

# Using Disability Critical Race Theory in American Special Education Classrooms

Written by Christopher Keith Johnson

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CHRISTOPHER KEITH JOHNSON, DEC 2 2021

Disability Critical Race Theory (DisCrit) is a tool that, if implemented, can give voice to Black children with disabilities in a system that cares little about either. Its merger of disability studies (DS) and Critical Race Theory (CRT), if applied, would provide the necessary shock to the system to racist policymakers who would rather pity, at best, than support the empowerment of visible Black disabled bodies. DisCrit “calls for activism and resistance that ‘removes the policing and enforcement of normality’ rooted in ableism and racism[...] (Park et al., 2021, p. 59) DisCrit is a fight for ownership of the Black bodies, minds, and aspirations of an underserved population as partners rather than clients/beneficiaries of the kindness of a white-controlled system that has not interrogated its own bias and hatred of Blackness in all its forms. Through it, a holiday, passage of disability laws that lack enforcement, and other feel-good measures would no longer be the extent of meaningful change.

DisCrit is the most effective tool to center the study of power in the hands of the oppressed. In particular, it offers a kinetic response to injustice within the sector, focusing on the education of Black students with special needs. Its interrogation of a system that devalues the very humanity of the subject provides arguably the most comprehensive reading of the oppressor, forcefully turning the gaze of whiteness on black back onto itself where its systems rather than the Black body become what must be analyzed and acted upon.

To examine the utility of DisCrit in the American classroom, one must first define the critical barrier to realizing a truly inclusive experience in that space – white supremacy. In the popular American imagination, the term conjures images of villainous white men spewing hate and threatening or carrying out violence akin to the antagonists in Norman Jewison’s film *In the Heat of the Night* or Alan Parker’s *Mississippi Burning*. If only it were that simple. As celebrated as these two motion pictures are, the reality is far more complex and nuanced. White supremacy is less about a white individual’s raw hatred of people of color and their unshakeable belief in that group’s inferiority. It is systemic. It seeps into every crevice of the American project. White supremacy is at times easy to see, but it is invisible to the average American—it being so much a part of the country’s history and mission.

A highly effective explanation/definition/navigation of white supremacy is offered by Vann R. Newkirk II who references critical race theorists while cutting to the heart of the term:

The school of critical race theory, championed by scholars such as bell hooks, has been around in academic circles for at least 30 years, and its definition of white supremacy has long animated black activism. To quote scholar Frances Lee Ansley (taken here from a passage from David Gillborn, also, a critical-race-theory scholar): By “white supremacy” I do not mean to allude only to the self-conscious racism of white supremacist hate groups. I refer instead to a political, economic and cultural system in which whites overwhelmingly control power and material resources, conscious and unconscious ideas of white superiority and entitlement are widespread, and relations of white dominance and non-white subordination are daily reenacted across a broad array of institutions and social settings (Newkirk II, 2017).

For most African-Americans, a white person not *liking* them has minimal impact on their lived experience. But being shut out of educational opportunities, the professions, healthcare, housing, freedom of movement, and all manner of

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fundamental rights is far more than a trivial vexation. It reduces their quality of life or may even result in their death. This all-encompassing aspect of white supremacy would require surgical excision to separate it from the history of the American project. It is so embedded in the mission and purpose of America that white people seldom realize that they benefit from it.

Is there a difference between a well-meaning, progressive white teacher in an urban school system serving Black students and a card-carrying member of the Ku Klux Klan or activist in the alt-right movement? Sure, there is. But do they both exist in the same system that provides them privilege while reducing people of color to second-class status? There's no doubt that this is also true. Not being conscious of the impact of white supremacy on themselves and those around them makes them both unhelpful at best and at worst equally dangerous to African-American youth's life and life chances.

This article will interrogate, in an admittedly modest fashion, the history of white supremacy that has led to a need for an intersectional tool, not just a theory, but a tool to counter the American education system's desire to control Black, disabled children, no different than it has any other category of Blackness in America. It will focus on how DisCrit can function as an education and awareness tool for educators, parents, and children who view formal spaces of learning as necessary for the liberation of people of African descent rather than an institution to isolate and imprison both the minds and bodies of disabled children in service of white supremacy. It will engage a brief history, leaning more on recent events, current definitions, explore the limits of disability law without implementation, and the steps necessary to reform special education as applied to Black people in America.

