RACE, PARENTING, DISABILITY AND SPECIAL EDUCATION:
THREE PAPERS

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ABSTRACT

This dissertation features three papers examining race, parenting, and special education. The first paper, a version of which is published in *The Modern American*, is an essay that challenges the parental participation mandate in the Individuals with Disabilities Education Act (“IDEA”). The second paper is an analysis of the Procedural Safeguards Notice, a document that explains to parents their rights under IDEA. The third paper reports on similarities and differences between the socialization processes of black middle class parents and white middle class parents of children with disabilities. All three provide insights into the legal and sociological processes involved in parenting Black children and children with disabilities.

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If I've forgotten anyone, please blame my sleep-deprived head and not my heart.

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INTRODUCTION

While parental participation in general education has been thoroughly studied in mainstream sociology as a possible mediator of inequality, there is surprising little sociological or legal research on parental participation in special education. It is only in special education that parents are legally mandated to participate in their children's education; indeed, it is a hallmark of the special education legislation, the Individuals with Disabilities Education Act ("IDEA"). Given large numbers of children served under the IDEA, the social construction of disability, and limits of parental participation's effects on children's educational opportunities and educational attainment, parental participation in special education deserves a hard look by sociologists and legal scholars alike.

This dissertation features three papers examining race, parenting, and special education. The first chapter, a version of which is published in *The Modern American*, is an essay that challenges the parental participation mandate in the Individuals with Disabilities Education Act ("IDEA"). There I argue that black middle class parents in predominately white communities are disadvantaged in the parental advocacy process due to their relatively low status in the community. I show how black middle class parents in predominately white communities have restricted access to key capitals – economic, social, and cultural – specific to that community that are necessary for effective advocacy.

The second chapter is an analysis of the Procedural Safeguards Notice, a document that explains to parents their rights under IDEA. The Procedural Safeguards

Notice, a document that every parent who is involved with special education receives at least once per year, provides a unique means through which to understand the social world of special education. It provides the rules and boundaries that dictate how parents and professionals are to behave in service of educating the child. There I argue, using Foucault's concept of disciplinary power, that even while IDEA gives parents the right to participate, the advocacy process functions to reinforce the status quo and places the blame for a child not receiving the free appropriate public education guaranteed in IDEA squarely at the feet of their parents. This chapter challenges traditional common-sense notions of the equitable value of democratic participation as enforced by the State.

Together, these two chapters show how legally mandated parental participation in special education could serve to legitimate inequality. The process of participation is designed to benefit those parents with an abundance of sociological capitals to the detriment of those parents that lack such capital. Furthermore, if a school district child fails to provide a child with the free appropriate public education to which she is entitled, the blame is placed at the feet of the parents for not being effective advocates. Therefore, the first two chapters challenge parental participation in education as an unqualified good, and suggest that democratic participation is not a panacea for inequality.

The third paper looks closely at the socialization processes of parents of children who face low status expectations and stigma. There, I show how black middle class parents living in predominately white communities share socialization practices with white middle class mothers of children with disabilities due to their common concern with preparing their children for a society that devalues some parts of their identity. The third chapter complements the first two by drawing parallels between the parenting practices of children with disabilities and black children to build a conceptual bridge between these two maligned populations.

CHAPTER ONE

THE PROBLEM WITH PARTICIPATION: RACE, CLASS AND EFFECTIVE PARENTAL ADVOCACY IN SPECIAL EDUCATION

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INTRODUCTION

My son is six. He is a really good kid (if I do say so myself): friendly, respectful, funny, and smart. At home we struggle with the same sorts of issues as other parents of six-year-olds. He does not always listen, he whines, and he complains. His room is often messy, and when we point out that there are things still on the floor, waiting to be put away, he complains that he did not see those things the first time around. He stuffs food in his mouth, and hates to use utensils. He is a picky eater, preferring food that looks pretty much like how it grew out of the ground or walked on the earth, with little to no modification before it reaches his plate. He chews on things, including toys and his clothes. And he gets joy out of annoying his little sister. [1]

At home, these things are all minor annoyances, and seemingly not much to worry about. He also reads two grade levels above his first grade peers, and his math skills are excellent. He has friends that live next door to us, kids who knock at our door to see if he can come out and play. At home, he is just a normal kid who has some…quirks.

But at school, my little black boy, I am told, has "worrisome" behaviors. The chewing indicates stress or anxiety. His messiness indicates poor motor planning. His pickiness indicates an oral hypersensitivity. His tendency to bump into people, including annoying his little sister, indicates a spatial recognition disorder. Despite his

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[1] In this essay, I use personal narrative as an introduction to why I became interested in the topic of special education and parental participation. For explanations of the value of storytelling in academic writing, especially in legal scholarship, see PATRICIA J. WILLIAMS, THE ROOSTER'S EGG (Harvard University Press) (1995); *see also* Symposium, *Legal Storytelling,* 87 MICH. L. REV. 2073 (1989), which contains articles by Mari J. Matsuda, Derrick Bell, Milner S. Ball, Steven L. Winter, and Richard Delgado. For a critique of legal storytelling, see Daniel A. Farber & Suzanna Sherry, *Telling Stories Out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807 (1992-1993).

superior academic skills, his teachers have contacted me for informal meetings several times these past two years. Even the principal suggested convening a Student Study Team, or "SST," which is a step that could possibly lead to assessment, labeling, and placement in a special education program for children with disabilities.

If my son were not black, it is possible that I would take the school's concern for his well being as a welcome opportunity to partner for the betterment of my child. But he is black, and so I am wary.

Nationally, black children are significantly more likely than other children to be in special education. Black children are 17% of the public school population, but represent about a quarter of all children receiving special education services.[2] In addition, they are three times as likely to be labeled mentally retarded ("MR") and twice as likely to be labeled emotionally disturbed ("ED").[3] As I discuss below, these two diagnoses are associated with particularly negative in-school and post-school outcomes. Black children are underrepresented among those diagnosed with autism and speech/language disorders, and approximately equally represented in the other categories of disability.[4] Yet these trends are uneven in school districts across the country. Racial disproportionality in special education is greatest where one might least expect to find it, in middle income or affluent districts with a relatively low

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[2] U.S. Department of Education, Office of Special Education Programs, Data Analysis System (DANS), OMB #1820-0043: "Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act." (2008).

[3] Author's calculation based on U.S. Department of Education, Office of Special Education Programs, Data Analysis System (DANS), OMB #1820-0043: "Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act." (2008).

[4] *Id.*

proportion of black students and a high proportion of white students – exactly the type of district in which my family lives.[5]

However useful special education may be for some children, outcomes for black children are markedly negative. Placement in special education can lead to in-school racial segregation through the use of "special day classes."[6] In addition to the social isolation, black children in special education have less access to the general curriculum, making it more difficult for them to continue their education past the twelfth grade; indeed, many black children receiving special educational services fail to receive a regular high school diploma, and more of them drop out of school altogether than receive a regular diploma.[7] Furthermore, black children eligible to receive services under IDEA comprise a large percentage of juvenile offenders in correctional facilities.[8] For these reasons, the overrepresentation of black children, especially black boys, in special education is cause for national concern.

I will fight tooth and nail to make sure these outcomes never become a reality for my son. I am likely the type of parent that Congress envisioned when they

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[5] *See* Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §§ 1400-1487 (2004) [hereinafter IDEA] (stating, in the findings section, that "Studies have found that schools with predominately White students and teachers have placed disproportionately high numbers of their minority students into special education.") *and* U.S. COMMISSION ON CIVIL RIGHTS, MINORITIES IN SPECIAL EDUCATION 11 (2007) (reporting the testimony of Dr. Matthew Lander, where he cites 'various works, including a joint study by the Progressive Policy Institute and the Thomas B. Fordham Foundation titled "Rethinking Special Education for a New Century," which found that minority students in predominantly white schools are placed in special education at much higher rates than minorities in predominantly minority schools. Specifically, Dr. Ladner noted an inverse relationship in which as a school's minority numbers diminish, minority representation in special education increases.')

[6] Beth A. Ferri & David J. Connor, *In the Shadow of Brown: Special Education and Overrepresentation of Students of Color*, 26 REMEDIAL & SPECIAL EDUC. 93, 94 (2005) ("Depending on context, both social class and racial biases can increase the risk of minority children being labeled and placed in segregated classrooms.")

[7] U.S. COMMISSION ON CIVIL RIGHTS, *supra* note 5, at 31.

[8] Author calculation. U.S. Department of Education, Office of Special Education Programs, Data Analysis System (DANS), OMB #1820-0517: "Part B, Individuals with Disabilities Education Act, Implementation of FAPE Requirements." (2011).

mandated parental participation under the Individuals with Disabilities Education Act ("IDEA"), a parent that has the needed economic, social, and cultural capital to be effective advocates for children.[9] IDEA's findings in the latest reauthorization cite both the problem of racial disproportionality and the need to strengthen parental participation in the process.[10] Scholars have identified parental participation in special education as one of three enforcement mechanisms, along with federal and local enforcement. Congress seems to have believed in the power of parents to protect their children from negative treatment as a result of a disability diagnosis. The Supreme Court says as much in *Board of Education v. Rowley*, the first case to interpret IDEA:

> "[A]s this very case demonstrates, parents and guardians will not lack ardor in seeking to ensure that handicapped children receive all of the benefits to which they are entitled by the Act."[11]

But many parents, especially many black parents, are not like me. I have been highly educated at some of the nation's best and well-known schools, and I study educational inequality. Like many in the black middle class, however, while my husband and I are middle-income, we are not in a financial position to opt-out of the public school system, hire outside evaluators, or pay for services and/or treatment. We are able to make up for our lack of economic capital through our social and cultural capital that is specific to the community in which we live. Although the district is only 2% black, I am an active member of the community; I am on a first name basis with the Superintendent, Board of Education members, and our school's principal. Due to those relationships, I can leverage these connections to gain information and directly

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[9] IDEA, *supra* note 5.
[10] *Id.*
[11] Bd. of Educ. v. Rowley, 458 U.S. 176, 209 (1982).

advocate for my son to get the best placements and best treatment the District offers, or to prevent his being labeled at all.

In general, however, many black parents in my community have more modest access to these resources, and hence are at a disadvantage when faced with a situation like mine. The community specific resources I possess are not equally distributed in the community, and the distribution does not necessarily fall along class lines. Therefore, the problem is not primarily one of class, as other commentators have suggested,[12] but of relative *status*. Status refers to the relative positions of an individual's social group within a particular context:

> a status order [is] a structure of relations of perceived, and in some degree accepted, social superiority, equality, and inferiority among individuals. This does not reflect personal qualities, but rather the degree of "social honor" attached to certain of their positional or perhaps purely ascribed attributes (e.g., birth or ethnicity). The social hierarchy thus created is expressed in differential association, especially in more intimate kinds of sociability. [13]

In the United States, race is an important determinant of status and status an important factor in educational stratification.

While IDEA identifies parents as the enforcers of the law, I argue that many parents, even middle class black parents who may occupy a higher class status, occupy a lower status position in their communities, an therefore lack the specific economic, social and cultural capital to provide the parental protection envisioned by the Act. The social and cultural capital needed to protect in this context is specifically that

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[12] *See, e.g.,* Beth Harry, *An Ethnographic Study of Cross-Cultural Communication With Puerto Rican-American Families in the Special Education System*, 29 AM. EDUC. RES. J. 471 (1992), Maya Kalyanpur, et al., *Equity and Advocacy Expectations of Culturally Diverse Families' Participation in Special Education*, 47 INT'L J. DISABILITY, DEV. & EDUC. 119 (2000).

[13] Tak Wing Chan & John H. Goldthorpe, *Class and Status: The Conceptual Distinction and its Empirical Relevance*, 72 AM. SOC. REV. 512, 514 (2007).

which is needed in such a legalized environment as is special education, and hence may be limited for black parents even if their earnings and income designate them middle-class, upper middle-class, or affluent. Despite the potential for parental participation to improve outcomes for minority children and hence close educational gaps, scores of black children in special education are being left behind, apparently not receiving the protective benefits of their parents' participation. Scholars have referred to this disproportionate placement as the new form of school segregation.[14]

There is a literature examining the problem of racial disproportionality in special education. But scholars have typically examined racial disproportionality through the lens of structural theories of racial stratification, which emphasize institutional racism inherent in the processes that govern how students are tested, evaluated, and placed in special education.[15] This institutional racism is manifested in the "certain basic assumptions, worldviews, beliefs, and epistemologies used by some

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[14] *See, e.g.*, Beth A. Ferri & David J. Connor, *Tools of Exclusion: Race, Disability, and (Re)segregated Education*, 107 TCHRS C. REC. 453 (2005). Brown v. Bd. of Educ., 347 U.S. 483, 494 (1954) ("To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.")

[15] *See, e.g.,* Amanda L. Sullivan & Alfredo J. Artiles, *Theorizing Racial Inequity in Special Education: Applying Structural Theory to Disproportionality*, 46 URB. EDUC. (2011). ("In this theory, stratification refers to the patterned and differential distribution of resources, life chances, and costs/benefits among groups of the population. These social systems are dynamic, hierarchical, and socially constructed, resulting in racial ideology (or racism) that influences the behaviors of individuals within the system. There are no universal manifestations of inequity and the nature of the relations in any given locale is dependent on the sociohistorical context. The importance of the social construction of the categories is particularly salient in the consideration of disproportionality because of the convergence of race and disability, the latter of which is based largely on the judgment of professionals within schools and clinical settings. Thus, professional actions that arise within these stratified systems may result in differential treatment of certain groups within those systems.") (internal citations omitted); *see also* Zanita E. Fenton, *Disabling Racial Repetition*, 31 LAW & INEQ. 77, 78 (2012) ("All too often, schools treat children whose emotional disabilities lead them to behave inappropriately as bad children who deserve to be punished rather than as children who need to learn to understand and control their own behavior. In a corresponding manner, teachers discipline Black children, especially boys, more than they discipline non-minority children for similar or lesser behaviors." (internal citations omitted.)

special education knowledge producers"[16] that see black children as less intelligent or "disabled" when they exhibit differences in learning or behavior from their white peers.[17] To date, however, no one has exposed the connection between racial disproportionality in special education placement and the parental participation mandate of IDEA.

In this essay I explain why and how parental participation fails to protect black children from the segregated special education placements. In addition, I argue that the very process of mandated parental participation exacerbates and legitimates the racial inequities participation is meant to lessen. When parents are unable to be effective advocates, the status quo can appear legitimate because parents were supposedly given a meaningful opportunity to participate. Perversely, then, a formal legal right of participation can actually reinforce exclusion.

Participation in legal processes is generally thought to be a fair way of allocating resources and ensuring justice.[18] Participation, however, can only be a fair way to distribute resources if those called to participate are equitably equipped to be full participants to capture scarce resources in the form of services and attention. In order for parental participation to be effective for black children, black parents must already possess specific forms of economic, social and cultural capital to effectively advocate within the institutions that comprise formal K-12 schooling.

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[16] J. M. Patton, *The Disproportionate Representation of African Americans in Special Education: Looking Behind the Curtain for Understanding and Solutions*, 32 J. SPECIAL EDUC. 25 (1998).
[17] *See, e.g.,* Ray McDermott, Shelley Goldman & Herve Varenne, *The Cultural Work of Learning Disabilities*, 35 EDUC. RESEARCHER 12 (2006).
[18] TOM TYLER, WHY PEOPLE OBEY THE LAW (Princeton University Press) (2006).

Black parents in general, however, have stratified *access* to these capitals and stratified *opportunities* to activate the capital for the benefit of their children, especially in majority-white districts where racial disproportionality in special education is particularly evident. In the area of special education, however, where resources are limited, it is only those parents best able to mobilize resources to their benefit who realize the promise of participation.

In Part I, I describe the problem of racial disproportionality in special education placements. I briefly set out the leading theories on why these disparities exist. Rather than argue that racial discrimination plays prominently in identification and evaluation, I pay particular attention to the extent to which black children in special education are denied access to the general education curriculum through in-school and in-district segregation, particularly in middle-class districts with relatively low proportions of black students. It is in securing services and appropriate placements that parents have the greatest opportunity to influence decision-making.

In Part II, I outline how Congress sought, at least in part, to protect children from discrimination in schools through parental participation. I describe the legal process of parental participation, and explain the sociological theories behind why parental participation is thought to be beneficial for children's school outcomes and experiences.

In Part III, I present an argument based on race-related differences in economic, social, and cultural capital to explain why parental participation, as currently envisioned by Congress, fails to adequately protect black children from discriminatory placement in special education. I also outline why, despite

Congressional intent, parental participation actually works as a legitimizing force for unequal treatment, making it an unrealistic enforcement mechanism to ensure equitable educational access for all children in special education.

In Part IV, I discuss a range of reforms to IDEA's participation mandate that could lead to more just outcomes.

I

RACIAL DISPROPORTIONALITY IN SPECIAL EDUCATION PLACEMENT

In order to receive services under the IDEA, a child must be identified as having one or more of 13 disabilities. Of the 13, six are physical disabilities, including hearing impairment or visual impairment.[19] Of the remaining seven, typically referred to as the more subjective disabilities, three are specific learning disorders (speech and language impairment, specific learning disability and developmental delay). The remaining four are mental retardation (more recently known as intellectual disability), emotional disturbance, autism, and other health impairment (typically attention-deficit (hyperactivity) disorder.)

Racial disproportionality can be seen in all of these subjective categories of disability.[20] In general, Black children tend to be overrepresented, but this

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[19] *IDEA*, *supra* note 5, at § 1401 (identifying the following disabilities as eligible for special education services: intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, and specific learning disabilities.)

[20] While this essay is more concerned with the placements of black children that leads to particularly negative in-school and post-schooling outcomes, it is helpful to understand the diagnostic standards under which many black children are evaluated. IDEA defines emotional disturbance as "a condition exhibiting one or more of the following characteristics over a long period of time and to a marked

overrepresentation is actually concentrated in just a few categories. While black children make up only 17% of U.S. public school enrollment,[21] they made up approximately 30% of the ED and MR special education enrollment.[22] In comparison, white children displayed little disproportionate representation in the ED category and slight under representation in the MR category.[23] Asian children, who represent 4.8% of public school enrollment, comprised only 2.23% of the ED category and 1.17% of the MR category.[24] Whites are overrepresented in the other health impairment (ADD/ADHD) category, while Asian children are overrepresented in the autism category.[25]

Perhaps more concerning is the racial differences in educational placements of children receiving special education services. Understanding the profound effects educational setting can have on educational outcomes, Congress requires that children

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degree" and includes "an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain *satisfactory* interpersonal relationships with peers and teachers; *inappropriate* types of behavior or feelings under *normal* circumstances; a general pervasive mood of unhappiness or depression; a tendency to develop physical symptoms or fears associated with personal or school problems." 34 C.F.R. § 300.8(c)(4) (emphasis added). Similarly, IDEA defines mental retardation as "significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance." 34 C.F.R. § 300.8(c)(6). In many states, IQ testing is not a feasible resource for diagnosing mental retardation, so other means must be used. *See, e.g., Larry P. v. Riles*, 793 F.2d 969 (9th Cir. 1984) (holding that because the use of IQ tests have a discriminatory impact on black children, assigning them to MR classes is a prima facie case of discrimination that is not otherwise valid due to educational necessity under Title VII of the 1964 Civil Rights Act.) These alternatives include close observations of a child's developmental function in communication, social interactions, daily self-care, and skills needed to live independently (managing money, using transportation, etc.) Donna K. Daily, Holly H. Ardinger & Grace E. Holmes, *Identification and Evaluation of Mental Retardation*, 61 AM. FAM. PHYSICIAN 1059 (2000).

[21] U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Public Elementary/Secondary School Universe Survey," 2007–08.

[22] U.S. Department of Education, Office of Special Education Programs, Data Analysis System (DANS), OMB #1820-0043: Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act, 2008.

[23] *Id.*

[24] *Id.*

[25] While these disparities may also be a cause for concern, I will not address them in this essay. For more information on these disparities, please see, for example, Jason C. Travers, et al., *A Multiyear National Profile of Racial Disparity in Autism Identification*, J. SPECIAL EDUC. (2011).

receiving special educational services be educated in the least restrictive environment (also known as "LRE").[26] The restrictiveness of a schooling environment is measured by the extent to which "children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled."[27] The law also requires that "special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only 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."[28]

Calls for "inclusion" in special education have largely ignored the problem of the racial segregation of black students with disabilities, despite the apparent overlap between the history of racial segregation in schools and the exclusion of children with disabilities from general education. Cases related to inclusion and restrictiveness of educational placement have yet to deal directly with the racial dimension of restrictiveness, focusing instead on the extent to which judges should defer to school district decisions, the extent to which services in restrictive placements could be provided in a less restrictive environment, the extent to which a less restrictive placement would affect the education of other children, and whether the educational agency has tried a less restrictive placement before resorting to a more restrictive placement.[29]

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[26] 34 C.F.R. §300.114.
[27] *IDEA*, *supra* note 5 at § 1412.
[28] *Id.*
[29] Stephen B. Thomas & Mary Jane K. Rapport, *Least Restrictive Environment: Understanding the Direction of the Courts*, 32 J. SPECIAL EDUC. 66 (1998).

Nationally, black children are more likely to be in the most restrictive placements, as shown in Table 1. Black children with disabilities are four times more likely than non-black children to be receiving special educational services in correctional facilities, and about 50% more likely to be receiving services in a separate school or a residential facility. They are also less likely than non-black children to be in a general education classroom for more than 80% of the school day, with only Native Hawaiians and Pacific Islanders having a lower likelihood to be in the general education classroom more than 80% of the day.

Table 1: Risk Ratio for Special Education Placement [30] [31]

	Inside general education classroom							
	> 80%	40% - 79%	< 40%	Sep. School	Res. Facility	Home/ Hosp.	Corr. Facility	Parent Placed Private School
Hispanic/Latino	0.97	1.00	1.26	0.75	0.46	1.00	0.63	0.59
American Indian or Alaska Native	1.00	1.25	0.79	0.56	1.15	0.89	0.83	0.37
Asian	0.93	0.85	1.51	1.31	0.69	0.75	0.18	0.92
Black/African American	0.87	1.07	1.42	1.54	1.45	0.98	4.56	0.31
Native Hawaiian or Other Pacific Islander	0.70	1.69	1.45	0.68	0.79	0.86	1.10	0.25
White	1.12	0.95	0.64	0.90	1.20	1.05	0.37	2.53
Two or more races	1.02	0.98	0.97	0.87	1.19	0.89	0.99	1.00

Black children with disabilities are also far more likely to be suspended from school than any other racial group of children with disabilities.[32] A recent national report found that one of every four black children with disabilities in grades K-12 were

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[30] In this table, risk measures the probability that students of a given racial/ethnic group who are receiving special education services will be placed in a particular educational environment. The risk ratio compares the risk of students receiving special education services in a particular racial/ethnic group being placed in a particular educational environment to the risk for a comparison group. Here, that comparison group is all other students not in that racial ethnic group who are receiving special education services. Julie Bollmer, James Bethel, Roberta Garrison-Mogren & Marsha Brauen, *Using the Risk Ratio to Assess Racial/Ethnic Disproportionality in Special Education at the School-District Level*, 41 J. SPECIAL EDUC. 186 (2007).

[31] Author calculations based on data from U.S. Dep't. of Educ., Off. of Special Educ. Programs, Data Analysis System (DANS), OMB #1820-0517: "Part B, Individuals with Disabilities Education Act, Implementation of FAPE Requirements." (2011).

[32] DANIEL LOSEN & JONATHAN GILLESPIE, OPPORTUNITIES SUSPENDED: THE DISPARATE IMPACT OF DISCIPLINARY EXCLUSION FROM SCHOOL (Civil Rights Project) (2012).

suspended at least once in a recent school year.[33] In some states, the suspension rate for black children with disabilities was over 40%.[34]

Disproportionate diagnosis and placement in and of themselves are not necessarily bad outcomes. If black children are more likely to have learning difficulties, then we want them to have access to the services they require. Likewise, the more severe the disability, the more it would be necessary for children to be segregated from their typical peers. Racial disproportionality is therefore only an issue to the extent we believe black children are being either over diagnosed or improperly placed in settings that segregate them unnecessarily. Due to the fact that much ink has been spilled attempting to question this empirical question without much agreement,[35] this article does not attempt to resolve the competing explanations.

Instead, I take as a starting point the assumption that black children are being improperly placed in more restrictive placements, and that those placements themselves lead to negative outcomes due to their segregate properties.[36] In other

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[33] *Id.*

[34] *Id.*

[35] *See, e.g.,* GREG J. DUNCAN & JEANNE BROOKS-GUNN, CONSEQUENCES OF GROWING UP POOR (Russell Sage Foundation) (1997), Jacob Hibel, George Farkas & Paul L. Morgan, *Who Is Placed into Special Education?* 83 SOC. EDUC. 312 (2010), Anita Ho, *To Be Labeled or Not to be Labeled: That Is The Question*, 32 BRIT. J. LEARNING DISABILITIES 86 (2004), Ray McDermott, Shelley Goldman & Herve Varenne, *The Cultural Work of Learning Disabilities*, 35 EDUC. RES. 12 (2006), J. M. Patton, *The Disproportionate Representation of African Americans in Special Education: Looking Behind the Curtain for Understanding and Solutions*, 32 J. SPECIAL EDUC. 25 (1998), Amanda L. Sullivan & Alfredo J. Artiles, *Theorizing Racial Inequity in Special Education: Applying Structural Theory to Disproportionality*, 46 URBAN EDUC. 317 (2011), W. Jean Yeung, Miriam R. Linver & Jeanne Brooks-Gunn, *How Money Matters for Young Children's Development: Parental Investment and Family Processes*, 73 CHILD DEV. 1861 (2002), Dalun Zhang & Antonis Katsiyannis, *Minority Representation in Special Education: A Persistent Challenge*, 23 REMEDIAL & SPECIAL EDUC. 180 (2002).

[36] *See generally,* Chandra Muller, Catherine Reigle-Crumb, Kathryne S. Schiller, Lindsey Wilkinson & Kenneth A. Frank, *Race and Academic Achievement in Racially Diverse High Schools: Opportunity and Stratification*, 112 TCHRS. C. REC. 1038 (2010), Pat Rubio Goldsmith, *Schools or Neighborhoods or Both? Race and Ethnic Segregation and Educational Attainment*, 87 SOC. FORCES 1913 (2009). Christy Lleras & Claudia Rangel, *Ability Grouping Practices in Elementary School and African American/Hispanic Achievement*, 115 AM. J. EDUC. 279 (2009).

words, I assume that the mere fact of being in a more restrictive setting has negative consequences regardless of the disability that may lie beneath.

II

THE SOLUTION: PARENTAL PARTICIPATION

Prior to the mid-1970s, children with disabilities were not guaranteed access to a public education, and therefore largely went uneducated.[37] It was not until 1975, after pressure from parents of children with disabilities, that Congress passed the Education for All Handicapped Children Act, later reauthorized as the Individuals with Disabilities Education Improvement Act ("IDEA") most recently in 2004.[38] The stated purpose of the Act was, in part, to "assure that all handicapped children have available to them . . . a free appropriate public education . . . designed to meet their unique needs."[39]

The Theory Behind Parental Participation in (Special) Education

In the findings of the latest reauthorization, in addition to calling for strengthened parental participation, Congress acknowledged the problem of racial disproportionality and parental participation in special education:

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[37] Mitchell L. Yell, David Rogers & Elizabeth Lodge Rogers, *The Legal History of Special Education: What a Long, Strange Trip It's Been!* 19 REMEDIAL & SPECIAL EDUC. 219 (1998).

