

## (Special) Education is Political; (Special) Education is Social Justice

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### Abstract

Though treated as neutral and apolitical by schools, teachers, scholars, and administrators, special education is fraught with inequality and loaded language, and can function to segregate and disempower students. The debate over who is worthy of education—and what kind of education—is intimately tied to conceptions of dis/ability. Special education, despite all this, has potential as a site for social justice. The implementation of special education is political, considering the policies that teachers, schools, and parents must follow, skirt, and reproduce in order for dis/abled children to receive services. In this article, we discuss the history of special education, the social model of dis/ability and ableism in schools and beyond, and how these constructs permeate schools and the systems students operate within. We call for an intersectional approach, where the field of special education and its stakeholders reckon with the reality that special education is not neutral. We offer examples and recommendations for how educators can commit to transforming schools—and special education services—into sites of justice for all learners.

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**(Special) Education is Political; (Special) Education is Social Justice**

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*Though treated as neutral and apolitical by schools, teachers, scholars, and administrators, special education is fraught with inequality and loaded language, and can function to segregate and disempower students. The debate over who is worthy of education—and what kind of education—is intimately tied to conceptions of dis/ability. Special education, despite all this, has potential as a site for social justice. The implementation of special education is political, considering the policies that teachers, schools, and parents must follow, skirt, and reproduce in order for dis/abled children to receive services. In this article, we discuss the history of special education, the social model of dis/ability and ableism in schools and beyond, and how these constructs permeate schools and the systems students operate within. We call for an intersectional approach, where the field of special education and its stakeholders reckon with the reality that special education is not neutral. We offer examples and recommendations for how educators can commit to transforming schools--and special education services--into sites of justice for all learners.*

**Keywords:** disability | special education | intersectionality | social justice

**Special Education is Social Justice**

The assertion that education can be devoid of politics ignores the very genesis of public schooling in the United States. Schooling- the system, the spaces, teachers, students- are not neutral, nor are they accessible for students who embody identities on the margins. Schooling is a tool of colonization, originally intended to serve certain white students and to colonize or “civilize” non-white (often indigenous) students (Tuck & Yang, 2012). Special education is particularly political, given its relationship with legal mandates and policies, the spirit of entitlement, and the connection with allocation of resources and services. The question of special education gets to the heart of a larger question of whom society deems to be worthy of education, of learning, of humanization, and of citizenship. In an era where dis/ability<sup>1</sup> visibility is gaining traction and airtime (e.g. Wong, 2020), special education still remains woefully underexamined. Special education is inherently politicized, though teachers, researchers, and policy-makers often make decisions about dis/abled students without considering or acknowledging this explicitly. Educating dis/abled youth in the United States is inseparable from a history of seclusion, segregation, and promises of separate but equal, though dis/ability and educating the American dis/abled youth is often romanticized and inspirationalized (Young, 2014). Dis/abled people are viewed as inspirational, are infantilized, and/or are viewed as extremely challenging to support, and the teachers/professionals who teach them are admired for such a “feat.” Though the

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<sup>1</sup> Following Annamma et al. (2013), we employ the use of dis/ability throughout this article to recognize the false dichotomy that is drawn between ability and disability.

Individuals with Disabilities in Education Act (IDEA), Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act Amendments Act (ADAAA) guide practices to promote equity in schools, special education continues to come up short and proclamations of neutrality are resounding.

Special education will continue to be omitted from social justice movements until stakeholders challenge this notion of neutrality and acknowledge the inherent politicization of practices, policies, and school-level actions. In this conceptual paper, we will draw the through lines of connection, highlighting the political nature of special education and dis/ability histories, critiquing special education policies (governed by law and situated within schools) and laying explicit cultural assumptions of dis/ability. The purpose of this analysis is to unearth problematic and oppressive approaches in schools and propose special education as a site for dis/ability justice. We must challenge the conception that special education is a segregated, specific place. Special education is a set of services that, when implemented correctly, is individualized to every student's personal learning strengths, styles, and needs. All learners, of all identities, have individualized preferences and needs; considering how we speak about special education can support a reimagining of dis/ability in schools to humanize and honor all learners.

