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Subject: Recommendations for Wichita Public Schools' Student Handbook and Policies

Superintendent Bielefeld,

### ***Author Introduction***

My name is [Dr. Michael Moates](#), and I am currently the Executive Director of [Rose Health](#), a non-profit organization focused on mental health and educational support. I recently moved to Wichita, Kansas, and have a background in clinical psychology, mental health counseling, and behavior analysis (although I no longer practice behavior analysis). I also hold a Doctorate of Education from Fielding Graduate University. With extensive experience in these fields, I am writing to share my thoughts and recommendations on updating the Wichita Public Schools' (WPS) student handbook and policies. My goal is to help ensure that the district's policies align with current Kansas state laws, federal regulations, court precedents, and best practices from leading non-profit organizations such as the [Alliance Against Seclusion and Restraint](#), the [National Association of School Psychologists](#) (NASP), the [National Board for Certified](#)

[Counselors](#) (NBCC), the [American Psychological Association](#) (APA), and the [Qualified Applied Behavior Analysis Credentialing Board](#).

### ***Introduction***

I am writing to provide a comprehensive set of recommendations for updating the Wichita Public Schools' (WPS) student handbook and related policies. These recommendations aim to align district policies with current Kansas state laws, federal laws, regulations, court precedents, and best practices as suggested by leading non-profit organizations. Below, I outline specific changes recommended for the old handbook, the new handbook, and individual policies included in the new handbook.

Integrating federal and state legal standards is essential. [Kansas State Law \(KSA 72-6114 et seq.\)](#) mandates specific guidelines for suspension and expulsion, ensuring these are clearly outlined in the handbook. Additionally, explicit references to the [Individuals with Disabilities Education Act \(IDEA\)](#) should be included to safeguard the rights of students with disabilities ([20 U.S.C. § 1415](#)). Compliance with [Title VI of the Civil Rights Act of 1964 \(42 U.S.C. § 2000d\)](#) and [Title IX of the Education Amendments of 1972 \(20 U.S.C. §§ 1681-1688\)](#) is necessary to prevent discrimination based on race, color, national origin, or sex. Clear definitions for terms such as "suspension," "expulsion," "harassment," and "bullying" are also crucial, as is the inclusion of detailed procedural safeguards for all students, particularly those with disabilities. Parents and students should be clearly informed of their rights during disciplinary proceedings, ensuring procedural due process is consistently followed and documented.

### ***General Policy Recommendations***

## **Clear Definitions and Procedures**

The handbook should provide clear definitions for terms such as "suspension," "expulsion," "harassment," and "bullying" to ensure that all students and staff have a consistent understanding of these concepts. Detailed procedural safeguards for students, especially those with disabilities, must be included to ensure compliance with federal and state regulations. Clear definitions and procedures help maintain a transparent and fair disciplinary process, reducing ambiguities and potential misunderstandings (Kaufman et al., 2018).

## **Short-Term and Extended Suspensions**

It is essential to ensure that procedural due process rights are upheld in accordance with [Kansas Statute K.S.A. 72-6115](#) and the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415. To achieve this, it is recommended that schools provide written notice and detailed procedural guidelines for both short-term and extended suspensions. This approach promotes transparency and fairness in disciplinary actions, ensuring that all students and their parents are fully informed of their rights and the procedures involved in suspensions.

## **Restriction of Seclusion and Restraint**

The recommendations below are designed to align WPS policies with these legal requirements and promote safer, more equitable practices.

Restrict the use of physical restraint to situations where the student's behavior poses a serious imminent danger to the health of the student, their peers, staff, or other people in the school.

Imminent, serious, physical harm has the same meaning as serious bodily injury as used in the Individuals with Disabilities Education Act (IDEA). It means bodily injury that involves:

A substantial risk of death;

Extreme physical pain;  
Protracted and obvious disfigurement; or  
Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Only use restraint when all other de-escalation techniques have failed and to the minimum extent possible. Restraint will not be used to stop property destruction, for punishment, or convenience of the staff, but only physical harm. Physical restraint should only be used as a last resort due to the high risk of physical injury and psychological trauma. Ensuring that restraint is only used when absolutely necessary aligns with the [Crisis Prevention Institute](#) (CPI) standards, federal guidance from the Department of Education Office of Civil Rights, and reduces potential harm to students (Council for Children with Behavioral Disorders, 2009).

