# The Pedagogy of the Oakland Community School as a Solution to the Segregation and Criminalization of Black Students Labeled with Disabilities

Amanda Moreno
*Brown University*

## Introduction

Since the Brown v. Board of Education decision to desegregate schools in 1954, Black students have been overrepresented in special education classes (Meiners, 2007).  In fact, the Washington D.C. public school district diagnosed 24% of the newly admitted Black students with special needs, and consequently Black students came to represent 77% of the special education population (Connor and Ferri, 2005). Presently, Black students are the most overrepresented group in special education programs in every state (Parrish, 2002). According to the U.S. Department of Education Office for Civil Rights (2014), students with disabilities are twice as likely to receive exclusionary discipline practices than their nondisabled peers. The disproportionality of Black students being classified as educationally disabled supports the theory that special education programs have become a function to disqualify, segregate, and criminalize Black youth (Meiners, 2007; Connor and Ferri, 2005).

The U.S. educational system has always found ways to segregate, oppress, and criminalize youth of color. From off-reservation boarding schools for Native American youth that oppressed indigenous cultures and forced students to assimilate (Lomawaima, 1993), to present day gendered reform institutions that  foster violence and are disproportionately constituted by youth of color (Flores, 2013). Theorists have begun to explore the historical rhetoric of race and ability as an explanation for the racial disparities in special education. Disability Critical Race Theory (Discrit) argues that social constructs use any deviations from white, middle-class, and able-bodied norms as justification for the segregation and exclusion of Black students (Connor and Ferri, 2005; Annamma, Connor and Ferri, 2012). The pedagogy of the Oakland Community School (OCS) established by the Black Panther Party in 1973, supports the

argument that students do benefit from a school philosophy based on Black liberation (Robinson, 2020). The Oakland Community School offered students the academic freedom to express academic differences in addition to creating a horizontal relationship between student and teacher, in order to assure that students weren't subjected to the teacher's perception (Oakland Community School Instructor Handbook,1976). Additionally, discipline practices at OCS valued student voice and as a result created an environment that did not penalize the neurodiversity of the Black students. Therefore, it is necessary to examine these practices as a possible solution for limiting the various oppressions (including criminalization) that Black students labeled with disabilities face.

## Disability, Race, and Criminalization

### The School to Prison Pipeline

Exclusionary disciplinary practices (suspensions and expulsions) have been linked with truancy, lower levels of self-esteem, and poor academic performance (Welsh and Little, 2018). These negative school experiences have been tied with lower levels of academic achievements, occupation stability, and economic mobility along with higher levels of anxiety, delinquency, and contact with the criminal justice system (Welsh and Little, 2018; Hemez, 2019). In sum, exclusionary school discipline for youth has been shown as a negative turning point for increasing the odds of incarceration in adulthood (Mowen and Brent, 2016). Another concerning factor in the school to prison pipeline is the standardization of punitive practices, preventing teachers and other school administration from using their professional judgement when disciplining students (Kupchik, 2016). Research has shown that both Black parents and students have felt their voices being marginalized or silenced in the exclusionary disciplinary process (Bells, 2020).

### Racial Disproportionalities and Disability

Studies have shown that Black male students represent a third of the students in public schools diagnosed with a learning disability, while only constituting 9% of the total student population (National Center for Education Statistics, 2011). Building on these findings, Black male students are disproportionately represented in the categories of learning disability (12%) and emotional disturbance (21%) (U.S. Department of Education, 2006). Black students are twice as likely to be labeled emotionally disturbed than white students and 58% of these Black students leave school (Meiners, 2007).

### Discipline and Disability

Black students are 13 times more likely than white students with emotional disturbance and behavioral problems to be arrested in school (Meiners, 2007). Within the disabled student population, students diagnosed with emotional disturbances and specific learning disabilities were the first and third most likely to receive an out-of-school suspension (Losen et al., 2014). The overrepresentation of Black male students in these two categories is one possible explanation for the high rates of suspension for black male students with disabilities, with one out of every five having been suspended at least once in their K-12 experience (U.S. Department of Education Office for Civil Rights, 2014). A height of these disparities can be demonstrated in the 2009-2010 academic year when 211 of the U.S. public school districts reported having a suspension rate of over 50% for Black males with disabilities at the secondary level (Losen and Martinez, 2013).