[38] Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142 (*amended* Individuals with Disabilities Educational Improvement Act, 20 U.S.C. § 1400 et. seq. (2004)).

[39] *Id.*

> (12)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.
>
> (B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.
>
> (C) African-American children are identified as having mental retardation and emotional disturbance at rates greater than their White counterparts.
>
> (D) In the 1998-1999 school year, African-American children represented just 14.8 percent of the population aged 6 through 21, but comprised 20.2 percent of all children with disabilities.
>
> (E) Studies have found that schools with predominately White students and teachers have placed disproportionately high numbers of their minority students into special education.[40]

In the same findings, Congress highlighted the need for greater participation by parents:

> (5) Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by--
> . . .
> (B) strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home. . .

including more avenues for "[p]arents and schools . . . to resolve their disagreements in positive and constructive ways."[41]

Congress's reliance on procedural compliance to achieve the substantial goals of the Act suggests that Congress believes that procedural compliance will not only protect individual students, but also classes of students, namely racial minorities. The Supreme Court has interpreted the Act as Congress "plac[ing] every bit as much

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[40] *IDEA*, *supra* note 5, at § 1400.
[41] *Id.*

emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process" and such emphasis "demonstrates the legislative conviction that adequate compliance with the procedures prescribed would in most cases assure much if not all of what Congress wished in the way of substantive content in an IEP."[42] In other words, if school districts followed the procedural guidelines under the Act they would likely fulfill whatever substantive goals Congress envisioned under the Act.

One of the Act's substantive goals is to reduce racial disproportionality, and a key procedure involves parental participation. The law requires that schools obtain informed consent from parents to have any child identified, assessed, evaluated, and placed in a special education program under IDEA.[43] As part of the informed consent process parents are full participants in the development of their child's IEP, including meeting with school officials at least once a year.

The reasons behind Congressional requirements of parental participation are likely two-fold. First, current theories of administrative law and procedural justice show how decisions are more likely to be seen as legitimate when those affected by such decisions are included in the decision-making process.[44] Legitimacy is important

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[42] *Rowley*, *supra* note 11, at 206.

[43] While this is the case under IDEA, students who are found to have a disability outside of the 13 categories in the IDEA, Section 504 of the 1973 Rehabilitation Act governs their education (Pub. L. No. 93-112, 87 Stat. 394 (1973) (codified at 29 U.S.C. § 701 et. seq.)) These disabilities are often considered "hidden disabilities" that are not apparent to others, such as chronic illness (e.g., diabetes), epilepsy, or allergies. Under Section 504, parents are not entitled to informed consent when a child is evaluated or assessed, although they are entitled to notice, preferably (although not required) in writing. Parents are still entitled to an impartial due process hearing if they are dissatisfied with any part of their child's identification, evaluation or placement. *Id.*

[44] *See* Tom R. Tyler, *Procedural Justice, Legitimacy and the Effective Rule of Law*, 30 CRIME & JUSTICE 283 (2003). This is mostly the case when people are seeking the law's help to settle a dispute rather than when they are seeking the law to help them solve a problem. Special education, for better or

in order to have compliance with law without instilling a complete police state. Legitimacy, and hence compliance, turns on "people's reactions to legal authorities," which are "based to a striking degree on their assessments of the fairness of the process by which legal authorities make decisions and treat members of the public."[45] Participation is therefore thought to be a way to increase the legitimacy of the law by making individuals feel that fair laws are those in which people have played a part in creating or enforcing. Specifically,

> participation does have an important indirect influence over procedural justice judgments, because people are more likely to rate the quality of decision making and the quality of interpersonal treatment to be high when the procedure includes opportunities for them to participate.[46]

Second, a plethora of evidence exists for the proposition that racial and class differences in parental characteristics and activities that can help explain racial and class differences in educational achievement and attainment.[47] For example, Ogbu's cultural ecology theory posits that black parents' negative experiences with educational discrimination causes them to impress upon their children a distrust of dominant society, including schools. Children then do not view schooling as a mode for socioeconomic mobility, and hence do poorly in schools.[48] Lareau found that

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worse, is often more adversarial than cooperative, and hence participation is likely to be a legitimizing force.

[45] *Id.* at 284.

[46] *Id.* at 300.

[47] *See generally* Prudence L. Carter & LaToya Baldwin Clark, *Social Reproduction*, *in* ENCYCLOPEDIA OF DIVERSITY IN EDUCATION (James A. Banks ed., 2012), ANNETTE LAREAU, HOME ADVANTAGE: SOCIAL CLASS AND PARENTAL INTERVENTION IN ELEMENTARY EDUCATION (Rowman & Littlefield Publishers, Inc. 2000), ANNETTE LAREAU, UNEQUAL CHILDHOODS: CLASS, RACE, AND FAMILY LIFE (University of California Press. 2003), Golam Mannan & Jacqueline Blackwell, *Parent Involvement: Barriers and Opportunities*, 24 URB. REV. 219 (1992), Ralph B. McNeal, *Parental Involvement as Social Capital: Differential Effectiveness on Science Achievement, Truancy and Dropping Out*, 78 SOC. FORCES 117 (1999).

[48] John U. Ogbu, *African-American Education: A Cultural Ecological Perspective*, *in* BLACK FAMILIES (Harriette Pipes McAdoo ed., 2007).

middle class parents, unlike poor and working class parents, engage in a childrearing style that "fits" with the cultural expectations of traditional schooling.[49] As a result, middle class children do noticeably better in school than do their poor and working class peers. Education researchers have consistently found positive effects of parental participation on academic achievement.[50] Research shows that some types of parental activities, including having high educational aspirations and expectations and home supervision, have positive effects on children's academic outcomes.[51] Hence districts focus a lot of time and effort towards closing racial and class achievement gaps by getting parents involved.[52]

The Process of Participation in Special Education

For each child with a disability, the Act requires schools, with the cooperation of parents, to create a unique educational program, commonly known as an Individualized Education Program ("IEP"). It is through the IEP development that Congress imagined parents as protectors.

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[49] Lareau, *supra* note 47.

[50] Joyce L. Epstein, *Attainable Goals? The Spirit and Letter of the No Child Left Behind Act on Parental Involvement*, 78 SOC. EDUC. 179 (2005).

[51] Xitao Fan & Michael Chen, *Parental Involvement and Students' Academic Achievement: A Meta-Analysis,* 13 EDUC. PSYCH. REV. 1 (2001).

[52] Epstein, *supra* note 50. Today much of the rhetoric around "failing" schools and racial achievement gaps focuses on the roles of parents. Parental involvement is near the center of the No Child Left Behind Act ("NCLB"). Pub. L. No. 107-110, 115 Stat. 1425 (codified at 20 U.S.C.A. § 6301). NCLB's stated goal is "to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education." *Id.* In response to NCLB, the National Parent Teacher Association ("PTA") has outlined six national standards for parental involvement in schools: communication between families and school; promotion of parenting skills; parental assistance in student learning; parental volunteering in the school; parental involvement in school decision making; and community collaboration. According to the National PTA, achieving the NCLB goals of 100% proficiency in math and reading by 2014 for all students requires that "we expect more from their parents and families." NATIONAL TEACHER PARENT ASSOCIATION. PTA NATIONAL STANDARDS FOR FAMILY SCHOOL PARTNERSHIPS: AN IMPLEMENTATION GUIDE. (2009).

Under IDEA, parents are participants at each stage of the referral/evaluation/placement process. When the school suspects a child of having a disability, the school is required to first notify the parent, and then obtain informed consent from a parent prior to any evaluation of the child.[53] The purpose of the evaluation is to determine eligibility for IDEA special education and related services.[54] The school must also notify the parent, prior to requesting consent, of the procedures used in the evaluation.[55] After the evaluation, the parent is a member of a team, along with a "group of qualified professionals," that determines if the child indeed has a disability.[56] Under the Act, a parent who disagrees with a school's evaluation has the right to request one independent educational evaluation,[57] to be provided at no cost to the parent. A parent need not give any reason for why they are requesting the second

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[53] This consent is only for evaluation; "parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services." 34 C.F.R. § 300.300(a)(1)(ii). At this time, schools are required to inform parents of their procedural rights under the Act, and give instructions for how to obtain a copy of those rights. 34 C.F.R. § 300.504.

[54] *IDEA*, *supra* note 5, at § 1401 ("The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.")

[55] If a parent cannot be found to notify, or declines to consent to the evaluation, a school may pursue the evaluation through the due process procedures provided by the Act. But they are not required to do so, and if a parent fails to consent to the evaluation, the school therefore does not violate its obligation to provide a "free appropriate public education" to a child it believes has a disability. *IDEA*, *supra* note 5, at § 1414.

[56] 34 C.F.R. § 300.321. The team is to consist of no less than: the parents; one regular education teacher; one special education teacher; a school representative that will either provide or supervise the provision of educational services to the child; someone who can interpret the instructional implications of the evaluation; the child, if appropriate; and any other persons that have "knowledge or expertise" that will be helpful in determining services and placement, to be decided by either the parents or the school.

[57] *Id.* at § 300.502.

evaluation.[58] The school can either accept the request, or file a due process complaint to determine whether the second evaluation is necessary or appropriate.[59] In the case that the school files a due process complaint, the parent must decide whether to obtain that second opinion prior to the resolution of the complaint, which will not be financed by the school.[60] In any case, if the second evaluation meets the school district's criteria for appropriateness, the IEP team must take that evaluation into account.[61]

If the team determines that the child is eligible for services, this team, now known as the IEP team, then discusses what, if any, services and accommodations need to be provided the child.[62] They must also discuss, and document, the measurable annual goals they expect to see out of the child during the course of the school year, and any alternate assessments if the standard assessments will not be used. In IEP meetings, parents are to be given opportunities to contribute to any discussion regarding "identification, evaluation, and educational placement of the child . . . and the provision of FAPE ["free appropriate public education"] to the child."[63]

The IEP must also document the environment in which the child will be educated. The Act requires, "to the maximum extent appropriate," that children with

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[58] *Id.* at § 300.502(b)(4).

[59] *Id.* at § 300.502(b)(2)(i-ii).

[60] *Id.* at § 300.502(b)(3).

[61] *Id.* at § 300.502(c)(1).

[62] *IDEA, supra* note 5, at § 1414 (stating that an IEP is to be a "written statement for each child with a disability . . . that includes . . . (I) a statement of the child's present levels of academic achievement and functional performance . . . (II) a statement of measurable annual goals, including academic and functional goals . . . (III) a description of how the child's progress toward meeting the annual goals … will be measured and when periodic reports on the progress the child is making toward meeting the annual goals . . . will be provided; (IV) a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child . . . [and] (V) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.")

[63] 34 C.F.R. § 300.501(b)(1)(ii).

disabilities be educated in the least restrictive environment, classrooms and schools with children who are not disabled.[64] The law specifically calls for procedures that mitigate racial, linguistic, and cultural biases in testing, evaluation, and placement into disability categories, and provides procedural safeguards that allow parents to present complaints.

The parent must also consent to the provision of services.[65] If a parent refuses to consent for services, the school is also not responsible for providing FAPE, despite the child being eligible under the Act.[66] A parent can accept some services and reject other services; they need not consent to every service offered by the school. In this way, parents have the "power of veto" over any placement, service, or treatment.

Schools are to bear the responsibility to make sure parents are welcomed as members of the IEP team.[67] Interpreters are to be present at the meetings to ensure language-minority parents understand the proceedings.[68] They are to give ample notice of IEP meetings, and come to an agreement with the parent regarding time and place.[69] That notice must include who will be present at the meeting and the nature of topics to

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[64] Stephen B. Thomas & Mary Jane K. Rapport, *Least Restrictive Environment: Understanding the Direction of the Courts*, 32 J. SPECIAL EDUC. 66 (1998) (explaining that the Supreme Court has not directly defined LRE. They categorize how the lower federal courts have decided LRE cases into four categories: *qualified deference* (courts, due to their lack of expertise, defer to school officials decisions on LRE, as long as procedural standards are met); *portability* (asks whether the same services provided in a more restrictive environment can be provided in a less restrictive environment; i.e., are they portable); *inclusion* (asks whether the child can be educated in a general education classroom with support); *balancing* (asks about academic and nonacademic costs and benefits to both child with disability and nondisabled peers.))

[65] 34 C.F.R. § 300.300.

[66] *Id.* at § 300.300(3)(i-ii).

[67] *Id.* at § 300.322.

[68] *Id.* at § 300.322(e).

[69] *Id.* at § 300.322(a).

be discussed. Schools can hold IEP meetings without a parent if they extensively document their efforts to include the parent.[70]

At any point in this process, the parent can file a due process complaint or a civil complaint in state or district court after having gone through a due process hearing.[71] A parent can also request mediation for any area of conflict, even before filing a due process complaint if mediation is available in the state.[72] If such services are available in the area, the school must provide the parent with information about free or low-cost legal assistance in the area. The school has 30 days to resolve the parent's issue to the satisfaction of the parent, else a due process hearing will occur.[73] At the hearing, parents are entitled to have their child in attendance, open the hearing to the public, and receive a record of the findings of fact and decisions.[74]

Parents can always appeal the due process hearing decision to the State Educational Agency (usually a state's Department of Education) if they were not the agency that conducted the hearing, or can file a civil complaint in a state court or federal district court without regard to the amount in controversy. A 2007 Supreme Court case allows parents to represent their FAPE claims pro se, or without the guidance of an attorney.[75]

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[70] *Id.* at § 300.322(d).

[71] Under the Act, parental complaints would first be heard in an impartial due process hearing conducted according to state rules, as long as the officer is not involved with the child's education. The decision could be appealed to the State educational agency, which conducts an independent review. Regardless of the outcome, either party unhappy with the result can initiate a civil suit in state or district court. *IDEA*, *supra* note 5, at § 1415.

[72] If the dispute is resolved through mediation, the written resolution is legally binding, and must state that all conversations that occurred within the mediation are confidential and cannot be used against either party in subsequent filings. *Id.*

[73] 34 C.F.R. §300.510(b).

[74] *Id.* at § 300.512(c).

[75] Winkelman v. Parma City Sch. Dist., 550 U.S. 516 (2007). Parents can also be awarded attorney's fees if they win their case, but they or their attorney may be subject to paying the school's attorney fees

III

THE CRITIQUE: THE PROBLEM WITH PARTICIPATION

Research shows that participation tends to increase both legitimacy and the quality of decision-making and that parental participation leads to positive outcomes for children in schools. Yet despite the procedures intended to make parents full participants in the special education process, many parents are unable to be effective advocates against the racial bias that leads to restrictive placements for children with disabilities. Despite Congressional intentions, many parents, especially those who possess a relatively lower social status, are unable to adequately advocate for their children. I argue that inequitable access to economic, social, and cultural resources at the parental level coupled with a legal and institutional structure that privileges these various forms of resources explains why racial disparities persist in educational setting placements. I also argue that the very existence of participation legitimizes the status quo when participation is ineffective.

Parental Capital Differences

Status refers to "a structure of relations of perceived, and in some degree accepted, social superiority, equality, and inferiority among individuals."[76] Sociologists typically look to three forms of capital to understand an individual's

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if the suit is found to be frivolous, unreasonable, or with the intention to harass or unnecessarily increase the cost of litigation.

[76] Chan & Goldthorpe, *supra* note 13, at 514.

social status. First, economic capital is money that can be used to create more money, otherwise known as wealth. Homes, stocks, businesses and the like are all forms of economic capital that can "immediately and directly be converted into money."[77] Second, social capital refers to the value of social networks; it is the "benefits accruing to individuals by virtue of participation in groups and . . . the deliberate construction of sociability for the purpose of creating this resource."[78] Social capital is both shared resources as a result of a relationship between individuals as well as the relationship itself. Third, cultural capital denotes those "micro-interactional processes whereby individuals' strategic use of knowledge, skills, and competence comes into contact with institutionalized standards of evaluation."[79] In other words, those with more knowledge of how institutions work and more ability to leverage that knowledge have a distinct advantage in extracting more resources from that context than do others without such knowledge and ability.

These capitals do not exist in isolation, and often the expenditure of one can lead to an increase in another. For example, in schools, parents who can afford to have one parent stay-at-home (economic capital) are better able to create relationships with teachers and school administrators (social capital) due to their volunteer activities during school hours. During the process of volunteering, these same parents acquire knowledge about the inside workings of the school (cultural capital) that parents who work during the school day lack the opportunity to acquire.

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[77] Pierre Bourdieu, *The Forms of Capital*, *in* HANDBOOK OF THEORY OF RESEARCH FOR THE SOCIOLOGY OF EDUCATION 47 (J.E. Richardson ed., 1986).

[78] Alejandro Portes, *Social Capital: Its Origins and Applications in Modern Sociology*, 24 ANN. REV. SOC. 1, 3 (1998).

[79] Annette Lareau & Elliot B. Weininger, *Cultural Capital in Educational Research: A Critical Assessment*, 32 THEORY & SOC'Y 567, 597 (2003).

In relation to special education, I argue that even middle-class black parents, as a group, have less opportunity to acquire these various forms of capital and hence activate them for the benefit of their children as compared to their white counterparts in middle-class schools. While the relative differences in these capitals have implications for general education, the differences are amplified in special education. Notice that class, while relevant, is not the core difference between parents in this argument. Instead my argument is that *racial* inequality between families and parents directly affect the substance of parental participation, leading to inappropriate special education placements for black children into segregated environments, even in middle-class contexts.

1. Economic Capital

It is an understatement to say money matters. In the simplest way, money matters in special education by giving parents options. The more money a family has available to it, the easier it is to avoid the pitfalls of discrimination and stigmatization. But it is not just income that matters, but wealth. Wealth – homes, stocks, businesses and the like – is a resource that can "immediately and directly be converted into money."[80] The wealthy have access to economic resources that allow them to send their children to private school if they are unhappy with the public school, or to hire outside evaluators without depending on the school, or to obtain the assistance of legal counsel.

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[80] Bourdieu, *supra* note 77.

Suppose a parent consents to a school evaluation of their child and was unhappy when the school's psychologist labeled that child as ED. A wealthy parent is able under the Act to hire their own evaluator to assess their child's academic and physical functioning. For parents without access to monetary resources, this option is only available if the school voluntarily chooses to provide it. If the school refused to pay for this second opinion, a less wealthy parent would be forced to wait for the outcome of a due process hearing granting the outside evaluation at no cost to the parent. While waiting, however, precious months during which the child could be receiving services are wasted.

While wealth disparities exist across racial groups, blacks tend to have only one-eighth the wealth of comparable white families.[81] Even among the "middle-class", black children typically come from families with less wealth, regardless of income,[82] due to the myriad of processes that have restricted black access to wealth-making opportunities throughout the history of this country.[83] Wealth contributes to a sense of financial security, especially when needing to acquire things that are not necessities. Hence a middle-income black family will, in general, have less ability to hire a lawyer, opt-out of the public school system, or hire outside evaluators.

Wealth's impact on the experiences of parents of children with disabilities is significant. First, parents can use the independent, private evaluator as a "check" on the school during the diagnostic process. While the school's evaluator may suggest

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[81] Melvin L. Oliver & Thomas M. Shapiro, BLACK WEALTH/WHITE WEALTH: A NEW PERSPECTIVE ON RACIAL INEQUALITY (Routledge, 2006); W. Jean Yeung & Dalton Conley, *Black-White Achievement Gap and Family Wealth*, 79 CHILD DEV. 303 (2008).

[82] Amy J. Orr, *Black-White Differences in Achievement: The Importance of Wealth*, 76 SOC. EDUC. 281 (2003).

[83] IRA KATZNELSON, WHEN AFFIRMATIVE ACTION WAS WHITE: AN UNTOLD HISTORY OF RACIAL INEQUALITY IN TWENTIETH CENTURY AMERICA (W.W. Norton & Company, 2005).

eligibility for services under one disability category, or deny certain services, the private evaluator may be able to be pressured by the parent to say otherwise. Therefore if choosing between an autism diagnosis or an ED/MR diagnosis, a parent with an outside evaluator has leverage to push for the diagnosis she thinks would best serve her child. Those without funds to independently hire outside evaluators are instead solely at the mercy of the school. This exacerbates inequality; wealthier parents are able to lobby more effectively for the things they want because they have evidence to back up their requests. Parents without economic resources are left with only their opinions and requests. These requests allow wealthier parents to extract more services and resources than less wealthy parents.

Wealthy parents can also take advantage of the Act's provision that allows parents to bring an advocate to the IEP meetings, including lawyers and other informed advocates. If they are available, schools are required to inform parents of low-cost or no-cost legal assistance in their communities. This is a great resource in communities where these resources exist. Yet while resources exist where parents can learn about the legal process involved in special education, there is no substitute to having an actual lawyer in the room. A lawyer with special education experience brings information and expertise to the table, sometimes more than the school officials themselves have. Symbolically, the implicit threat of facing legal consequences is enough to garner more attention and resources toward that child than others.

In hearings, parents with lawyers are more able to "call[] more witnesses, offer[] more exhibits, present[] their case more effectively, and cross-examine[] the school's witnesses" and hence are more likely to win their case than parents who are unable to do these things.[84] Even in mediation, parents who have a lawyer find the mediation process, the agreement, and the implementation fairer than those parents who have a lay advocate or no advocate at all.[85] In addition, the school almost always has a lawyer, meaning those parents without legal assistance are in a relatively less powerful position.

Wealth is also directly related to social and cultural capital, as discussed below.

2. Social Capital

Much of what a parent knows about parenting comes from other parents. Nowhere is this truer than when it comes to information about schools. Parents trade stories and advice about teachers (including which to avoid), administrators, and activities. My children's involvement in their current extra-curricular activities is a direct result of information I have gathered from other parents.

Sociologists refer to this resource as social capital. Social capital refers to the value of social networks; it is the "benefits accruing to individuals by virtue of participation in groups and . . . the deliberate construction of sociability for the purpose of creating this resource."[86] Social capital is both shared resources as a result of a relationship between individuals as well as the relationship itself. In schools, it is "the material and immaterial resources that individuals and families are able to access

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[84] Peter Kuriloff & Steven Goldberg, *Is Mediation a Fair Way to Resolve Special Education Disputes? First Empirical Findings*, 2 HARV. NEG. L. REV. 35 (1997).
[85] *Id.*
[86] Bourdieu, *supra* note 77; Portes, *supra* note 78.

through their social ties" with the purpose of using those "network ties to . . . resolv[e] problems with schools to secure advantageous outcomes for their children."[87]

Families vary dramatically in the composition of their social networks. According to studies, middle-class parents know approximately twice as many of their children's peers' parents as do working-class parents.[88] Unsurprisingly, middle-class parents also know more professionals, such as doctors, lawyers, psychologists and teachers than do working-class parents.[89] This is not to say that working-class and poor parents are unconnected, but rather that their networks are of a different nature; working class and poor parents have much stronger ties with extended family than do middle-class parents.

Yet even among the middle class, although black parents likely have the same professional connections as white parents have, black parents routinely report feeling ostracized in the school environment and thus have to work much harder than white parents to establish social ties in schools. In predominately white middle-class neighborhoods, middle-class blacks feel shut out of parent networks and organizations. Not only then are they unable to extract the benefits of parent networks in school, but they also feel disengaged from the school itself.[90] For example, in a study of a middle-class, suburban school district that was 80% white, 12% black, 6% Asian, and 2% Latino, parents of color routinely felt unwelcome at schools due to the

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[87] Erin McNamara Horvat, Elliot B. Weininger & Annette Lareau, *From Social Ties to Social Capital: Class Differences in the Relations Between Schools and Parent Networks*, 40 AM. EDUC. RES. J. 319, 323 (2003).

[88] *Id.* at 327-8.

[89] *Id.* at 330.

[90] KARYN R. LACY, BLUE-CHIP BLACK: RACE, CLASS, AND STATUS IN THE NEW BLACK MIDDLE CLASS (Univ. of Cal. Press 2007); McGrath & Kuriloff, *supra* note 90.

actions of other parents.[91] For example, PTA mothers tend to resist recruiting new members through channels other than personal recommendations. Black mothers who wanted to be involved feel excluded, partly because meetings are sometimes held during the day when many black mothers work, but also because the white parents bristle when black parents complain about a school's policies that have a disparate impact on black children.

Within the school, my ability to be around due to my flexible schedule means that I know many of the parents of my children's classmates, and see their teachers every day. I am also able to develop a relationship with the teacher by volunteering in the classroom once a week. The principal knows me by name, as I often stop to talk to her in the morning. I attend board meetings, and know many district-level officials. These relationships highlight the other aspect of social capital: I can have easier interactions with people of authority in the school and district due to being an active member of the community. The fact of the relationships within a tight-knit community is a benefit.

My location in these various overlapping social networks highlights the social cohesion of my networks and my embeddedness within them.[92] Embeddedness refers to the "fact that . . . social action and outcomes . . . are affected by actors' dyadic (pairwise) relations and by the structure of the overall network of relations."[93] The structure of the "overall network of relations" determines helps explain how a network tie is related to other network ties within a larger social group:

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[91] McGrath & Kuriloff, *supra* note 90.

[92] My thanks to Calvin Morrill for suggesting the usefulness of social embeddedness to this analysis.

[93] Mark Granovetter, *Problems of Explanation in Economic Sociology*, *In* NETWORKS AND ORGANIZATIONS: STRUCTURE, FORM, AND ACTION (N. Nohria & R. G. Eccles eds., 1992).

> [T]o the extent that a dyad's mutual contacts are connected to one another, there is more efficient information spread about what members of the pair are doing, and thus better ability to shape behavior. Such cohesive groups are better not only at spreading information, but also at generating normative, symbolic, and cultural structures that affect our behavior.[94]

As a result of my embeddedness in these socially cohesive groups, I am in a good position to be able to effectively advocate for my son in the special education discussions. My relationships in the community mean that the information I receive can be effectively and efficiently used in various ways. I have information about child development that assures me that many of my child's behaviors are typical of a six-year-old; those same psychologists and child development experts are connected to the school district either as parents or influential community members. I know about appropriate interventions short of a special education placement that can help him strengthen areas where he is weak, and his teachers recognize the legitimacy of those interventions because they also know about them. I have recommendations for good psychologists and even good schools outside of the public school system if we were to decide to pull him out of this school. When the school noticed his problematic behaviors, the principal was able to casually approach me at drop-off one morning without having to resort to a more formal communication. And if and when the time comes to challenge the schools assessment of him, I have information drawn from my many social resources to leverage in the negotiation.

Of course, many of these relationships would be inaccessible without the economic capital discussed previously. Parents at our suburban school interact the most at drop-off in the morning and pick-up in the afternoon. If I were a working

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[94] *Id.*

parent with a 9-5 job instead of a student with a flexible schedule, I would not be able to devote the time in the morning to chat with other parents, and I likely would not be able to physically pick up my children from school everyday. The parents of children who do not live in our community are similarly not able to engage in the informal parental relationships that are forged at these times because their children ride the bus. Much of my information is amassed from my association with colleagues from my Ivy-League undergraduate experience. For a parent who has not attended college, these resources are likely out of reach.