In addition to policies and practices, the language of special education is political. Questions of whether to use person-first language (i.e. a person with a dis/ability) or identity-first language (i.e. a dis/abled person) should be considered with students so they can determine how to self-identify, rather than being forced to utilize labels imposed on them by medical and educational institutions. Person-first language is intended to highlight that a person is more than their dis/ability and that they are a human being before any other characteristic. Person-first language may further stigmatize dis/ability, by indicating the separation between an individual's dis/ability and their humanity (Gernsbacher, 2017; Sinclair, 2013). Identity-first language centers the identity/ies that a person feels reflect who they are. We primarily use identity-first language in this piece in recognition that dis/ability is often a central identity and is inextricably linked to and intersects with every other aspect of one's identity. We recognize that some people self-identity with and prefer person-first language and we honor each individual's choice of language use. At times we use person-first language in this piece to reflect the rhetoric that schools most often employ.

While we use dis/ability throughout this article, at times we use disability or disabilities because that is the language most often employed in research, policy, and medical diagnosis, but we recognize the need to recognize dis/ability on a spectrum rather than a binary. We also want to recognize that not all students who receive special education have disabilities. Many students are misidentified, which has real and lasting consequences (Raj, 2016). In addition, students of color, those who speak multiple languages, as well as female students are disproportionately placed in special education (Sullivan, 2011; Sullivan & Bal, 2013). In some respects, special education serves to isolate and further marginalize students with and without disabilities, and as Donovan and Cross (2002) describe, classification for special education can inadvertently lead to low expectations by school stakeholders, ostracization, and segregation.

### **History of Special Education: Policies & Practices in Education (In)Equity**

Educators are working within a system fraught with legal and policy limitations. These mandates impact action at a district-, school-, classroom-, and teacher-level. Such limitations include the under-resourcing of schools and classrooms, teacher burnout, lack of time and

capacity, extensive administrative tasks to remain in compliance, unpreparedness and shortage of training opportunities, and shortages of qualified teachers (Berry & Gravelle, 2013; Chambers, 2008; Mastropieri, 2001; Scott, 2017; Westling, 2010). As evidenced by the history of exclusion in public schooling and subsequent laws like IDEA, only in recent decades has United States society come to recognize and uphold the rights of students with disabilities as essential for a just society. Tangible actions, such as political negotiations, court cases, and legislation represent progress toward social justice for dis/abled people in schools and beyond and centered within this history is the question of deservingness and humanity of students with disabilities.

The distinction between “normal” and “abnormal” permeates all aspects of our society and these differences are addressed in education through disability identification and labeling, and subsequent classification into special education. While contemporary United States special education can be traced to laws beginning in the mid 1970s, the history of policy and ongoing reforms for special education can be found dating back to the middle decades of the eighteenth century in Europe (Winzer, 2008). Winzer posited that reforms have been an integral element of special education since its inception. The Education for All Handicapped Children Act of 1975 included provisions that clearly laid out the right of all students, including dis/abled people, to a “free and appropriate public education” (FAPE). Public Law 94-142 (PL 94-142) highlights four major areas:

- to assure that all children with disabilities have available to them...a free appropriate public education which emphasizes special education and related services designed to meet their unique needs
- to assure that the rights of children with disabilities and their parents...are protected
- to assist states and localities to provide for the education of all children with disabilities
- to assess and assure the effectiveness of efforts to educate all children with disabilities (United States Office of Special Education Programs, 2020, p. 10)