## Disability Critical Race Theory

Disability Critical Race Theory (Discrit) is a theoretical framework that uses the intersections of ableism and racism to explain the racial disparities seen in the disabled student population (Annamma et al., 2012). Discrit argues that the overrepresentation of students of color is tied to social constructs based on the dominant narratives of normalcy where deviations from White, middle-class, able-bodies norms are viewed as socially inferior (Annamma et al., 2012). In other words, since the dominant narrative is grounded in race, socioeconomic status, and ability this allows for academic ability to be identified by race, socioeconomic status, and ability (Solorzano and Yosso, 2002). Discrit calls attention to scientific racism, including the studies of the human brain to prove the inferiority and lower intelligence of Black Americans in order to condone segregation and inequitable treatment (Annamma et al., 2012). Additionally, Annamma et al. (2012) look at the history of the definition of intellectual disability and the social consequences of continual revision of terminology. For example, in 1973 the American Association of Mental Deficiency (AAMD) changed the measurement of mental retardation from an IQ score of 85 to 70, essentially boosting academic ability overnight (Annamma et al., 2012).

Harry and Klingner (2006), enforce the social constructs of disability by noting the overrepresentation of students of color in classifications that rely on subjective assessments:

*When these data are disaggregated by disability category, it becomes clear that the risk rates for African Americans and Native Americans are actually much higher in three of the "judgment" categories—those that depend on clinical judgment rather than on verifiable biological data.* (pp. 2–3)

Moreover, Harry and Klingner (2006, p. 103) mention six categories that informed and/or influenced the placement of students: administrators' impression of the family; a focus on student's deficit rather than classroom management; teacher's unofficial diagnoses; disability definitions and criteria; psychologists' philosophical positions; and pressure from mandated testing to place students in special education. Special education being defined with social markers enforced by teachers and administrators has allowed for the label to become a covert form of racial segregation (Connor and Ferri, 2005).

## Black Students in Special Education
### Segregation by Restrictive Learning Environments
The argument on the representation of Black students in special education programs is one of the main issues in the topic of educational inequality. There is contradictory research that has shown that minority students are both overrepresented and underrepresented in special education programs. Morgan et al. (2015) supports the argument of underrepresented education by providing findings that show that racial and ethnic minority students from kindergarten to middle school are less likely than their white peers to be diagnosed with a disability. This study used hazard modeling of multiyear longitudinal data and extensive covariates adjustments. However, school racial composition was one confound not adjusted for. On the other hand, another study that considered the racial composition of school found that the proportion of minority students identified with lower-status disabilities (i.e. emotional disturbance and intellectual disability) increases in schools with high populations of white students (Fish, 2019). Additionally, once diagnosed as disabled, Black students are less likely to be exited from special education (Skiba et al., 2006). Research has also found that Black Students classified with learning disabilities are three times more likely than other students with learning disabilities to be placed in separate classrooms (Skiba et al., 2006; National Research Council, 2002).

### Lack of Quality Instruction and Teacher Subjectivity
In a study on the K-12 education of Black male students labeled with learning disabilities, students reported that quality of instruction was the most influential factor in positive educational experiences (Banks, 2017). Students shared their experience of being aware of how the social constructs of a disability label and how negative educational experiences stemmed from having to deal with a teacher's preconstructed perceptions (Banks, 2017). The students highlighted how a teacher's misunderstandings of their attempts to self-advocate often led to the

students fighting against stereotypes of Black males being adversarial and threatening (Banks, 2017). Thus, their attempts at self-advocacy perpetuated the assumption that they lacked behavioral skills and enforced the teacher's beliefs that the students needed to be segregated in special education classrooms (Banks, 2017).

## The Oakland Community School

The Oakland Community School (OCS) was established by the Black Panther Party (BPP) in 1973 and was in operation until the disbanding of the BPP in 1982 (Payne et al., 2008). The school was precedented by the Intercommunal Youth Institute which was in operation from 1970 until 1973 (Gore et al., 2009). The curriculum of Intercommunal Youth Institute focused on community work and teaching children to be political aware (Gore et al., 2009). The Oakland Community school kept these same tenets in addition to shifting the main focus of their pedagogy on to student's learning process (Robinson, 2020).