Yet I am still disadvantaged because of my unique position as a black parent in a majority-white school district. Often black parents in white districts cannot effectively use the more formal avenues for complaints and communication because concerns relevant to a minority of students are not seen as the problem of the entire body of parents. For example, in a previously referenced study, a black mother voiced her concerns related to race in the schools at a PTA meeting. In commenting on that black parent's concerns, a white parent remarked to the interviewer that

> all she [the black parent] does is complain at meetings. 'There are bad things happening everywhere, but this place is pretty good,' [the white parent] says. 'Why does she have her kids here if she doesn't like it?'[95]

These sentiments make black parents feel like their issues are not relevant to other parents, and often, to the school itself. This discourages black parents from developing school ties or using them to the benefit of their children. Other parents are sometimes

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[95] McGrath & Kuriloff, *supra* note 90.

put-off by a "Black" communication style that is interpreted as overtly hostile or angry.[96]

The inability to create these social bonds can cut black families out of informational networks where parents are the gatekeepers to crucial information that is only passed through word-of-mouth.

3. Cultural Capital

> "It's like saying you . . . can have a partnership with the doctors who are going to treat you . . . You can't really have as much say because it's too complicated."[97]

By referring to special education placement as "complicated," this school administrator implies that unless a parent has sophisticated knowledge about the process of diagnosis, true participation that is likely to influence decisions will be elusive. The most effective advocates are, therefore, those parents who are "in the know" and possess cultural capital.

Special education is its own cultural field, a "space[] in which dominant and subordinate groups struggle for control over resources."[98] In special education, those resources include spaces in the most desirable placements and access to services and treatments. It is parents who possess the most sophisticated knowledge of special education policies and procedures that therefore have cultural capital, and are able to secure the best resources for their children.

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[96] *See generally* THOMAS KOCHMAN, BLACK AND WHITE STYLES IN CONFLICT (Univ. of Chi. Press 1981) (illustrating the different cultural styles associated with African-Americans and whites and how those styles can be misinterpreted by the other group in interpersonal communications).

[97] David M. Engel, *Law, Culture, and Children with Disabilities: Educational Rights and the Construction of Difference*, 1991 DUKE L.J. 166, 189 (1991).

[98] Susan A. Dumais, *Cultural Capital, Gender, and School Success: The Role of Habitus*, 75 SOC. EDUC. 44, 46 (2002).

There are many ways in which the benefits of cultural capital manifest. First, parents with sophisticated knowledge of the special education process are able to manipulate the disability category into which their child is placed. For example, in one study, a middle-class white mother states a preference for an autism diagnosis over one of emotional disturbance: "I shouldn't say this, but it's [ED] . . . almost like it's a write-off. It's like, the most you could do for an ED kid by middle school is try to put out fires."[99] While the diagnosis does not change her child's actual behavior, she recognizes that the way others will treat her child is drastically different depending on the label; "[o]nly a tiny percentage of students identified as seriously emotionally disturbed perform at or above grade level, and the evidence shows that they fall farther behind each year they attend school.[100] Parents with this knowledge about the stigmatizing effects associated with the different categories are able to have considerable influence to actually change what should be an objective medical diagnosis.

The value of cultural capital is also apparent when parents understand the procedures associated with special education. More savvy parents are able to manipulate the procedural rules in order to get benefits for their children. For example, a parent who wants their child to have a private school placement can carefully construct a narrative that explains why the school district's placement violates a child's right to FAPE. Parents with cultural capital can also request services that he or she knows is available in the school district, even if the school did not make them

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[99] Audrey Trainor, *Reexamining the Promise of Parent Participation in Special Education: An Analysis of Cultural and Social Capital*, 41 ANTHROPOLOGY & EDUC. Q. 245, 253 (2010).

[100] Theresa Glennon, *Disabling Ambiguities: Confronting Barriers to the Education of Students with Emotional Disabilities,* 60 TENN. L. REV. 295, 305 (1992-1993).

aware of those options. For parents with less cultural capital, however, lack of knowledge about options and procedures can lead to lack of true participation in the process. For example, many parents are unaware that the IEP is supposed to be a collaborative process between school officials and teachers. In their small study of parental perceptions of IEP meetings, Zeitlin and Curcic find that "only one-third of the participants noted positive role experiences such as 'collaborator', 'active participant', and 'liaison' or 'relationship builder'.[101] Schools often will enter an IEP meeting with the document already drawn up in final form and encourage a parent to simply sign it without getting feedback from the parent or encouraging the parent to take the document home to examine prior to signing. Unfortunately, the procedural notices that IDEA requires[102] schools to provide to parents may not be enough to guarantee that all parents and children with disabilities are equally protected.[103] Only 4-8% of Parent's Rights materials across the country are readable at the recommended reading level, which falls between a seventh and ninth grade reading level.[104] On the other hand, 20-50% of the documents are at a college reading level or above.[105]

Cultural capital can also take the form of a sense of entitlement to true participation. Many Black parents do not come to the IEP experience with an expectation of equality.[106] Some parents actually see this as a plus in their interaction

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[101] Virginia Zeitlin & Svjetlana Curcic, *Parental Voices on Individualized Education Programs: 'Oh, IEP Meeting Tomorrow? Rum Tonight!'*, 29 DISABILITY & SOC. 1 (2013).

[102] IDEA, *supra* note 5, at § 1415 (d).

[103] Julie L. Fitzgerald & Marley W. Watkins, *Parents' Rights in Special Education: The Readability of Procedural Safeguards*, 72 EXCEPTIONAL CHILD. 497 (2006).

[104] *Id.*

[105] *Id.*

[106] Maya Kalyanpur, Beth Harry & Tom Skrtic, *Equity and Advocacy Expectations of Culturally Diverse Families' Participation in Special Education*, 47 INT'L J. DISABILITY, DEV. & EDUC. 119 (2000).

with the IEP team; they are afraid, because they are less educated, that they would make bad decisions if they had too much decision-making power.[107] Black families sometimes feel "wholesale suspicion, distrust, and hostility toward schools"[108] where their children are a numerical minority, and often assume that schools will not see them as equals.

On the other hand, White middle-class parents are explicit in their belief that they are equals with teachers and other school administrators. In one study, a middle class White parent says:

> I don't think of teachers as more educated than me or in a higher position than me. I don't have any sense of hierarchy. I am not higher than them, and they are not higher than me. We are equals. We are reciprocals.[109]

Middle-class White parents will find communication with schools relatively easier because the cultural communication norms between schools and middle-class white parents tend to match. One study showed that at an Open House in a middle-class school, interaction between parents and teachers consist of "almost all of the parents talk[ing] to the teacher or to the teacher's aide; these conversations were often long and were punctuated by jokes and questions."[110] At a working-class school at a similar event, on the other hand, the interaction between parents and teachers is "stiff and awkward," where parents and teachers rarely even speak to one another.[111]

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[107] Engel, *supra* note 97.
[108] Annette Lareau & Erin McNamara Horvat, *Moments of Social Inclusion and Exclusion: Race Class and Cultural Capital In Family-School Relationships*, 72 SOC. EDUC. 37, 44 (1999).
[109] Annette Lareau, *Social Class Differences in Family-School Relationships: The Importance of Cultural Capital*, 60 SOC. EDUC. 73, 80 (1987).
[110] *Id.* at 78.
[111] *Id.*

This lack of cultural capital in special education can be seen as either a cause or an effect of Black parents' tendency to separate home from school. For black parents, this may stem from the legacy of post-integration experiences in schools where black teachers and administrators were replaced by white teachers and administrators. Fairclough argues that pre-integration, teachers "enjoyed close relationships with their pupils based on empathy with the individual child and an intimate knowledge of the black community, enabling them to motivate their charges."[112] These white professionals rarely lived in the neighborhoods in which they worked, a stark contrast to the days of segregation where schools were truly community spaces. Black parents in previously segregated school subsequently came to feel alienated by the schools, and maintained distance from the schools.[113] Research suggests that some black middle class parents have the cultural capital to directly intervene in their child's school; for example, Lareau found that in her study of a black middle class family where the child attends a predominately white school, the black middle-class parents were "well positioned to take prompt action because they are well informed."[114] But becoming well informed is often harder for black parents in predominantly white middle-class schools than their white counterparts; in their study of an upper-middle-class predominantly white school, McGrath and Kuriloff report middle-class black mothers were often excluded from cultivating intimate knowledge

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[112] Adam Fairclough, *The Costs of Brown: Of Black Teachers and School Integration*, 91 J. AM. HIST. 43 (2004).
[113] Patricia A. Edwards, *Before and After School Desegregation: African-American Parents' Involvement in Schools*, 7 EDUC. POL'Y 340 (1993).
[114] Lareau, *supra* note 47.

of the goings-ons at the school through the actions of white middle-class mothers to keep home and school associations homogenous.[115]

Cultural capital flows directly from economic and social capital. Parents learn about the intricacies of the process through their connection to other parents and through their professional networks. They can extract information that other parents may not be privy to through their connection to school officials. They can also pay for this cultural knowledge by attending parent education classes specific to special education. Acquisition of this cultural capital takes time, time that can be afforded by those with economic capital.[116] Deep knowledge of the special education process and parental rights are crucial in protecting children from inappropriate placements. Only the most knowledgeable parents will be able to act on an equal footing with school officials. Black parents in predominantly white middle-class schools are therefore at a significant disadvantage in their ability to capture scarce resources for their children.

The Legitimizing Force of Participation

Furthermore, the process of participation serves to reinforce existing inequalities. Children with heavily resourced parents already have an advantage in school. In general education, parents who are able to volunteer during the school day, parents who are able to create social networks and build their cultural competencies about their particular school environment are able to create advantages for their children. These parents are able to get their children the best teachers, access to the most beneficial extra-curricular activities, and tend to create relationships with other

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[115] McGrath & Kuriloff, *supra* note 90.
[116] Bourdieu, *supra* note 77.

parents and school officials that directly enhance their children's educational experiences. If a child of a highly resourced parent is found to be eligible for special education services, those same resources will be used to lessen the impact of that child's disability on their educational outcomes. Participation will likely be a rich experience for the parent who can bring those resources to bear in IEP meetings. An already advantaged child is also advantaged in special education.

Participation therefore provides a way to legitimize the inequitable treatment of black children in special education. For as long as parents are at least marginally participating, schools can point to IEP attendance and signatures as proof of their compliance with the law. But such marginal participation for parents with fewer resources legitimizes the disadvantage with which middle-class black children already exhibit *outside* of special education. For example, a child whose parents have relatively less economic capital is more likely to enter kindergarten with a small vocabulary than a child of wealthy parents. Parental characteristics have already led to a disadvantage. If that child is believed to have a disability, the parent brings the same resources to a participatory process, and those resources are not effective in a participatory process. An already disadvantaged child is also disadvantaged in special education. This disparity in parental resources can help to explain why, despite parental participation, black children tend to receive the most restrictive placements. The law's insistence on this type of parental involvement – participation in developing an IEP and informed consent – fails to take these factors into account. As a result, racial disproportionality in the judgmental categories of disability will continue to be an issue unless other ways of protecting individual children against discriminatory placement are developed.

IV

SUGGESTIONS FOR REFORM

What might rectify this problem of participation? Removing parents from the process could possibly remove the multiplicative effect of capital differentials, but is unlikely to gain support politically, and participation is not an inherently negative objective. Parents were the driving force behind IDEA and parental involvement, and those parents who are effective advocates will balk at having their power taken away (with good reason.)

I propose three ways in which some aspects of capital resources and inequality can be mitigated: litigation, amendments to IDEA, and changes in IDEA implementation.

Litigation

While an extensive discussion of litigation options to address the problem of parental inequalities in the special education participatory process is beyond the scope of this essay, there are a few options that should be noted as possible avenues of legal reform.

Title VI of the Civil Rights Act of 1964 states that

> [n]o person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.[117]

These programs and activities include local educational agencies that receive IDEA funds.[118] Under many federal agencies Title VI regulations, the discrimination does not have to be intentional; instead the regulations allow for discrimination to be shown using an "effects" standard where agencies receiving federal funding

> may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or *have the effect* of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.[119] (emphasis added.)

In the case of special education, a convincing case can be made that the current system of using parents to enforce equitable outcomes has a discriminatory effect on black children for all the reasons I have outlined in this essay. Upon a showing of discriminatory effects, a school district would have to show that "that the challenged decision was necessary to meeting a goal that was legitimate, important, and integral to the defendant's institutional mission."[120] Parental participation is certainly not an

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[117] 42 U.S.C. § 2000d.

[118] *Id.* at § 2000d-4a(B)(2).

[119] 34 C.F.R. §100.3(b)(2). In *Alexander v. Sandoval*, 532 U.S. 275 (2001), the Supreme Court found that these regulations did not entitle private individuals to a right of action under Title VI. Instead, individuals who have been harmed must appeal to federal agencies to pursue actions on their behalf. Individuals can also lodge Title VI complaints with the Office of Civil Rights in the Department of Education.

[120] Elston v. Talladega County Bd. of Educ., 997 F.2d 1394, 1412-13 (11th Circuit 1993) ("It is more reasonable in a case like this to ask that defendants meet the more abstract requirement which underlies the context-specific "educational necessity" requirement and which applies in Title VI disparate impact cases generally: showing that the challenged decision was necessary to meeting a goal that was legitimate, important, and integral to the defendant's institutional mission. Thus, in our view defendants can show a substantial legitimate justification for their siting decision if they can show that the decision was necessary to meeting a legitimate, important goal integral to their mission of administering

educational necessity to provide a free appropriate public education to students with disabilities. This does not mean that parents would be excluded from the process, but rather that a system that converts parents into private enforcers is not an educational necessity for children with disabilities.

One potential stumbling block for any disparate impact claim under Title VI, however, is that a plaintiff class would have to demonstrate that another "equally effective alternative practice[] . . . would result in less racial disproportionality or [that] the justification proffered by the recipient is actually a pretext for discrimination."[121] As mentioned above, however, parents will likely not support removing parents from the process altogether. Perhaps, however, parental participation as amended by the non-litigation suggestions I have outlined below could replace the current system if the current system is found to be a violation of Title VI.

Another litigation option would be to follow the lead of school funding reformers who are challenging school financing schemes under state constitutional protections. For example, in California, students and parents have filed a lawsuit under the California state constitution challenging various aspects of the state's educational funding scheme as violating children's fundamental right to a free education in a system of common schools and an equal opportunity to become proficient in the State's educational standards.[122] Parents may be able to file a similar suit regarding the

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educational institutions—i.e. that their decision was necessary to meeting an educational goal in a broader sense.")

[121] *Id.* at 1413 ("Even if we assume *arguendo* that plaintiffs have made a prima facie case of disparate impact, defendants have met their rebuttal burden, placing the onus on plaintiffs either to proffer a comparably effective alternative practice which would result in less racial disproportionality, or to show that defendants' justification was pretextual.")

[122] Robles-Wong v. California, Complaint for Declaratory and Injunctive Relief, RG 10515768, Superior Court of the State of California County of Alameda, May 20, 2010.

inequitable distribution of special education resources within a state or school district. These suits would be premised on state constitutional guarantees of equal access to education as a fundamental right. Of course, this option seemingly relies on parents being well organized with access to information necessary to file a successful complaint – the very resource deficits that inhibit participation in the first place. Overall, therefore, I am skeptical about the likely benefits of focusing on litigation.

IDEA Amendments

There are three ways in which IDEA could be amended to mitigate the impact of racial differences in economic, social, and cultural capital.

First, for economic capital, schools should be required to provide an Independent Educational Evaluation free of charge based on the economic resources of the parent, and schools should not have the right to prevent that evaluation. As the law currently stands, a school district can challenge the need for an IEE,[123] and only those parents who can afford to get their own evaluation without school permission have access to the information an IEE can provide.

In addition, IDEA should set more substantive guidelines for what is considered an "appropriate" district evaluation. The availability of an IEE at the public expense depends on the extent to which the district can show that their evaluation – provided by professionals either affiliated with or employed by the district – was appropriate, rendering a second opinion unnecessary.[124] Currently, many lower courts "have deferentially upheld the appropriateness of school district evaluations or

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[123] 34 C.F.R. § 300.502(b)(i).
[124] *Id.*

reevaluations based on facial compliance with the relevant federal and state regulations" and using a clear error standard when evaluating the IEE decisions of review officers.[125] Yet even the findings of IDEA highlight the racially disproportionate identification of black children as emotionally disturbed or mentally retarded by schools.[126] In lieu of, or in addition to mandating IEEs at public cost, at the very least school district evaluations should be explicitly required to document how they have used the most up-to-date methods that significantly mitigate racial bias in evaluation and assessment.

Second, providing more equitable access to information can help to mitigate racial inequalities in social capital. IDEA should therefore be amended not only to require that parents be given an opportunity to inspect educational records,[127] but that the schools actually provide those records at least once a year without a parent needing to make a request. Moreover, schools are not forthcoming about what services and programs are available to students with disabilities,[128] meaning that parents often have no basis by which to contest the services they are being offered because they do not know what the alternatives might be. IDEA should require schools to provide a menu of available services, programs, and treatments that the school district currently uses or have used in the past, along with an overall evaluation of the efficacy of said services.

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[125] Perry A. Zirkel, *Independent Educational Evaluations at District Expense under the Individuals with Disabilities Education Act*, 38 J. L. & EDUC. 223, 236 (2009).
[126] *IDEA*, *supra* note 5.
[127] 34 C.F.R. §300.501(a)
[128] Martin A. Kotler, *The Individuals with Disabilities Education Act: A Parent's Perspective and Proposal for Change*, 27 U. MICH. J.L. REFORM 331, 391 (1994) ("As previously discussed in too many cases the achievement of the Act's goals is compromised by a lack of full disclosure of programming options…")

Third, schools can lessen the impact of cultural capital differences by providing more opportunities for parents to be *true* participants in the process. Rather than requiring only one IEP meeting per year,[129] IDEA should be amended to require that a child's disability and goals are discussed at the same time that parents of students in general education are appraised of their children's educational progress. This would most likely be during report card conferences that schools typically hold each quarter or tri-annually. During these meetings, school officials should make sure that parents fully understand the IEP and their child's goals. Having more regular meetings would increase communication between black parents and schools, giving more opportunities for schools to teach parents about special education and the culture of schools in general.

IDEA Implementation

School districts have several resources available to them that could lessen the impact of capital differences that hamper black parents' ability to be effective advocates. First, while it may be prohibitively expensive to provide an advocate for each black parent, the school district could provide regular trainings for parents to learn about the special education process and their role. These trainings would be outside of any parent's individual IEP context, and would go beyond procedural issues alone to address substantive concerns as well. Many non-profit organizations already provide trainings, but those parents who are less likely to be "in the know" about the resources – due to their differences in economic, social, and cultural capital – would

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[129] 34 C.F.R. § 300.323.

benefit from having the trainings on school district property and advertised by the school district. Not only would the trainings decrease information asymmetries and increase the bargaining power of black parents,[130] but also if trainings were held at schools, they would provide more opportunities for black parents to become embedded in school culture.

Second, schools should pay close attention to how special education resources are being distributed across groups. While each child is entitled to services and placement that is individually crafted, the truth is that some children are monopolizing scarce special education resources as a result of their parents' ability to negotiate for such resources. Ability to negotiate is directly related to a parent's economic, social, and cultural capital. Rather than parents having to police equitable resource distribution, state agencies that oversee IDEA implementation should track the demographic characteristics of how resources are being spent. Schools would then have to justify inequitable spending.

CONCLUSION

While writing this essay, my son's first grade teacher sent me an email requesting an "informal meeting." He stated that he's had some time to observe my son and wanted to talk with me about a few things that he's noticed. I agreed to the

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[130] Daniela Caruso, *Bargaining and Distribution in Special Education*, 14 CORNELL J. L. & PUB. POL'Y 171, 194 (2005) ("Because the negotiation process leading to the formulation of an IEP is so crucial, proper distribution may arguably be achieved by improving the equities of the bargaining process. This means making the process uniformly accessible and reaching out to all families so as to equip them with 'real' bargaining tools.")

meeting, but requested that he be a little more specific about his observations. His response was that he was “mostly talking about social emotional/behavioral observations” and that he wanted to “get [my] input and observations as his mom and re: his home life etc. so that we can come up with some ideas and a plan to help” my son.

As I mentioned in the introduction to this essay, I am wary of this kind of interaction. I worry that this informal meeting is a precursor to a more formal meeting. And the fact that my son’s “issues” are “social emotional” and “behavioral” leads me to believe that his teacher is viewing the things he does in a very subjective manner, comparing him to other children around him. It also suggests that he will need to be pulled out of the regular education classroom to address these social issues.

Fortunately, I am in a position to effectively advocate for my child. But I am not like many black parents. As I have explained in this essay, most parents do not have my economic, social, or cultural capital specific to handling situations in which special education is a possibility. Parental participation that is called for in special education law is therefore highly unbalanced in favor of parents who possess these capitals.

For black children, who are consistently at the bottom of the achievement ladder, effective parental participation in an equal world might very well be helpful. But even middle-class black parents who live in majority-white communities tend to have inequitable access to the critical capitals needed to be effective advocates for their children to receive their fair share of scarce special education resources. First, they have, in general, lower levels of economic capital, due to the historical legacy of racist barriers to wealth accumulation.[131] Second, they have different social networks from which to accumulate social capital, and are less embedded in the resource-rich communities in which they live due to unfriendly cultures and less economic capital to be able to access the network. Lastly, they lack the cultural capital needed to be special education advocates for their children in predominantly white schools. Due to the disparities in economic and social capital, middle class black parents may be be less informed about their special education options, including the right to meaningfully participate and collaborate. Black parents are therefore the least able to effectively advocate for their kids, meaning their children can be easily labeled – and treated – as uneducable. The very process of participation, which should help mitigate inequality in special education, is currently serving to legitimize it.

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[131] Adam Gordon, *The Creation of Homeownership: How New Deal Changes in Banking Regulations Simultaneously Made Homeownership Accessible to Whites and out of Reach for Blacks*, 115 YALE L.J. 186 (2005), DALTON CONLEY, BEING BLACK, LIVING IN THE RED: RACE, WEALTH, AND SOCIAL POLICY IN AMERICA, University of California Press (1999).

CHAPTER TWO

HOW TO TRAIN A PARENT: FOUCAULT, PARENTAL PARTICIPATION AND THE REPRODUCTION OF INEQUALITY IN SPECIAL EDUCATION

INTRODUCTION

Just as Alexander (2010) argues that 21st century mass incarceration is a mechanism of the same racial subordination once performed by Jim Crow, so too have scholars argued that racial disproportionality in the most stigmatic and restrictive special education programs is a mechanism of the de jure segregation once performed by pre-Brown judicial decree (Sullivan and Artiles 2011). Through a process of assessment, identification, labeling and isolation, black children, especially those in majority white schools, are separated from their white peers as academically unsuccessful (McDermott 1995). Ironically then, the same legislation triumphed as a civil rights victory for children with disabilities often functions to reproduce the stigmatic harm black parents in *Brown* argued as contrary to the 14th Amendment's promise of equal protection under the law.

It is not just children who are intimately affected by the stigma of racial and class segregation in special education. Parents were instrumental proponents of the Individuals with Disabilities Education Act, the legislation that promises each child with a disability a "free appropriate public education" (FAPE). Parents advocated for having a role in developing educational plans for their children, giving them the ability to monitor school districts who guilty of ignoring these children in the first place. Parents of children with disabilities, however, reflect a diversity of social characteristics known to affect the ability to effectively vindicate legal rights. Indeed, research suggests that the parents of children who are segregated in special education by race and class status – children who are most in need of effective legal advocacy –

have the least equitable access to resources necessary to the defense of their children's rights (Baldwin Clark 2013; Kalyanpur, Harry, and Skrtic 2000; Trainor 2010).

In this article, I argue that the discourse of parental "participation" in the administration of special education law perpetuates racial and class inequality in education. A "common sense" understanding of the relationship between parental involvement in schools and child academic performance has prevailed in public policy despite the growing academic literature that shows how little parental involvement in schools matters for academic achievement (Robinson and Harris 2014). As a result, through an insistence on equality of treatment and uniform procedural rights, the special education legislation mistakenly relies on the enforcement of individual rights, parental participation, to address systemic inequality.

Using parental participation in special education as an empirical example that can be abstracted more generally, I argue that participation is not only reflective of the dominant thinking about the role of parents, but it also *produces and reinforces* hegemonic beliefs about the proper ways parents should be involved in schools. I argue that this conflict between democratic theory (participation), on the one hand, and the failure of individual rights to produce systematic equity (racial and class inequalities) on the other, can be understood through consideration of Foucault's concept of disciplinary power. Using IDEA's parental rights document, the Procedural Safeguards Notice, as an example of participation discourse in education, I show how this way of speaking about participation in education is the institutionalization of the hegemonic belief in the panacea of democratic participation for historically oppressed populations.

This article proceeds as follows. First, I briefly review the extant literature on the effect of parenting on educational stratification. I also discuss the policy rationale behind parental participation in special education as explained by the Supreme Court. Next, I outline my methodological approach, describing both the texts I analyze and my method of analysis. Here I also outline my theoretical framework: Foucault's concept of disciplinary power. Third, I present my argument on how the discourse of parental participation in special education is an application of disciplinary power. There I detail how, through the mechanisms of hierarchical observation, normalizing judgment, and the examination, parents are trained to perpetuate and legitimize inequality. In the final two sections, I discuss the implications of the disciplinary effects of mandatory parental participation in special education on racial and class disproportionality, and conclude with a summary of my argument and recommendations for future research and policy modifications.

BACKGROUND AND CONTEXT

Schooling and Social Reproduction

Sociologists have long been concerned about the role of education in reproducing social inequality (Bourdieu and Passeron 1977; Bowles and Gintis 1976; Dornbusch, Glasgow, and Lin 1996; Willis 1981). Referred to as social reproduction by sociologists, schools are thought to be "site[s] that facilitate[] much of the intergenerational transmission of either privilege or disadvantage" (Carter and

Baldwin Clark 2012). Schools are thought to distinguish students by ostensibly neutral practices that discern merit and capacity to learn, but that create new and reinforce pre-existing social stratification among students according to characteristics such as race, class, and gender. Some studies focus on social structural issues, such as the role of residential segregation on schooling (Rivkin 1994). Other studies focus on processes that occur in schools, such as ability grouping and tracking, vocational education, and the disproportionate impact of zero-tolerance disciplinary practices (Ainsworth and Roscigno 2005; Christy Lleras and Claudia Rangel 2009; Muller et al. 2010).

The role of the family in educational stratification is a key subfield in the sociology of education (DiMaggio and Mohr 1985; Lareau 2000, 2003; Orr 2003; Yeung and Conley 2008). Education scholars investigate family characteristics such as family wealth (Destin 2013; Grinstien-Weiss et al. 2009), cultural orientation toward education (Ogbu 2007), and early childhood experiences (Condron 2007) on children’s opportunities and outcomes. Parental involvement is conceptualized as both a dependent and independent variable; scholarship investigates both how variables affect parental participation and also how parental participation affects other variables. This research has yielded inconsistent and often contradictory results; while some report significantly positive effects of parental participation on academic achievement (Epstein 2005; Jeynes 2005; Lareau 2000; Lee and Bowen 2006), others find more mixed results (Domina 2005; Fan and Chen 2001; Harris and Goodall 2008). While some conclude that schools are not doing enough to promote meaningful parental participation, schools' efforts may not matter; the most recent research suggests that the value of parental participation is likely overstated (Robinson and Harris 2014).

