

The Temporality of Carceral Education: Race, Disability, and Progress at Madison Metropolitan
School District

By

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ABSTRACT

The dominant framework for understanding the relationship between k-12 schools in the United States and prisons has been the school-to-prison pipeline. While useful, this paradigm situates the school and the prison as two separate institutions with clear boundaries. Instead, this dissertation explores the way that schools themselves create and enforce carceral conditions such as containment and violence. Through rhetorical analyses of the Individuals with Disabilities Education Act, as well as key policy texts in one midwestern school district, this dissertation argues that carceral conditions in educational contexts are shaped through particular temporal regimes. By outlining how legal and policy texts are shaped by broader hegemonic discourses of progress and development, this dissertation demonstrates how rhetorical constructions of temporality help to reproduce conditions that justify violence and constrain the mobility of Black students and students with disabilities. Drawing on the work of local activist groups, this dissertation also considers the liberative potential of the present, framed through the past.

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ABBREVIATIONS

BEP.....	Behavior Education Plan
EBD.....	Emotional Behavioral Disability
ERO.....	Educational Resource Officers
FAPE.....	Free Appropriate Public Education
IDEA.....	Individuals with Disabilities Education Act
IEP.....	Individualized Education Plan
MMSD.....	Madison Metropolitan School District
MPD.....	Madison Police Department
PBIS.....	Positive Behavior Interventions and Supports
SIMS.....	Student Intervention Monitoring System
STPP.....	School-to-prison pipeline
VRA.....	Violence Risk Assessment

INTRODUCTION: CARCERAL EDUCATION

As the city's motto describes – “77 square miles surrounded by reality” – Madison, WI has acquired a national reputation for being a midwestern oasis for progressive families in an otherwise mostly red state. The state capital and 2nd largest city in Wisconsin, Madison is regularly ranked as one of the best places to live in the country and recognized for its walkability and work-life balance, and boasts the title “Most educated city in Wisconsin” (Destination Madison). Madison was also ranked #1 for the best place to raise children in the country in 2020, owing in part to the city's well-funded public schools which are well-funded and ranked 15th in the nation (Destination Madison).

Demographically, since European colonization in the 19th century, Madison has been home to predominately white residents. Until 1960, Black residents made up less than 1% of the city's total population (Gold et al. 5). Like many cities in the country, discriminatory redlining practices in Madison aimed at containing and economically extracting value from Black residents, disinvested from the area's Black communities through the denial of home loans to Black applicants living in Black communities designated as “risky” (City of Madison Development Division 11). Because racial housing covenants – at least fourteen in Madison – also often forbade Black residents from living in white communities, the small number of Black residents were restricted to living primarily in rental properties on Madison's south and east sides (M. Robinson 83). Between 1980 and 2010, the Black population grew by 268% as more Black families moved from cities like Chicago (Winn and Winn 73). Many of these families moved to Madison with the hope of finding a school district that could foster better educational

opportunities for their children (Winn and Winn 73), even as current housing maps reflect the ongoing impact of historical redlining practices.

While Black residents in Madison currently make up 10% of the city's total population, Black residents make up 44% of the jail population. In fact, the racial incarceration disparity in Madison is ranked as one of the most significant criminal-legal racial disparities in the country (Corrigan and Rusk 2). While Madison has an overall low jail incarceration rate, the incarceration rate for Black residents is *double* the national rate for Black people (Austin and Ocker 2). Compared to white Madisonians, Black residents are *eleven times* more likely to be arrested than white residents. In fact, 10% of all Black residents are arrested at least once every year (Austin and Ocker 2). 40% of all those arrested are under 24 years of age (Austin and Ocker 13). Between 1997 and 2009, youth arrests (17 and under) accounted for 20-30% of total arrests in Dane County (Dane County Youth Justice Solutions DMC Solutions Workgroup 17), with many of those occurring in and around public school grounds.

In Madison, as elsewhere, the process of youth criminalization is carried out in the area public schools through the paradigmatic metaphor of the school-to-prison pipeline (STPP). The STPP refers to a “set of policies and practices in schools that make it more likely that students face criminal involvement with the juvenile courts than attain quality education” (Mallett 15). Of these, scholars and activists alike have identified zero tolerance policies – disciplinary policies that require punitive action for behavioral infractions – and police presence in schools as the most significant indicator of the pipeline (Mallett; Heitzeg). To a lesser extent, special education practices and policies that result in segregated teaching sites and limiting educational opportunities have also been examined as important contributing factors (Heitzeg 7). The school to prison pipeline suggests that students who are subjected to out-of-school suspensions and

arrests in and around school are much more likely to be incarcerated. Since zero-tolerance policies and police officers leads to higher rates of suspensions and arrests, and because some special education practices can involve segregating students and reducing educational opportunities, they are considered a “pipeline” that funnels students from schools to prisons. (Racially) segregated schooling, zero tolerance discipline policies, and police presence in Madison Metropolitan School District (MMSD) schools have been hot button community issues for decades, but have garnered much more media attention in the last five years. This is due in no small part to the efforts of Freedom, Inc., a Madison non-profit that will be the focus of the Chapter 3.

