we can look up.”

“OK, someone else, why spend time studying criminal law?”

“Like she said, so we can enforce them” a student blurts spontaneously.

“So enforcement is the intent of the law?”

“As police officers, we have laws we are expected to enforce, yes” the same student replied.

“So there are laws the police don’t enforce?”

“There are criminal laws, and then there are laws for civil things.”

“Interesting point. Anyone, what might be some differences between criminal law and civil law?”

You see the students sit for a moment without saying anything, and then start turning to furtively look at one another. They seemed to be silently pleading for someone, anyone, to pronounce the answer. As the tension builds, the teacher breaks the silence.

“Alright, it seems that might be a question for you to discuss amongst yourselves for a minute. Take sixty seconds; turn to the person next to you to discuss what the differences might be between criminal and civil law.”

The class immediately buzzes with conversation in pairs. The volume rises, then drops for a few seconds, then rises again. Several students start nodding their heads, then turn towards the front of the room.

“OK, what kinds of things were being discussed in your pairs?”

Several students raise their hands. The instructor nods to one of them.

“Well, sir, criminal laws are the ones you can be arrested for and be put in jail or prison. Civil laws are the ones used to settle differences in civil court.”

“What defines a crime under the law?”

“It is an act committed in violation of a law for which you can be punished when convicted” a student voices.

“And...” the instructor comments. The student looks up to the ceiling, squinting, and then continues “It can also be a failure to act.”

“So, an act or failure....”

“Yes, an act or failure to act in violation of a law demanding it or prohibiting it”

“So, punishment. What’s that?”

Several begin to respond. “Going to jail.” “Going to prison for a felony, to county jail for a misdemeanor.” “Being put in jail when you get convicted”

“Don’t civil laws also have punishment? What punishment do they have?”

Students fall silent momentarily, and then one speaks “you can have property taken away from you, or be made to pay someone else, but you can’t go to prison.”

“So the big difference between civil and criminal law is...?”

“For crimes, you can lose your freedom. For civil law, you can just lose money or property.”

“Who might be able to give some examples of civil law?” the instructor prompts.

More students raise their hand. “Like when neighbors have an argument over a fence; or your roommate moves out and doesn’t pay their share of the rent.”

“Those are some...what others might be out there?” Students nod, and a number raise their hands to speak. Instead of selecting one, the instructor says “OK, there are obviously a lot more. Rather than thinking about specific examples, who can tell me what distinguishes civil from criminal laws?”

Hands go down across the room with one exception. Once recognized, the student adds “Criminal laws are those for which you can be sentenced to jail or prison. Civil laws are those where you would have to pay damages if you were at fault, but you can’t go to jail.”

“And how might one know if she or he were reading a section of criminal or civil law?”

The student continued “well, the section would tell you what the punishment is. If it says you can go to jail, it is a crime. If not, it is civil. For murder, it says you can be imprisoned, so it is a crime”

“Alright, let’s switch gears for a moment. We talk about ‘the law.’ When we use that term, what, exactly are we referring to?”

Once again, the class falls silent. Brows furrow, and glances from one student to another reflect a quizzical air. The instructor continues “we have been talking about “black letter law,” those things enacted by legislators. What other types of law are there?”

“Well” one student begins, hesitantly, “there is the law created by the Constitution, and there is case law created by judges in courts.”

“How might case law impact your work?”

Hands go up across the room. “Judges can keep us from enforcing certain laws, or rule we did something wrong, which means we would have to do things differently” one student says.

The instructor responds “So, judges making you do things differently seems to be an irritant...?”

“Well, yes. I know a lot of cops who get really mad that criminal go free just because a minor rule was skipped. The judges should see we are trying to do the right thing, but not let someone who is guilty get off.”

“So...they don’t care about the police?”

“No...I think they probably care; they just need to remember the law was written to be enforced, not changed.”

Another student voices disagreement. “It’s more than that. Case law is where judges try to apply the spirit of the law to how the law is written; to interpret what the law really means.”

“So they are bringing morality into the law?”