Despite the lack of academic consensus on the significance of parental participation, educational policy regards parental participation as a key component of educational reform (LaRocque, Kleiman, and Darling 2011; National Parent Teacher Association 2009). The discourse of parental responsibility for the plight of public education grew in the 1980s and 1990s, following the call for national education reform as articulated in 1983's "A Nation At Risk" (Barton et al. 2004; Brooks-Gunn and Markman 2005; Mannan and Blackwell 1992). Ironically encapsulated by the popular meme "education starts at home," what is expected of parents is largely performed outside of the home. Parents are expected to attend PTA meetings, volunteer in the classroom, and manage children's extracurricular activities (Lareau 1987, 2000, 2003). Parents should consider themselves the ultimate partner in their child's education with equal, if not more, responsibility for their child's education than teachers. Parental participation in schools is discursively framed as a moral issue (Gillies 2008; Lightfoot 2004).

"The idea that parents can and should be involved in their children's education… has attained the level of an institutionalized standard" (Lareau 2000:34). No Child Left Behind ("NCLB") (2004), the sweeping federal education reform legislation, calls for parents to take on educational responsibility for both their children's performance and the school's performance under the belief that

> when schools collaborate with parents to help their children learn and when parents participate in school activities and decision-making about their children's education, children achieve at higher levels. In short, when parents

> are involved in education, children do better in school and schools improve. (Title I, ESEA section 1118(b))

Yet, the encouragement towards parental participation in educational reform is not targeted towards middle-class parents of high achieving students, but rather at parents and schools that serve majority low-income students. The relationship between class and race means that these policies also target schools with large proportions of black and Latino students. NCLB explicitly

> is designed … to help close the achievement gap between disadvantaged and minority students and their peers …[where] the involvement of parents in their children's education and schools is critical to that process. … '[s]chools can't improve without the help of parents.' (non-regulatory guidance document)

Parental Participation in Special Education

Federal education policy relies on this discourse of parental participation not only for low-income and black and Latino children, but also for children with disabilities.[1] In the findings of the latest reauthorization of the Individuals with Disabilities Education Act ("IDEA"), Congress called for strengthening the roles of parents in the education of children with disabilities:

> Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by-- . . . strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home. . . [including more avenues

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[1] Here, I use the term children or students with disabilities as a label placed on children, not as indicative of any objective criteria for what it means to be disabled. Research shows that criteria for the diagnosis of disability vary widely across states, where a child can be disabled in one state but not disabled in another, even for seemingly "objective" diagnoses such as hearing and visual impairment (Kelman and Lester 1998). Furthermore, mounting research suggests that race and gender are strong predictors of disability diagnoses, especially for the so-called judgmental disabilities of intellectual disability, emotional disturbance, specific learning disability, and Attention Deficit Disorder. Therefore, while I strive to be mindful of the social construction of disability, for ease of writing and clarity, I use the typical language found in the literature.

> for] [p]arents and schools . . . to resolve their disagreements in positive and constructive ways. (IDEA 2004[2])

Meaningful opportunities to participate come with procedural rights for parents to be informed, give consent, and help develop their child's educational plan the child can best benefit from education given their disability. These rights serve as the main enforcement mechanism for protecting individual children:

> It seems to us no exaggeration to say that Congress placed every bit as much emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process as it did upon the measurement of the resulting IEP against a substantive standard. We think that the congressional emphasis upon full participation of concerned parties throughout the development of the IEP … demonstrates the legislative conviction that adequate compliance with the procedures prescribed would in most cases assure much if not all of what Congress wished in the way of substantive content in an IEP, *Bd. of Ed. v. Rowley*, 458 U.S.176, 205-6 (1982)

The assumption of the Supreme Court and Congress is that parents will be fervent advocates for their children: "As this very case demonstrates, parents and guardians will not lack ardor in seeking to ensure that handicapped children receive all of the benefits to which they are entitled by the Act," *Rowley* 458 U.S. 176 at 209.

METHODS: THEORETICAL AND ANALYTICAL TOOLS

The Parental Safeguards Notice

The parental involvement procedures contained in IDEA fall into three categories: written parental consent; parental participation in the IEP; and due process

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[2] All references in this article to IDEA: Individuals with Disabilities Educational Improvement Act, 20 U.S.C. § 1400 et. seq. (2004)).

procedures to resolve complaints are contained in the Procedural Safeguards Notice ("PSN"). The PSN is a model form published by the Department of Education to provide guidance to States in creating their own notices.[3] The model form, in being "'consistent with the requirements of [Part B of the IDEA]' and 'sufficient to meet those requirements,'" "closely track[s] the language of the final regulations." Using the PSN as a guide, State Educational Agencies then produce their own notice and must require "school districts [to] include all of the content that Part B requires for each of the documents that they provide to parents."

This document is (supposed to be) given to parents at least once a year, and its contents govern how parents are to interact with school officials in regards to their child's education plan. I also analyze the California version of the Document, which is provided to parents of all children being served under IDEA in the state. I chose the California document due to its application to a larger project in which I interview parents in Northern California about their experiences with special education.

Research analyzing the Procedural Safeguard Notice is surprisingly scant given the importance of parental participation and procedural rights in the enforcement of a key civil rights legislation. The notable exceptions are Gomez Mandic et. al.'s (2012) and Fitzgerald and Watkins (2006) analyses of the readability of the states' versions of the procedural safeguards notice. Although the two studies used different measures of readability, both studies find that on average the states' versions of the notice far exceed the recommended reading levels for public documents, which

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[3] The DOE is also required to create model forms for written consent and due process and State complaints.

> should ideally be written at a fifth- to sixth-grade reading level so that nearly all people are capable of reading and comprehending them [and]…in cases where technical terms must be used, the maximum score for any public document should not exceed a seventh- to eighth-grade reading level. (Fitzgerald and Watkins 2006:500)

Fitzgerald and Watkins find the median reading level to be 13.1 (equivalent to high school diploma plus one year of college) while the Gomez Mandic et al. study finds the median reading level to be 16 (equivalent to a four-year college degree). According to Gomez Mandic, "more than half of state procedural safeguard documents scored in the college reading level range for readability, and almost 40% scored in the range considered graduate or professional" (Gomez Mandic et al. 2012:200).

The difficulty with respect to readability is not the only issue with the PSN. In this article, I approach the PSN not just as a document to be read and understood in its most basic sense, but as a document that both explains and implements law. Unlike a readability analysis, my textual analysis approaches the document as an object of social construction.

Method of Analysis

Modern law is created, communicated, changed and imposed through language. That makes content analysis of law and legal documents particularly appropriate. Content analysis can be both quantitative (the numerical counting of specific instances of an observed phenomenon within the text) and qualitative (interpretation of a text's content, form, and structure) (Smith 2000). Qualitative content analysis, the method used here, is not significantly unlike qualitative coding of ethnographic field notes or interviews that are widely used in sociological research (Emerson, Fretz, and Shaw 1995).

I coded using Dedoose, an online qualitative analysis tool. Coding involved several steps. I coded the PSN sentence-by-sentence, coding for content, form, and word use without imposing preexisting categories on the data, otherwise known as "open coding" (Emerson et al. 1995). This open coding stage concluded at the point where I found that coding in this way "seem[ed] to generate no new ideas, themes or issues" (Emerson et al. 1995:144). Inevitably, my preexisting understanding of special education policies and procedures, along with the simultaneous research I was conducting involving interviewing parents of children with disabilities, informed how I coded and what I coded. I attempted, however, to be as systematic as possible in this analysis. One benefit of the public nature of the PSN is that another researcher is free to approach the analysis of the text in a different way. In this way, the text serves as a type of field note, where the analysis reflects my particular "theoretical sensitivities and commitments" (Emerson et al. 1995:151).

I applied two levels of codes to the text, on a sentence-by-sentence basis. The first level involved 1) *in vivo* coding, 2) coding for the "action" in the sentence and 3) content coding. *In vivo* coding coded for particular words; for example, I applied the code "rights" any time a sentence referred explicitly to a right ("Your right to inspect and review education records includes…"). "Action" codes reflected the work of the sentence in the text; for example, I applied the code "reference" any time the sentence contained a reference to something other than the sentence itself, and the code "explanations/clarifications" when the sentence, or part of the sentence, served to clarify or explain other words in the sentence ("If a party (you or the school district) is aggrieved (harmed) by the findings and decision in the hearing, an appeal may be brought to the State Education Agency.) *Content* codes reflecting the substance of the sentence; for example, to the following sentence: "Part B emphasizes the importance of including parents in decisions regarding the education of their children," I applied the codes "parental inclusion," "decision process," and "educational content" (in addition to the types of codes described above).

In the second stage of coding, I revisited the PSN for specific themes as they relate to disciplinary power.

Theoretical Framework

In his work, Foucault urges us as researchers, to study not the "what" of power, but the "how" of power: "Given that the question [is] 'What is power?'…the issue is to determine what are, in their mechanisms, effects, their relations, the various power-apparatuses that operate at various levels of society" (Foucault 1997:13). In doing so, he distinguishes between juridical power and disciplinary power. *Juridical or sovereign power* refers to "a form of power that is exercised over the land and the produce of the land, much more so than over bodies and what they do" (1997:43). On the land, "subjects…[are] individuals…naturally endowed…with rights [and] capabilities" that are given effect through the political institution of the State and through law. Foucault argues that

> the theory of sovereignty presupposes the subject; its goal is to establish the essential unity of power, and it is always deployed within the preexisting element of the law. It therefore assumes the existence of three 'primitive'

> elements: a subject who has to be subjectified, the unity of the power that has to be founded, and the legitimacy that has to be respected. (1997:44)

Juridical, or sovereign, power takes as given a source of power that is distributed and enforced through law.

Disciplinary power, on the other hand, can be explained through a theory that

> rather than starting with the subject…and elements that exist prior to the relationship and that can be localized, we begin with the power relationship itself, with the actual or effective relationship of domination, and see how that relationship itself determines the elements to which it is applied.

Disciplinary power is a form of coercion that distributes individuals in time and space, controls their activities, and subjects them to classification and organization outside of the legitimacy of the law. Discipline, or training, focuses on the techniques of power rather than the source of power. Disciplinary power is evidence in how techniques of coercion "define how one may have a hold over others' bodies, not only so that they may do what one wishes, but so that they may operate as one wishes, with the techniques, the speed and the efficiency that one determines" (Foucault 1977:138).

Disciplinary power is maintained through three mechanisms: hierarchical observation, normalizing judgment, and the examination. Hierarchical observation is a surveillance technique by which "a single gaze" can see everything "perfectly." The goal of *hierarchical observation* is to impose order, for subjects are constantly watched and are aware that they are being seen as an object of observation. Hierarchical observation works in conjunction with a second technique of surveillance, *normalizing judgment*. In the act of being seen, subjects are coerced into behavior that approximates the "norm," or standard. While being seen, subjects are also compared to one another and to a standard; the constant gaze makes possible the “measure[ment] [of] gaps… determin[ation] [of] levels…fix[ing] [of] specialties” that simultaneously homogenize toward the standard and individualize through the discovery of difference. Together, these tools “construct individuals as subjects in two senses: as subject to someone else, through control and restraint, and as a subject tied to their own identity by their conscience and self-knowledge” (Allan 1996:220).

The examination is the culmination of the other two tools. In the examination, “individuality is introduced into the field of documentation” (Allan 1996:223). Subjects become “cases” by which they are dissected, contained and fixed, observed and judged. Disciplinary power works through convincing the subject of the propriety of the entire surveillance apparatus, getting them to understand themselves and see others through the same disciplinary practices being used on them. The tools of disciplinary power can be thought of as not who has or lacks power, but rather how power works in a social institution:

> [Foucault’s] major research imperatives emphasize[] not the what or who but the where and how of power. We should take Foucault’s methodological advice that we study power at its points of application, not as a rule that one avoid the institutional spaces of the state…but that one ask, even of the state, how it exercises power. (Simon 1992)

This methodical advice is particularly significant for scholars of law and society, who have “long been fascinated (perhaps obsessed)” with paying attention to the “broad gap between law on the books and law in action” (Simon 1992).

ANALYSIS

In what follows, I show how disciplinary power is operating in the conferral of participatory rights. Foucault did not include the exercise of legal rights in his analysis of disciplinary power do not involve the exercise of rights in this way; in the institutional settings Foucault studies, rights are irrelevant or rendered irrelevant by the independent exercise of disciplinary power (the organization of space, testing, hierarchy, etc). In my analysis, however, I argue that the very instrument designed to empower a parent by describing her rights is itself a disciplinary instrument.

Hierarchical Observation: Anonymity of Authority and Identification of the Parent

> The exercise of discipline presupposes a mechanism that coerces by means of observation; an apparatus in which the techniques that make it possible to see induce effects of power, and in which, conversely, the means of coercion make those on whom they are applied clearly visible. (Foucault 1977:170-171)

Hierarchical observation of parents in special education is revealed through a "gaze" that sees parents but hides authority. Being attuned to the ways in which authority is invisible but parents are visible illuminates the "effects of power" whereby parental responsibility – not institutional accountability – is the key to IDEA enforcement. The responsibility of educational institutions is obscured through a pervasive use of "legalese," a "unique and highly technical form of writing" used by lawyers to speak to lawyers. Parents, on the other hand, are highly visible, as the PSN focuses on their right to particular procedures: giving consent, opportunities to participate, and the pursuit of due process.

Anonymous Authority

The discourse of individual rights in the PSN presents the institution as at once both anonymous, yet convincingly authoritative. In the PSN, anonymity of authority allows for the pervasiveness of authority; the inability of a parent to concretely identify through the PSN the grantor of special education rights is evidence of how the power of the law runs through every aspect of special education rights. Although the legalized institutional structure of special education is rarely referred to by name in the text, the use of linguistic techniques typical of lawyerly writing "outs" the authority as legal. The pervasive nature of law in the PSN highlights that not only are parents continually subject to the disciplining observation of school officials and teachers, but also that of an omniscient legal authority.

A grammatically weak, highly technical, extremely detailed and deeply cited form of writing permeates the PSN. Linguistically, the PSN often reverts to a passive voice when expressing what is arguably the most important idea in a sentence, implying not only passivity in language, but also passivity in action. Indicating what is being done to an object versus what the subject *is doing* to the object, the passive voice is "less direct, less bold, and less concise" than active voice (Shrunk and White 2000). Consider the PSN under the heading "Nondiscriminatory Assessment: How is my child assessed for special education services?" "You have the right *to have your child assessed* in all areas of suspected disability" (emphasis added). Rather than state that the school district must assess the child in all areas of suspected disability, it instead foregrounds the child as the object of assessment. The sentence does not directly answer the question of how schools will assess a child for services. Instead, it implies parental responsibility to ensure that a child is assessed in all areas of suspected disability.

Passive language in the PSN consistently and subtly shifts the focus from actions of the institution to the effect of that action (or lack thereof) on the subject. The PSN often resorts to stating prohibitions in lieu of expressing affirmative statements. For example, consider the content of the nondiscrimination statement: "*Materials and procedures used for* assessment and placement *must not be* racially, culturally, or sexually discriminatory" (emphasis added.) In addition to the passive voice ("materials…used"), the PSN focuses on what the institution must not do; it fails to state what is *required*: unbiased assessment materials that are culturally, racially, and sexually sensitive. Disciplinary power "hides" in negative language.

Another example of negative framing from the Text can be found under the heading, "Mediation and Alternative Dispute Resolution." In explaining the option of a pre-hearing mediation conference, an option that many parents with less access to capital may prefer, the PSN reads, "[R]equesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing." "Not a prerequisite" is the emphasis in the sentence, taking attention away from a more clear assertion, which is that the prehearing mediation conference and the due process request are independent of one another; the fact of doing one has no relationship to requesting the other. The negative language hides the right, and using "not" becomes a "means of eva[ding]" the more pertinent idea (Shrunk and White 2000:19): that pre-mediation conferences are even available before the more arduous due process hearing.

While passive voice and negative sentence construction serve to hide the institutional authority, other characteristics of the PSN identify the institution as *legal*, even in anonymity. Understanding the PSN as a document imbedded with legal identity is not especially surprising in a document required by federal law. What the legal identity does is give the document the mark of *legitimacy*. Without understanding the document as both a product of law and law itself, the document would lack the authoritative authenticity as a document to be relied upon. The disciplinary apparatus needs the legal authority to be recognized even if it is not explicitly identified.

Every statement in the PSN is accompanied by a reference to federal or state statutes. For example, the PSN justifies itself through a reference to statutes:

> The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act…and must be provided to you:
> - When you ask for a copy…
> - When the decision is made to make a removal that constitutes a change of placement
>
> (20 USC 1415[d]; 34 CFR 300.504; EC 56301[d][2], EC 56321, and 56341.1[g][1])

These references not only suggest the authority's legal identity but they also signal the authority's place in the hierarchy of power. The most obvious mechanism to signal the legal authority behind the document can be found in the highly visible use of citations. In legal writing, every fact or law "outside [one's] own reasoning process" needs to be given proper attribution: "[c]itation is used not only to tell the reader where to find the cited authority, but also to indicate the nature and degree of the support the authority provides" (Review et al. 2010). In using citations, the authority implies that the force and power of his or her words come from elsewhere, implying a transfer of authority from something even more powerful than the language itself.

The goal when referring to a document within this network, is to operate within

> a systematic method by which members of the [legal] profession communicate important information to one another about the sources and legal authorities upon which they rely in their work. (Review et al. 2010:1)

This definition in the Bluebook, “the definitive style guide for legal citation in the United States,” makes clear that citations serve two purposes: 1) to communicate with other members of legal profession; and 2) to justify their “work” – opinions, documents, etc. – based on certain sources of authority. When citations and references appear in a text, especially one that is detailing law, those appearances signal that the author of the text is a legal professional communicating with other legal professionals to justify their opinions or assertions.

Object Identification

Yet, most parents of children with disabilities are not lawyers. But they are conspicuously visible. Unlike the omniscient but anonymous legal authority, parents are explicitly identified as the subject of the PSN. This visibility completes the hierarchical observation loop; disciplinary power requires not just the pervasive invisibility of the top of the hierarchical observational mechanism, but also the required visibility of the subject of observation. In the PSN, parents are “seen” through

> a principle of compulsory visibility… [that] assures the hold of the power that is being exercised over them. It is the fact of being constantly seen, of being

> able to always be seen, that maintains the disciplined individual in his subjection" (Foucault 1977:187).

The connection between the compulsory visibility of parents in the PSN and the emergence of the discourse of parental participation as the savior of education can be seen in how the PSN addressed parents before the NCLB reform's amendments to IDEA. Prior to the 2004 reauthorization the PSN addressed parents as a group. For example, the PSN contained the following:

> Consent means: 1. *Parents* have been fully informed in their native language or other mode of communication…of all information about the action for which *the parent* is giving consent. (emphasis added)

After the 2004 reauthorization, however, the Secretary of Education changed the PSN by substituting "you" for "parent," ostensibly for the purpose of making the language more "user-friendly":

> Consent means: 1. *You* have been fully informed in your native language or other mode of communication …of all information about the action for which *you* are giving consent. (emphasis added)

This shift is significant, for it intimately personalizes the entire document and places "you," the parent, front-and-center. Beyond the more "user-friendly" identification of the subject of the PSN as personal and individualized parents, the change shifts the focus of the PSN from "parents" as a recognized *collective* to an *individualized* "you."

This repositioning of a collective group concern of "parent" to isolate "you" is a cornerstone to the disciplinary system. Consider the California PSN statements concerning parental refusal to consent to special education services:

> If *you* refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

Note how what parents must do is stated affirmatively. By refusing consent, parents are responsible for the failure of a school district to provide special education services. By isolating "you" as the parent of a child with a disability, the PSN places a personal burden of responsibility on parents not only for making sure the child receives the rights to which they are entitled, but also to monitor the actions of others. Schools are not responsible to advocate on behalf of children whose parents may be making a mistake; this statement makes it crystal clear that responsibility for the education of children with disabilities lies with parents, and parents alone.

The Network of Relations

So far, I have discussed hierarchical observation as being one-way, from the anonymous and legal institutional authority acting upon the visible and responsible parent. But the act of "seeing" in the PSN doubles back on itself as parents also observe the authority, creating a network of "relations from top to bottom, but also to a certain extent from bottom to top and laterally" (Foucault 1977:176). Even though parents are the most conspicuously seen, through their assertion of their rights – even just in requesting a copy of the PSN outside of the annual obligation – they also survey. This closes the loop on a

> network of reciprocal power relationships …'this network 'holds' the whole together and traverses it in its entirety with effects of power that derive from one another: supervisors, perpetually supervised.' (Allan 1996)

The anonymous, hierarchical and legal authority combined with the compulsory visibility of parents and networked power relationships illustrate how hierarchical observation functions within a system of disciplinary power. The contrast between the invisibility of authority on one hand, and the visibility of the parent, on the other hand, allows for a perfect surveillance that is both “efficient, since surveillance was everywhere and constant, and effective, because it [is] ‘discreet,’ functioning ‘permanently and largely in silence.’ It also supervise[s] those who [are] entrusted with the surveillance of others” (Allan 1996).

Normalizing Judgment: Institutionalizing Procedures as “Rights”

The discourse of rights in the PSN consists only of procedural rules with little explanation of the substantive goal to provide each child with a disability a free appropriate public education (FAPE). The sole focus on procedural justice obscures the goal of substantive equality through individualized consideration of difference. As the Court explained in *Rowley*, “[T]he face of the statute evinces a congressional intent to … require the States to adopt *procedures which would result in individualized consideration* of and instruction for each child” (emphasis added), *Rowley*, 458 U.S. at 212.. If a parent only reads the PSN, they would be surprised to know that parents and children have substantive rights too.

Procedures as a Substitute for Rights

The PSN presents a standard of formal equality, whereby equality in treatment via participation can be substituted for deeper equalities of process control and outcome (Tyler 2006) that the supporting legislation aimed to produce. In 2007, the Supreme Court declared that both parents and children have a substantive right to

FAPE, allowing parents to represent themselves (i.e. "pro-se") and their rights in federal court in suits alleging the failure to provide FAPE, *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007):

> These provisions confirm that IDEA, through its text and structure, creates in parents an independent stake not only in the procedures and costs implicated by this process but also in the substantive decisions to be made.

This articulation of the Court's jurisprudence on parental rights suggests an understanding that Congress intended for procedures in IDEA be a means to a substantive end.

Yet the PSN, most recently revised in 2009, does not reflect this perception. Parental rights are consistently conflated with procedural rights, giving the impression that a parent's right both begins and ends with procedural guarantees. The PSN does not once give an explanation of the content of FAPE; it refers to FAPE only in connection to procedural rights. For example, under Prior Written Notice, the PSN states:

> Your school district must give you written notice (provide you certain information in writing), within a reasonable amount of time before it: 1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child

If a school district proposes to "initiate …the provision of a free appropriate public education," the PSN gives no indication of how to judge the sufficiency of that offering. For example, consider the California PSN, which unlike the model PSN, does provide a definition of FAPE:

> A free appropriate public education means that special education and related services are to be provided as described in an individualized education

> program (in English, known as IEP) and under public supervision to your child at no cost to you.

Such a pithy explanation presents FAPE only in relationship to the procedures with which FAPE is associated. The procedural right to receive notice of FAPE or to participate in creating a plan for FAPE subsumes the substantive content of FAPE itself.

Normalizing Parents as Zealous Lawyers

In the PSN, a parent is expected to be as zealous an advocate for their children as lawyers are expected to be for their clients. In giving parents the right to sue on behalf of their own rights under IDEA, the Court reinforced to the norm first proposed in *Rowley* that parents of children with disabilities should be lawyer-like advocates:

> Entrusting a child's education to state and local agencies does not leave the child without protection. Congress sought to protect individual children by providing for parental involvement in the development of state plans and policies… and in the formulation of the child's individual educational program…As this very case demonstrates, parents and guardians will not lack ardor in seeking to ensure that handicapped children receive all of the benefits to which they are entitled by the Act, *Rowley* at 209.

Parent-as-zealous-advocate is the standard in special education, implying that a parent's failure to reach this level of advocacy is evidence of parental neglect (Lightfoot 2004) and, concomitantly, a forfeiture *by the parent* of the right to FAPE. Resources and attention are reserved for the "squeaky wheel" parents who are more vocal and/or who are assisted by legal counsel (Kuriloff and Goldberg 1997). Tellingly, parents with legal advocates have more favorable outcomes in both mediation and due process hearings than those who do not (Kuriloff and Goldberg 1997).

Disagreements between parents and schools are notorious in special education, using “legal techniques such as written agreements and court-like procedures to enforce and protect rights” (Neal and Kirp 1985:65). For example, consider the required components of State complaints:

> 1. [a] statement that a school district or other public agency has violated a requirement of Part B of IDEA or its implementing regulations in 34 CFR Part 300; 2. [t]he facts on which the statement is based; 3. [t]he signature and contact information for the party filing the complaint; and 4. [i]f alleging violations regarding a specific child: (a) [t]he name of the child and address of the residence of the child; (b) [t]he name of the school the child is attending;…[a] description of the nature of the problem of the child, including facts relating to the problem; **and** [a] proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading ***Adoption of State Complaint Procedures.*** The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the State Educational Agency. (emphasis original)

Likewise, every due process complaint must include

> [t]he name of the child; [t]he address of the child’s residence; [t]he name of the child’s school; …[and] [a] description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and [a] proposed resolution of the problem to the extent known and available to the complaining party (you or the school district) at the time.

This itemized detail into which the PSN goes to outline these procedures stands in contrast to the paucity of particulars regarding the procedures, if any, that govern the creation of the IEP or an evaluation of the sufficiency of FAPE. Through these details, the norm of parent-as-lawyer is reiterated in the pervasive language of conflict familiar to lawyers: complaints are “sufficient”, courts are “of competent jurisdiction,” rights are “waived,” deadlines are “resolution periods.” The PSN effectively discourages any non-lawyer parents or parent without the resources to obtain legal assistance from using the very procedural safeguards that are supposed to guarantee the provision of FAPE. If parent-as-lawyer is the standard against which all other parental efforts are judged, when lawyer-like advocacy is not apparent and a child does not receive FAPE, the power of the norm places the responsibility for that failure squarely on the parent.

The Examination: The Knowledge and Power in the IEP and Complaint Process

The IEP

The articulation of eligibility criteria combines the techniques of hierarchical observation and normalizing judgment. At the top of the hierarchy, Congress constructed eligibility requirements through appealing to notions of “normal” child development and performance standard that can be readily observed and assessed. For example, a specific learning disorder (“SLD”) is defined as

> a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the *imperfect ability* to listen, think, speak, read, write, spell, or perform mathematical calculations [cite regulations]. (emphasis added)

Children labeled SLD are defined by failure to be perfect. As a subject fixed in the IEP, each child is reduced to his or her constituent parts where current performance that has already been determined as a result of a disability or defect residing in that child.

Disciplinary power trains towards hegemony, where the status quo is presented as natural and "true." When inequality is the status quo, appeals to what is natural support the reproduction of inequality. The form of the IEP encapsulates the relationship between disciplinary power and the reproduction of inequality in special education. The IEP represents what Foucault termed the examination, a

> combin[ation] the techniques of an observing hierarchy and those of a normalizing judgment. … The examination is highly ritualized. In it are combined the ceremony of power and the form of the experiment, the deployment of force and the establishment of truth. (Foucault 1977:184)

The examination "places individuals in a field of surveillance [that] also situates them in a network of writing … engag[ing] them in a whole mass of documents that capture and fix them" (1977:189).