However, police presence in Madison Metropolitan School District began as early as the 1960’s, when the Madison Board of education began requiring that police officers be present for all controversial meetings. A local member of the Socialist Party, William O Hart, aptly observed that “The demand for policing effectively limits the use of school facilities for public discussion.” Referring to a recent meeting, Hart continued, “More serious is the 'self-policing' by police and sheriff's department members at the East High Meeting, when men with police powers granted by the entire community appeared as partisan members of a partisan organization to 'impartially' maintain order” (“Socialist Hits Requirement of Police at Meets”). Hart’s entymematic insight gestures toward the historical legacy of policing practices aimed at protecting property and white moneyed interests, under the guise of impartial law enforcement. Even before then, as early as 1909, the city of Madison requested police presence to patrol school playgrounds (“Common Council Proceedings”).

By the early 1970's the Madison Board of Education had proposed a Police "liaison" plan that mandated one police officer per school *only* in the city's predominately Black, Southeast

Asian southside Gomper's area (Sapone). The plan was rejected by the Madison City Council, due in large part to the advocacy of Black and Southeast Asian parents in Madison. Other similar plans were proposed by the Board of Education in subsequent years, and the Madison Police Department was even accused of "pushing for a revival of the idea of placing policemen in the city's schools" ("Police Dept. Denies It Hopes to Revive Cop-in-School Plan"). In response to tacit accusations that the plan to police Black and Brown students was a mode of social control, police and school board officials invoked their own innocence, claiming that the only goal was to develop a more positive relationship between police and the Black and Brown communities they policed ("Police Dept. Denies It Hopes to Revive Cop-in-School Plan"). By 1975, the Madison City Council wrote that the proposal to put police in schools to govern Black and Brown students was "developed by a committee totally unrepresentative of the parents whose children will be affected" ("No Police in Schools Until Community Voices Support"). That same year, the school board passed a revised plan for unarmed police that would allow each school "area" within the district to determine whether or not they wanted police "as school resource persons" (Kendrick, "Board OKs Unarmed Police As School Resource Persons"). This rhetorical maneuver to rename police officers in school as a "security resource" and later an "educational resource" disguises their role as police officers, and functions as an attempt garner public support.

Of the revised 1975 plan, education writer for the Wisconsin State Journal, Rosemary Kendrick, wrote that "The Board majority, apparently with strong pressure from certain segments of their constituencies, was adamant." Of the cops in schools issue, Kendrick noted that "Few school issues have generated so much intense feeling as this one" (Kendrick, "Board OKs Unarmed Police As School Resource Persons"). Once again, the City Council passed measures to impede the enactment of the resolution in August of 1975. The school's

superintendent even said, “I think right now we'd be better off if the proposal could suddenly disappear from the face of the earth” (Kendrick, “Council Resolution Dooms ‘Police in Schools’ Concept”).

Apparently giving up on formally establishing police presence in MMSD schools, in the years that followed the Madison School Board explored a series of school closures and reassessed existing school boundaries. Between 1978 and 1979, the Board voted to close five Madison schools and to redraw the boundary lines that used home residence to determine which schools area students could attend as a means of reducing district budget costs (D. M. Paley, “Agency Says Board Built Bias”). By the end of 1979, a coalition of citizens and organizations on Madison’s mostly Black and Hmong south side – The South Madison Neighborhood Center, the Neighborhood House Community Center, and the Citizens Coalition for Educational Planning – filed a formal complaint to the Federal Office of Civil Rights claiming that the closure of the schools would disproportionately and adversely affect “minority students,” effectively resulting in a racially segregated school system (N. Paley). This complaint was only filed after the efforts of Black churches, Black advocacy organizations, and other Black leaders to address the issue directly with the school board were ignored (M. Robinson 137). The Office of Civil Rights investigated the claim for just over three years, ruling in 1983 that the district “knowingly created and perpetuated conditions of racial-ethnic isolation in Lincoln and Franklin elementary schools and that those conditions continue to exist,” violating the Civil Rights Act of 1964 (D. M. Paley, “Agency Says Board Built Bias”). Unsurprisingly, the Madison Board of Education disagreed with the agency’s conclusion and Board Superintendent Donald Hafeman eschewed responsibility for the matter stating, “There’s nothing constructive to be gained in

discussing whether the board was accurate or inaccurate in their decision,” adding, “I see no reason to try to place blame on anyone”(D. M. Paley, “Agency Says Board Built Bias”).