The Education for All Handicapped Children Act has been revised multiple times since 1975, now called IDEA (2004). While the law clearly stipulates that students with disabilities are entitled to FAPE and that children with disabilities and their parents must be protected, the devil is in the details. These assertions are important, but the way they are implemented is dependent on states and school districts--and sometimes individual school sites. The question of what is appropriate for each student is crucial. IDEA (2004) also has guidance on assigning students to the Least Restrictive Environment (LRE). This should mean that students are placed in the environment that is least restrictive for their individual learning needs, in order to best support their growth, but schools consider LRE to be a continuum, seeing inclusion as the end goal. This hierarchy of value placed on a student’s learning environment reproduces the oppressive notion that students with disabilities who require smaller classes are less functional, less educable, and necessarily more “restricted.” In reality, many students without disabilities would benefit from these same adjustments. If, for example, a student can access and perform on grade level in terms of general education curriculum but is very sensitive to sensory input, they might learn best in a smaller class size with less noise and visual distractions. To consider this a more restrictive environment is often coded language for a less successful environment. Beratan (2006) identified this as one valence of institutional ableism that shows up in laws like IDEA.

### **The Social Model of Dis/ability: How Ableism Functions in Special Education Programs**

The social model of dis/ability, developed by dis/ability rights activists and written about in the field of dis/ability studies (Shakespeare, 1995), suggests that it is not the individual who is inherently dis/abled, but the environment that disables them. A common example is that a person who is paralyzed and uses a wheelchair becomes dis/abled if they need to enter a building that has stairs and no ramp. While schools may currently function as disabling tools that locate the “problem” of dis/ability within individual students, as something that needs to be fixed, or cured, or rendered more “normal,” there is also the possibility to turn the lens on the practices and approaches of the school. Models like Universal Design for Learning (UDL) suggest that educators plan their lessons and alter the environment, their methods of delivery, opportunities for student expression, and the environment in order to anticipate and support all students’ learning needs and styles.

There is an implication within IDEA that students with disabilities should strive to assimilate into the behavioral norms, learning styles, and learning environments of their non-dis/abled peers; this is one way that laws that are meant to protect students with disabilities can actually perpetuate institutional ableism (Beratan, 2006). Under section 612(a)(5) of the IDEA (2004), LRE is defined as an environment in which a dis/abled child has a maximized opportunity to learn alongside non-dis/abled, general education peers to the maximum extent appropriate. Hehir (2002) wrote:

From an ableist perspective, the devaluation of dis/ability results in societal attitudes that uncritically assert that it is better for a child to walk than roll, speak than sign, read print than read Braille, spell independently than use a spell-check, and hang out with nondis/abled kids as opposed to other dis/abled kids, etc. In short, in the eyes of many educators and society, it is preferable for dis/abled students to do things in the same manner as non-dis/abled kids (p. 3).

When we consider the devaluation of dis/ability in schools that occurs in conversation with the social model of dis/ability, it becomes clear that special education is part of a larger education system that assigns value to young people based on their diagnoses and/or dis/abilities.

### **Intersectionality Considerations in Special Education**

We are engaged in a political and social moment where the concept of intersectionality, initially coined by Crenshaw (1991), is taken up, misused, and touted as crucial to understanding and working for justice. However, dis/ability also remains largely absent from political movements, advocacy, and civilian-led revolutions. Intersectionality conversations are beginning to include dis/ability; dis/ability justice activists live at the intersections of dis/ability and many other identities and highlight the connections between ableism and other systems of oppression (Mingus, 2010). Annamma and colleagues’ (2013) work examining the intersections of dis/ability studies and critical race theory in education highlighted the racialized, class-based, and highly political nature of schooling in terms of dis/ability. They wrote, “DisCrit recognizes whiteness and Ability as Property and that gains for people labeled with dis/abilities have largely been made as the result of interest convergence of white, middle class citizens” (Annamma et al., 2013, p. 11). We recognize that white parents—and thus their children—have differential access to and power within the system of special education. Acknowledging intersectional identities of disabled students of color (i.e. race, dis/ability, language, class, geography) is an important consideration in the struggle for justice in special education. We have previously mentioned the disproportional representation of students of color in special education. Some research suggests

that evaluations may lead to misdiagnosis for multilingual students because the tests are not administered in all the languages students speak (Figueroa & Newsome, 2006). While we recognize this dynamic, we also want to recognize the experiences of students of color who are dis/abled and need special education services. It is important to recognize that whiteness and ability as property (Annamma et al., 2013) create differential experiences for white families and families of color in special education.