Students at OCS ranged from 2.5-12 years old and there were no grade levels; instead, there were twelve levels based on academic performance: Levels 1-3: Primary Skills, Levels 4-9: Intermediate, Levels 10-12: Secondary (Oakland Community School Instructor Handbook, 1978). Students were continuously evaluated on ability in order to be placed in the correct level, and therefore each level contained students of all age groups (Robinson, 2020). A former student of the school recalls that there was no shame in having older kids with younger kids and vice versa (Lewis, 1995). This acceptance of different educational abilities could be credited to the liberated education model and how the teachers ensured that all students were constantly learning from each other (Payne et al, 2008).

### Approach to Teaching

According to the Oakland Community School Instructor Handbook (1976), in each subject the teachers were to form student work groups based on skills in order to facilitate group learning. The school's philosophy "each one, teach one" put value on academic differences and emphasized that each student had something to offer (Robinson, 2020). The OCS curriculum was not centered on teacher-imposed standards (Robinson, 2020), instead the role of educator was to offer students different options of engagement so students felt involved in their own education experience (Oakland Community School Instructor Handbook, 1978). The Oakland Community School Instructor (1976) Handbook states:

*Concentration is a natural consequence of voluntary interest, but without interest there*
   *can be no concentration. Therefore, we make every attempt to provide our children*
   *with interesting tasks upon which to focus their attention. We provide a warm,*
   *structured environment which we feel gives rise to the development of classroom*
   *discipline. Discipline to us does not mean <u>control</u> of the class; but rather directing*
   *inevitable human energies into productive, socially meaningful channels.* (pp. 8-9)

At the OCS the teachers directed students in a way that emphasized
the student's interest; the natural outcome was discipline. This reverses the
traditional script that out of discipline comes satisfactory academic
performance. By teaching students "*how* to think, not what to think" the
OCS allowed teachers to adjust the curriculum to meet specific learning
styles, thus embracing different academic abilities (Gore et al., 2009). The
Oakland Community Instructor Handbook (1978), argues that traditional
classrooms do not allow for the academic freedom of the student, which
leads to disengagement by the student:

*What Oakland Community School provides is a classroom environment in which random*
   *events and arbitrary "adult" planning do not automatically take precedence over the*
   *child's own investigations. Providing the possibility of uninterrupted work gives rise*
   *to the development of classroom discipline.* (pp 9-10).

The freedom of the student in the learning process was a top priority
and was not to be limited to what the teacher perceived as the best interest
of the child. The OCS aimed to encourage student self-determination by
"dethroning" the teacher as the most important person in the classroom; in
fact, students were specifically taught that no one person holds the "right"
answer (Gore et al., 2009; Payne et al., 2008). The school encouraged a
horizontal relationship between teacher and student (Payne et al., 2008).

*Student Voice*
 The Youth Committee was an elected student body that was responsible
for the Youth Store, the Newsletter, and the Justice Board (Oakland
Community School Instructor Handbook, 1976). The Youth Committee
included representatives from each group level, however the Justice Board
mainly consisted of older students (Payne et al., 2008; Lewis, 1995). The
Oakland Community School Instructor Handbook (1976) states the
responsibilities of the Justice board as, "a student body that handles the
children's relations with each other and their understanding of school
rules" (p. 75). If a student behaved in way that worked against the school's
rules the same day they had to appear in front of the Justice Board in an
attempt to get to the root of the problem:

*Students socratically inquired about their peers' behaviors and repeated back the details*
   *of the unfavorable behavior. Active listening, critical thinking, and reflective*
   *questioning were required to negotiate with the student whose behavior was in*
   *question and with the members of the court. After this careful questioning and*

*deliberation, the court would suggest a «method of correction», which essentially was the consequence or intervention for the behavior.* (Robinson, 2020, p.197)

The Justice Board was not perfect and the students would make mistakes, but through this process of trial and error was how teachers encourage student development (Payne et al., 2008). The Youth Council was also the formal venue for students to critique faculty, the school and self (Gore et al., 2009) Additionally the school would hold assembles for students to voice their concerns and administrators established an open-door policy for students who wanted to talk privately (Payne et al., 2008; Gore et al., 2009).