The class falls silent. The instructor continues “consider as you ponder the study of law that the law seems to try to represent what we think people ought to do or not do. Think about how the law has changed over the years, and how that might impact your role as law enforcers.”

“Sir, are you saying the law is written, but then we add morals and ethics to it when we apply it?”

The instructor pauses, and then speaks in a low, paced tone. “That brings up an interesting issue. How might the concept of the spirit of the law and the letter of the law apply to your world as police officers or deputies? Each pair; find another pair to form a group of four. Take five minutes to discuss two issues.”

The Power Point screen, which has been on all the time, but barely noticed, now displays “exit directions” for the next chunk of work.

“The encouragement is...” begins the instructor, “for you to think about what the law says and how you might interpret it in police work.” The instructor turns to look at the Power Point, continuing, “In your groups, take five minutes to

discuss... (you see him point to the visual, you also see students doing the same. They seem to understand without him reading the text). We'll come back as a class at my prompt to see what responses your teams have developed."

In your groups, take five minutes to discuss:

a) what differentiates the spirit of the law and the letter of the law, and

b) how do those concepts relate to statutory law, case law and law created from the Constitution

The class starts to turn and shuffle; groups emerge and begin to talk animatedly. The instructor hears voices that are strong and flat. He sees heads and bodies forward and eye contact amongst group members. You find yourself wishing you could sit in on the conversations at the tables; students are really into it from everything you can see and hear.

You look at your watch, and are surprised to see more than an hour has passed. You reflect on what you've just seen, thinking you were actually interested, intrigued and energized by the feeling in the room. Knowing the outline for the course, you can click off at least five core objectives the instructor covered. "Wow" you think; "I wish everybody could see what I just saw. Wouldn't it be great if more classes were like this? The kids were excited; they really seemed to be getting it, and they even seemed to be understanding what the law looks like in real life." And then it struck you...

The understanding was coming from the students, not the instructor; from the discussions and questions, and not from the lecture.¹

Reflection

1. What was happening?
2. What would a class engaged in this instruction sound like?

3. What would it look like?

4. What processes or structures was the instructor using?

Student-focused Learning

Often, when we see an effective class (or meeting, or presentation), there seems to be a “flow” and continuity where things just “happen.” Thoughts surface, questions are asked and answered, and the experience almost brings smiles to the faces of those involved. Without reflecting on “what happened” and accepting that some facilitators or presenters are “gifted” or just better than others, we might fall into the trap of seeing a class similar to the one described as “magic” or “one-of-a-kind.”

In fact, the skills and strategies employed by our Criminal law instructor are conscious and purposeful. They are grounded in strong skills and strategies employed in the fluid environment of the classroom. Far from being “magic” these delivery skills can be taught and learned by anyone interested in enhancing their effectiveness communicating their message to others.

The Skills

For the purposes of assessing the skills used in our Criminal Law classroom, we will use the following chart to determine what might have been happening as the instructor deployed a series of related skills to surface the thinking of students and add depth to their understanding of the content.

Review the class dialogue; reflect on which tools were employed at which junctures. Consider what purpose the instructor may have had. Consider also what the envisioned outcome might have been when planning for the class with each of these tools.

Reflection Questions:

1. How do the skills support a natural critical thinking environment in class?
2. How might one ‘know’ when to use any particular skill or tactic?

Now, consider the pace and blending of questions, statements, probes and reflections by the instructor and students. There appears to be a rhythm to many, although the untrained eye and ear might just enjoy the pace without considering its structure. The following page is the first step in analyzing exactly what was happening. Understanding what you saw and heard is the start of replicating such dialogues in your classes.