People with dis/abilities and students receiving special education are denied their rights as citizens through institutional barriers and structural problems and have, historically, been denied full access and participation in United States society, though legislation exists to protect discrimination (e.g. the Voting Accessibility for the Elderly and Handicapped Act of 1984, ADA). In reality, this legislation is limited, and structural boundaries remain across contexts. For most democratic nations, citizenship includes rights, such as the ability to vote and access to a free education, as well as duties and obligations, including serving as a juror or completing military service. People with dis/abilities remain sidelined in American politics, experiencing significant barriers to voting, such as access barriers to the physical space of the polls or print materials offered) and are readily omitted from a say and place in politics (Schur, 2013; Schur & Kruse, 2016). The process of voting, waiting in long lines and taking off work may not be possible for those with physical dis/abilities or for dis/abled people who cannot take off work without consequence. The right to a free education, alternately labeled FAPE, for students receiving special education services under the IDEA, adds students with dis/abilities as afterthoughts. This demonstrates how the United States public school system from its inception was designed for neurotypical learners, lacking inclusion and access for people with diverse experiences and needs. Access—or lack thereof—to equitable and inclusive education as a person with a dis/ability in the United States is often limited.

Access has been facilitated by those in positions of power, though dis/ability and special education are largely omitted from social justice movements. While we want to acknowledge and credit stakeholders who are furthering the work, few outside of the dis/ability advocacy community embed dis/ability activism within their work or call on intersectionality considering dis/ability in schools. To do special education and politics justice, intersectionality must be centered within both. Both work together toward a common aim – equity. However, special education will continue to be omitted from social justice movements until stakeholders challenge this notion of neutrality and acknowledge the inherent politicization of practices, policies, and school-level actions.

### **Initiatives and Recommendations for the Future**

There is a difference between upholding a law and honoring its essence. Parents may be given the legal documents that they are entitled to and invited to all the meetings that require their consent and presence, but if they have not been informed of what all of the documents and acronyms and services mean, they are not being honored as true collaborators in the special education process (Valle, 2011). For example, when parents/guardians and students are viewed as the non-knowers who require the guidance and expertise of the school, the school staff assume a stance of benevolent benefactor, an institution bestowing the gift of services and information on parents and students. This deficit approach to families and students often leads to a fraught relationship between families and schools, wherein very little collaboration happens and the strengths and wisdom of families are neither recognized nor leveraged in support of the student's

learning (Delpit, 1995; Valenzuela, 2010). True partnerships begin when schools acknowledge the knowledge families and students have about themselves, their dis/abilities and multiple identities, and their experiences.

Special education classrooms and programs often promote standards of appropriate behavior, conduct, and relationships that mirror and uphold the superiority of white, middle-to-upper-middle class groups (Annamma et al., 2013). Student and community ways of interacting and being that do not align with white, wealthier norms of appropriateness. For example, the cultural practice of Latinx students kissing one another in greeting is often criminalized, hypersexualized, and punished in school settings (Padia & Traxler, in press).

While dis/ability classification and Individualized Education Programs (IEPs) are confidentially protected under law, the secrecy around dis/ability ultimately ends up reifying the stigmas and notions that dis/ability is something undesirable and inferior. This dynamic is one that teachers are recognizing and challenging through programs like One Out of Five: Dis/ability History and Pride Project, a Washington state-based curriculum designed to teach students about dis/ability history and pride. Educators like Arvey and Rosenberg (2020), the authors of the One Out of Five project, created blueprints for educators, schools, and students to reimagine the possibilities for students with disabilities. Activism like this draws a clear line between social justice and special education pedagogy to work towards a humanizing, liberating educational experience for all.

Special educators and social justice education activists are beginning to collaborate to ensure that dis/ability is included in the larger charge of social justice work in education. Publications like *Rethinking Schools*, a magazine geared towards educators who are committed to justice, are beginning to include calls specific to dis/ability and special education. This shift is occurring in recognition that social justice education spaces often lack the voices, experiences, and narratives of students, educators, and families in the special education system. Until stigmas and stereotypes around dis/ability, as well as their intersections with race, class, and language, are unpacked and reimaged, there can be no true justice in our educational system.