"To schools, paper has power" (Wrights Law 2009). This is no more true than in the IEP, which serves as the roadmap by which schools come into compliance with the substantive requirements of IDEA. This standardized document requires statements that turn "real lives into writing" requiring

> (1) A statement of the child's present levels of academic achievement and functional performance; … (2) A statement of measurable annual goals; …(3) A description of [how progress will be assessed]; … [and] (4) A statement of the special education and related services…to be provided to the child.

Written documents characterize the entire process of special education, from the requirement of prior written notice to that of written informed consent, the development of the IEP and written complaints. Knowledge of the child and the parent is established through this process of ritualized writing; the IEP as the examination seeks to ascertain the "truth" about parents and their children. The IEP homogenizes each child, and in turn each parent, into a "case… as he may be described, judged, measured, compared with others" which highlights "his very individuality" (Foucault 1977:191). Yet, the IEP also provided the means and goal by which a child must be "trained or corrected, classified, normalized [and] excluded" towards the states goal of a free appropriate public education (Foucault 1977:191). In the IEP that the child's behavior is dissected, measuring deficits and devising a plan to "correct" for those differences; "[d]isciplinary punishment is about reducing gaps. It must therefore be essentially corrective" (Foucault 1977:179).

The Complaint Process

In the PSN, the examination is also evident in the process of complaints. The complaint process is also "highly ritualized" with strict requirements as to the content of complaints, how such complaints will be evaluated, and proscribed timelines for resolution. The process of dispute resolution positions the child once again as the problem. Consider the requirements for State complaints:

> The State complaint must include… if alleging violations regarding a specific child…a description of the nature of *the problem of the child*, including facts related to the problem; and [a] proposed resolution of the problem to the extent known…(emphasis added).

Here, children with disabilities are presented as issues and problems to be handled and solved. The effect is to individualize the child with a disability and also their parent as the originator of the complaint, reinforcing both the norms of "appropriate" child behavior (Dudley-Marling 2004; McDermott, Goldman, and Varenne 2006) and that of appropriate adult behavior in resolving disputes.

Within the PSN, what is written is what is true. Prior written notice, the IEP, and the language of dispute resolution represent the truth of to what each child, and their parent, is entitled. The appropriateness of a child's education, both as planned and as implemented, can be evaluated on the basis of whether the IEP contains the required statements, including the judgment of a child deviating from a norm. The child is entitled to only what is contained in those statements; parents, as members of the team that develops the IEP, are coopted into these constraints through their consent. Treatments, services, therapies, and the like, if not captured in the documentation, is not part of the knowledge regarding that child.

IMPLICATIONS FOR THE REPRODUCTION OF INEQUALITY

Procedures are key mechanisms in "a system of formal equality," where the norms and discourse around participation discipline by funneling all through the same neutral procedures. Through the mechanisms of hierarchical observation, normalizing judgment, and the examination, the PSN highlights modes of surveillance that subject parents and their children to parenting norms of the white middle class. Parents are "trained" into accepting responsibility through the personalization of rights, the invisible but legal authority behind the procedures, an insistence on parent-as-lawyer as the norm of special education parenting, and the ritualized development of the IEP and handling of complaints.

Through this simultaneous homogenization of what "good" special education parents do combined with the individualization of parental responsibility, formal equality has the potential to legitimize systemic inequalities between groups. First, the homogenization of the relevant parenting tactics fails to take relevant individual differences between parents into account that influence the extent to which the parent-as-lawyer norm is even possible [citation]. To the extent that participation actual does have positive effects on the provision of FAPE, the discourse of parental participation in special education completely fails to take inequities in parental resources into account (Baldwin Clark 2013).

Racial, ethnic and class disproportionality in special education may reflect the inability of all parents to conform to the parent-as-lawyer norm. Racial and class minority children are already subject to disciplinary mechanisms that leave them vulnerable to special education placement (McDermott 1995; O'Connor and Fernandez 2006; Sullivan and Artiles 2011). Stratified access to wealth influences the extent to which parents can secure legal assistance; disparities in social capital and cultural capital influence how parents connect with resources, understand their legal rights and even their orientation towards challenging professional opinions (Harry, Allen, and McLaughlin 1995; Kalyanpur et al. 2000; Trainor 2010). Because race and class stratify these capitals, black and Latino parents, especially those of low socio-economic status, are the least likely to be able to conform to such a parenting standard (Lareau 1987, 2000). As a result, they may be unable to protect their children from the discriminatory practices that leave their children vulnerable to special education placement in the first place.

Second, the individualization of responsibility assumes that parental participation will truly have a positive, independent effect on children's outcomes, and hence the failure to behave as the parent-as-advocate justifies the failure of a school to provide FAPE. Although we know that white middle-class parenting and participation likely has only an indirect influence on children's academic outcomes, policy nevertheless continues to rely on a "common sense" belief in what role parenting has on academic outcomes. Rather than focus on parenting factors actually known to assist children in school, such as high expectations and the provision of children's basic needs for food, clothing, shelter, safety and mental stimulation, educational policy refuses to confront the evidence that white, middle-class children do better in school due to a host of factors outside of parenting style. Instead, educational reform policy instead continues to spread a gospel of parental involvement as the answer to deep structural issues with American public education.

Third, shading over these parental resource differences and enforcing the right to FAPE through procedural compliance is analogous to antidiscrimination law focusing on remedying individual acts of discrimination in lieu of systemic reform:

> In its core concept of the "violation," antidiscrimination law is hopelessly embedded in the perpetrator perspective. Its central tenet, the "antidiscrimination principle," is the prohibition of race-dependent decisions that disadvantage minority groups, and its principle task has been to select from the maze of human behaviors those particular practices that violate the principle, outlaw the identified practices, and neutralize their specific effects. Antidiscrimination law has thus been ultimately indifferent to the condition of the victim; its demands are satisfied if it can be said that the "violation" has been remedied. (Freeman 1995:29–30)

Procedures believed to be neutral and meant to protect children are like the violation remedy of anti-discrimination law. Violations are seen only as deviations from procedures, without considering both why procedures were violated and how violations of the substantive right to FAPE may exist outside of procedural violations.

For example, PSN language on assessments focuses on the right of parents to have children identified in all areas of suspected disability. But it fails to take into account the ambivalence of many racial and ethnic minority parents in being assessed and evaluated in the first place. Consider Trainor's (2008) work on racial differences in parental feelings around special education assessment and labeling:

> "When [Celia] finally got diagnosed, accidentally, as having a hearing loss in both ears and needed hearing aids … it was a relief. It was a relief because, obviously, I don't want my kid to have a hearing loss, but we see her hearing loss as being not her major disability. It's an obvious disability that people can see. Finally we were able to get people to say, 'Oh, yeah, we need to provide accommodations for her." (White parent, p. 252)
>
> "My mom said, 'You know, anybody could meet Vincent, they'd say he's a great kid. Only in the setting of school, and in the eyes of a teacher, and in the eyes of the school district, there's something wrong with him." But if you take him out of that setting and just put him, meet him as a person, you're like, he's a good kid, you know, smart, talks. He's very friendly. But just in the school district and in that mindset, there's something wrong." (Parent of color, p. 254)

According to these very different reactions, white parents react with a sense of relief "when finding out the nature of their children's 'problem' because they were then able to focus energy on remediation or amelioration" (Trainor 2010:252). Parents of color, on the other hand, "expressed discomfort and ambivalence" about the labels being suggested. In the quote above from the parent of color, it is clear that this mother does not even believe that her child has any "problem" that needs to be ameliorated; he's "smart" as evidenced by the fact that he "talks" and he is socially adjusted because he is "very friendly." In this parent's eyes, it is only according to some other standard set by the school that her child is somehow deficient or problematic. The discourse of parental participation in the PSN assumes that all parents will be relieved to finally receive services, and want only information on how to protect their rights.

Another example of this failure to consider the experiences of non-white middle-class parents is the statement on the use of non-discriminatory materials for assessment. By focusing only on what is prohibited, the PSN privileges the experience of the white middle class, who likely will not be concerned about any racial or class bias in assessment, and hence do not require more information about bias in assessment. Yet this is likely to be a big concern for non-white middle class parents, who must confront centuries of racist and classist evaluations of innate intelligence, eugenic notions of genetic sufficiency, and cultural stereotypes regarding ability or capacity to learn (Jencks and Phillips 1998; Kao and Thompson 2003; Steele and Aronson 1995).

CONCLUSION

Foucault cautions that

> [w]e must cease once and for all to describe the effects of power in negative terms: it 'excludes,' it 'represses,' it 'censors,' it 'abstracts,' it 'masks,' it 'conceals.' In fact, power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production. (Foucault 1977:194)

Disciplinary power "define[s] how one may have a hold over others' bodies, not only so that they may do what one wishes, but so that they may operate as one wishes, with the techniques, the speed and the efficiency that one determines" (Foucault 1977:138). The disciplinary power of the discourse on parental participation in special education serves to control parents' interactions and involvement in their child's education. Parents are subjects to be trained, explained in relation to rules, procedures, and conflict. Throughout the process, parents, schools, the state, and even Congress engage in supervising and observing each other, making the object of power and the subject of power one and the same at different points in the process of participation. Parents (and their children) are subjected to the judgment of the norm, both in the evaluation for a disability and in the way in which parents are allowed to participate and the manner in which disputes are handled.

Through this normalization, parents are disciplined into accepting the role of passionate advocate, and are complicit in enforcement through individualization. Parents are coopted into the process of reducing each child, each educational plan, and even each dispute into their constituent parts, documented in a network of forms. This disciplinary power guides parents into assuming responsibility for their child's educational experiences. In this case, disciplinary power takes the form of obligation, such that parents who fail, or refuse, to use the procedures as stated are trained back into submission of the rules as there are few alternatives to the said system.

Having a right to education depend on the action of a parent "defines accountability in individual terms; that is, a person polices his or her own interests… singling out a party responsible for malfeasance in a way that group compliance procedures do not" (Neal and Kirp 1985:65). In this article I have shown how the discourse of parental participation in special education as revealed in the procedural rights document release state, school district, and school authorities from the legal responsibility to provide children with disabilities a free appropriate public education under IDEA. Instead, disciplinary mechanisms shift the responsibility to each individual parent through institutionalizing a mode of parent-as-lawyer who is expected to be a passionate advocate for their child. If a parent is unable, for any reason, to be zealous, children suffer.

This work calls into question the wisdom of parents as protectors of children's rights if equality in education is our goal. If we consider the role race and class stratification in education have played in the maintenance of white supremacy hegemony, however, we have no good reason to believe that public education was ever meant to produce equality [citation]. Yet, there are a few ways in which the PSN could be amended to be more equitable.

First, the PSN itself should provide parents not just with an overview of their procedural rights, but also with an overview of their substantive right. The U.S. Department of Education should produce a model form of a comprehensive document about the goals of special education, the substantive rights under the law, and an overview of the processes. This document should be written in plain English, and be accessible at the maximum reading level research has determined to be appropriate for public documents. The document should contain only the most relevant issues for the majority of parents, leaving the legal minutia, including citations, to other documents specifically geared towards legal professionals assisting parents.

Second, the content of the document should be written in such a way that provides both the substantive rights and an explanation of how to make sure those rights are being enforced. When a person receives a ticket, the ticket usually gives information on how to pay the ticket, but also how to contest. It provides step-by-step instructions on contesting in writing, to whom to send the appeal, and where and how a hearing will be held. For such an important right as education, the PSN should do the same.

REFERENCES

Ainsworth, James W., and Vincent J. Roscigno. 2005. "Stratification, School-Work Linkages and Vocational Education." *Social Forces* 84(1):257–84.

Alexander, Michelle. 2010. *The New Jim Crow*. New York: The New Press.

Allan, Julie. 1996. "Foucault and Special Educational Needs: A 'Box of Tools' for Analysing Children's Experiences of Mainstreaming." *Disability & Society* 11(2):219–33.

Baldwin Clark, LaToya. 2013. "The Problem With Participation." *The Modern American: A Scholarly Publication Dedicated to Diversity and the Law* Summer:20–39.

Barton, Angela Calabrese, Corey Drake, Jose Gustavo Perez, Kathleen St. Louis, and Magnia George. 2004. "Ecologies of Parental Engagement in Urban Education." *Educational Researcher* 33(4):3–12.

Bourdieu, Pierre, and Jean-Claude Passeron. 1977. *Reproduction: In Education, Society and Culture*. London: SAGE Publications.

Bowles, Samuel, and Herbert Gintis. 1976. *Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life*. New York: Basic Books, Inc.

Brooks-Gunn, Jeanne, and Lisa B. Markman. 2005. "The Contribution of Parenting to Ethnic and Racial Gaps in School Readiness." *The Future of Children* 15(1):139–68.

Carter, Prudence L., and LaToya Baldwin Clark. 2012. "Social Reproduction." in *Encyclopedia of Diversity in Education*, edited by James A Banks. New York: Sage.

Christy Lleras, and Claudia Rangel. 2009. "Ability Grouping Practices in Elementary School and African American/Hispanic Achievement." *American Journal of Education* 115(2):279–304.

Condron, Dennis J. 2007. "Stratification and Educational Sorting: Explaining Ascriptive Inequalities in Early Childhood Reading Group Placement." *Social Problems* 54:139–60.

Destin, Mesmin. 2013. "Integrating Resource-Based and Person-Based Approaches to Understanding Wealth Effects on School Achievement." *Economics of Education Review* 33:171–78.

DiMaggio, Paul, and John Mohr. 1985. "Cultural Capital, Educational Attainment, and Marital Selection." *American Journal of Sociology* 90(6):1231–61.

Domina, Thurston. 2005. "Leveling the Home Advantage: Assessing the Effectiveness of Parental Involvement in Elementary School." *Sociology of Education* 78:233.

Dornbusch, Sanford M., Kristan L. Glasgow, and I. Chun Lin. 1996. "The Social Structure of Schooling." *Annual Review of Psychology* 47:401–29.

Dudley-Marling, Curt. 2004. "The Social Construction of Learning Disabilities." *Journal of Learning Disabilities* 37(6):482–89.

Emerson, Robert M., Rachel I. Fretz, and Linda L. Shaw. 1995. *Writing Ethnographic Fieldnotes*. Chicago, IL: The University of Chicago Press.

Epstein, Joyce L. 2005. "Attainable Goals? The Spirit and Letter of the No Child Left Behind Act on Parental Involvement." *Sociology of Education* 78(2):179–82.

Fan, Xitao, and Michael Chen. 2001. "Parental Involvement and Students' Academic Achievement: A Meta-Analysis." *Educational Psychology Review* 13(1):1–22.

Fitzgerald, Julie L., and Marley W. Watkins. 2006. "Parents' Rights in Special Education: The Readability of Procedural Safeguards." *Exceptional Children* 72(4):497–510.

Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*. New York: Pantheon Books.

Foucault, Michel. 1997. *"Societ Must Be Defended": Lectures at the College de France 1975-1976*. edited by Mauro Bertani and Alessandro Fontana. New York: Picador.

Freeman, Alan David. 1995. "Legitimizing Racial Discrmination through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine." Pp. 46–63 in *Critical Race Theory: the Key Writings That Formed the Movement*, edited by Kimberle Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas. New York, N.Y.: The New Press.

Gillies, Val. 2008. "Perspectives on Parenting Responsibility: Contextualizing Values and Practices." *Journal of Law and Society* 35(1):95–112.

Gomez Mandic, Carmen, Rima Rudd, Thomas Hehir, and Dolores Acevedo-Garcia. 2012. “Readability of Special Education Procedural Safeguards.” *The Journal of Special Education* 45(4):195–203.

Grinstien-Weiss, Michal, Yeong Hun Yeo, Kate Irish, and Min Zhan. 2009. “Parental Assets: A Pathway to Positive Child Educational Outcomes.” *Journal of Sociology and Social Welfare* 36:61–85.

Harris, Alma, and Janet Goodall. 2008. “Do Parents Know They Matter? Engaging All Parents in Learning.” *Educational Research* (July 2013):37–41.

Harry, Beth, Norma Allen, and Margaret McLaughlin. 1995. “Communication versus Compliance: African-American Parents’ Involvement in Special Education.” *Exceptional Children* 61(4).

Jencks, Christopher, and Meredith Phillips. 1998. *The Black-White Test Score Gap*. Washington, D.C.: Brookings Institution Press.

Jeynes, William H. 2005. “A Meta-Analysis Of The Relation Of Parental Involvement To Urban Elementary School Student Academic Achievement.” *Urban Education* 40(3):237–69.

Kalyanpur, Maya, Beth Harry, and Tom Skrtic. 2000. “Equity and Advocacy Expectations of Culturally Diverse Families’ Participation in Special Education.” *International Journal of Disability, Development and Education* 47(2):119–36.

Kao, Grace, and Jennifer S. Thompson. 2003. “Racial and Ethnic Stratification in Educational Achievment and Attainment.” *Annual Review of Sociology* 29:417–42.

Kelman, Mark, and Gillian Lester. 1998. *Jumping the Queue: An Inquiry into the Legal Treatment of Students with Learning Disabilities*. Cambridge, MA: Harvard University Press.

Kuriloff, Peter J., and Steven S. Goldberg. 1997. “Is a Mediation a Fair Way to Resolve Special Education Disputes First Empirical Findings.” *Harvard Negotiation Law Review* 2:35–67.

Lareau, Annette. 1987. “Social Class Differences in Family-School Relationships: The Importance of Cultural Capital.” *Sociology of Education* 60(2):73–85.

Lareau, Annette. 2000. *Home Advantage: Social Class and Parental Intervention in Elementary Education*. Lanham, MD: Rowman & Littlefield Publishers, Inc.

Lareau, Annette. 2003. *Unequal Childhoods: Class, Race, and Family Life*. Berkeley and Los Angeles: University of California Press.

LaRocque, Michelle, Ira Kleiman, and Sharon M. Darling. 2011. "Parental Involvement: The Missing Link in School Achievement." *Preventing School Failure Alternative Education for Children and Youth* 55:115–22.

Lee, J. S., and N. K. Bowen. 2006. "Parent Involvement, Cultural Capital, and the Achievement Gap Among Elementary School Children." *American Educational Research Journal* 43(2):193–218.

Lightfoot, Dory. 2004. "'Some Parents Just Don't Care': Decoding the Meanings of Parental Involvement in Urban Schools." *Urban Education* 39(1):91–107.

Mannan, Golam, and Jacqueline Blackwell. 1992. "Parent Involvement: Barriers and Opportunities." *The Urban Review* 24(3):219–26.

McDermott, Ray. 1995. "Culture as Disability." *Anthropology & Education Quarterly* 26(3):324–48.

McDermott, Ray, Shelley Goldman, and Herve Varenne. 2006. "The Cultural Work of Learning Disabilities." *Educational Researcher* 35(6):12–17.

Muller, Chandra, Catherine Reigle-Crumb, Kathryne S. Schiller, Lindsey Wilkinson, and Kenneth A. Frank. 2010. "Race and Academic Achievement in Racially Diverse High Schools: Opportunity and Stratification." *Teachers College Record* 112(4):1038–63.

National Parent Teacher Association. 2009. *PTA National Standards for Family School Partnerships: An Implementation Guide*.

O'Connor, Carla, and Sonia D. Fernandez. 2006. "Race, Class, and Disproportionality: Reevaluating the Relationship Between Poverty and Special Education Placement." *Educational Researcher* 35(6):6–11.

Ogbu, John U. 2007. "African-American Education: A Cultural Ecological Perspective." Pp. 79–94 in *Black Families*, edited by Harriette Pipes McAdoo. Thousand Oaks, Calif.: Sage Publications.

Orr, Amy J. 2003. "Black-White Differences in Achievement: The Importance of Wealth." *Sociology of Education* 76(4):281.

Review, The Harvard Law, Columbia Law Review, University of Pennsylvania Law Review, and The Yale Law Journal. 2010. *The Bluebook: A Uniform System of*

Citation. The Harvard Law Review Association, the Columbia Law Review, the University of Pennsylvania Law Review, and the Yale Law Journal.

Rivkin, Steven G. 1994. "Residential Segregation and School Integration." *Sociology of Education* 67(4):279–92.

Robinson, Keith, and Angel L. Harris. 2014. *The Broken Compass: Parental Involvement with Children's Education*. Cambridge, MA: Harvard University Press.

Shrunk, William, and E. B. White. 2000. *The Elements of Style*. Fourth. New York, N.Y.: Longman Publishing Group.

Simon, Jonathan. 1992. "'In Another Kind of Wood': Michel Foucault and Sociolegal Studies." *Law and Social Inquiry* 17:49–55.

Smith, Charles P. 2000. "Content Analysis and Narrative Analysis." in *Handbook of Research Methods in Social and Personality Psychology*, edited by T. Reis and C. Judd. Cambridge, U.K.: Cambridge University Press.

Steele, Claude, and Joshua Aronson. 1995. "Stereotype Threat and the Intellectual Test Performance of African-Americans." *Journal of Personality and Social Psychology* 69:797–811.

Sullivan, Amanda L., and Alfredo J. Artiles. 2011. "Theorizing Racial Inequity in Special Educaton: Applying Structural Theory to Disproportionality." *Urban Education* 46(6):1526.

Trainor, Audrey. 2010. "Reexamining the Promise of Parent Participation in Special Education: An Analysis of Cultural and Social Capital." *Anthropology & Education Quarterly* 41(3):245–63.

Trainor, Audrey A. 2008. "Diverse Approaches to Parent Advocacy During Special Education Home--School Interactions: Identification and Use of Cultural and Social Capital." *Remedial and Special Education* 31(1):34–47.

Tyler, Tom. 2006. *Why People Obey the Law*. Princeton University Press.

Willis, Paul E. 1981. *Learning to Labor: How Working Class Kids Get Working Class Jobs*. New York: Columbia University Press.

Yeung, W. Jean, and Dalton Conley. 2008. "Black-White Achievement Gap and Family Wealth." *Child Development* 79(2):303–24.

CHAPTER THREE

PARENTING FOR STATUS AND STIGMA: CHILDHOOD SOCIALIZATION STRATEGIES OF BLACK MIDDLE-CLASS MOTHERS AND WHITE MIDDLE-CLASS MOTHERS OF CHILDREN WITH DISABILITIES

INTRODUCTION

How does it feel to be a problem? – W.E.B. DuBois (1903)

Decades of research on black childhood socialization show how parents teach their black children how to cope with being on the wrong side of the color line (Burton et al. 2010; McLoyd et al. 2000; Peters 2002, 2007). Black parents "transmit what it means to be black; this process is known as race socialization" (Brown and Lesane-Brown 2006:201). The strategies of black childhood socialization depends on both time and space:

> [B]lack parents, on the basis of their evaluation of the racial climate and their own experiences, will tailor messages they transmit to their children to be consonant with the particular historical period during which their children were coming of age. (Brown and Lesane-Brown 2006:203)

The goals of those strategies, such as "cultural socialization, preparation for bias, promotion of mistrust, and egalitarianism" (Hughes et al. 2006), suggest that other groups who also face societal discrimination may also socialize their children into what it means to be a member of that group (Benner and Kim 2009), even if the specific meaning of what it means to be a member varies across groups.

Yet little research has attempted to systematically chronicle how other groups who face societal discrimination socialize their children. Certainly other groups must socialize their children into the culture and prepare them for the bias they may confront as a result of being a member of the group. While some research has explored the socialization processes of other racial and ethnic groups (Hughes et al. 2006), socialization into non-racial groups has largely been ignored. How do the childhood socialization processes, messages, and strategies of these non-racial groups compare to what we know about racial socialization?

The purpose of this article is to begin to explore the similarities and differences between racial socialization and socialization based on a characteristic that is devalued and discriminated against in society. The socialization of children with disabilities is an ideal group with whom to compare black racial socialization. Both groups face widespread discrimination that has spurred court decisions and anti-discrimination legislation geared towards full inclusion in society and social mobility (e.g., *Brown v. Board of Education*, 347 U.S. 483 (1954); Civil Rights Act of 1964; Americans With Disabilities Act (1990); Individuals with Disabilities Education Act (1975)). In particular, both groups face particular challenges in schooling, with special educational placements being called the new form of *de-facto* segregation, especially for children of color.

In this article, I use the concept of *habitus* to frame the similarities and differences between the childhood socialization strategies of black middle class mothers and white middle-class mothers of children with disabilities residing in the same suburban community. Sociologists have used *habitus* extensively to understand the patterns of practices, behaviors, and dispositions of social groups. People with disabilities constitute one such social group, with burgeoning research exploring the contours of disability culture (Galvin 2003; Peters 2000; Vernon 1999). I argue that through *habitus*, we can understand the similarities and differences between the childhood socialization strategies these two groups.

My analysis finds that the two groups share similar socialization strategies as a part of building emotional resilience in their children as a part of their emotional *habitus*. *Habitus*, however, also helps us to understand how the groups differ, a difference primarily attributable to the mothers' own experiences and history with discrimination and stigma. This analysis not only provides an empirical comparison of a vital social process of these two social groups, it also encourages further theoretical exploration of the role of discrimination in how parents attempt to shape children's identities.

BACKGROUND

Race-Based and Disability-Based Status and Stigma

American society is stratified along a variety of characteristics, including race, class and gender. Distinct from the sociological concept of class, which classifies by occupation and economic relationship, *status* refers to "the symbolic aspect of class structure that is itself deemed to be not reducible to economic relations alone" (Chan and Goldthorpe 2007:513) (emphasis added.) While both class and status implicate social differentiation, status is

> a structure of relations of perceived, and in some degree accepted, social superiority, equality, and inferiority among individuals. This does not reflect personal qualities, but rather the degree of "social honor" attached to certain of their positional or perhaps purely ascribed attributes (e.g., birth or ethnicity). (Chan and Goldthorpe 2007:514)

Society shares beliefs that associate group behavioral and personality traits with group competence and social esteem (Ridgeway and Correll 2006). While some status characteristics are specific to a particular domain, others are diffuse characteristics that determine esteem and competence across many fields, such as race and gender. The overarching nature of diffuse characteristics leads to a "moral component not possessed by specific status characteristics, with high status on a diffuse characteristic being viewed as broadly superior to low status on the characteristic" (Lucas and Phelan 2012:312). Even when an individual possesses a low status, such as a black racial identity, and personally disagrees with the expectations of their group, those "stereotypes in the air" can wreak cognitive havoc and precipitate performance in conformity with stereotyped expectations (Steele and Aronson 1995).

In addition, many (but not all) *status* characteristics, which influence performance expectations and social esteem, are also *stigmatized* characteristics. Stigma arises from "an attribute that is deeply discrediting," involving a "special kind of relationship between attribute and stereotype" (Goffman 1963:3–4) where "those who have dealings with [a stigmatized person] fail to accord him the respect and regard which the uncontaminated aspects of his social identity have led them to anticipate extending, and have led him to anticipate receiving" (Goffman 1963:9). Stigma is explicitly about the behaviors of the stigmatizers that lead to unequal outcomes for the stigmatized:

> stigmatization is *entirely contingent* on access to social, economic, and political power that allows the identification of *differentness*, the construction of *stereotypes*, the *separation* of labeled persons into distinct categories, and the full execution of *disapproval, rejection, exclusion, and discrimination*. (Link and Phelan 2001:367) (emphasis added)

Status loss is an inherent part of stigmatization where the "stigmatized label … [invites] the low power, low prestige, and social influence that are typical of persons with devalued states of a diffuse status characteristic" (Lucas and Phelan 2012:313).