*Special Education at the OCS*
The OCS received federal Title I funding through the Elementary, Secondary Education Act (ESEA) for Educationally Disadvantaged Youth (EDY) (Oakland Community School Instructor Handbook,1978). Students were eligible for this funding if they scored in the 49th percentile or below in Comprehensive Test of Basic skills in Reading, Language and/or Mathematics. Teachers had to keep records of these children but The Oakland Community School Instructor Handbook (1976) clearly states that these labels were not to be used as an understanding for a student's academic performance. ESEA/EDY students were to receive small group tutoring in their subject area and in no way were they to be isolated from their classmates (Oakland Community School Instructor Handbook,1976). Literature also notes that special educational consultants would visit the school to assess students and make suggestions for adjusting the teacher's pedagogy in order to best serve the student (Gore et al. 2009).

*Parent Involvement*
Community involvement in OCS was essential to the operation of the school, especially parent participation (Gore et al. 2009). Parents were required to participate in their child's homework and attend frequent parent meetings with the teachers (Gore et al. 2009). Additionally, parents would volunteer to teach classes such as Physical Education, and lead field trips (Lewis, 1995). Parents, along with members of the community and instructors, participated on The School Advisory Committee (SAC). SAC was an elected body that advised and participated in curriculum development, classroom activities, field trips and school events (Oakland Community School Instructor Handbook,1976).

*Identifying Solutions to Preventing the Mistreatment of Black Students with Disabilities*

Recent research has presented interventions for addressing and preventing disproportionalities in exclusionary discipline practices. The suggestions include: establish an equity team; create equitable discipline policies; keep updated reports on the students and review data often (Green et al., 2019). In its own unique way, the Oakland Community School utilized these practices. The Youth Council and the School Advisory Board functioned as equity teams providing students, parents, and community members an avenue to hold the school accountable and influence school policy (Oakland Community School Instructor Handbook, 1976). According to Green et al. (2019) equitable discipline policies include a clear procedure, student accountability, family partnership, and a commitment to equity. The Justice Board established a clear procedure and accountability for all students involved in the process (Robinson, 2020). Equity was guaranteed by eliminating standardized discipline, consequently, each student would receive an intervention dependent on their situation (Robinson, 2020). Lastly, parents were encouraged to frequently talk with teachers about any concerns surrounding their child (Oakland Community School Instructor Handbook,1976). Teachers at the OCS kept updated records on students by writing weekly evaluations that were reviewed often and eventually given to the parents in replacement of letter grades (Gore, 2009). These weekly evaluations were how the student's progress was tracked and teachers were specifically prohibited to include their personal evaluations of a child's behavior (Oakland Community School Instructor Handbook,1976).

Moreover, teachers at the OCS were also instructed to understand that they were not there to discipline students, but instead discipline would come naturally out of the student's academic engagement (Oakland Community School Instructor Handbook,1976). The OCS created a culture that supported academic differences and freedom amongst students, while excluding teacher subjectivity. Even when working with ESEA/EDY students, teachers would refrain from publicly labeling and isolating the child, but instead they would adjust their teaching style to best meet the needs of the student. The philosophy of "each one, teach one" assured that every student, regardless of ability, had something to contribute to the learning process (Gore et al., 2009). In Banks' (2017) study one black male student reflecting on his educational experience stated, "there wouldn't be learning disabilities if teachers ha[d] many different ways of teaching" (p. 102).

Conclusion

The Office of Special Education Programs' data shows that 50% of students with disabilities are in correctional institutions (Losen et al., 2014). The current school system is failing students labeled with

disabilities and Black students are being especially victimized. Black students are more likely to be diagnosed based on perception, not biology, thus leading Black students to be disproportionately represented (Harry and Klingner, 2006; Parrish, 2002). Discrit explains these disparities by analyzing the racial constructs surrounding ableism and how many diagnoses are based on deviations from dominant White norms (Annamma et al., 2012). Furthermore, the label of disability comes with an increased chance of exclusionary punishment and ergo chances of contact with the criminal justice system (Losen et al., 2014; Mowen and Brent, 2016). In schools, Black students labeled with disabilities are more likely to be segregated into special education classrooms away from the general student body as well as subjected to teachers' negative racial stereotypes (Skiba et al., 2006; Banks, 2017). Educators need to be studying quality Black education and incorporating liberated pedagogy into the classrooms in order to prevent the criminalization of a child.

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