Special education research remains rife with statistics on the disproportional representation of students of color (Harry & Klingner, 2014). The conflation of race and dis/ability has a long and insidious history, tied to eugenics and the idea of white superiority over Black and brown people. Annamma et al. (2013) wrote about what they call “DisCrit,” the intersections of dis/ability studies and critical race theory in education.

Access to language, regardless of modality, is a significant issue in special education. Families with d/Deaf<sup>2</sup> children, for example, may choose for their child to attend public schools. For users of sign language, for instance, this decision may result in limited access to certified interpreters. The language of the law articulates that students have access to qualified interpreters. In practice, schools often hire communication facilitators who are non-certified and underqualified, who are paid significantly less than those with formal qualifications. Leveraging the language of the law to match school budgets and availability of resources is a real concern and has direct influence on the education of dis/abled students.

According to IDEA (2004), parents and guardians should always receive certified, qualified translators for IEP-related meetings and information. Prior Written Notices (PWNs) regarding IEP services should legally be sent home in the preferred language of the

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<sup>2</sup> We use d/Deaf to acknowledge deafness under the medical model of disability and those who are members of the Deaf community. Similar to our use of dis/ability, we acknowledge that deafness and d/Deaf identity exists on a spectrum.

parent/guardian. Providing families with explicit translation during officially mandated meetings is important, but it is not enough. Students and families should receive extensive information about special education services, programs, and offerings in their preferred language on an ongoing basis. In addition, IEPs are not automatically translated for families and students who speak languages other than English (Zimmerman & Veiga, 2019). The New York City Department of Education (2020), which serves the most students in special education in the country (Mirakhur et al, 2018), just began a pilot program to offer translated Individualized Education Programs in 2018. Currently, the program only offers translations of IEPs for three districts in the city at no cost (New York City Department of Education, 2020). Here the intersection of dis/ability and language converge to highlight the ways we can move towards justice in special education for all learners and their families. When translation and interpretation are not carried out comprehensively and accurately, the inequities families of color face in special education continue to fester.

In order for special education and dis/ability to be part of the project of social justice in education, a larger cultural shift around dis/ability must occur. We question the sustainability of such movements until schools, policies, teachers acknowledge the inherently politicization of education. Social justice movements that include dis/ability and special education should not be happening in silos and it is not the responsibility of the individuals to mobilize the masses toward dis/ability activism. How do we ensure that federal policies not only performatively honor all learners, but tangibly and ideologically shift our collective understandings of teaching and learning?

Educators can align with a social model of dis/ability and support this shift by focusing on ways to alter and fix the learning environment and methods of instructional delivery, rather than focusing on altering or “fixing” students with dis/abilities. Hehir (2002) suggested that considering access needs for all our students as we design curriculum and pedagogy will benefit all our students—dis/abled and non-dis/abled alike. As we have highlighted, educators can also support parents and guardians in advocating for their rights to accessible language and information that has been translated to match the parent or guardian’s preferred language and method of communication. Educators can also implement curricula and justice-oriented dis/ability discussions to help students understand their dis/ability diagnosis and its medical criteria as well as how each student’s lived experience reflects or contradicts their diagnosis. Further, educators can examine their own role in reproducing problematic ideologies that harm students. For instance, in what ways are they positioning themselves and the school as omniscient expert on disability and the needs of dis/abled people? Students—especially students of color—are not always shown their IEPs or included in conversations around their dis/ability, despite the legal stipulation in IDEA that they be invited to their IEP meetings beginning at age fourteen. Once these conversations have begun, educators can support students in developing their self-advocacy skills to identify their personal learning and access needs, as well as what they are entitled to according to their IEPs. Special education programming has the potential to enact true social justice for all learners or to infantilize and demean our students with dis/abilities. It is the imperative of all educators to ensure the former.

## **Author Notes**



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