Childhood Socialization

In the case of black children and children with disabilities, both groups must learn to negotiate a devalued and less esteemed identity. Blacks in the U.S. occupy a low status position among racial groups, where economic disadvantage is perceived by whites as evidence of the appropriateness of negative stereotypes (Brezina and Winder 2003). The stigma of blackness is evident in the "rigidity of the boundary surrounding blacks" as compared to the "boundaries to inclusion in the white category [that] may have expanded over time and may continue to stretch" (Lee and Bean 2007:568). "Black" is therefore a characteristics that encourages both low status – where "the only population whose racial features are not automatically perceived differently with *upward mobility* are African-Americans" – and stigma – where "throughout the history of the United States, blacks have served a critical role in the construction and expansion of whiteness by serving as the definition of what white is *not*" (Lee and Bean 2007:567).

People with disabilities have similarly faced discrimination and bias on the basis of perceived ability and moral worthiness. Evidence of the low status of the disabled can be found in the exclusionary educational history for people with disabilities. Prior to the 1970s, millions of children with disabilities went uneducated, and prior to 1990, there was no federal protection against discrimination on the basis of disability (Yell, Rogers, and Rogers 1998). Disability is, in many ways, a socially constructed status characteristic, where what is considered abnormal is context specific, such as when a child of reading age is not yet reading, or when someone who cannot walk is unable to access a space with stairs. In education, the ways in which disability is assessed and diagnosed occurs when classrooms "organize occasions for children to look unsuccessful, and then …blame their behavior on disabilities inside their heads" (McDermott, Goldman, and Varenne 2006). For example, while labeling children with a learning disability ("LD") is meant to "initiate the provision of differentiated instructional practices and accommodations that enable these students to achieve up to their potential," LD students "often demonstrate poorer academic performance and other markers of social disadvantage" (Shifrer, Callahan, and Muller 2013:657). Labeling encourages what critics call a "medical model" of disability, which ignores the structural and cultural determinants of disability (Ho 2004). Nevertheless, these markers of social disadvantage contribute to the stigmatization of people with disabilities and their families.

Emotional Habitus

How one conceptualizes oneself, or one's identity, is shaped in part by competence expectations and the extent to which one's social identity is valued. Identities "are the sets of meanings people hold for themselves that define 'what it means' to be who they are as persons, as role occupants, as group members" (Burke 2004:5). For low-status and stigmatized individuals in a social field in which one experiences discrimination or low performance expectations we would expect the development of emotional strategies to cope with these attacks on identity. These strategies can be thought of as part of a group's emotional *habitus*.

Bourdieu's (1984) concept of *habitus* is helpful in theorizing the relationship between group status and stigma, social inequality and individual behavior and attitudes. The *habitus* is "the set of dispositions toward culture, society, and one's future that the individual generally learns at childhood and then takes for granted" (Lareau 2003:276), or an unconscious repertoire from which an individual member of a social group draws their thoughts, feelings and behaviors as a member of that group. *Habitus* is structural, in that it is derived from individuals' social positions that provide the context for what dispositions are available, but it also allows for individual agency and cultural change.

While the study of emotions was long considered the purview of psychologists, *emotional habitus* draws on Bourdieu's theoretical insights as sociologists consider the structural role of emotion in social life (Stets and Turner 2006). In his examination of the professionalization process of mortuary students, Cahill (Cahill 1999) defined emotional habitus as

> a social distribution…of emotional dispositions…that generates emotional perceptions, reactions, expressions, and emotion management strategies across various situations, including those not encountered previously. (Cahill 1999)

The transmission of emotional habitus can be interpreted as part of a child's identity development. In his study, for example, Cahill found that all of the successful mortuary students were children of funeral directors. The "right" emotional *habitus* for mortuary students was one that was intimately familiar with death even before becoming a student. This suggests that intergenerational transmission of emotional *habitus* by parents to children plays a central role in providing children with the "rules" of emotional expression and feelings as a part of their social group.

Parental socialization strategies have a goal of developing children's emotional habitus to be able to cope with low status and stigma and to "prepar[e] children to take on the adult roles and responsibilities of society" (Boykins and Toms 1985:33). In light of the ample evidence regarding the status loss and stigma associated with being black and being disabled, parents of black children and those with disabilities actively manage these "spoiled" identities. While the literature on black racial socialization enjoys a long history (Bernard 1966; Brown and Lesane-Brown 2006; Hughes et al. 2006; McAdoo 2007; McLoyd et al. 2000; Thornton 1997), there is a relative dearth of research on the socialization of children with disabilities.

DATA COLLECTION AND METHODS

The data for this paper come from semi-structured interviews with eleven middle-class black mothers conducted between September 2008 and February 2009 and 14 mothers of children with disabilities conducted between September 2013 and March 2014. Table 1 provides information about the participants.

Table 2: Study Participants

Pseudonym	Race	Focal Child's Grade	Child's Disability/Challenge
Interviewed Sept 2013 – March 2014			
Heather	White	3rd	Focus Irregularity
Freda	White	4th	Social Skills
Amanda	White	K	Developmental Delay
Emily	Asian	5th	Autism
Joyce	White	1st	Social Skills
Antonia	White	5th	Autism
Elaine	Black	3rd	ADD
Janie	White	4th	ADHD
Martha	White	4th	Hearing Loss
Cindy	White	3rd	Unknown
Laura	Latino	5th	Hearing Loss
Bridget	White	1st	Developmental Delay
Kia	Black	2nd	ADHD
Cynthia	Black	5th	ADD
Interviewed Sept 2008 – Feb 2009			
Michaela	Black	1st	n/a
Imani	Black	4th	n/a
Nadine	Black	5th	n/a
Melanie	Black	2nd	n/a
Deborah	Black	4th	n/a
Christine	Black	2nd	n/a
Jamillah	Black	1st	n/a
Aaliyah	Black	1st	n/a
Carmen	Black	2nd	n/a
Miranda	Black	2nd	n/a

The data is primarily focused on middle-class experiences, therefore theoretically "controlling" for class when exploring racial socialization, and only on white mothers experiences with children with disabilities, theoretically "controlling" for race when analyzing disability socialization. This is not to say that race and class are not an important aspect of white middle class mothering of children with disabilities, or that class or ability is not an important aspect of black middle class mothering. However, interviewing only middle-class mothers helps to focus the analysis only on the issues of race and disability as the participants themselves think about how they are different from others in their community. The sample includes four mothers of color who have children with disabilities, and I discuss some of their experiences at the intersection of minority status and disability in the analysis.

Most mothers in this sample are currently married to the fathers of their children, although one mother is a recent widow. The vast majority of mothers live full time with a child between the ages of five and thirteen. This age range is appropriate for this study because contrary to the idea that race has yet to "take hold" in young children (Lareau 2002:760), the extant literature is clear that racial understandings develop from a very young age (Van Ausdale and Feagin 2001; Lewis 2004; Peters 2002), and reflects that educational disabilities tend to be diagnosed between birth and the elementary years (for example, the average age of ADHD is seven years old (http://www.cdc.gov/ncbddd/adhd/data.html)). I use "middle-class" to refer to mothers who hold (or, in the case of stay-at-home mothers, who once held) an occupational position which requires a college degree and/or in which they typically have the ability to hire other employees (Wright 2007). Mothers' education range from college to doctorate, and occupations include stay-at-home homemaking as well as full-time and part-time employment. The majority of the mothers resided in the same small but affluent city in the Bay Area of Northern California, where the median income is $117,000, and the median home value is close to $1.9 million. Mothers who did not reside in this small city resided in nearby cities very much like it.

The interviews were semi-structured conversations about their children and their childrearing. Interview questions explored day-to-day activities with children; perceptions of their child's school and educational progress; behaviors, thoughts, and feelings surrounding childrearing; and their childrearing priorities. The interviews took place in a location convenient for the mother, which was most often the mother's home. During the interviews, I took detailed notes describing the mother's home and demeanor, and when a child was also present, her interactions with the child. I audio-recorded each interview, which ranged in length between 45 minutes and 2.5 hours, and each was professionally transcribed. I manually coded each interview, and put particular focus on comparing and contrasting relevant portions of the interviews to the rest of the interviews and also to the extant literature. I began coding interviews and writing theoretical memos about halfway through the data collection process, and therefore was simultaneously collecting and coding data. By conducting both steps of the research process in tandem, I was able to quickly recognize areas that I need to add to my interview guide that were relevant to my theoretical concerns and incorporate them into future interviews (Glaser and Strauss 1967).

ANALYSIS

I find that both groups of mothers use strategies to deal with *status* through lessons on *self-efficacy* and through promoting *academic performance*. Self-efficacy refers to "individuals' beliefs about their abilities to exercise and maintain some level of control over events that affect their lives" (Hoover-Dempsey and Sandler 1997:17). Given that status expectations have been theorized as explicitly regarding competence and performance, it is reasonable to assume that when parents voice concerns about how a child is performing in school, they are articulating concerns regarding status. I operationalize parental strategies about resisting stigma as those that reduce *social exclusion* and increase *equal access to opportunity*. Distinctions between "us" and "them" and the power of the non-stigmatized to set the stigmatized apart and restrict their access to social goods are inherent elements of stigma.

Through this comparison of black middle-class mothers and white middle-class mothers of children with disabilities, I show three things. First, I show that the common goal of socializing children to cope with status and stigma often leads to similar strategies in both groups. Second, I show how these strategies can be understood as investments in emotional *habitus*. Third, through a discussion of the importance of childhood in developing emotional *habitus* to cope with status and stigma, I show that the middle-class black parents have a relative advantage over white middle class parents of children with disabilities – the ability to draw on their own childhood racial socialization experiences.

Managing Status

Both black middle class mothers and white mothers of children with disabilities perceive the low expectations others have for their children. In this section, I show how the mothers in both groups resist these stereotypes in three ways: first, through fostering self-efficacy, second, through promoting academic achievement, and third, through explaining their low status to their children. The last strategy serves not only to combat status, but also to make children mindful of stigma. Using these strategies, these two groups of mothers work to impress upon their children their ability to control their own destiny, in spite of the negative stereotypes held about their group.

Fostering Self-Efficacy

Mothers of black children and white mothers of children with disabilities find ways to manage the low status expectations they experience and anticipate experiencing being obstacles in their children's lives. This concern is justified as research suggests that blacks score lower on self-efficacy scales than do whites due to a "psychological reflection of low status resources and a recognition of widespread discrimination" (Hughes and Demo 1989:137). Mothers in both groups often address these low expectations through fostering their children's sense of *self-efficacy* (Bandura 1997). Consider Nadine,[1] a black middle-class mother of two, who expresses pride in her ten-year-old son's ability to understand himself as racialized but not constrained by race:

> So he just went to Europe this past summer and he was the only one in his school that was African American that went. He didn't feel, you know, 'Why am I the only one here?' … So that's the thing I like about Andre and I think he probably gets it from my husband and I guess me too but it's just, I always tell him, '*You can't let anybody determine who you are*.'

Self-efficacy refers to "personal judgments of one's capabilities to organize and execute courses of action to attain designated goals" (Zimmerman 2000:83). While

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[1] All names are pseudonyms.

Nadine is aware of Andre's unique experience of being black and participating in cultural experiences like going to Europe, his not questioning why he was the only black child to participate signaled to Nadine how little he allows race to "determine who he is" or get in the way of what he wants to do. Andre's commitment to prevent race from determining his abilities and opportunities has been fostered through his parents' lessons about being an individual. In saying, "I'm just like…" Andre is signaling his comfort with himself as his own person, and his belief that he can do whatever he wants. Nadine believes she and her husband transmitted this nonchalance about race to Andre in his early years.

Heather is a white middle-class mother of a child with on-again, off-again behaviors that suggest Attention Deficit Hyperactivity Disorder (ADHD). Here she explains how she sees her daughter's inconsistent displays of inattentiveness and impulsiveness:

> It's sort of what she's capable of. It's what she chooses or is incapable of choosing, one of those two. Either she's choosing to give a crap about what her teacher thinks or what her parents' think, or she's for some reason not capable of finding it in herself to do so.

In either case, Heather believes that despite her daughter's label, she has some agency over the behavior. She believes in her child's capacity to conform her behavior. She leans towards her first understanding, that her child has the capacity to control herself, despite the disability label.

Parents hope that lessons in self-efficacy will instill a sense of individualism. Even though she recognizes her daughter has challenges, Heather struggles against placing labels on children:

> I just wasn't going to apply that label and I felt like she wasn't – every case is somewhat different. Every case has different roots. There may be emotional roots. There may be just developmental things going on. I just didn't really buy the whole thing. I just didn't.

Heather refuses to accept as truth not just the label itself, but also the constraints the label places on her child. With few exceptions, mothers in both groups strongly resist labels that homogenize children according to a trait. In both groups, the mothers perceive how others label their child as reflective of a one-size-fits-all mentality, where their children's individuality is filtered through group averages. Mothers of children with disabilities are especially ambivalent about labels that suggest one course of action for addressing a child's challenges, when they prefer for their children to be seen as individuals with unique attributes. The label is needed to receive benefits under IDEA, yet mothers loathe the low status expectations associated with a label and the assumption that every child with "X" disorder requires the same treatment.

As another strategy for encouraging individualism and a strong sense of agency, mothers encourage their children to mentally disaggregate low status expectations and instances of discrimination by others from their sense of self. This strategy challenges the children to focus solely on what they can control, which is themselves. Miranda, for example, a black middle-class mother of three, says:

> I don't tend to dwell on it [racial bias] a lot. I mean, I can't control what other people do … it's annoying at the time, but it's like, 'I have other things to do.' You know what I mean? 'This is not – this doesn't really define me.'…It's like, 'This is not about me.'

Here, Miranda is instilling an emotional *habitus* where she encourages her children to "separate[e] their personal sense of worth from the negative role ascriptions attributed to them by whites" (Jenkins 1988:115). By shifting the focus from herself to those who hold low expectations, Miranda resists allowing the experience of bias to become a part of her children's self-definition. To this point, Miranda counsels her children to worry about themselves, not the biases and beliefs of others:

> [Y]ou can't control other people, you can always control yourself, so… I want them to be able to look at any situation and understand what it is and be able to make rational decisions not because of what others are doing.

Here, Miranda is not telling her children to ignore low expectations based on race (she says she wants them to "understand what it is"), but to be proactive and not reactive about their choices; making rational decisions is the opposite of making emotional or impassioned decisions as a reaction to other people's beliefs. "Control yourself" is the message she sends to her children, indicating that to her, a sense of individual agency can overcome, or transcend, whatever low expectations people have of her, or her children, as black.

Promoting Academic Performance

Fostering a sense of self-efficacy is particularly important to these mothers in an academic context, where both children with disabilities and black children face low performance expectations. The mothers in my sample are painfully aware of these expectations. For example, Carmen, a middle-class black mother of three, relates how she perceives the academic challenges of a young black child in her son's class:

> Well, unfortunately, one little black boy in the class does not belong there… he is too young, he should have been held back. He just turned five [in] …November… he should have not been in kindergarten. His skills are below everybody else… He's definitely slow and I'm really sorry that he's in there because he's going to come up as a statistic but it's right.

What is unfortunate, in Carmen's mind, is not only that there is a child in the class who is struggling, but also how that child is conforming to the low performance expectations of black children in the classroom. She is sorry he will become a "statistic" – she does not have a similar concern about non-black children who are struggling – but truly bemoans that the statistic is "right," or accurate.

Other middle class black mothers echo Carmen's concerns about the perception of low black academic performance in majority white contexts. Carol, a middle class black mother of two, retells a story from her college years attending a predominantly white East Coast elite university. She remembers how her mother advised her to ignore the racism she encountered and to respond by doing her best:

> [My mother said], 'You're up there with a different kind of white people. You're just going to have to do your best. You just do your best, stay out of their way, find your way and don't let them get to you.' I did eventually do that but it was extremely racist. And there were racist people there who were saying [that] I didn't belong there, that black people didn't belong there because we had inferior … [but] I did well there and many of them didn't. I think if I had been fretting about them and not doing well academically, I would have felt worse about what they were saying but I outperformed them, so…

Carol directly experienced the low performance expectations of blacks, with classmates expressing their beliefs about the intelligence of black people in general and about Carol specifically. Her mother's strategy to combat these expectations was to encourage Carol to "do her best," indicating high academic performance as a strategy to defy low status expectations. Carol indicates that she "would have felt worse" about the low performance expectations if she had actually conformed to them, but because she "outperformed them," the low expectations affected her far less than was possible.

Yet of the two groups of mothers, mothers of children with disabilities were much less likely to discuss academic performance as a way to combat the low status expectations that follow their children. In many ways, this is entirely to be expected; many children labeled as disabled struggle in school, even with accommodations. The exception to this trend was with the middle class black mothers of children with disabilities. Cynthia, a black middle class mother of a child with Attention Deficit Disorder, discusses how she coached her son to view his agency over his disability after he repeatedly brought home Fs:

> So we study for the whole week. I help him study. I have flash cards …and he got an A. I said, 'See what happens? Try to realize you can be as smart as the smartest kid in class… the difference between it – they study, you don't.

Despite his disability, Cynthia counsels her son towards an emotional *habitus* that embraces a growth mentality, where he believes that he can learn anything through hard work, and his intelligence is not fixed but malleable (Dweck 2006). This can be seen as her concern not just about dealing with the low performance expectations of a child with ADD, but also dealing with the low status expectations of a *black* child with ADD. She comments on how she works to make sure her child is not seen as a stereotypical black child:

> I made a conscious effort to be here. You know, I do [work at the school], I interact with the principal. I know pretty much …know all the teachers. They see you, you know. So I didn't give them an opportunity to make a stereotype and say, 'Oh that's that little black kid…'

None of the middle-class white mothers of children with disabilities discussed race when thinking about the performance expectations associated with being disabled.

Cynthia, in contrast, is very aware of how race in particular factors into how people at his school view him.

"The Talk": Discussing Status to Combat Status

One main goal of racial socialization is to emotionally prepare children for the biases they may encounter in life as racialized beings. One way in which to do this is to talk frankly to the child about the experiences they may face as a consequence of his or her race. Melanie, a black middle-class mother of three recalls talking to her now grown children about how they must act in public, a strategy that Lacy (2007) describes as management of "public identities":

> *Q. Do you have any concerns that the color of your son's skin is going to [hold] him back?*…For my older kids, I remember having some fear that … I would explain to them that they always had to be respectful when they were out, 'You can't do the same things your friends do because you'll get more trouble than they will.' I remember … not making it a color thing, but just trying to make them aware that you have to be on your best behavior because you're not going to be treated the same. And they saw it…they saw it.

While Melanie tried not "making it a color thing," she nevertheless expresses fearful for how her children will be treated in the world when they are away from her with their white friends. Whether the children understood it themselves as "a color thing" is unknown, but many parents assume that being told of the facts is emotionally protective, as they are now both aware of and can anticipate the bias.

This practice is also seen with many parents of children with disabilities, especially as the child gets older. The talk, however, is a strategy that is geared not only towards status, but also towards stigma. This "talk" is explicitly about reducing internalization of the stigma of having a disability. Consider Antonia, a mother of a child with Asperger's Syndrome:

> We have talked to her about what she went through and we told her that we're really proud of her and that she worked really hard to overcome all of this. But we have talked to her about, you know, that some things were harder for her when she was little than they were for other kids and that we worked really hard to help her have the skills to be able to do lots of things that just came more easily to other kids. *Why do you talk about it?* That's a good question. …I guess I don't want her to feel uncomfortable that she can't talk about it. So… there's a saying, you know, you're only as sick as your secrets. It's sort of like when you make something into a big secret, it tends to …grow. When … you take it out of the box, you put it on the table and it's like, 'Okay, here it is. Let's talk about this.' It just demystifies it. And then it just doesn't seem like it's much of a big deal. That's life.

By being frank about both her child's challenges and her successes, Antonia imparts an emotional *habitus* of pride in perseverance and of seeing disability as a difference, not a deviant condition. She points out that keeping something hidden engenders feelings of shame, and by being open, both herself and her daughter, what seemed like a unfathomable life hurdle is simply just a regular part of being alive and human: "That's life."

Some black parents worry about the internalization of stigma that can occur when talking explicitly about the bias associated with being black. Aida, a black middle-class mother of two, worries about the emotional baggage that she believes comes with telling black children about the history of black oppression in the United States. Consider her views here in an interview that took place right before the 2008 presidential election:

> Okay, there are people out there that… feel like, … [mimicking voice] "Bad things happen so you gotta …be ready and be prepared because the world's not fair…" I don't want ANY of that even in my kids' minds. I have my kids believing Barack is our next president. … And, then when we saw McCain I

> was like, [mimicking voice] "Yeah, he wants to be but he's not gonna because Barack is." You know, and just with the, the whole hope, you know, instead of the fear.

For Aida, she fears the internalization of stigma through the very act of discussing stigma. She tells me that her apprehension stems on her own experience of watching programs such as "Eyes on the Prize," a popular series that ran in the late 1980s and early 1990s that chronicled the Civil Rights Movement. The series often featured video of brutal acts of violence against black people, and left Aida feeling angry and humiliated. She does not want that same feeling for her children.

Similarly, Aaliyah, a black-middle class mother of two, tries to keep her children from explicitly identifying as black because she does not want them to overly identify with the history of black oppression. For her child's MLK Day celebrations at school, she asked her child's teacher not to state that Martin Luther King, Jr. was black:

> I said, 'Listen, Martin Luther King Day is coming up in January,' [and] I said, 'I'd like you to please not say that he's a black man, the black people struggled and all this stuff because that sucks.' I mean to be the only black person in the classroom and they're talking about slavery. … I said, 'Yeah, so not that you don't want to talk about what… how significant historically he was.' Same thing with Barack Obama. I said, 'Please don't call him the black president to the children.' I said, 'He's the president, they can see that he's black by looking at him.'

By pointing out the race of important people, Aaliyah feels that emotionally for a black child in an all-white classroom would "suck," or, in other words, take an emotional toll on her children. Aaliyah believes that emphasizing blackness over race-neutral markers of cultural heroism places a particular burden on black children in all white classrooms. Other middle class black mothers who bemoaned their children's classroom discussions of slavery and the Civil Rights Movement shared her concern. But while Aailyah's strategy is to minimize their racial identity, other mothers took the opportunity to have their own MLK lessons where children are encouraged to see the Civil Rights Movement from the point of view of the oppressors, not the oppressed:

> *Q: You have MLK day at home?*
> Yes. Because the one at school is not so good.
> *Q: What's the one at school like?*
> The one at school is 'if you are oppressed don't fight back and we will applaud you for it. … Oppressed people sprang up from the middle of the earth and they didn't fight back.' [But] I think the lesson of MLK is don't oppress even if you can. That's the lesson, not if you find you're oppressed don't fight… back. The answer is look at how easy it was for these people to oppress these people and do these shameful things, things which [sic] we hate even looking at now because they're so shameful, [so] 'Don't you do the same.' We tell them, 'If you see somebody at the playground that nobody is playing with because they look different, or they're in a wheelchair, what do you do?' We try to teach them to be inclusive and at least to be friendly, but at least to not tease and not call people out or treat them badly because they're different.

The effectiveness of explicit discussions about race and discrimination with children is supported by research that suggests that the failure of parents to have explicit conversations about race sometimes leads to children developing their own ideas about race, ideas that may not be the message parents intend (Bronson and Merryman 2009).

Most of the black parents I interviewed said that they understand that they cannot hide from the fact that their child's racial identity, and other racial markers such as speech and dress, may encourage negative stereotypes that implicate both status and stigma. Some mothers see being upfront about the dangers children may experience as a result of their choices as a way to emotionally prepare the child for managing their public identities. Consider Nadine's conversation with her 13-year-old son about his use of African American Vernacular English (AAVE) (Rickford 1999):

> *Q. Does that bother you about Andre the fact that he refuses to speak Standard English?* Oh, I always get on him so he's like, 'Mom I'm just doing this at home.' I'm like, 'No you're not because … you can't flip back and forth that easily. I mean you're not a pro.' And he'll joke with me like, 'No I'm just kidding.' Sometimes it does [bother me] depending on where we are. *Q. Where does it really bother you?* I think out in public because that's where people really put those stereotypes on you. And … some of his teachers they're … surprised when they see how smart he is … when he's doing his work because they see … the normal black kid or whatever speaking broken English.

Nadine is very much concerned about her son being regarded as a "normal black kid" that is speaking non-Standard English and not able to effectively code switch (Ogbu 2004) while in the presence of white people. To her, the public is anyone outside of the black community, or even more narrowly, the immediate family. Other middle class black mothers similarly instruct their children as to the propriety of speaking AAVE. Carol, for example, instructs her children to only speak AAVE when they see her speaking AAVE.

For younger children, the race talk is not as explicit, but the feelings behind having to prepare their children's public identities is still palpable. Consider the experience of Carmen where she (reluctantly) imposes different behavioral standards on her children because she believes they will be negatively stereotyped:

> I want them to be … free and, you know, how white parents can let their kids be free at a restaurant and it's so cute but you have to really rein your own kids in because they're not judged on the same basis. I'm only recently now accepting that. Like 'Okay my kids need to behave and be good and they're not going to be able to be as free as Fay because Fay's cute and white and they're not on the same scale.' So even though I love the way Fay's mom does it, … I think I'm deciding, … I'm in the process of evolving this. I'm deciding that my kids need to follow instructions and sit still.

Carmen recognizes the emotional strain of this decision, as it goes against how she innately feels about the right way to raise children. But she persists because she wants to avoid the bias and discrimination that she anticipates coming their way if they were to exercise the same behavioral freedoms of their white friends.

This emotional tool also resonates with white mothers of children with disabilities. Public identities are a concern for mothers of children with disability, especially those with "invisible" disabilities. For children with ADD/ADHD, social anxiety, Asperger's Syndrome, or mild forms of autism, while their disabilities were limiting, they are not automatically identifiable. Mothers seem to worry more about the public identities of these children because they cannot count on others to see their child's disability as the cause for the awkward social behavior. For these mothers, some choose to "come-out" where the hope is that through revealing their child's disability to others, the stigma associated with the disability will be lessened (Corbett 1994). Antonia, a white middle class mother of a child with ADHD, finds opportunities to tell other parents about her child's behavior:

> So I've always been pretty open with other people that [he's] had challenges. Ironically because people do presume… this is just a bad kid instead of 'Oh, this kid has ADHD.'

By divulging the information about her child's disability, Antonia hopes to change people's perceptions of her child's challenges and view him in a more positive light. Yet conveying this knowledge is not always a panacea for the social issues that arise when a child exhibits challenging behaviors. There are still parents who shun her son: "Of all people, there's a mom who won't let her [child] play with my [child] because [they're] so wild and she's a psychologist. [Laughs] I'm like, you know, 'You of all people should get this more.'" She expects people who know more about disability to be more empathetic to both herself and her son, and uses candor as a way to create positive emotions toward her son and reduce his social exclusion.