Prohibit the use of seclusion in all district schools effective immediately. Seclusion, defined as “It also aligns with federal guidance from the Department of Education and OCR.” The prohibition is in line with best practices recommended by the U.S. Department of Education and various child advocacy organizations (U.S. Department of Education, 2012).

***Implementation Steps:***

Policy Clarification: Clearly define what constitutes acceptable physical restraint, including a ban on using restraint as a form of discipline or convenience. It shall prohibit prone, supine and mechanical restraint.

Policy Revision: Immediately revise the district policies to prohibit seclusion, with clear communication to all staff regarding the change.

Crisis Prevention Teams: Designate and train Crisis Prevention Teams in each school to respond to incidents requiring restraint, ensuring they are equipped with CPI-approved techniques.

Facility Modifications: Remove all locking mechanisms from rooms previously used for seclusion and repurpose these rooms for positive behavioral interventions.

Training: Train all staff in alternative de-escalation techniques and positive behavioral supports. Preferably upstream and proactive approaches. The [new program](#) the Alliance Against Seclusion and Restraint developed with CPI would be a great program to see in Wichita.

Documentation and Review: Implement rigorous documentation procedures for every instance of physical restraint, with immediate review and debriefing to ensure compliance and identify areas for improvement. Also, we should look at reporting requirements. We need data transparency with the community.

### **Emergency Safety Interventions (ESI) Policy**

Revise the ESI policy to include detailed procedures for documenting and reviewing all instances of seclusion and physical restraint.

Thorough documentation and review processes are crucial for transparency, accountability, and continuous improvement. They ensure that ESI is used appropriately and that any patterns of misuse are quickly identified and addressed (Joint Commission on Accreditation of Healthcare Organizations, 2005).

### ***Implementation Steps:***

Comprehensive Documentation: Require detailed incident reports for each ESI, including a continuous narrative, time-stamped actions, student and staff behavior, and de-escalation attempts.

Regular Reviews: Conduct monthly reviews of all ESI incidents by a designated Office of Behavior Management Support and Oversight, with findings reported to school administrators and relevant district officials.

Parent and Student Involvement: Inform parents immediately following an ESI, providing them with a detailed report and an opportunity to discuss the incident and prevent future occurrences.

Provide ongoing training for all staff on de-escalation techniques, behavioral interventions, and the proper use of ESIs.

Initial Training: Conduct comprehensive training sessions for all staff at the beginning of each school year, covering ESI policies, de-escalation techniques, and behavioral intervention strategies.

Continuous Professional Development: Offer quarterly refresher courses and workshops to reinforce skills and introduce new practices.

Support Systems: Establish a mentoring system where experienced staff can support and guide their peers in implementing these practices effectively.

Regular training ensures that staff are equipped with the latest knowledge and skills to handle behavioral issues effectively and safely, reducing the need for restrictive interventions (National Association of School Psychologists, 2016).

## **Parent and Student Rights**

Clearly outlining the rights of parents and students during disciplinary proceedings is essential. The handbook should ensure that procedural due process is consistently followed and documented, providing students and parents with the necessary information and protections throughout the disciplinary process. This transparency fosters trust and ensures that all parties understand their rights and responsibilities ([Goss v. Lopez, 1975](#)).

Goss v. Lopez, 419 U.S. 565 (1975) mandates due process protections for students facing suspension. This involves clearly outlining the steps involved in both informal and formal hearings, ensuring that students are informed of their rights and the basis for any disciplinary actions. Additionally, it is essential to include explicit procedures for appealing disciplinary decisions, as outlined in [Policy 5113](#), to provide a fair and transparent process for students and parents.

Personally, I think that the policy of saying that a parent who is unable to appear waives their right to appeal is unethical because it creates a lack of due process for a student based on the actions of their parent.

## **Mandatory Ongoing Training**

Mandate ongoing training for all staff on legal requirements, cultural competency, and best practices in special education and student behavior management. This training should ensure staff are well-versed in relevant laws such as the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA), as well as cultural competency to effectively support a diverse student body.

### **Utilizing Reputable Resources**

Utilize resources and training programs from reputable organizations such as the [National School Boards Association](#) (NSBA) and the [National Association of School Psychologists](#) (NASP). These organizations provide comprehensive training materials and programs that align with current best practices and legal requirements.