That same year, 1983, the district began to assign police officers as “police liaisons” in area schools (D. M. Paley, “He Gets through to the Kids with Respect”). Because MMSD agreed to develop a plan in collaboration with the OCR, the district avoided more severe legal action and the district’s desegregation plan was mobilized for the 1984 school year. Importantly, the plan included the closure of predominately Black and minority schools in Madison’s south side and city center, and to bus those students to predominately white schools (M. Robinson 137). In the years after the pairing plan agreed upon to resolve the segregated schools, “minority leaders” in Madison critiqued the plan as a superficial resolution focused more on achieving “the right mix” of students, rather than on the academic and social wellness of Black students (Callender). Black and Brown critics of the plan were essentially gaslit in area newspapers for finding fault with the plan, since Black and Brown leaders organized to sue the district, leading to the OCR investigation.

By the late 1980's, articles decrying the growth of Black “gang violence” in and around district schools had begun to splatter area newspapers. An August 20th 1989 article titled “Madison doubts that ‘all is well’” described how “some police and schools workers fear gangs will become more violent and more organized after school opens.” Cast center-page was a photo of two young Black men giving “the Black Gangster Disciplines ‘all is one’ sign.” Madison Police Department officers routinely trained school officials on how to “identify gang graffiti and other signs of gang involvement” (K. Schneider, “Madison Doubts That ‘All Is Well’”).

School surveys also revealed vicious racism – including racial epithets, references to the KKK, and a demand to “quit acting black” – in the white schools Black and Brown students were

bussed to (Dehil and Schneider 1a). When Black students physically responded to white students hurling racial slurs in school, Black students were suspended for fighting. In response to the survey, MMSD planned to form a “student mediation board to assist in resolving student confrontations,” which the district would later try to develop as restorative justice practices (K. Schneider, “La Follette Racism Survey Reveals ‘vicious’ Answers”).

The process of assigning officers to schools continued until 1995 when the first formal contract between the Madison Police Department (MPD) and MMSD was established (Rubin). This contract was established to enforce Wisconsin Act 75, passed in 1995, which was itself the consequence of the federal Gun-Free Schools Act passed in 1994. That same year that Bill Clinton signed the nation’s largest crime bill, the Violent Crime Control and Law Enforcement Act into law, increasing funding for policing and for punitive carceral responses to petty and misdemeanor drug crimes. The Gun-Free Schools Act required each state receiving federal funds to institute a state law requiring any student who brought a weapon to school to be expelled for one year, effectively universalizing zero-tolerance policies across the country. Wisconsin Act 75 was the result, and the MPD contract became one of the means of enforcement. This undoubtedly shaped the rate of expulsions over the late 1990s and early 2000s (there is no arrest and expulsion data organized by race and disability at MMSD prior to 1995).

Beginning in 1998, the state of Wisconsin passed Open Enrollment legislation, making it possible for students’ parents to apply to attend any public school in the state (M. Robinson 152). The establishment of open enrollment marked the beginning of the exodus of white students from Madison Metropolitan School District to other area schools. But because the schools in Madison’s predominately Black south side had already been shuttered, Black and Brown students had few other options (M. Robinson 153).

After years of community advocacy and lobbying the school board to end the district's zero tolerance policies were met by a stalwart board, in 2010 Madison native and former employee for Obama's Race to the Top education plan, Kaleem Caire, applied for and won a grant to develop a publicly funded charter school for Black and Latino boys in Madison's Near West Side (S. Robinson 3–4). Caire received some initial support from Madison's Board of Education, though Madison Teacher's Union as well as Board of Education members critiqued the proposal's single gender school as well as his insistence on non-unionized teachers. In response, Caire revised the proposal to a co-ed school and relaxed the requirement for nonunion teachers, though he maintained the mandate that school social workers and counselors be people of color (S. Robinson 10–11). Caire's proposal received significant pushback by area progressives and by the end of 2011, Madison's Board of Education rejected the proposal (M. Robinson 11). Several years later, the city of Madison bought the property to build a new police station (Rickert).

In the meantime, Black and Brown parents at MMSD continued to lobby the school board in an effort to establish greater equality for their children. Such efforts were often focused on ending the district's zero-tolerance policy (P. Schneider). In 2011, 52 percent of 1,316 in-school suspensions were given to Black students, who at that time comprised 20 percent of the body (Holland and Hefling A5). By 2013, Black students represented 60% of all in school and out of school suspensions (Holland and Hefling A5), and by 2014, half of all students arrested were Black or Latino (Spitzer-Resnick). The same year, the district was identified by the state of Wisconsin as one of 29 school districts in the state that has disproportionately high representation of African-American and Native Americans identified with disabilities (Madison Metropolitan School District, *Special Education Plan 2016-19*). The efforts of Black and Brown

parents ultimately paid off as the district eliminated zero-tolerance policies in 2014 and transitioned to new “graduated” and restorative disciplinary policy called the “Behavior Education Plan” (BEP).