## DisCrit Interrogates the American Desire to Control Black Bodies

From the political violence that led to the murder of Crispus Attucks before the American revolution, the mutilation of Emmet Till, and the forced sterilization of Black women in the South, until this moment, the destruction of Black bodies has catalyzed opening democratic space in America. The filmed torture and murder of George Floyd by police in Minneapolis resulted in the most significant moment of collective reflection on the evils of white supremacy since the end of the American civil rights movement. Floyd was incapacitated, lost control of his bodily functions, cried for help, and was exterminated as the world watched. Americans observed in both fascination and disgust as the full power of systemic anti-Black racism was captured so visibly that even conservatives were temporarily aghast at its horror.

What would usually go no further than a hashtag on social media became a moment for corporate philanthropy, study circles on race, and even a national holiday marking the end of America's original sin—the enslavement and forced labor of African people in the formation of America itself. Shortly after this rare moment of handholding and togetherness, the political and social space transformed into yet another battle in America's culture wars. Legislative attacks against Critical Race Theory (CRT) were launched only days after celebrating the nation's supposed reckoning on race (Sawo & Banerjee, 2021). The quick pivot from compassion and a need to understand each other across racial lines turned to self-serving claims by numerous state and national legislative bodies that *enough* had been done to placate African-Americans. Nothing more was needed.

The current legislative position in numerous American statehouses calls for progressive disability advocates and, more importantly, those with disabilities themselves to forcefully approach and engage struggle in an intersectional manner that challenges systems rather than individuals and institutions. America was built on the backs of Black bodies. The fierce pushback required for Black people to be seen and heard in America necessitates, as it always has, the inclusion of its children, including those with disabilities. Black children within special education classrooms are no less feared than George Floyd was by the police officer who murdered him. The resistance to subjugation that DisCrit offers is informed by the historical legislative, scholastic, and criminal justice-backed aims to control Black bodies.

## Definitions

DisCrit builds upon the legal activism embedded within Critical Legal Studies (CLS), CRT, and DS. Its voice is as

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inclusive as CRT's, with change agents approaching its strictly theoretical elements in an expansive and interdisciplinary manner. It interrogates and engages history, sexuality, gender, the whole person (body and mind), organizational development, conflict resolution, family studies, and personal and community agency. DisCrit places the disabled child in the center as a subject rather than an object of their liberation. The last element places it squarely within an African-centered approach to change that predates even CRT in the 1970s. One of CRT's founders, Kimberley Crenshaw, declares that it "is not a noun, but a verb. It cannot be confined to a static and narrow definition but is considered to be an evolving and malleable practice" (George, 2021). DisCrit is inspired and driven by the spirit of its theoretical predecessor.

Raush et al. (2019) capture the definition of DisCrit as a theory and the possibilities of its application in practice:

Consider the marginalization that Children of Color with dis/abilities and their families experience due to the intersection of power and privilege around race and dis/ability[...] the DisCrit framework can be used to understand how a difference in power (e.g., between administrators/teachers/schools and families) can lead to the exclusion of very young children with dis/abilities and other social identities and their families [...] (Raush et al., 2019 p. 45).

In America, it is dangerous to praise an unfinished project. The passage of a law, the change of a policy, and the adoption of an inclusive curriculum are often seen as the conclusion of engagement rather than its start. What DisCrit does is challenge/interrogate well-meaning law/theory/policy to agitate for action and function as a reminder of the centuries of broken promises America has made to its most vulnerable citizens and residents. With DisCrit, there is no sacred space for white supremacy to hide. Furthermore, there is no faith in a system that has proven repeatedly that it is willing to view the codification of best wishes as satisfactory for a population that should be grateful even to be acknowledged.

## Disability Law, Policy and Implementation

Those resistant to further reform of special education in American classrooms point to the existence of disability law and well-meaning child-focused policy as positive proof that America has changed for the better in its treatment of *all* children with special needs. The Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act (ADA), if applied equitably, would bring America closer to its stated aim of inclusion and protection for students with disabilities (ADA National Network, 2018). Further, the policy created by the Division for Early Childhood and the National Association for Education of Young Children, on the surface, acknowledge there are a multiplicity of innovative ways to educate children in the American classroom.