Like the middle-class black parents who fear placing racial emotional baggage on their child because it may constrain them, some mothers of children with disabilities similarly want to keep their children in a state of ignorance regarding their disability. Consider the perspective of Amanda, the mother of a seven-year-old with developmental delays:

> *Q. Have you talked to him about it?* Well, I haven't because I don't know what to say and that's kind of the next thing we need to research. … How do you talk to children about this because he is going to get more aware. But in some things, like… he is not really potty trained. He was wearing a pull-up to school until just a few weeks ago. He doesn't care. He doesn't notice. He doesn't notice that other kids are wearing underpants and he's not and that that's a weird thing. He just doesn't know. Maybe he'll never [know]… I think he's somebody who is just blissfully ignorant and maybe, I mean hopefully, that'll be the case but – I don't know. But yeah, I should probably look into how do you and when do you… Because I don't want to limit him either by saying, 'Oh, you have issues.' I can't, you know. So I don't know.

Similar to the discomfort with labeling because of the potential for self-constraint as stigma or status becomes internalized, Amanda believes that even discussing a child's challenges may result in stigma and low self-efficacy. The longer a child remains ignorant of the stigma, for example, of being in diapers at the age of seven, the longer he can be happy in blissful ignorance.

Managing Stigma

In this section, I show how middle-class black mothers and white mothers of children with disabilities contend with stigma by “rebutting the stereotypes they encounter as they demonstrate their equality by mobilizing various standards of worth” (Lamont and Fleming 2005:39). Both sets of mothers promote children’s equality with non-stigmatized groups and a positive sense of self-worth in two distinct ways. First, mothers in both groups actively and instrumentally develop friendships and family-like connections, what sociologists refer to as “fictive kin” (Stack 1975). These kin groups are with other members of the stigmatized group, in order to both demonstrate the similarities between their group and non-stigmatized groups, and also to build, through that understanding of equality, a positive sense of self. In doing so, mothers are interrupting the stigmatization process at the “us” vs. “them” stage of social differentiation and exclusion, as well as the status loss stage. Second, mothers in both groups actively intervene on behalf of their children with institutions (especially schools) to ensure equality in access to opportunities in comparison to non-stigmatized groups. This strategy is aimed towards the last stage of the stigmatization process, discrimination on the basis of the stigmatized identity.

Fictive Families and Social Inclusion

Fictive kinship “refers to a kinship-like relationship between persons not related by blood or marriage in a society, but who have some reciprocal social or economic relationship” (Fordham and Ogbu 1986:183). While sociologists often refer to fictive kinship in relation to the sense of linked fate (Dawson 1994) that many stigmatized groups share, here I refer to the practice as the literal creation of “family” that operate as biological families do to provide social support and cultural anchoring. Laura is a middle-class Latina mother of a child who was diagnosed as deaf as an infant. While the first several months of her child’s life were difficult for Laura and her husband, six years later Laura has become an advocate for other families, serving as a special education representative for her school. Because she, as a hearing adult, knew nothing about raising a deaf child, creating a community that she could draw on for advice and support is crucial to her family’s capacity to cope with her child’s disability.

This is especially the case when biological families are not understanding of their children’s disabilities. In that case, the creation of fictive kin is especially important because actual kin without disabilities often have a difficult time relating to a child with a disability. Consider how Laura, in tears, confides to me about how her family reacts to her daughter:

> [M]y family… I think some of it is cultural and I don’t think they really understand… I think that’s the hardest part and I’m sorry, I’m choking up. But I think that’s the hardest part because I don’t think they understand. And it’s fine. I mean they accept my daughter … but actually it’s been more my friends. I mean [my family] understand[s] it but …they don’t understand. [For example, they’ll say,] ‘Okay, but why are you doing cochlear implants and why are you not teaching her Spanish?’ and … that was a little bit hard at first. It still is you know… And I think with hearing loss, it’s really [hard]…, because they see how well she speaks, how well she talks, how well she handles herself that they don’t understand some of the harder… little details… [For example,] when we are in at a restaurant… the hardest [thing] for her is group settings… and so I think sometimes it’s just educating them: ‘Oh well, maybe she didn’t hear you’ or ‘This is hard for her so she’s going to be a lot more shy.’

Laura's biological family accepts her child as part of the family, but struggles to understand the nuances of her disability. The social distance between the child and the extended family is extended by the child's estrangement from a crucial part of her family's culture – the ability to speak Spanish. The child is essentially stigmatized in her biological family, necessitating the creation of fictive kin.

To compensate, the fictive family often includes not just other families of children with disabilities, but also the professionals responsible for the child's care. Being intimately aware of the child's disability, these individuals contribute to a "family" that shares a common understanding:

> Some of those people are now good friends including her audiologist or her doctors. You consider them almost part of the family because … she's grown with them. So it's a very supportive community and … now with the internet … [it draws] a lot of parents from all over the [area].…And we do … we still get together. I think for us, we think it's very important for her to just be amongst other kids like her.

The importance of being around people "like her" is echoed in both groups of mothers. Mothers see having peer relationships with like children and like families to be an important source of emotional capital for their child. These fictive kin groups serve as a source of social capital that is typical among middle-class families (Horvat, Weininger, and Lareau 2003) that is then converted into emotional capital.

Middle-class black parents cultivate friendship groups to cope with racially supportive social options that are lacking in predominately white schools. Carol, a black-middle class mother of two, shares the reason she created a group of black families who routinely gather together:

> I think we started with the six of us. We just started getting together. Sometimes it might still just be the six of us but other times it might be twenty

> families… but for my kids they have this core group of people that they know that they can kind of count on to play nicely with them and to be their friends…

Carol’s comment highlights that black children in this community often lack many social options where children “play nicely” and can be relied upon to be consistently friendly. These fictive kin groups are created as a strategy to disrupt the “us” versus “them” stage of stigma, where the stigmatized are set apart and socially excluded. Another member of Carol’s playgroup, Jamillah, a black middle-class mother of one, drives home this point regarding the lack of social options for black children in this community:

> It’s [the fictive family] a time for her just to play with kids. Because really she doesn’t [play] during the day. I mean she goes to school [but] then the kids from school don’t carry into any other part of our life. She hasn’t come up with any strong relationships at school … we don’t interact with any of those kids outside of school. So then in the afternoons she interacts with kids in her classes but in terms of just having people over for a play date or going to a play date or something like that it just doesn’t happen that frequently… so it’s a nice time for her to play with kids, just to play with kids...

The conversion of social capital into emotional capital is also on the minds of mothers of children with disabilities. Like Carol and Jamillah, friends with whom to play nicely is likewise a concern for Bridget, a white middle class mother of two, one of which has a developmental disability. Bridget articulates why it is important for her child with special needs to be around other children to which they can relate: “But I feel like I really do need to step up and do a lot more socially for him. Just because it’s so important for his happiness you know.” Through the social capital of friendships, Bridget expresses the emotional goal: her child’s happiness. She senses that without friends, her child will be unhappy, which is a common feeling coming from mothers in both groups when they felt their children were having a hard time making friends. The assessments offered by these parents of the pain of exclusion is entirely consistent with research on the emotional consequences of stigma, especially social exclusion (Green et al. 2005).

The fictive kin groups are similar to the phenomenon of play dates, a common practice among the middle class. Research on elite mothers' construction of play dates suggest that play dates serve as a form of social and cultural boundaries for both children and families:

> By establishing their children's friendship networks and setting the "play dates," elite mothers are in a unique position to control their children's earliest social interactions. In this way, even if privileged children come into contact with children from other classes, racial or ethnic categories, or religious backgrounds in settings such as school or church, the parents are able to maintain elite social boundaries by encouraging their children to stick with their own group. (Kendall 2006:96)

For the middle class black mothers and the mothers of children with disabilities in my sample, they seek to construct social boundaries as a reaction to the experiences their children have with other groups. They seek not so much to maintain exclusionary boundaries, but rather to create a "safe space."

For mothers of children with disabilities, these relationships are not always carefully constructed, as is the case for Cindy, a mother of two children with disabilities:

> So it's really tricky. So we developed friends [with] the people who were sort of hanging around the school after school who are not doing play dates and stuff. Because we don't do play dates. Because when we do play dates … that's when she erupts and her anger … she has …an emotional problem or something. So we play with people after school and that's where we find sort of these sort of odd balls as well … A lot of the special-ed type of people are there.

Cindy fosters friendships with other stigmatized children who are also excluded from this play date practice that is common among upper-middle-class families (Kendall 2006). Likewise, Emily, a mother of two children with disabilities, shares how her child gravitates toward kids who are atypical:

> So Lenny tends to be attracted to kids who are similar or maybe an ‘oddball,’ kids who kind of feel like they’re not quite the same. So he would cling to other kids like that. So his best friend would be the same like he is [although] there’s no mental issues, nothing like that. He’s just somehow a little bit odd. [The other child] doesn’t have a lot of friends and then he sees this boy who just thinks he’s his hero so that’s how they became good friends.

These mothers of children with disabilities create their own play dates, somewhat establishing a boundary around them as stigmatized people.

Fictive Families and Positive Images of Self

For mothers in both groups, but especially for black-middle class mothers, kin-like groups give children an opportunity to be around people like them in order to build a stronger sense of self as reflected in other like peers (Felson 1985). Being with other black children and people when their world is predominantly white figures heavily into the emotional socialization strategies of other middle class black mothers emotional socialization strategies. Carmen, a middle-class black mother of two girls who also participates in Carol’s playgroup, elaborates on this particular point:

> [You know], she put the [Disney Princess] pajamas on last night and she’s like, ‘Mommy which one of these looks like me?’ This is the exact question she asked me last night or this morning … and I couldn’t say that any of them did and I just kind of left it alone. …. So just truly having a sense of self. So that’s why [the play group] and even outside of the world of [the play group], [I’m] making sure she’s got those relationships.

A black child's reflected appraisal in a predominantly white environment can lead to what one middle-class black mother in my sample described as "black kids dreaming in white," where black children go through a period of self-loathing due to racial isolation and the internalization of anti-black messages fueled by white supremacy (Tatum 2004). Middle-class black mothers often speak about how they wanted their children to know other kids were going a period of questioning what it meant to be black in an all-white environment too.

One way this strategy was used centered fostering on a positive appreciation for certain physical markers of blackness, such as hair texture and facial features. Most of the mothers in the middle-class black playgroup sport "natural" hairstyles that were free of chemical processing that would allow nappy[2] hair to mimic the natural straightness of some types of "white" hair. Mothers see the presence of other black girls with natural hairstyles, such as twists and braids, as an important source of emotional capital for their young girls whose hair, in its natural state, is much different from their white girl friends. As Miranda, a black middle-class mother of three including a six-year-old girl, confides about bringing her daughter to a black play date: "Actually part of my motivation for just going on it cause I was like, 'She should not be the only person here to be struggling with hair.'" Other mothers also share about the identity issues associated with black girls and hair, and point to how they make sure their daughter has black women in their lives to whom they can identify as being beautiful and natural.

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[2] Black women, using it as a term of endearment for their naturally kinky hair (Hooks 1999), have reclaimed "nappy," a word that is often used pejoratively. I myself have "nappy" hair, and am proud of it.

This strategy is used by mothers of children with disabilities, but not nearly to the same extent. One reason for this may be that a disabled identity is extremely diverse, encompassing all forms of impairment, such as physical disability, mental illness, or learning differences. While parents of children with disabilities did create fictive kin groups, they were not for the purpose of providing a positive sense of self as disabled because the reflected appraisal was often tenuous. A child in a wheelchair, for example, is not likely to see themselves reflected in a child with ADHD.

Fostering Normality

Yet the two groups did share another goal of fictive kin: establishing blackness and disability as a normal and equally valued identity against the pervasiveness of white supremacy and the stigma of disability. Consider again Jamillah, who at the time of the interview is preparing to homeschool her son in order to avoid exposing him to the negative messages about non-whiteness inherent in a predominantly white world. Jamillah does not allow white dolls, books, or games into her home:

> He gets all the programming from the outside world anyway… so in his room we're only going to have black dolls or non-white dolls … They have this one book called Earth Mother and I mean it is beautiful. Beautiful, it is an amazingly beautiful book and Earth Mother has an afro, wears her hair pulled back much like mommy's today and she's going around waking the earth up and putting the earth back to sleep and she's just so beautiful and we talk about how beautiful she is …and I understand that maybe it's over programming and all this stuff because a lot of people are like, 'You know you're really overdoing it.' I'm like, 'I really don't think I am because once he steps out the door he just doesn't get any of that.'

The emotional benefit of this strategy is the reinforcement of an emotional *habitus* that is able to resist the effects of white supremacy on black children's sense of self. While black children tend to have high self esteem despite racial stigma (Hughes and Demo 1989), in predominately white communities where blackness is especially devalued, a child may perceive a of low public regard for blackness. This perception of low public regard is a key component of how social psychologists measure racial identity (Sellers et al. 1998). A positive self-concept as a racialized and devalued self is often at the forefront of what is most important to the black middle-class mothers I interviewed. Carmen explains:

> *Q. What's the most important thing to you when it comes to raising your children?* Having a sense of himself and being comfortable with who he is … [This is important because he's a] black child and also a black child that looks black and also his friends don't necessarily [look black] and not that this is anything but they don't. So therefore you know he's starting now to, you know, put value on that.

Carmen emphasizes the importance of this strong sense of her child's racialized self through recognition that black children, especially those that "look black," referring to hair texture, skin color and racially identified facial features are especially in need of a positive self-concept in a society that devalues blackness. This strategy is consistent a claim made by many scholars argument that racism may be ceding to "colorism," or discrimination on the basis of skin tone (Harris 2008).

For darker skinned children, being comfortable as black is a primary concern for their mothers. Nadine recounts how her son's experience in an all-black preschool provided a "foundation" of racial self-pride:

> From pre-school to kindergarten he went to a private school which was predominantly black so he had …a foundation there and he's real comfortable with himself… My son is really dark-skinned, really dark. So he's real comfortable with [himself].

Expressing a concern for having a foundation, or a solid base of racial comfort upon which to build racial identity reflects how middle-class black mothers understand "the power of the social context in shaping individuals' identities" (Shelton, Alegre, and Son 2010:?). They know that "the lack of [positive] Black cultural representation in American culture … result[s] in Black children preferring the doll representative of the out-group over the in-group" (Shelton et al. 2010:620), consistent with the racial socialization literature that argues how racial minority parents engage in cultural socialization to "promote children's cultural, racial, and ethnic pride, either deliberately or implicitly" (Hughes et al. 2006:749). By providing positive cultural images of like black people, especially for those children who "look black," these mothers provide a reflection that allows the children to prefer the in-group rather than the out-group, disrupting the internalization of stigma.

Likewise, mothers who are deeply embedded in a community of parents of children with disabilities use the social resources to build an emotional *habitus* that provides a sense of normalcy out of what is atypical. Cindy, a mother of two children with social disabilities, puts it this way: "You kind of hear the same stories and you go, 'Oh, okay.' It's okay to just, like, say the things that you… you can say normal things that are normal to you." Being able to feel normal assuages many of the negative feelings that mothers of children with disabilities may already have because of their particular struggles. For example, Amanda feels particularly unsympathetic towards the problems of parents of children without disabilities:

> I get so mad at other parents who have typical kids. They're complaining about their problems. … I feel like most of my friends have kids who have some issue or that they … get it. We can't just do the same things all the time. It's

> too hard to …because he either has problems with walking, [or] he's so tired. I can't just go off to the museum with them …

Amanda builds her social network in such a way that she avoids becoming friends and has a hard time maintaining friendships with parents of "typical kids." When around families with typically developing children, not being able to do the same things means that Amanda always feels abnormal. In contrast, families of children with disabilities appreciate the struggles of every day life with a child with disabilities. Mixed social networks are difficult to maintain and, for Amanda, result in feelings of anger and frustration at not being understood.

Fictive Kin and the "Right" Kind of People

In both groups mothers endeavor to make sure the reflection they are providing in the fictive kin group is of the "right" type people. For middle-class black mothers, the black environment they create is explicitly to reinforce a particular kind of middle-class blackness (Moore 2008), one that embraces what they consider to be values that would allow the children to remain middle class, and avoids the downward mobility that many children in the black middle class experience as they become adults (Bowser 2007; Pattillo-McCoy 1999). These mothers seek to build racial pride through a racial identity that is directly opposite to hegemonic stereotypes of black people. These strategies are line with research that shows that children with strong racial identities may have low levels of academic self-efficacy (Okeke et al. 2009).

This strategy serves two goals. First, as described above, it allows children to see positive images of blackness to protect against white supremacist notions of blackness. But second, it allows middle-class black children to have an emotional way-out if, or when, they are chided by other black people for being middle-class and/or successful, otherwise known as "acting white" (Fordham and Ogbu 1986). Consider how Miranda, a mother of three, describes the importance of the class makeup of the families in her play group:

> [It] was really a way to try and keep these kids connected together so they didn't feel alone or [so that] they had a social framework for seeing other kids with successful [parents]. So that, hopefully, as they go through, they don't feel stigmatized for wanting to achieve life goals, going to college, [or] having advanced degrees….

The stigma to which Miranda refers stems not from being black in a predominately white community, but from being *middle-class* and black as seen by working class blacks. These parents want their children to see another side of blackness that is not associated with negative stereotypes, and hence not think that the stereotypical working-class and poor version of blackness must be how they self-identify. Carol tries to keep her children away from those whom she considers to be representative of the worse stereotypes of black people:

> [T]hey don't have so much exposure to …the people who are around here that are just in trouble. They have just got out of jail… they don't have a whole lot of exposure to that. So I'm comfortable that they can see this really disadvantaged kind of troubled community and not say, 'That's me,' because they've seen these other communities, our relatives who might not have money but they're still good, happy, successful. They might not be rich but they're successful people. They're doing fine …and then they see Carmen and all these folks that are really doing fine so at least they have a better, broader spectrum of black people than just down and out, going nowhere. I'm speaking very [broadly] of black people as opposed to white people who are going somewhere. So that was the whole point was to give them some options so they can see themselves in more than just one light.

Through the fictive kin community, the middle-class black mothers are attempting to stave off any sense of identity crisis between being black, on the one hand, and being successful on the other (Fordham and Ogbu 1986).

Mothers of children with disabilities rarely suggested that there was a "right" type of disabled person, strictly in terms of "disability" with whom to build a fictive family. But not all mothers believe that fictive kin groups of like people are the way to encourage a sense of normalcy, for they fear that such a narrow criterion for friendships serves to further stigmatize the child. Known as "collective threat" by social psychologists, these parents are aware of the extent to which "the poor performance of a single individual in one's group may be viewed through the lens of a stereotype and may be generalized into a negative judgment of one's group" (Cohen and Garcia 2005:566). Consider how Janie, a mother of a child with ADHD, describes her concern about her daughter playing solely with another disabled child at school:

> What she does basically is …I mean we've gotten the school's attention and once they noticed they're like, 'Yeah, this is a problem.' She spends all her lunches with this boy who's mainstreamed into her class a couple of hours a day. His name is Jacob, really sweet but, like, he's in a wheelchair. He can't communicate and … and she likes to push the wheelchair.

For Janie, this is a problem because it restricts her daughter's ability to make friends with more typical children. We can also consider her concern with her daughter having almost all of her school relationships with someone who does not communicate back for its potential to lead to a reflected appraisal in the friendship dyad of how she may see herself as disabled.

Emily, a mother of two children with Asperger's, similarly shies away from having her children and her family surrounded by other children with special needs and their families. As far as other moms, she says,

> I went to one meeting and I learned -- I mean, that meeting reinforced why I choose not to be so involved in the groups of families with other disabled kids. Generally speaking, every meeting there's about a handful of parents who have really hard cases, like their kids are really disabled … So they use these times as a way for them to just throw everything out. They use it like a therapy session, and they just take over. Then everyone else – it's hard to tell them to 'Let's move on to next topic' or whatever. It's kind of rude … because you know how hard [they have it]…. So no one stops. The time goes over and we haven't gotten anything done. So generally speaking I stay away … I feel like it's just a negative energy in this get-together, these groupings, and for me I don't have such heavy issues. I don't want to be drawn into theirs, so I tend to socialize with typical -- families with typical kids and with families with higher functioning kids.

Not being drawn into the drama of others belies a sense of linked fate that fictive kinships sometimes foster (Simien 2005). Avoiding the drama of families with severely disabled children precludes the connection because Emily does not see her family as very similar to these other families of children with disabilities. Trying to force herself and her family into this group is emotionally draining instead of emotionally fortifying, and furthers the sense of stigma. Instead, Emily wants her children around more "typical" kids in order to be better able to handle the types of situations in which they will likely find themselves as high functioning:

> So I've been putting them in the Y swimming group lessons not so much is because I want them to swim, but more because I want them to socialize with the other kids and those have been very positive. They're fun. … I don't know if it's optimal, but that's where I'm kind of heading towards, but it is a lot more work on my part to reach out. I'm always the one reaching out, rarely is the reaching out back because there's not very much in it for them [families of children with typical kids] because their kids aren't asking for these play dates.

Here, Emily acknowledges the extra work she has to do as a mother of a child with a disability because other mothers of typically developing kids are not clamoring to have play dates with her children. So while she implicitly admits the stigma directed towards her children due to their disability, she also strives to transcend it through building social relationships with non-disabled children. In other words, she is trying to overcome the stigma implied in social distance, rather than only trying to manage its implications.

Institutional Intervention to Remedy Unequal Opportunities

Parents do not only work to resist internalization of stigmatic beliefs, but they also work to resist any discrimination their children may face. Consider again the example of Miranda, a black middle class mother of two who counsels her children that they can "always" control themselves, even when the cannot control the status beliefs of others. While her insistence on the narrative of individuality seemingly downplays the institutional constraints that may plague her children, she is nevertheless actively engaged in institutional advocacy, in hopes of counteracting the segregation effects associated with the stigma of being black.

For Aaliyah, even though does not talk about being black with her children, she nevertheless works to interrupt any discriminatory processes working against her children:

> I see little things that happen that are very subliminal almost. I don't know how to explain it but I'm in [the classroom] and I'm talking to the teacher all the time about what [my daughter] can do and that she can read and [the teacher says], 'Oh she can read,' [and I say to her,] 'I told you that. You know she's all the way through all the reading books of kindergarten, you know. But six

> weeks ago you gave me her report card and said she needs to work on her letter sounds.'

While Aaliyah is not 100% certain that these things are happening because her child is black, she is very much aware of what the consequences may be if she is perceived to be less capable than she is. Aaliyah therefore works diligently in the classroom in order to "catch" things as they occur.

Working behind the scenes to shield their children from disability bias is almost a given for parents of children with disabilities. Special education law assumes active parental advocacy on the part of the parent for children to get the services and accommodations they need to be able to be successful in the classroom (Baldwin Clark 2013). According to *Board v. Rowley*, 458 U.S. 176 (1982), the first Supreme Court case to interpret the meaning of "free appropriate public education," "parents and guardians will not lack ardor in seeking to ensure that handicapped children receive all of the benefits to which they are entitled by the Act" (p. 209). Most parents find the advocacy process arduous, and the extent to which they feel capable of effective advocacy affects how they feel about themselves as a parent of a child with a disability, which in turn affects their own emotional *habitus*. Consider the experience of Amanda, a white middle-class mother of three, who feels completely overwhelmed by the process of getting services for her developmentally disabled child:

> *Q. There was one thing you said about needing kind of a third party advocate and you said, you know, because it's hard when you're the mom. What do you mean by that?* Well, I think …I guess it depends on what kind of mom you are but there are many more aggressive moms than me but I want to protect my child. I guess, okay, so I take it back. I guess maybe it doesn't matter that you're a mom. I think it's just that not all moms have the right skills to be the advocate. … I have lots of skills. I worked at [a tech company]. I got tons of skills, but it isn't this skill. I am not good at this.

Being “not good at this” leaves Heather feeling as if her child is not getting all that the child needs from the school district as a part of his Individualized Education Program. She feels personally responsible for the school district’s refusal to provide certain accommodations and therapies that she, as his mother, believes he needs.

Effective advocacy itself often leads to increased self-efficacy. Many mothers of children with disabilities equate being a good advocate with being a good parent. Parents of children with disabilities learn to become stronger, in one mother’s words, because intensity is required to deal with the school district who will not give services if a parent does not request, and often fight, for it:

> You really have to be an advocate you know, and that’s a lot of pressure for a parent who already has a lot to deal with. A lot of extra. But it’s definitely it’s necessary. You know, you have to, to become much stronger. … And I totally understand that money isn’t unlimited. You know, so I definitely have empathy with the people trying to do their job but I also think that if you’re not asking for it, they’re not just going to give it to your child whether they need it or not.

For many parents of children with disabilities, being successful at getting what one wants for the child creates a feedback loop that increases parental self-efficacy. This is a case of where the status of the parent helps to diffuse the stigma associated with the child.

COVERING/PASSING, INTERGENERATIONAL *HABITUS* AND INTERSECTIONALITY

As discussed above, these two groups share common concerns and strategies to address these concerns. Yet there are two important ways in which the groups differ which affects their emotional *habitus* for resisting low status expectations and stigma. First, mothers in the two groups differ in the extent to which children can “cover” a low status and stigmatized identity. This covering imposes a sense of having to downplay, although not hide, a part of oneself to fit the mainstream or else suffer the consequences of exclusion. Second, the two groups of mothers differ in their own emotional *habitus* and the effectiveness of transmitting that *habitus* to their child. Middle-class black parents have the ironic advantage over white mothers of children with disabilities in that they can draw on their own experiences of being raised black, with messages about blackness being passed through many generations. Mothers of children with disabilities, on the other hand, learn their *habitus* on the job, and focus more of their attention on developing their own emotional habitus as parents of children with disabilities. Third, both groups differ from the unique set of parents who must contend with both race *and* disability: black middle class mothers of children with disabilities.

The Ability to Cover

Covering refers to the downplaying of a stigmatized or low status characteristic in order to assimilate into the mainstream (Yoshino 2006). Unlike passing, when a person covers they are not attempting to be seen as a member of the dominant group, as was sometimes the case for lighter-skinned blacks to “pass” as white. Instead, when a person covers they refrain from engaging in behaviors that bring attention to their difference. In discussing modern-day discrimination, Yoshino (2006) observes that

> [i]n the new generation, discrimination directs itself not against the entire group, but against the subset of the group that fails to assimilate to mainstream norms. This new form of discrimination targets minority cultures rather than minority persons. Outsiders are included, but only if we behave like insiders – that is, only if we cover. (2006:22)

Black children are more able to cover, or downplay, their blackness, but the ability to cover among children with disabilities was stratified according to visibility of the disability. Many children with disabilities, especially those with so-called “invisible disabilities” are able pass as non-disabled. But for children with visible or physical disabilities, neither passing nor covering was an option. While middle class black mothers encouraged their children to engage in some forms of covering, covering was not a strategy used by white middle class mothers of children with disabilities. Instead, they tended, if anything, to believe that many other parents of children with disabilities were passing.

For most of the middle-class black mothers, “covering” one’s blackness is a complicated undertaking. For while they acknowledged that their darker-skinned children could not “pass,” these mothers resisted stereotypical markers of blackness, such as speaking AAVE, or misbehaving in public. Black middle class mothers tended to see these behaviors as those that unnecessarily drew attention to themselves as black. So while they cannot hide their children’s blackness, as evidenced through darker skin or naturally styled hair, they certainly attempted to make their children seem “less” black to the general public.

The extent to which middle-class black mothers attempt to aid their children in covering is also evident in how they instructed others to talk about race around their child. Remember Aaliyah’s request to a teacher that she not overtly identify Barack Obama’s race when speaking to her children: “I said, ‘Please don’t call him the black president to the children.’ I said, ‘He's the president, they can see that he’s black by looking at him.’” Not pointing out blackness is another way to cover. Aaliyah believes that his accomplishment in being elected as the President should be what the children should celebrate, not his accomplishment in spite of his race.

