**Building a Multi-Tiered System of Support for**

**Leveraging the Value of Conflict:**

**Implementation Within the Context of the IDEA**

The ability of individuals and groups to effectively engage and navigate conflict is essential to individual and collective success. Sound Options Group, LLC has spent the past 25+ years intervening in conflict, designing and implementing strategies and systems for mitigating the cost of conflict, and reframing conflict as an opportunity for shared learning, innovation, and creative action.

**Abstract:**

In 1997 mediation was added to the IDEA as a forum in which parents and LEA’s might resolve conflicts related to the implementation of this law. The objective was to reduce the cost of litigating and investigating these issues (Due Process Hearings and Compliance Complaints), to offer a resource that would facilitate a more collaborative approach to problems solving, and to support the maintenance of healthy relationships for educators and parents in support of students. A few years later many states added IEP Facilitation as an additional resource in support of effective family and educator collaboration. While not mandated under the IDEA, many SEA’s have implemented versions of this resource.

These strategies,

* Due Process Hearings,
* Resolution Sessions,
* Citizen’s Complaint,
* Mediation, and
* IEP Facilitation,

offered primarily through SEA’s and regional offices, have served as the primary mechanisms for engaging and resolving conflict in the context of the IDEA. As the field of Alternative Dispute Resolution (ADR) has developed and expanded, we believe it is time to build on this foundation and implement a more robust, nuanced, and systemic framework of resources in support of the healthy engagement of conflict. This paper introduces such an approach.

**Introduction:**

Two bodies of work inform the framework that we are proposing. The first is found in the work of William Ury and described in his book, “*The Third Side: How We Fight and How We Can Stop*, (2000). In this book he reflects on conflict from the perspective of a Social Anthropologist and investigates the ways in which tribal cultures deal with conflict.

In the first chapter he introduces his notion of *The Third Side*.

*In our societies, conflict is conventionally thought of as two-sided: husband vs wife, union vs employer, Arabs vs Israelis. The introduction of a third party comes as an exception, an aberration, someone meddling in someone else’s business. We tend to forget what the simplest societies on earth have long known namely, that every conflict is actually three-sided. No dispute takes place in a vacuum. There are always others around – relatives, neighbors, allies, neutrals, friends, or onlookers. Every conflict occurs within a community that constitutes the “third side” of any dispute.*

*The third side is the surrounding community, which serves as a container for any escalating conflict. In the absence of that container, serious conflict between two parties all two easily turns into destructive strife. Within the container, however, conflict can gradually be transformed from confrontation into cooperation. (7)*

The approach we are taking in our work is grounded in valuing both the formal and informal role of the third side and intentionally building capacity within this context for supporting the healthy and effective engagement of conflict.

The second body of work informing our model is found in a framework currently informing educational practice, a Multi-Tiered System of Support (MTSS). A MTSS is a framework for organizing resources, services, and interventions in support of student success. Many schools and districts are using this framework for appropriately responding to the instructional and social/emotional needs of students.

Much of the work in which Sound Options Group is involved is in the context of educational systems. Because educators are adopting and utilizing a MTSS for designing intervention and response systems, we are proposing this structure for designing and implementing a comprehensive approach for building individual and collective capacity for conflict engagement in education and other related organizational or community contexts.

Specifically, we have chosen a MTSS as a framework in which to structure our approach because:

* It is a framework being developed and applied in the context of education. Educators understand it.
* It focuses on early intervention and the use of best practice in the particular context in which it is being implemented,
* There is a tiered framework for defining and implementing interventions of increasing intensity and focus of engagement.

While there is a growing body of research regarding the application of this framework in the context of education related to student success, there is less evidence of the application of the framework in other contexts.

A foundational experience for Sound Options Group, LLC informing this model for us was a project we participated in early in our practice. At that time, we contracted to work with the Navy in the Pacific Northwest to help design and implement a system for responding to Equal Employment Opportunity Commission (EEOC) complaint filings across five major naval bases in the region. While the Navy recognized employees’ rights to file an EEOC complaint they were committed to providing a range of alternative strategies and resources for engaging and processing these complaints. This resulted in the implementation of an alternative and integrated tiered system of support for employees, supervisors, managers, union stewards, human resource professionals, etc. It also resulted in a measurable decrease in actual EEOC filings and the cost (as measured by timeliness, money, relationships) related to the processing and investigation of a complaint.