However, applying the most positive standards will be limited without an interrogation of race and white supremacy. If the default from which all changes occur is whiteness, then what of those who are not white? If whiteness is the standard, then the beneficiary of these gifts would need to be white or white adjacent to be worthy of receiving anything meaningful from the system. With this in mind, education of special needs children of African descent would first be an exercise in diminishing their blackness to make them deserving of the assistance on offer. DisCrit is forced to involve itself in pushing against the othering of Black students and questioning the utility of an exercise in whitening black spaces through pacification and policing of Black bodies—students, parents, administrators, teachers—any Black body.

## The Need for Systemic Overhaul

Hancock et al. (2021) describe DisCrit resistance in childhood education as an exercise that transforms theory into praxis. It moves with an awareness of educator bias and racism, is an asset rather than deficit-focused, dismisses whiteness as a default entry point for learning, embraces resistance by parents and students as an opportunity to reflect on systemic white supremacy, rather than a marker for punitive action. Respect for the value of the student must be reflected in curriculum, pedagogy, and solidarity with the community of learners and parents that are purportedly the focus of special education efforts (p. 49).

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The above is not an exercise that is workshopped into an educator after they are hired. It is something that, at minimum, begins during teacher education. It assumes that what has been absorbed by the educator before this engagement is a product of white supremacy. It matters not whether the teacher is a woman of color or even a person with disabilities herself. One can be taught to hate themselves and, at times, are more kinetic in disciplinary measures against members of their self-identified group than someone from outside of it. In a system that identifies a Black student with disabilities as a liability or, worse, a threat, it takes a mighty indoctrination process to view anyone with a Black body as a decision maker rather than a body to be acted upon.

American policy of all types sees Blackness as threatening—all forms of Blackness. Khalil Muhammad (2011) zeroes in on this reality by positing that the fear of Blackness defines the American cityscape itself. Urban America is defined not by greater access to education, commercial space, advancement in technology, employment, or any other factor. Instead, the presence of Black people and their association with crime frame the value of the American city. With rapid de-industrialization and re-segregation of many of these spaces on the one hand and equally aggressive gentrification on the other, the American city is on some level fighting against itself whether it is rising or falling, based almost exclusively on the number of Black people within it. Therefore, among the blackest, *legitimate* spaces where progress should occur, the American school system is deemed worthy only by how prevalent (or not) Blackness is within it.

Community resistance to pity and fear is an essential aspect of DisCrit. Studies show that parental involvement in their children's education is vital in a program for young people with special needs. DisCrit sees resistance to racism as capital rather than a deterrent to education. Monique Matute-Chavarria (2021) defines cultural community wealth as consisting of "six forms of capital: aspirational, linguistic, familial, social, navigational, and resistance" (2). An educator allied with white supremacy would have difficulty even speaking to a parent whose every move, inflection of voice, and lived experience is different from their own. One false move could result in punitive action towards the child, no different than a police officer who misinterprets African American cultural norms as something that must be countered with brute force.

Remember that we are speaking of systems. White supremacy's umbrella is large enough to cover both the criminal justice system and the education system – with the school to prison pipeline being in itself a journey of progressive discipline leading to the control of the Black body. DisCrit sees African-American ways of being as a strength through which the curriculum and pedagogy should be informed rather than something to be, at times, violently resisted by the education system.

Labeling Black students with disabilities as "at-risk" has led to their isolation and opened the door for re-segregation of the American public school system in direct opposition to earlier hard-fought legal victories against the practice (Love & Baneke 2021, p.37). Underneath this desire to help Black disabled children is another reason for the labeling and othering of Blackness in white-controlled spaces – protection of white children through re-segregation (Love & Baneke 2021, p. 35). It is one thing for a white female educator to be exposed/subjected to the *grotesquery* of Black disabled bodies. It is another to put her children among them. DisCrit identifies individual bias and racism but sees the bigger picture in challenging white supremacist fueled rollbacks of civil rights policy that further disadvantage already marginalized and underserved communities.