### **Robust Data Collection System**

Implement a comprehensive system for collecting and analyzing data on disciplinary actions, attendance, and academic performance. This will help identify and address disparities among different student groups. A systematic approach ensures that data is accurate, timely, and actionable.

### **Transparency in Reporting**

Ensure transparency in reporting data to stakeholders, including parents, students, and the community. Transparent reporting builds trust and allows stakeholders to be informed about the school's performance and any areas that need improvement.

### **Community Collaboration**

Foster collaboration with community organizations, mental health professionals, and legal experts to support the holistic development of students. Partnerships with these entities can provide additional resources and support to address students' academic, behavioral, and emotional needs.



Encourage parental involvement and feedback in the development and implementation of policies. Engaging parents in policy development ensures that their perspectives are considered, and it promotes a more inclusive and supportive school environment.

### ***Specific Policy Recommendations***

#### **P0400 Non-Discrimination Statement**

Recommendation: Strengthen this policy to explicitly reference [Title VI](#), [Title IX](#), [ADA](#), and [Section 504 of the Rehabilitation Act of 1973](#), reinforcing the district's commitment to a discrimination-free environment.

Proposed Language: "Wichita Public Schools is committed to a discrimination-free environment, explicitly upholding the protections afforded by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act."

Explanation: Explicit references to these laws ensure comprehensive coverage of all anti-discrimination protections, reinforcing the district's commitment to creating an inclusive and equitable environment. This will also help protect the district from potential legal issues related to discrimination claims.

Additional Suggestion: This alignment involves implementing regular training for staff and students to help them identify and address instances of discrimination and harassment effectively. Moreover, strengthening reporting and investigation procedures is crucial to protect victims and hold perpetrators accountable. This approach ensures a safe and inclusive environment for all students and staff.

### **P1230 Acceptable Device and Communication Use**

Recommendation: Update this policy to reflect current technology use, emphasizing digital citizenship and responsible use, while ensuring compliance with [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#).

Proposed Language: "All device and communication use must comply with FERPA. Students and staff are expected to practice responsible digital citizenship, adhering to guidelines for safe, ethical, and respectful technology use."

Explanation: Updating this policy ensures it remains relevant in the digital age, promoting responsible use of technology and protecting student privacy in compliance with FERPA.

### **P1115, P1116, P1117 (Sexual Harassment Policies)**

Recommendation: Align these policies with the latest [Title IX regulations \(34 CFR Part 106\)](#), ensuring comprehensive grievance procedures and mandatory training for staff and students on recognizing and preventing sexual harassment.

Proposed Language: "These policies align with 34 CFR Part 106, ensuring robust grievance procedures and mandatory training for all staff and students on recognizing and preventing sexual harassment."

Explanation: Aligning with the latest Title IX regulations ensures that the district's policies are up-to-date and effective in preventing and addressing sexual harassment, providing clear procedures for handling complaints and mandatory training to foster a safe environment.

#### **P1120 and P1119 (Harassment Policies)**

Recommendation: Ensure these policies cover all forms of harassment, including [cyberbullying](#), consistent with Title VI and Title IX. Implement regular training sessions for staff and students to create a supportive environment.

Proposed Language: "Harassment policies will encompass all forms, including cyberbullying, and adhere to Title VI and Title IX standards. Regular training sessions will be conducted to foster a supportive and inclusive environment."

Explanation: Comprehensive harassment policies, including coverage of cyberbullying, and regular training sessions will help create a safe and supportive environment for all students, reducing incidents of harassment and discrimination.

#### **P1200 Multi-Tier System of Supports (MTSS) Framework**

Recommendation: Emphasize the importance of early intervention and continuous support for all students, integrating best practices from the [Council of Chief State School Officers \(CCSSO\)](#).

Proposed Language: "Our MTSS framework prioritizes early intervention and continuous support, integrating best practices from CCSSO to ensure every student's success."

Explanation: Early intervention and continuous support are critical for student success, and integrating best practices ensures the effectiveness of the MTSS framework, helping to address academic and behavioral issues promptly.

#### **P1460 Student Attendance**

Recommendation: Develop [strategies to address chronic absenteeism](#), following guidelines from the U.S. Department of Education, and implement data-driven approaches to identify and support at-risk students.

Proposed Language: "We will develop strategies to combat chronic absenteeism, aligning with U.S. Department of Education guidelines, and employ data-driven methods to support at-risk students."

Explanation: Addressing chronic absenteeism through data-driven strategies helps identify at-risk students early and provides necessary support to improve attendance and academic performance.