The trouble is, under the BEP, students with disabilities, particularly Black students with disabilities attending public school in Madison, are *still* disproportionately affected by harsh and violent disciplinary measures. Before unpacking the disciplinary statistics, it is important to establish the racial and disability demographics of MMSD. Owing in part to Wisconsin’s Open Enrollment policy, white students make up only a plurality of students attending MMSD schools (43%). According to 2017 data, Black students make up 18% of the district’s students, Hispanic students 21%, Asian students 9%, students of two or more races 9%, Indigenous and Pacific Islander students less than 1% (Office of Civil Rights, “MMSD: LEA Summary of Selected Facts 2017). 14.6% of all students are labeled with IDEA disabilities, and of those 33% are white and 30% are Black, meaning that Black students are twice as likely to get labeled with a disability (Office of Civil Rights, “MMSD: LEA Summary of Selected Facts 2017).

Just as in 2011, Black students made up 52% of students with and without disabilities that are subjected to out-of-school suspensions in 2017, despite the elimination of zero tolerance policies (Office of Civil Rights, “MMSD: Discipline Report 2017). 62% of those without disabilities that were given more than one out of school suspension were Black, and 66% of those with disabilities were Black. Exceeding the 2014 arrest rate for Black and Latino students, in 2017 70% of students without disabilities arrested were Black, and 80% of those without disabilities were Black (Office of Civil Rights, “MMSD: Discipline Report 2017). These statistics become even more jarring when looking at MMSD high schools. For example, in 2017 30% percent of all Black and multi-racial students with disabilities at East High in Madison were

referred to law enforcement (Office of Civil Rights, “East High: Discipline of Students with Disabilities”).

Physical force and other kinds of physical “restraints,” seclusion, and other harsh disciplinary practices are used disproportionately against students with disabilities, particularly Black students with disabilities attending public school in Madison. In 2017, 466 students were put in physical restraints in nearly 2,000 separate instances, totaling roughly 11 instances of physical restraint/school day (Office of Civil Rights, “MMSD: Discipline Report 2017”). Black students were restrained at a rate over 5 times that of their white peers (Office of Civil Rights, “MMSD: Physical Restraint of Students with Disabilities 2017”). The majority of students who were physically restrained were students with disabilities, and Black students with disabilities were restrained at a rate 15 times higher than their white non-disabled peers. 366 students were put in “seclusion” during nearly 1,000 separate instances, totaling roughly 5 instances of seclusion/school day. 45% of those secluded were Black students with disabilities, 23% were Black students without disabilities, 16% were white students with disabilities, and 4% were white students without disabilities (Office of Civil Rights, “MMSD: Seclusion of Students with Disabilities 2017”). Black and multi-racial students are most likely to be labeled with disabilities like Emotional Behavioral Disorder, that typically garner the harshest punishments (Ferri and Connor). These statistics are especially alarming because they reflect the school *after* zero tolerance policies were eliminated.

Framing the Problem

How should we make sense of this data? The school-to-prison pipeline appears at first to be a useful rhetorical framework. The metaphor has acquired a somewhat surprising status as a popular rhetorical tool both in the academy and broader culture for understanding how public

schools can facilitate the incarceration of young Black and Brown students. The STPP metaphor emerged in the early 2000's as a way to describe the policies and practices that moved Black and Brown youth in large urban centers from under-funded public schools to juvenile detention centers and jail (McGrew 343), and has now become virtually synonymous with large cities (Hunt 5). The popularity of this metaphor can be explained, in part, because it offers an accessible, visual, linear narrative for making sense of an apparent paradox: that public schools—the bastion of democratic progress—could lead to, rather than from, the prison.

This urban-centric focus is undoubtedly shaped by public discourse and policy over the last 75 years, which has situated “urban” city schools attended primarily by students of color as the most significant education problem facing the country. Consider, for example, Milton Friedman’s 1980s television series “Free to Choose,” Ronald Reagan’s “A Nation at Risk,” Bill Clinton’s 1994 Gun-Free Act, and George W. Bush’s “No Child Left Behind,” all of which invoked the problem of “urban” or “city” schools. The metonymical slippage between “urban” and “Black” has meant that in casting urban school districts as a national problem or threat and has situated students of color *themselves* as a problem. This national discourse has undoubtedly helped to shape the focus of education research focused on discipline, much of which continues to be focused on predominately Black schools in multi-racial urban cities.¹

This is not to say that the STPP framework is useless in non-urban contexts, and/or contexts with predominately white student demographics. The STPP can help us to understand, for example, why zero tolerance policies and the presence of police officers in schools helps to facilitate the movement of students from school to prison in Madison Metropolitan School District. Disciplinary policies that remove students from school and increase their contact with police officers, leads to higher rates of youth incarceration (Heitzeg 1–17). In fact, activist

groups in Madison used the framework of the school-to-prison pipeline in their argument for why the district should end zero tolerance policies (gsafe). MMSD also justified their elimination of zero-tolerance policies through the school-to-prison pipeline framework. In 2015, the year after zero tolerance policies were eliminated, then MMSD superintendent Jennifer Cheatham wrote, “We know, from national research and our own experience, that zero-tolerance policies that result in frequent removal from school are ineffective in changing student behavior and in fact have a negative impact on student outcomes—lower academic achievement, [increased] dropout rates, and increased likelihood that a student will enter the criminal justice system” (Board of Education, “Behavior Education Plan for Elementary School Students: Policy 4502b” 5). Though not acknowledging the STPP directly, Cheatham nevertheless gestures toward it as she references the impact of policies that remove students from school.