White supremacy is ever-shifting with the times. Policy and law in disability have led to confusion as to who is considered disabled. It is now widely accepted that special education is not isolated to the physical. It must also address the mind through new learning methods for those who do not process what is widely offered. What is considered normal? The fact that Blackness is not considered acceptable or malleable makes many different learning methods within the community *special*. Practitioners often do not understand cultural differences and the need for new teaching methods. They instead see their purpose as an opportunity to segregate Black students in special classrooms, ghettoizing special education and transforming it into an exclusively black space in some school districts.

The dilemma here is that progressive white educators reject special education opportunities for Black students not to appear racist (Connor et al., 2019). While this may seem commendable, it then locks out students who might

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genuinely benefit from innovative new learning strategies. There is a better approach than obsessing about the over-representation of Black students in special education. A more comprehensive, truthful curriculum that acknowledges the existence of white supremacy would be a commendable starting point.

## DisCrit in Practice

The section above navigates theory but less so practice. How would an educator apply DisCrit in the classroom and interactions with Black parents? An understanding that the school itself is not always a place filled with pleasant childhood memories might be of value as the teacher prepares to engage with Black families in that space. Accepting that what is (at times) difficult for the educator to see does not mean that it does not exist. This is an appropriate starting point, especially as it relates to issues of race. For a teacher of any race, to see all forms of resistance from parents and students as defiance, pushback, oppositional behavior, and overall unreasonable diversions from learning is an error. To expect lockstep compliance within a system that has often failed Black families means that there needs to be a more nuanced interpretation of what is being observed in the classroom or parent-teacher interactions.

As noted by this DisCrit tenet, children of Color with dis/abilities and their families intentionally act in the face of marginalization, and such actions should be respected as necessary communication to support justice efforts rather than simply targets for intervention. For example, Collins (2011) described how a Black child with perceived challenging behaviors engaged in literacy moves to confront deficit positioning and capitalize on self-identified strengths. Acknowledging such behaviors as intentional forms of participation, rather than disruptions, encourages innovative practice and counters deficit assumptions that hinder inclusive education. Similarly, families of Color often resist deficit positioning of their children by engaging in behaviors that are not traditionally recognized as parent involvement, such as refusing disability labeling and enacting culturally meaningful parenting (Kaomea, 2005; Lalvani, 2014; Waters, 2016). Understanding such acts as necessary family advocacy and engagement creates new avenues for family-professional partnerships supporting young children (Love & Baneke 2021, p.40).

The school should not in any way resemble a prison. Parents have a right to question what is being taught to their children, and the children themselves have to *be their genuine selves* to process what is being provided by the educator. DisCrit advocates are not asking for special treatment of Black students with disabilities, but that they are given the room to learn in an environment that values their existence and recognizes their humanity. It's not too much for an educator to engage parents as equals and children as young people who explore possibilities and at times test boundaries. DisCrit advocates demand the above. None of which is too much to require of the education system.

## Conclusion

Special education for Black students should not be a different division within a scholastic prison structure—a medical or psychiatric ward. It should be a place where all students experience the opportunity to excel through plans tailored to them as individuals *and* as members of a larger community. White supremacy robs the educator of the nuance to move successfully in black spaces. There is no way forward for the system, the community, or most importantly, the student when the profession refuses to see any need to interrogate their bias or to listen, process, and hear the voices of Black people moving within a system they do not control.

DisCrit does not attempt to *fix* the bias of individual educators. It seeks change beyond the walls of the special education classroom and the school surrounding it. Its aims and objectives are simple. It exposes the classroom as merely another venue for the operationalization of anti-Black racism. The space cannot change unless those within it and the greater powers that control it seek to understand, challenge, and actively work to eliminate all forms of white supremacy within what should be a sacred space for learning rather than a holding cell in the school-to-prison pipeline.

This process will take courage on the part of educators of all races as it would be easier for them to maintain the status quo. There will be countless discomfiting moments for the educator pursuing this shift in theory and practice. The result will be the truly inclusive classroom that allows all students to reach their potential and the transformation

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of one of the foundational structures in the American project—its education system.

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