Additional Information: To ensure compliance with the Every Student Succeeds Act (ESSA) requirements, it is vital to develop robust policies for tracking and addressing absenteeism. ESSA mandates that states report on chronic absenteeism and take steps to mitigate it. Therefore, schools should implement comprehensive attendance tracking systems, identify students at risk of chronic absenteeism early, and provide targeted interventions to support regular attendance. Additionally, schools should use data-driven approaches to monitor progress and adapt strategies to improve attendance rates effectively. By doing so, schools can help ensure that all students have the opportunity to succeed academically.

### **P1462, P1464, P1465 (Student Behavior Policies)**

Recommendation: Ensure these policies are equitable and do not disproportionately impact students of color or students with disabilities. Include [restorative justice practices](#) as alternatives to suspension and expulsion.

Proposed Language: "Behavior policies will be equitable, avoiding disproportionate impacts on students of color or with disabilities. Restorative justice practices will be integrated as alternatives to suspension and expulsion."

Explanation: Equitable behavior policies and restorative justice practices help reduce disparities in disciplinary actions, fostering a more inclusive environment and addressing behavioral issues constructively.

Additional Suggestion: Equitable Disciplinary Measures: Ensure that disciplinary measures do not disproportionately affect students of color or students with disabilities. Compliance with the Office for Civil Rights (OCR) guidelines is crucial in addressing potential biases in disciplinary actions. Schools should implement data-driven monitoring to identify and mitigate disparities, ensuring that all students are treated fairly and equitably. This aligns with the OCR's mandate to prevent discrimination and promote equal educational opportunities (U.S. Department of Education, Office for Civil Rights, 2021).

Addressing disproportionate disciplinary measures is essential to creating an inclusive and fair educational environment. Disparities in discipline can have long-term negative effects on affected students, including academic setbacks and increased dropout rates. By ensuring compliance with OCR guidelines, schools can identify patterns of discrimination and implement strategies to address them. This includes providing cultural competency training for staff, using

data to monitor disciplinary actions, and involving community stakeholders in developing equitable policies (U.S. Department of Education, Office for Civil Rights, 2021).

#### **P1466 Possession or Use of Weapons**

Recommendation: Strict enforcement of zero-tolerance policies must be balanced with [clear due process clause](#) protections under the Fifth and Fourteenth Amendments of the US Constitution.

Proposed Language: "Zero-tolerance for weapon possession will be strictly enforced, with clear due process protections to ensure fairness and compliance with legal standards."

Explanation: Balancing strict enforcement with due process protections ensures fairness in disciplinary actions while maintaining school safety.

#### **P1470 Search and Seizure**

Recommendation: Align search and seizure policies with the precedent set by [New Jersey v. T.L.O. \(1985\)](#) to ensure searches are reasonable and not overly intrusive.

Proposed Language: "Search and seizure policies will comply with New Jersey v. T.L.O. (1985), ensuring all searches are reasonable and not overly intrusive."

Explanation: Aligning with this legal precedent ensures that the district's search and seizure practices are reasonable, protecting students' rights while maintaining school safety.

#### **P5112 Student Classroom Discipline**

Recommendation: Emphasize [Positive Behavioral Interventions and Supports](#) (PBIS) to reduce the need for exclusionary discipline.

Proposed Language: "Classroom discipline will prioritize Positive Behavioral Interventions and Supports (PBIS), aiming to minimize exclusionary practices."

Explanation: PBIS helps create a positive classroom environment, reducing the need for exclusionary discipline and promoting better student behavior and academic outcomes.

#### **P5400, P5402, P5403 (Special Education Policies)**

Recommendation: Ensure these policies comply with IDEA requirements, emphasizing the [least restrictive environment](#) (LRE) and procedural safeguards.

Proposed Language: "Special education policies will comply with IDEA, emphasizing the least restrictive environment (LRE) and ensuring procedural safeguards."

Explanation: Compliance with IDEA ensures that students with disabilities receive appropriate education in the least restrictive environment, with necessary procedural safeguards in place.

Additional Suggestion: The IDEA requires that students with disabilities receive FAPE in the LRE. This principle ensures that students are not unnecessarily segregated and that they have access to the general education curriculum alongside their non-disabled peers whenever possible. Providing clear guidelines in the policies helps educators understand their responsibilities and ensures that students receive the benefits of inclusive education. This approach supports the academic and social development of students with disabilities, promoting equity and access in education (IDEA, 20 U.S.C. § 1412(a)(5)).