Because structural anti-Blackness and disablism is the ground we walk on, so to speak, and because much education policy is dictated nationally, schools in lower density, overwhelmingly white cities like Madison do share policies like zero tolerance with larger, less white urban spaces like Chicago. But the predominance of white progressive liberalism in cities like Madison also structures more subtle strategies to maintain racial control.² For example, the school-to-prison pipeline is not as useful in understanding how the Behavior Education Plan that replaced zero tolerance policies could result in similar and higher rates of suspensions and expulsion, as I noted earlier.

It’s worth remembering here as well that MMSD’s attempt to place police officers in area schools did not begin with zero tolerance policies, but rather with a legally required desegregation plan for MMSD schools. By focusing only on zero tolerance policies and SROs in schools, the STPP framework is, to an extent, wedded to a kind of historical presentism that

ignores the historical conditions of anti-Blackness and disablism. Moreover, in describing the mechanism that facilitates the process by which students are rendered more vulnerable to carceral state as a singular pipeline made up of singular policies, “solutions” to this problem are similarly myopic, technological policy reforms – like replacing zero tolerance policies with the BEP. As the data in MMSD shows, replacement of such policies does not necessarily lead to equitable disciplinary practices. The history of anti-Black policies in MMSD, going back nearly 100 years, demonstrates the pervasive anti-Black orientation of the district, which cannot merely be understood through the synchronic framework of the 2000s.

The diachronic view of the Madison context that I offered earlier in this introduction, also calls into question the sanctity of schooling as distinct from the conditions of violence, containment, and immobility that shape the contemporary prison landscape. Indeed, the metaphor itself – the school-to-prison pipeline – situates the school and the prison as separate entities. Because the STPP framework focuses on policies and practices that move students out of school and render students more likely to become incarcerated, it is not as helpful in understanding the ways the school itself may use physical force (restraints) and segregation to contain Black students *within the school*. This is especially true for Black students labeled with behavioral disabilities. Some scholars have looked at how disability assignment increases the likelihood of being forcibly restrained, secluded, and suspended from school (Heitzeg 69–88), but it tends to treat race and disability as static categories rather than socio-material processes (McGrew). Treating race and disability simply as identities obscures more subtle, rhetorical processes of control.

What I am trying to mark out here are the limitations of the STPP framework for understanding the current conditions at MMSD. We might instead consider putting aside the

STPP metaphor and instead adopting “a more complex theoretical orientation grounded in critical scholarship, [which] will enable... scholars to better capture the relational nature of the social phenomena being described while simultaneously making their work more useful to emerging movements for social justice” (McGrew 341). Such a critical orientation – what I will outline in the following section as a carceral framework – not only avails itself as more useful for understanding the MMSD context and helps to avoid some of the pitfalls of the STPP, it also engenders a more rhetorical project. As a rhetorician, I am not focused on identifying causal links between policies and outcomes, which has been the foundation of the academic theories that develop the STPP framework. Rather, I aim to make sense of dominant discursive formations that shape movement and possibilities.

Carcerality

By “carceral,” I mean spaces that share qualities with prisons. Emerging from the field of geography, carcerality describes a timespace defined by containment, or restriction in mobility, spatiality, and violence (Hamlin and Speer). Drawing on Foucault’s conception of the carceral continuum, we might call the prison an institution where the conditions of carcerality – violence, immobility, and spatiality– are most intensely manifest (Hamlin and Speer; Moran and Schliehe). In the prison – and perhaps increasingly, immigration detention centers, as well – physical, psychological, spiritual, and emotional violences are exacted most regularly and acutely; mobility is restricted most forcefully and dramatically; and technologies of confinement are utilized to control prisoners in/ability to leave most directly. However, more diffuse forms of carcerality exist in day labor spaces (Peck and Theodore; Purser), public housing projects (Shabazz), homeless shelters (Stark), and schools (Gallagher; Taylor; Annamma; Wun).