For mothers of children with disabilities, they tended not to emphasize covering, but rather the difficultly of passing. Laura, a middle class Latina mother of a deaf child, acts as a resource for other parents of children with disabilities. But she finds that although she makes herself available and accessible, she is not approached very often, likely because parents of children with disabilities are covering:

> *Q: Do parents come to you?* No, they haven’t. I think but maybe they just don’t know. … I don’t know and this is my personal view. I think some parents you know, they don’t want [others to know] if [their] child has an issue or something. Maybe they don’t want it known … I totally understand it. For us, it’s like she’s deaf so she wears implants so everybody is going to see it.

Laura’s daughter’s cochlear implants are visible, so Laura’s daughter cannot “cover” the way other children with less visible disabilities may be able to. Many other parents of children with what are commonly referred to as “invisible disabilities” – “conditions, illnesses, and structural or biomechanical anomalies that are life limiting but not readily discernible to others" (Davis 2005:153) can chose to keep the child's disability hidden in an attempt to stave off the stigma associated with disability.

When the disability is invisible, mothers tended to prioritize passing over covering. The instinct to pass was apparent in the difficulty I had recruiting interview participants. While I know over 300 parents populate one of the list servs I tapped into, I received less than 20 responses to my advertisement. Future research must take this into account, because it is likely that many people, especially in the disability community, will not respond to a request to be interviewed because they do not want to be "outed" as disabled. Parents who are more engaged in the online community shared that they believed only a handful of people physically attend face-to-face meetings.

Yet, IDEA requires overt identification for children to be served under the Act. For children with disabilities, neither complete covering nor passing is a viable option. Passing, then, tends to be at the interpersonal level, where mothers and children are interacting with other families. The instinct to pass or cover, however, is directly related to the perceived discrimination faced by both children with disabilities and black children in predominantly white communities.

Intergenerational Transmission of Habitus

The most evident difference between the two groups, however, is the mothers' own stores of emotional capital. Consider Jamillah, a black middle-class mother who also grew up in this same community, as she recalls her teenage years going through high school with four other black girls:

> I was in [a coming of age group for black girls]. I was initiated. So my mom found ways for me to connect. So we joined a group … and they do an initiation ceremony for girls. And so, either when you're 13 or when you get your cycle, you spend a year doing all this volunteer work, and fund raising, and studying on how to be a woman. So, the theory was that a lot of black girls fall into… esteem issues or whatever in high school, so in preparation for that, we did this thing…. But it was this forced friendship, you know? These were not the people I would've elected to be friends with, but these are the people I had to be friends with to get through my four years of …high school.

Having to be friends with other black women to "get through" high school reflected the intense racism Jamillah encountered in school:

> [W]e had a particularly challenging class of kids who were incredibly affluent at the time and it was the most successful high school in [our area]. Its reading was really high. And we were in the …[wealthy] area, so people who might have elected to send their kids to private school thought that this public school is really good and its advanced placement program was great. They had cadavers, we had cadavers in our science class, and it was just over the top. And so these kids, a lot of them felt like we were taking their places, through affirmative action.

Almost all the middle class black mothers in my sample echo Jamillah's experience: the tendency for black parents across generations to create fictive kin. Many of the black middle-class mothers experienced their own parent-created groups that allowed them to have close relationships with same race peers, ranging from the NAACP youth groups to "Jack and Jill." All of the middle class black mothers experienced racism during childhood, and were recipients of emotional *habitus*-building strategies themselves. Their parents created fictive kin groups for them, which carried the same goal today as they did then: resisting low status expectations and stigma. For example, Carol recounts a conversation with her mother about her nose and lips:

> I remember when the town that we had moved from was a predominantly black red-line neighborhood and then we moved to this working class white neighborhood and my mom caught me looking in the mirror one day. We had an oval mirror with some gilt gold around it and I was looking at my nose and my lips and she saw me and said, 'What are you doing?' I said, 'Why are my nose and my lips so big?' and she said, 'What do you mean?' Because these little white girls who were my friends had asked and had said my nose and my lips were really big… I think they had just been given this stereotype by their parents and figured that they'd pass it on to me and I remember my mom talking to me then about how my nose and my lips were just perfect … and I think I even looked at her face and I remember that being a really good conversation because I felt I had been feeling anxiety and I remember feeling unhappy. So I was maybe five years old, no more than six, but I remember feeling really bad at first and then feeling better when my mother talked to me.

These experiences gave the middle class black mothers in my sample a store of emotional capital which they could pass on to their children using almost the same strategies.

Understanding emotional *habitus* as a set of emotional dispositions transmitted in childhood helps to appreciate the relative difficulty middle class white mothers of children with disabilities have in developing an emotional *habitus* in their children that is able to resist low status expectations and stigma. In many cases, the mothers placed an equal focus both on building their child's emotional habitus and on building their own emotional habitus.

For example, fictive families for mothers of children with disabilities served not only to provide friendships for the children, but also as a vital source of emotional capital for the mothers. Consider the thoughts of Antonia, a middle class white mother of two children with disabilities, towards her fictive family:

> *Do you find a lot of support in the [group]?*
> You know, it's been a miraculous thing for me. It's been really good for my just overall worldview because, you know, I meet lots of people in the same struggles and [who have] the same problems and they're the people who are

> the ones who are like, 'All right, let's go do something about this.' I have this [feeling], 'Oh, I found my people.'

Middle-class white mothers of children with disabilities in my sample routinely used these created communities of similar families in order to emotionally support each other in challenges, creating positive peer relationships for themselves to build emotional capital that they can transmit to their children. As discussed above, it is precisely because biological family does not understand disability – suggesting there is no intergenerational transmission of the emotional habitus needed to parent a child with a disability – that mothers of children with disabilities formed fictive families.

Parents who are more experienced in parenting a child with a disability often find themselves acting as mentors for other parents of children with disabilities because they understand how difficult this aspect of parenting can. These mentors serve as a source of emotional habitus often in an explicit and institutional way; many parents in this community are members of a special email group for parents of children with disabilities where they share information and advice concerning children with disabilities. Many of the mothers I interviewed were members of this group, and many of them also held school-based roles as special education liaisons between parents and the school district.

Intersection of Race and Disability

So far, this analysis has not dealt directed with the case of parents who must contend with both race and disability. In a previous paper, I suggest why this intersection is particularly important in special education, where a disproportionate number of black, Latino, and immigrant families find their child being labeled with a disability and placed into educationally restrictive environments (Baldwin Clark 2013). In that paper, I argue that parents come to their role as special education advocate with vastly different sources of capital – economic, social, and cultural – all of which are instrumental in ensuring their child gets the services and accommodations they need. The few parents I interviewed who sat at this intersection of race and disability provided evidence for my claim.

Consider the experience of Laura, a middle class Latina mother of a child with a disability, as she shares how she believes the school district subtly discriminates against non-white parents:

> [I was talking to a secretary at the district offices.] She said to me, 'Oh you know, don't worry, I mean she'll be fine,' and she was just being really happy and understandably so. I [said,] 'What am I going to do?' [She says,] 'Don't worry … we have great services and we're going to give you to, this person will come to your house and show you how to talk to your child. Don't worry she speaks Spanish. It's really good.' And I'm like, okay, how in the world did she get that I needed someone that spoke Spanish. I spoke to her in English.

The assumptions behind names, accents, and geography lead to particular beliefs about capabilities and worthiness (Kirschenman and Neckerman 1991) and what's needed for each child. Laura goes onto explain how she believes immigrant families are treated in their quest to advocate for their children, often given less-than-professional treatment and advice:

> [For convenience,] I was talking to [the speech therapist] in Spanish and I'm thinking, 'Okay, the only reason why they had her there working was to work with the Spanish speaking parents' but I could tell she probably didn't have any formal background in [speech therapy in] either English or Spanish. The only reason was she was there was because she had a deaf daughter that had gone through the process and now she was in her 20s or something. So she was

> very successful at sign language and communicating with them but then you know … she didn't have formal training.

Parents who do not have the cultural capital held by Laura and her husband may not be able to pick up on these subtleties, and may not be aware that more professional services are available.

Mothers of racial minority children who also have a disability also may not be effective advocates for resisting stigma and status if the stress of managing both is overwhelming. Consider Kia, a middle class black mother of a child who was suggested to have ADHD when he was only a toddler. She recalls her initial resistance to the label when she compared her experiences between when her son attended an all-white preschool and then an all-black preschool:

> [T]he first preschool [he attended] … at some point [he] came home and said 'Mummy, I don't have a friends.' I'm like, 'Why?' And he says, 'All my friends are white.' … So we broke [it down], you know, we made him understand that everyone is different. You don't have to be the same color. I think I ordered him children's books like Martin Luther King… he likes to read them. Then so I put him into daycare, one of the ladies from the church I went to… I thought, maybe, you know, maybe he just needs someone who [trails off] …and then he was the only African-American at the [first] preschool so I thought maybe … Anyways back to when I took him out and put him in the day care [that was African American] he was fine, but it was a different setting. It was like home and [the day care provider] didn't take any smack.

Kia's son was expelled from the first preschool, which was all white, due to his behavior. Yet the same child "was fine" in the second preschool where all the children and the director were black. Kia's experience resonates with recent research; while black preschoolers are only 18% of the total preschool population across the country, black children made up 42% of preschoolers who were suspended at least once, and 48% of those suspended more than once in the 2011-2012 school year (U.S.

Department of Education Office for Civil Rights 2014). Similarly, one of every four non-white boys (with the exception of Latino and Asian boys) with disabilities in 2011-2012 were suspended at least once (U.S. Department of Education Office for Civil Rights 2014). Kia, like many other parents of black boys with disabilities, has to constantly consider both race and disability when trying to manage the negative stereotypes and the stigma of a black boy identified as a problem.

For example, Kia has to make the teacher aware of how separating her son on the basis of his impulsiveness and behavior also has consequences for how he sees himself as black:

> He's close to people, so you know, he's bothering them. So [the teacher] said … 'Why don't you sit here?' but he sees that as a punishment, it makes him feel separate. And again he's the only African American in the class, … so [the teacher asked] like, 'Can you explain to him it's not …a punishment? It's to help him.'

Because he already feels separate due to being black, Kia worries her son will interpret that the steps taken to help control his disability-based behavior are punishments, which would serve to further stigmatize him. These considerations are sometimes so overwhelming for Kia that she feels forced to just disengage by not attending meetings:

> Because I felt like … I get nervous sometimes … and I was overwhelmed because I even started crying, because I felt that it was not all negative but there was so much going on… And I don't want [the school] to feel that I'm totally against my son.

Here, she struggles with wanting to help her son with his challenging behaviors by being proactive about addressing his concerns. Yet she also fears that the school officials will think she's "totally against her son," even though he needs her as an ally to resist the status and stigma associated with being black.

For Kia, managing both race and disability is emotionally taxing. This suggests that while, as shown above, black middle-class mothers and white middle class mothers of children share similar strategies for resisting status and stigma, mothers who exist in the intersection find that having to deal with both is not simply an additive process. Instead it seems to require yet another set of emotional strategies – or *habitus* – to adequately deal with both. Unfortunately, given these examples, it seems that Kia is having a difficult time figuring out what that strategy is.

CONCLUSION

The task of childhood socialization is a job all parents undertake. But for parents of racial minority and children with disabilities, the low status expectations and stigma they face requires additional lessons in emotional management. To compensate for low status expectations, both groups emphasize self-efficacy and academic performance. What I find, however, is that managing status through academic performance is a more salient strategy for black middle class mothers as compared to the white middle class mothers of children with disabilities. An explanation for this difference likely lies in the fact that black middle class parents are more successful at promoting academic performance because they realize that race itself is not a predictor of intelligence. For mothers of children with disabilities, however, school is often the first time they recognize their child may have a disability, precisely because they are struggling academically. White middle class mothers of children with disabilities focus on other aspects of competence not in a classroom, such as the ability to do basic math and reading in order for them to one day live as independent adults.

To compensate for stigma, both groups foster fictive kin communities of like families to promote social inclusion and a positive sense of self. Both groups also engage in institutional interventions with the goal of decreasing the discrimination faced by their children as a result of their "spoiled" identities (Goffman 1963). Black mothers are, in general, more confident in their ability to parent a stigmatized identity due to their own experience being black. While they share strategies between themselves on how to manage status and stigma, they more often draw on their own experiences as children who were also racially socialized by their black parents. Yet mothers of children with disabilities have a distinct disadvantage as they are often learning about the status and stigma effects of disability "on-the-job," where their experience with a disabled identity begins and ends with their child, his or her experiences, and the experiences of families they meet. They work more towards building their own emotional habitus as a parent of a disabled child, which implies that they have less energy to engage in the transmission of *habitus*. Furthermore, because they are not disabled themselves, they likely miss some crucial components of a disabled habitus that a child will not learn until they are adults.

There are three main limitations to these findings. First, the size of this sample and the geographic containment combined with the way the sample was recruited means that these findings cannot be generalized as indicative of how all black middle-class mothers and white mothers of children with disabilities socialize their children. Second, my focus on the middle class in predominantly white communities does not fully address the intersection of race, class, and disability (Shifrer, Muller, and Callahan 2011). Third, while I attempt to make a conceptual and empirical distinction between status and stigma, how the two are experienced in "real life" are likely not as clearly defined as I present them here (Lucas and Phelan 2012).

This study contributes to the literature by conceptualizing childhood socialization as lessons in emotional habitus. Like Cahill showed that the professionalization of mortuary students required having certain stores of emotional capital in order to be successful in a challenging career, I have shown how parents of children with stigmatized and low status characteristics are also teaching their children the emotional strategies needed to survive and thrive in a society that is hostile to them. I have also shown how two groups not often compared – black parents and white parents of children with disabilities – surprisingly share certain childhood socialization practices due to their common struggle against stigma and low status expectations. This conceptualization, along with the empirical comparison, allows us to understand racial socialization as part of a more general process regarding socializing children to be mindful of the status positions implied by their status characteristics. Furthermore, this study provides empirical evidence for understanding stigma and status management as inherently emotional in nature.

REFERENCES

Van Ausdale, Debra, and Joe R. Feagin. 2001. *The First R: How Children Learn Race and Racism*. Lanham, MD: Rowman & Littlefield Publishers, Inc.

Baldwin Clark, LaToya. 2013. “The Problem With Participation.” *The Modern American: A Scholarly Publication Dedicated to Diversity and the Law* Summer:20–39.

Bandura, Albert. 1997. *Self-Efficacy: The Exercise of Control*. New York: W.H. Freeman.

Benner, Aprile D., and Su Yeong Kim. 2009. “Intergenerational Experiences of Discrimination in Chinese American Families: Influences of Socialization and Stress.” *Journal of Marriage and Family* 71(4):862–77.

Bernard, Jessie. 1966. *Marriage and Family Among Negroes*. Englewood Cliffs, NJ: Prentice-Hall.

Du Bois, W. E. B. 1903. *The Souls of Black Folk*. Chicago: A.C. McClure & Co.

Bourdieu, Pierre. 1984. *Distinction: A Social Critique of the Judgment of Taste*. Cambridge, Mass.: Harvard University Press.

Bowser, Benjamin P. 2007. *The Black Middle Class: Social Mobility--and Vulnerability*. Boulder, CO: Lynne Rienner Publishers.

Boykins, A. Wade, and Forrest D. Toms. 1985. “Black Child Socialization: A Conceptual Framework.” in *Black Children: Social, Educational, and Parental Environments*, edited by Harriette Pipes McAdoo and John Lewis McAdoo. Beverly Hills, CA: Sage Publications, Inc.

Brezina, Timothy, and Kenisha Winder. 2003. “Economic Disadvantage, Status Generalization, and Negative Racial Stereotyping By White Americans.” *Social Psychology Quarterly* 66:402–18.

Bronson, Po, and Ashley Merryman. 2009. *NurtureShock: New Thinking About Children*. New York: Twelve.

Brown, Tony N., and Chase L. Lesane-Brown. 2006. “Race Socialization Messages Across Historical Time.” *Social Psychology Quarterly* 69:201–13.

Burke, Peter J. 2004. “Identities and Social Structure: The 2003 Cooley-Mead Award Address.” *Social Psychology Quarterly* 67:5–15.

Burton, Linda M., Eduardo Bonilla-Silva, Victor Ray, Rose Bucklelew, and Elizabeth Hordge Freeman. 2010. “Critical Race Theories, Colorism, and the Decade’s Research on Families of Color.” *Journal of Marriage and Family* 72:440–59.

Cahill, Spencer E. 1999. “Emotional Capital and Professional Socialization: The Case of Mortuary Science Students (and Me).” *Social Psychology Quarterly* 62(2):101–16.

Chan, Tak Wing, and John H. Goldthorpe. 2007. “Class and Status: The Conceptual Distinction and Its Empirical Relevance.” *American Sociological Review* 72:512–32.

Cohen, Geoffrey L., and Juilo Garcia. 2005. “‘I Am Us’: Negative Stereotypes as Collective Threats.” *Journal of Personality and Social Psychology* 89(4):566–82.

Corbett, Jenny. 1994. “A Proud Label: Exploring the Relationship between Disability Politics and Gay Pride.” *Disability & Society* 9(3):343–57.

Davis, N. Ann. 2005. “Invisible Disability.” *Ethics* 116(1):153–213.

Dawson, Michael C. 1994. *Behind the Mule: Race and Class in African-American Politics*. Princeton, N.J.: Princeton University Press.

Dweck, Carol. 2006. *Mindset: The New Psychology of Success*. New York: Random House.

Felson, Richard B. 1985. “Reflected Appraisal and the Development of the Self.” *Social Psychology Quarterly* 48(1):71–78.

Ferri, Beth A., and David J. Connor. 2005. “In the Shadow of Brown: Special Education and Overrepresentation of Students of Color.” *Remedial and Special Education* 26(2):93–100.

Fordham, Signithia, and John U. Ogbu. 1986. “Black Students’ School Success: Coping with the ‘Burden of “Acting White.”’” *The Urban Review* 18(3):176–206.

Galvin, Rose. 2003. “The Paradox of Disability Culture: The Need to Combine Versus the Imperative to Let Go.” *Disability & Society* 18(5):675–90.

Glaser, Barney G., and Anslem L. Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago: Aldine.

Goffman, Erving. 1963. *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon & Schuster.

Green, Sara, Christine Davis, Elana Karshmer, Pete Marsh, and Benjamin Straight. 2005. “Living Stigma: The Impact of Labeling, Stereotyping, Separation, Status Loss, and Discrimination in the Lives of Individuals with Disabilities and Their Families.” *Sociological Inquiry* 75(2):197–215.

Harris, Angela P. 2008. “From Color Line to Color Chart?: Racism and Colorism in the New Century.” *Berkeley Journal of Afican-American Law & Policy* 10(1):52–69.

Hibel, Jacob, George Farkas, and Paul L. Morgan. 2010. “Who Is Placed into Special Education?” *Sociology of Education* 83(4):312–32.

Ho, Anita. 2004. “To Be Labelled or Not to Be Labelled: That Is The Question.” *British Journal of Learning Disabilities* 32:86–92.

Hooks, Bell. 1999. *Happy to Be Nappy*. New York: Jump at the Sun/Hyperion Books for Children.

Hoover-Dempsey, Kathleen V., and Howard M. Sandler. 1997. “Why Do Parents Become Involved in Their Children’s Education?” *Review of Educational Research* 67(1):3–42.

Horvat, Erin McNamara, Elliot B. Weininger, and Annette Lareau. 2003. “From Social Ties to Social Capital: Class Differences in the Relations Between Schools and Parent Networks.” *American Educational Research Journal* 40:319–51.

Hughes, Diane et al. 2006. “Parents Ethnic-Racial Socialization Practices: A Review of Research and Directions for Future Study.” *Developmental Psychology* 42(5):747–70.

Hughes, Michael, and David H. Demo. 1989. “Self-Perceptions of Black Americans: Self-Esteem and Personal Efficacy.” *American Journal of Sociology* 95(1):132–59.

Jenkins, Adelbert H. 1988. “Black Families: The Nurturing of Agency.” in *Black Families in Crisis: The Middle Class*, edited by Alice F. Coner-Edwards and Jeanne Spurlock. New York: Brunner/Mazel.

Kendall, Diana. 2006. “Class in the United States: Not Only Alive but Reproducing.” *Research in Social Stratification and Mobility* 24(1):89–104.

Kirschenman, Joleen, and Kathryn M. Neckerman. 1991. “‘We’d Love to Hire Them, But...’: The Meaning of Race for Employers.”Pp. 203–32 in *The Urban Underclass*, edited by Christopher Jencks and Paul Peterson. Washington, DC: Brookings Institute.

Lacy, Karyn R. 2007. *Blue-Chip Black: Race, Class, and Status in the New Black Middle Class*. Berkeley: University of California Press.

Lamont, Michèle, and Crystal Marie Fleming. 2005. "Everyday Antiracism: Competence and Religion in the Cultural Repertoire of the African American Elite." *Du Bois Review* 2(1):29–43.

Lareau, Annette. 2002. "Invisible Inequality: Social Class and Childrearing in Black Families and White Families." *American Sociological Review* 67(5):747–76.

Lareau, Annette. 2003. *Unequal Childhoods: Class, Race, and Family Life*. Berkeley and Los Angeles: University of California Press.

Lee, Jennifer, and Frank D. Bean. 2007. "Reinventing the Color Line: Immigration and America's New Racial/Ethnic Divide." *Social Forces* 86(2):561–86.

Lewis, Amanda E. 2004. *Race In the Schoolyard: Negotiating the Color Line in Classrooms and Communities*. New Brunswick, NJ: Rutgers University Press.

Link, Bruce G., and Jo C. Phelan. 2001. "Conceptualizing Stigma." *Annual Review of Sociology* 27:363–85.

Lucas, Jeffrey W., and Jo C. Phelan. 2012. "Stigma and Status: The Interrelation of Two Theoretical Perspectives." *Social Psychology Quarterly* 75(4):310–33.

McAdoo, Harriette Pipes. 2007. *Black Families*. 4th ed. Thousand Oaks, Calif.: Sage Publications.

McDermott, Ray, Shelley Goldman, and Herve Varenne. 2006. "The Cultural Work of Learning Disabilities." *Educational Researcher* 35(6):12–17.

McLoyd, Vonnie C., Ana Mari Cauce, David Takeuchi, and Leon Wilson. 2000. "Marital Processes and Parental Socialization in Families of Color: A Decade Review of Research." *Journal of Marriage and the Family* 62:1070–93.

Moore, Kesha S. 2008. "Class Formations: Competing Forms of Black Middle-Class Identity." *Ethnicities* 4(4):492–517.

Ogbu, John U. 2004. "Collective Identity and the Burden of 'Acting White' in Black History, Community, and Education." *The Urban Review* 36(1):1–35.

Okeke, Ndidi A., Lionel C. Howard, Beth Kurtz-Costes, and Stephanie J. Rowley. 2009. "Academic Race Stereotypes, Academic Self-Concept, and Racial Centrality in African American Youth." *The Journal of Black Psychology* 35(3):366–87.

Pattillo-McCoy, Mary. 1999. *Black Picket Fences: Privilege and Peril Among the Black Middle Class*. Chicago: University of Chicago Press.

Peters, Marie Ferguson. 2002. “Racial Socialization of Young Black Children.” in *Black Children: Social, Educational, and Parental Environments*, edited by Harriette Pipes McAdoo and John Lewis McAdoo. Beverly Hills, CA: Sage Publications, Inc.

Peters, Marie Ferguson. 2007. “Parenting of Young Children in Black Families: A Historical Note.” P. xvi, 364 p. in *Black Families*, edited by Harriette Pipes McAdoo. Thousand Oaks, Calif.: Sage Publications.

Peters, Susan. 2000. “Is There a Disability Culture? A Syncretisation of Three Possible World Views.” *Disability & Society* 15(4):583–601.

Rickford, John. 1999. *African American Vernacular English: Features, Evolution, Educational Implications*. Malden, Mass.: Blackwell Publishers.

Ridgeway, Cecelia L., and Shelley J. Correll. 2006. “Consensus and the Creation of Status Beliefs.” *Social Forces* 85(1):431–53.

Sellers, Robert M., Mia A. Smith, J. Nicole Shelton, Stephanie A. J. Rowley, and Tabbye M. Chavous. 1998. “Multidimensional Model of Racial Identity: A Reconceptualization of African American Racial Identity.” *Personality and Social Psychology Review* 2(1):18–39.

Shelton, J. Nicole, Jan Marie Alegre, and Deborah Son. 2010. “Social Stigma and Disadvantage: Current Themes and Future Prospects.” *Journal of Social Issues* 66(3):618–33.

Shifrer, Dara, Rebecca M. Callahan, and Chandra Muller. 2013. “Equity or Marginalization?: The High School Course-Taking of Students Labeled With a Learning Disability.” *American Educational Research Journal* 50(4):656–82.

Shifrer, Dara, Chandra Muller, and Rebecca Callahan. 2011. “Disproportionality and Learning Disabilities: Parsing Apart Race, Socioeconomic Status, and Language.” *Journal of Learning Disabilities* 44(3):246–57.

Simien, Evelyn M. 2005. “Race, Gender, and Linked Fate.” *Journal of Black Studies* 35(5):529–50.

Stack, Carol B. 1975. *All Our Kin: Strategies for Survival in a Black Community*. New York, N.Y.: Harper & Row.

Steele, Claude, and Joshua Aronson. 1995. "Stereotype Threat and the Intellectual Test Performance of African-Americans." *Journal of Personality and Social Psychology* 69:797–811.

Stets, Jan E., and Jonathan H. Turner, eds. 2006. *Handbook of the Sociology of Emotions*. New York: Springer.

Tatum, Beverly Daniel. 2004. "Family Life and School Experience: Factors in the Racial Identity Development of Black Youth in White Communities." *Journal of Social Issues* 60(1):117–35.

Thornton, Michael C. 1997. "Strategies of Racial Socialization Among Black Parents: Mainstream, Minority, and Cultural Messages." in *Family Life in Black America*, edited by Robert Joseph Taylor, James S Jackson, and Linda M Chatters. Thousand Oaks, CA: Sage Publications.

Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1982).

U.S. Commission on Civil Rights. 2007. *Minorities in Special Education*. Washington, D.C.

U.S. Department of Education Office for Civil Rights. 2014. *CIVIL RIGHTS DATA COLLECTION Data Snapshot: School Discipline*.

Vernon, Ayesha. 1999. "The Dialectics of Multiple Identities and the Disabled People's Movement." *Disability & Society* 14(3):385–98.

Wright, Erik Olin. 2007. "Class Counts." in *The Inequality Reader: Contemporary and Foundational Readings in Race, Class, and Gender*, edited by David B Grusky and Szonja Szelenyi. Cambridge, UK: Cambridge University Press.

Yell, Mitchell L., David Rogers, and Elizabeth Lodge Rogers. 1998. "The Legal History of Special Education: What a Long, Strange Trip It's Been!" *Remedial and Special Education* 19(4):219–28.

Yoshino, Kenji. 2006. *Covering: The Hidden Assault on Our Civil Rights*. New York: Random House.

Zimmerman, Barry J. 2000. "Self-Efficacy: An Essential Motive to Learn." *Contemporary Educational Psychology* 25(1):82–91.