These guidelines should specify that students with disabilities should be educated with their non-disabled peers to the maximum extent appropriate and only removed from regular education settings when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (IDEA, 20 U.S.C. § 1412(a)(5)).

Include detailed procedures for conducting [Functional Behavioral Assessments](#) (FBAs) and developing [Behavior Intervention Plans](#) (BIPs). These procedures should align with recommendations from the [Council for Exceptional Children](#) (CEC) and should outline the steps for identifying the functions of challenging behaviors and creating individualized intervention plans. Effective FBAs and BIPs can help in addressing behavioral issues proactively, ensuring that students receive the support they need to succeed in the educational environment (CEC, 2020).

Functional Behavioral Assessments (FBAs) and Behavior Intervention Plans (BIPs) are essential tools in managing and improving student behavior. By understanding the underlying causes of a student's behavior through an FBA, educators can develop targeted BIPs that address specific needs. The Council for Exceptional Children (CEC) recommends detailed procedures to ensure these plans are effective and implemented with fidelity. Including these procedures in the policies ensures that students receive consistent and evidence-based interventions, leading to better behavioral and educational outcomes (CEC, 2020).

### **P7310, P7311 (School Bus Policies)**

Recommendation: Update safety and discipline policies to reflect best practices from the [National Association for Pupil Transportation](#) (NAPT).



Proposed Language: "School bus safety and discipline policies will reflect best practices from the National Association for Pupil Transportation (NAPT) to ensure student safety."

Explanation: Adopting best practices from NAPT ensures the highest standards of safety and discipline on school buses, protecting students during transportation.

Additional Suggestion: Ensure transportation policies explicitly accommodate students with disabilities in compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. This includes ensuring all transportation services are accessible and providing necessary modifications or assistance for students with disabilities (ADA, 42 U.S.C. § 12132; Section 504, 29 U.S.C. § 794).

Implement comprehensive safety protocols and provide regular training for bus drivers on managing student behavior and emergency situations. This training should cover strategies for de-escalating conflicts, handling emergencies, and understanding the needs of students with disabilities. Align these protocols with guidelines from the National Association for Pupil Transportation (NAPT) to ensure best practices are followed.

Transportation is a crucial service for ensuring students with disabilities can access educational opportunities. Compliance with the ADA and Section 504 ensures that these students are not discriminated against and receive the necessary accommodations to use school transportation safely and effectively. Clear policies that address the needs of students with disabilities help prevent legal issues and promote inclusivity and equal access (ADA, 42 U.S.C. § 12132; Section 504, 29 U.S.C. § 794).

Safety on school buses is paramount. By implementing robust safety protocols and providing regular training for bus drivers, the district can ensure a safe and supportive environment for all students. Training on managing student behavior, particularly for students with disabilities, helps bus drivers handle situations effectively and reduces the likelihood of incidents. Aligning these practices with NAPT guidelines ensures the district is following industry standards and best practices, ultimately safeguarding student welfare.

### **Conclusion**

I urge the Wichita Public Schools to embrace these recommendations with a sense of urgency and commitment to creating an educational environment that is not only compliant with legal standards but also nurturing and equitable for every student. The proposed changes are not merely bureaucratic adjustments; they represent a profound opportunity to transform the educational experience for students, ensuring that every child is treated with dignity, respect, and fairness.

By integrating these comprehensive policy updates, the district can lead by example, setting a benchmark for educational excellence and inclusivity. The focus on clear definitions, procedural safeguards, and equitable disciplinary measures underscores a commitment to transparency and justice, ensuring that all students, regardless of their background or abilities, have the opportunity to thrive.

The emphasis on collaboration with community organizations and the inclusion of restorative practices reflects a forward-thinking approach that prioritizes holistic student development. These partnerships can provide invaluable resources and support, addressing not only academic needs but also the emotional and behavioral challenges students may face.

I implore the district to act decisively and with compassion, recognizing the profound impact these policies can have on the lives of students and the broader community. Let us work together to build a school system that not only meets legal obligations but also embodies the highest ideals of education—one that prepares students not just for tests, but for life.

Should you have any questions, I can be reached at: [mmoates@rosehealth.org](mailto:mmoates@rosehealth.org).

Very Respectfully,

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