The genealogy of contemporary schooling demonstrates how the carceral qualities of (some) schools can be traced to the historical imbrication between the school and prison, and the limitations of reformist thinking; the contemporary penal system, it is worth pointing out, was itself a reform. The prison system was developed in response to the unintended consequences of public, corporeal punishment. Whereas the state aimed to generate fear and obedience in witnesses of these public spectacles, instead, onlookers often became “riled up, unruly, and riotous. Worse yet, that rowdy collective energy would sometimes be infused with a *sympathy* toward the condemned subject” (Story 7; Foucault, *Discipline and Punish*). The birth of the modern prison was developed in order to quell sympathy and therefore resistance by obscuring the mechanisms of control (Story 8; Foucault, *Discipline and Punish*). Foucault called these mechanisms, or techniques, disciplinary power, and suggested that they did not originate in the prison itself, but rather the school (Foucault, *Discipline and Punish* 138).

The school offered a vital Enlightenment era idea, namely the capacity of (some) subjects to transcend their status as children and become adults who could be recuperated into the body politic. The capacity for reform and rehabilitation that drove the development of contemporary educational institutions challenged the logic that justified corporeal punishment strategies. Such strategies often resulted in permanent maiming which limited one’s physical mobility and therefore one’s capacity to labor which was required for rehabilitation. Applied to the prison, the strategies of disciplinary power made it possible for some subjects to be recuperated into the body politic through reformation (Story 8). In this way, the school has profoundly shaped American institutions like the prison. One might even say that the techniques of control, under the guise of reform and development, were so persuasive that they were transferred to other institutions.

In our contemporary context, prisons and “public schools in the hyperghetto” are united as “institutions of confinement whose primary mission is... to ensure ‘custody and control’ – to borrow the motto of many departments of corrections” (Wacquant, “Deadly Symbiosis” 108). Wacquant describes the ways in which public schools with a predominately Black student body in major cities like Chicago are confined in and through overcrowded schools that have been disinvested by the state and are surveilled by police officers and metal detectors, functioning essentially as holding facilities (Wacquant, “Deadly Symbiosis” 108). While Wacquant specifies that the connection between prison and public schools applies to schools in what he calls the “hyperghetto,” I hope to demonstrate over the course of this dissertation that the connection he makes applies to Black students in schools in other geographic domains, as well. Because MMSD is in a predominately white town with many white students, the technologies for control and containment are not always identical to the kinds of evidence Wacquant identifies to support his argument about the similarities between public schools in the “hyperghetto” and the prison. For example, at MMSD, Black students with disabilities are surveilled by teachers and police officers, and are frequently held in “seclusion” rooms and restrained by police officers. While contemporary schooling is, on the whole, oriented by technologies of control, Black students and students with disabilities remain the object of institutional control both within and outside of school (Heitzeg).

A potential counterargument to the connection that Wacquant draws between schools and prisons might be that while students are subject to technologies of control and surveillance at school, they are permitted to leave at the end of the day. It is worth noting here that while students are typically allowed to go home after the school day is over, compulsory public education laws render their presence in school a legal requirement. Under Wisconsin State law

(118.16(1)(a)), a student who has five or more unexcused absences a semester is classified as a “habitual truant.” So-called habitual truants and their parents/legal guardians can be required to appear in court, students and their parents can be fined and/or sanctioned, and the student and their parents can be required to attend counseling sessions and/or perform community service. Given the ongoing economic consequences of anti-Black racism, many Black students do not have a viable option to attend other schools. Choice to go to school, and *where* to go to school, is negated.

Despite historical and ongoing entwinement between prisons and schools, I do not want to suggest that schools and prisons are somehow *the same*. Doing so would negate important differences between the two institutions, and would efface, I think, the particular violence of the penal institution. Any framework that attempts to draw connections between the school and the prison must also be able to account for differences. The trouble with the STPP framework is that the metaphor itself situates the school and the prison as nearly *opposite*.

In place of the STPP metaphor, *carcerality* calls attention to the conditional, contextual characteristic of a space that is not wedded (only) to the prison as an institution. Drawing on Brett Story, I define carcerality as a quality of space marked by “relations of power that enable and incentivize the systematic capture, control, and confinement of human beings through structures of immobility and dispossession” (Story 4). It is helpful, at least analytically, to imagine carcerality as a quality with a range of intensities because not all forms of confinement are equally restrictive, nor is all violence equally severe, or all forms of dispossession equally negating, and neither confinement nor violence nor dispossession are spatially produced with the same intensity. Thus I am *not* suggesting that the schools themselves function as prisons, rather that the increase in the use of physical force and violence, as well as isolation and confinement

tactics indicates that the district relies upon carceral tactics to enforce discipline (Ben-Moshe, “Decarcerating Disability: Deinstitutionalization and Prison Abolition” 3).

By “confinement,” I mean to describe the state of being contained, which one cannot reasonably escape. Carceral confinement has a crucial physical dimension, but it varies in acute intensity and may not appear to “confine” at all. When students are forcibly placed in segregated, isolated spaces, and/or are forcibly restrained, such as in the case of so many Black students with disabilities at MMSD, this is an example of confinement. These carceral practices that govern health, medicine, and education emerge out of compulsory, racialized able-bodiedness³ that produce disability and madness as *deficit* and thus as “something in need of correction” ((Ben-Moshe, “Decarcerating Disability: Deinstitutionalization and Prison Abolition” 1).