The instructor entered the room with established questions and prompts for students. The Power Point was prepared, and the class dialogue was gently guided in that direction. Certainly, the slide could have been displayed early on, and students given their assignments. Think, though, of the manner in which the students seem to have been “hooked;” how they each surfaced a “need to learn.” Effective paraphrasing and questioning are the primary tools of an instructor wishing to encourage critical thinking by students. To sharpen your own skills:

- Assess the Criminal Law class conversation amongst the instructor and students using the following chart.
- In either margin, mark P, TQ, TS, PQ, PS or IO for the strategies used
- Analyze the use of the selected strategies and evaluate their impact on the class progress and understanding of the course content Identify what evidence you can find of student learning, and how the instructor might have known, in the moment, learning was occurring

<p>P – Paraphrasing</p>	<p>Paraphrasing – (from the Greek paraphrasis; para - alongside + phrasis - speaking) a restatement of speech (or text) using different words, especially to clarify. Paraphrasing communicates “I am trying to understand you, and value what you say.” In a learning environment, it sustains a safe environment for thinking and dialogue. In this frame, the paraphrase is used to surface the thinking of others, therefore, it will avoid the use of the pronoun “I” in all instances.</p>
<p>TQ – Thinking Question & TS – Thinking Statement</p>	<p>Thinking questions and statements – Although the majority of questions and statements in teaching seek information to convey or assess comprehension, there are different questions to stimulate thought and reflection. Thinking questions allow teaching at the higher levels of Bloom’s Taxonomy and most often do not have a “right” answer. The most effective thinking question will generate added questions on the same topic. They are characterized as open-ended, intended to promote divergent thinking or reflection. Thinking statements are similar to the questions, but presented as a statement rather than an inquiry. They are intended to prompt thought, but not necessarily a direct response. The thinking statement is purposeful, reasoned and goal-directed. It intends to promote the reasoning process, formulate inferences or evaluate concepts.</p>
<p>PQ – Provocative question &</p>	<p>Provocative questions and statements – are exciting, stimulating or intellectually challenging. They can be used in lieu of an information-seeking question to initiate or accelerate the pace of thought. They might classically be defined as thinking questions, but may initially prompt a pause before</p>

<p>PS – Provocative Statement</p>	<p>thought due to the “shock” of the question. Provocative statements can be the “wild” goal statement, “outrageous” hypothesis or similar statements one might feel are “out there.” They may be used to initiate dialogue on a controversial topic, to introduce opposing views or to prompt rational critical thought in an emotionally-laden lesson.</p>
<p>IQ – Info-oriented question & IS – Info-oriented statement</p>	<p>Information-oriented questions or statements – are used to dispense necessary knowledge (from the management of the class to the introduction of cognitive concepts). They may also be useful when assessing and evaluating student acquisition of skills or understanding. The questions are direct, and may infer a “right” or appropriate response. Using question stems aligned with the levels of Bloom’s, the skills instructor may quickly “snapshot” the level of understanding in a class, and then use that information to adjust the “altitude” of their next steps.</p>

Reflection

In closing, reflect on what you may have noticed, and what you may now be considering, as it applies to your own training:

1. Consider three ways you might apply these strategies in your training
2. Imagine two possible outcomes that may differ from approaches you may have used previously
3. What one strategy will you consciously commit to using in your next instructional opportunity?

For additional information on training to enhance your questioning strategies, paraphrasing and surfacing thinking, contact Sierra Training Associates on the web at www.sierra-training.com. You can also contact us to inquire about trainings and workshops on Nonverbal Intelligence, group dynamics, how to have effective meetings or other topics listed in the website. Come to one of our Institute offerings! We can also customize workshops for your agency, school or organization to address your specific goals.

For more information on paraphrasing and “thinking” questions, there are several sources. Other articles in this series present paraphrasing and questioning strategies at length. They are adapted from the following sources, all of which could be valuable for those wishing to study the concepts in greater depth:

Arthur Costa and Robert Garmston. (2002). *Cognitive Coaching – A foundation for renaissance schools*. Norwood Mass. Christopher Gordon Publishers

Robert Garmston and Bruce Wellman. (2002). *The Adaptive School – Designing and facilitating collaborative groups* (fourth edition). El Dorado Hills CA. Four Hats Seminars

Some journal articles describing group process that may also be useful:

Robert Garmston. Expert teachers carry a satchel of skills, in the *Journal of Staff Development*, Spring 1998 (Vol 19, No 2)

Robert Garmston, with Carolyn McKanders. Skillful paraphrasing allows groups to examine what is being said. In *National Staff Development Council*, Summer 2006 (Vol. 27, No. 3)