In this paper we explore using a Multi-Tiered System of Support for the effective engagement of conflict within interpersonal relationships, on teams, and in communities, organizations, and systems. The purpose is to introduce an integrated and sustainable continuum of skills, strategies and resources in support of the healthy and effective engagement of conflict. A Multi-Tiered System of Support for Conflict Engagement is designed so as to:

* Recognize that conflict shows up in the interactions of individuals who work together daily, within teams tasked with pursuing some shared initiative, and in the context of comprehensive and complex organizational improvement and change,
* Acknowledge that people experience the impact of conflict on a continuum of interpretations and that there is a need for a range of resource for supporting the effective engagement of conflict,
* Provide individuals and groups operating across the community, organization, or system with a range of skills and resources that will support the healthy individual and collective engagement of conflict,
* Design and deliver a continuum of systemic resources and strategies for supporting the healthy and effective collective engagement of conflict,
* See every engagement as a learning opportunity that will inform improvement of the system and/or organization for those engaged, and ultimately to reframe people’s relationship to conflict.
* Align ourselves individually and collectively with what we say we believe; that there is value in diversity of opinion, perspective and experience.

**Beliefs/Assumptions:**

The system is grounded in a number of key beliefs and assumptions about the experience of conflict.

* Conflict is an essential life experience.

*Conflict flows from life. Rather than seeing conflict as a threat, we can understand it as providing opportunities to grow and to increase our understanding of ourselves, of others, of our social structures. Conflicts in relationships at all levels are the way life helps us to stop, assess, and take notice. One way to truly know our humanness is to recognize the gift of conflict in our lives.*

John Paul Lederach

*In great teams, conflict becomes productive. The free flow of conflicting ideas is critical for creative thinking, for discovering new solutions no one individual would have come to on his own.*

Peter Senge

* Conflict has the potential to be productive or destructive. Our individual and collective experience with conflict is based on the individual and collective choices we make in the engagement of this shared experience.
* Effective and intentional conflict engagement practices have the potential to:
* Build trust,
* Build Social Capital,
* Open up the potential for innovation and creativity, and
* Increase our capacity to address complex challenges.
* Ineffective conflict engagement practices have the potential to:
* Compromise trust,
* Erode Social Capital,
* Challenge psychological safety,
* Result in individual and collective disengagement from the pursuit of a shared objective, and
* Be manifested in the avoidance of, and unwillingness to, engage critical complex challenges.
* Interpersonal conflict is experienced when two or more people interact, and in the context of the interaction, perceive some level of incompatible difference or threat. Conflict is initially experienced when our individual and collective interpretations of an interaction indicates some level of dissonance between ourselves and the other

person(s). It could be said that conflict starts between our ears and is a result of our interpretation of a single interaction or pattern of interactions.

* Conflict is experienced on a continuum. Based on the work of Dr. Bernard Mayer (2009) we acknowledge what he refers to as the “six faces of conflict”; Low Impact, Latent, Transient, Representative, Stubborn, and Enduring conflicts. We believe that his construct of Enduring Conflict has significant ramifications within the context of Special Education.
* The health and success of individual relationships, communities, organizations, and systems is based on individual and collective capacity for engaging and being with conflict.
* As we explore our individual and collective relationship to conflict, we will also explore our relationship to trust, vulnerability, and forgiveness or letting go of anger and resentment.
* Because the manifestations of conflict are complex and the contexts diverse, it is essential to approach capacity building systemically.
* The following quote from Roland Barth in an article entitled, *Relationships in the Schoolhouse* (2006*),* reinforces the importance of healthy conflict engagement within educational institutions:

*“One incontrovertible finding emerges from my career spent working in and around schools: The nature of relationships among the adults within a school has a greater influence on the character and quality of that school* ***and on student accomplishments*** *than anything else.”*

The quality or our relationships as adults is correlated to the success of the students we serve.

**Structure**

We propose a framework, not a program. It is not designed as a “one size fits all” resource but rather is designed to allow those implementing the framework to design a resource specific to the needs of their context. Training is available for parents, educators, agencies, and providers related to the IDEA.

**Tier 1: In Service of Self**

Skills and strategies introduced at Tier 1 focus on an *individual’s* relationship to conflict. The concepts, processes, and skills taught are applicable within a range of contexts and are foundational for Tier 2 and Tier 3 training. They are applied on a daily basis in the context of collaboration and in pursuit of shared purpose.

**Tier 2: In Service of Others**

Tier 2 is designed to support participants as they pursue a deeper understanding of key concepts, processes, and skills taught in Tier 1, so as to develop competencies necessary

to serve effectively as a Conflict Engagement Specialist (CES). Tier 2 offers more in-depth training to individuals within an organization or community who will support others in the organization or community to effectively navigate the challenges of conflict. We focus on the following three roles/functions of a CES; Coach, Facilitator, and Teacher.

**Tier 3: Accessing External / Mandated Resources**

In the MTSS Framework, the interventions offered at Tier 3 are very much determined by the context in which the framework is being implemented. Under IDEA we see Mediation, IEP Facilitation, Compliant Investigation, and Due Process Hearings as Tier 3 interventions. We propose both basic and advanced training in these applications.