As Ruja Benjamin notes, “In the postracial era, subjugation is hardly ever the explicit objective of science and technology; instead noble aims such as ‘health’ and ‘safety’ serve as a kind of moral prophylaxis for newfangled forms of classification and control” (Benjamin 150). We must then develop an “expansive understanding of ‘the carceral’ that extends well beyond the domain of policing” and includes forms of confinement “in the contexts of health and medicine, education and employment, border policies and virtual realities” (Benjamin 145). This is particularly true for those who are poor, and/or raced non-white, especially Black and indigenous people whose bodily incapacities are often the consequences of state violence and organized abandonment (Gilmore). If we are to expand our sense of the carceral beyond only the prison we must pay particular attention to “who and what are fixed in placed – classified, corralled, and/or coerced” (Benjamin 145) Confinement, in this sense, draws our attention not only to physical containment, but also to the role of discourses that categorize, classify, and coerce, and that justify practices of confinement.

Lurking within the histories I have sketched thus far is one such discourse: the progress narrative. The progressive narrative is configured by racialized and disabled temporal configurations that do not imagine Black, disabled futures, and result in “a kind of temporal penitentiary in which oppressed people are locked in to a dystopic present,” (Benjamin 150). Part of the rhetorical labor of this hegemonic narrative is the creation of a linear timeline that requires freedom from and non-attachment with the past in order to move into the future. The conditions of violence in the present both evoke remembrance of past violence and structurally prevent movement into a future that is different than what has come before it. The ongoing history of anti-Black violence alongside the compulsory ablebodiedness produced in and through capitalism, means that mobility into the future involves racializing and disabling “indexical restratification” (Blommaert, “Commentary” 96), or hierarchies of value that prioritize whiteness and ability and subjugate Blackness and disability. Benjamin's invocation of the term "progress" as a temporal configuration with spatial consequences is noteworthy because it suggests a powerful role that discourse plays in facilitating containment through the construction of tempo-spatiality.

As academic abolitionists like Brett Story and Ruth Wilson Gilmore have demonstrated, carceral spaces are defined not only by violence and confinement, but by dispossession as well. Dispossession describes loss, violation, or theft of land, as well as violation of “of personal autonomy and/or bodily integrity” (Nichols 118). As it pertains to this project, I take a broad view of dispossession wherein “to be dispossessed of oneself is to have a certain proprietary claim ascribed to one’s personhood (a claim of self-ownership under conditions that demand its simultaneous negation” (Nichols 141). To be dispossessed means to have a sense of self sovereignty that cannot be actualized without a simultaneous self-negation (Nichols 141).

But, as Robert Nichols describes, “we have moved away from a form of governance in which racialized and colonized subjects are denied status or standing as property holders and/or are treated as ‘property like’ in a variety of ways, toward a system in which governance operates through a more complex gesture of ascription and alienation” (142). Describing postbellum life, Nichols describes how the “newly emancipated were expected to take individual responsibility for their self-improvement, even as the substantive inequalities and material conditions that made this practically impossible,” and how free Black people were expected to ingratiate themselves to whites, since “emancipation was thought to have generated a *debt*... In the eyes of much postbellum white America, Black life owed its free circumstances to white agency, which explained and justified the subordination of the former to the latter even in a world of nominally free market exchange” (137). In other words, self-sovereignty or will is only legible as “personal improvement,” which functions as a foil that obscures the subjugation and violence that generate the need for improvement to begin with. In the second instance, self-sovereignty and will are illegible as free acts, but rather “as their right to contract into indefinite debt repayment” (Nichols 137). Nichols argues that contemporary dispossession frequently operates through discursive and ideological frameworks that render expressions of will or autonomy legible *only when they reflect acceptance of subjection to a white nation*, as a rehearsal of past conditions of enslavement, and also a *suppression* of them through the discourse of personal responsibility (138). Black expressions of will that resist, challenge, or rupture such subjection are subjected to criminalization and confinement.

Structural dispossession is especially visible in the context of Black youth, who are expected to demonstrate racial gratitude to white teachers and youth subservience to adults. Recall, for example, how MMSD expelled *Black* students who fought back against racist slurs.

As I'll explore in Chapter 2, behavioral educational disabilities like Emotional Behavioral Disorder and Conduct Disorder dispossess Black students through medicalizing (which is to say, render behavior the personal responsibility of the student) resistance to regimes of authority. At the same time, as I discuss in Chapter 1, the history of racial violence that generates the need for resistance is obscured and reanimated. When resistance is expressed, these students are physically restrained, confined in segregated special education rooms, and/or suspended.

Temporality and Carceral Logics

Carcerality, as I've tried to demonstrate, is a spatial condition marked by confinement and dispossession that is shaped in part by discourse. But in emphasizing the spatial components of carcerality thus far,⁴ there is a risk of obscuring the less obvious but nevertheless crucial temporal aspect of carcerality. As Emma K Russell and Maria Rae observe, carceral confinement is spatially organized by establishment and maintenance of “walls, borders, and surveillance technologies” (284), but it is also organized temporally, by “the way in which control of time is taken away from people, or forced upon people” (Jefferson et al. 6). For example, criminal sentencing approaches time as a life-giving resource that is punitively taken away from those who are sentenced to “do time.” The temporal aspect of a sentence describes both the duration of confinement but also the process by which the incarcerated are dispossessed of time with one's community (Wang 217–19). Given the permanent legal marking of incarceration that makes the acquisition of employment and housing very challenging, “doing time” also dispossesses the incarcerated of futures that were previously possible (Jefferson et al. 3).

To understand how time works to confine and dispossess, it is important to clarify that mobility is not synonymous with freedom (Cresswell). For example, forced movement between locations results in a kind of mobility, but certainly not freedom, “because a carceral subject may

experience varying degrees of spatial mobility, but still be ‘stuck’ in an existential and temporal sense of one’s life being *on hold*” (Russell and Rae 286). Drawing on Achille Mbembe, Russell and Rae note, that “to be stuck is not to be ‘made live’ but to be ‘let die’” (Mbembe, “Necropolitics”; Russell and Rae 285). As I’ll explore more in Chapter 1, such biopolitical and necropolitical death is facilitated not only through physical violence, but also through technologies of temporal control and dispossession that engender social death. Such technologies include racialization, which is itself a historical and material process of forced mobility and temporal confinement. As Mbembe writes,

The notion of race made it possible to present non-European human groups as trapped in a lesser form of being. They were the impoverished reflection of the ideal man, separated from him by an insurmountable temporal divide, a difference nearly impossible to overcome. To talk of them was, most of all, to point to absence – the absence of the same – or, rather, to a second presence, that of *monsters* and *fossils*... But Blackness does not exist as such. It is constantly produced (Mbembe, *Critique of Black Reason* 17).

Part of what Mbembe is drawing attention to here is the way that racialization historically occurred through temporalizing Blackness as both constitutive with the past (“fossils”) and also already outside of time (“monsters”). Contemporary institutions governed by white supremacy confine, in part, through a “temporal prison” (Dillon 43) that reproduce racialization through a temporalizing rhetorical strategy (Wynter 276-297), that continue to work to suture Blackness to the past (Fanon, *Black Skin, White Masks* 112). “In other words,” Stephen Dillon writes, “white supremacy is not just a spatial technology that inhabits infrastructure and institutionality; it is

also a temporal regime”(Dillon 43; Fanon, *Black Skin, White Masks*) that constructs Blackness (and I would add *some* disabilities) in opposition to progress.

Time, as rhetoricians know well, is a discursive quality. Concepts like *kairos* and *chronos* have been an important part of rhetorical theory for millennia. But over the last decade, rhetoricians have increasingly turned their attention to the way that hegemonic discourses of time are used as strategies of racialization oriented toward containment and obfuscation (Houdek and Phillips). These more contemporary rhetorical theorizations of time underscore the relationship between temporality and power. Anjali Vats and Leilani Nishime, for example, note how whiteness is imbued with an ability to move through time while colonial subjects are representationally confined to “single times and places”(Vats and Nishime 439). Such representations draw on a nature-as-past / civilization-as-future binary and are thus also materially affecting because European capitalism (civilization) requires the containment and extraction of natural resources in order to move into the future (growth). Representations that draw on such binaries thus structure and justify (im)mobility (Reyes and Chirindo).

It is against a rhetorical construction of white progressive time that a racialized “rhetorical phenomenon of temporal containment” works to situate Blackness in the past (Gomez 182). Drawing on Franz Fanon and Anibal Quijano, Al-Saji argues that racialization involves a reconfiguration of the past into two dual temporalities: “one open and civilizational,” “the other closed, anachronistic and racialized” (Al-Saji 2). This racial reconfiguration is thus also a “temporal transformation” (Al-Saji 5). The colonization of history situates Black history permanently in the past of this linear, colonial narratives, while also suppressing the violence of colonization and the fragility of European whiteness. Because the white past is self-defined as “open and civilizational,” whites are enabled to move past the present and into the future,

“creatively in responding to the beckoning of the world” (Al-Saji 8). The process of racialization projects this closed past onto (and into) Black subjects who are “temporally decentered and delayed,” and whose “field of possibility allows for repetition but not creation or variation; it is a closed map” (Al-Saji 8).

As Ersula Ore and Matthew Houdek describe, the discursive work of “the white national time of progress” is to “reinscribe a linear conception of time that employs closure to achieve ideological and political ends” (Ore and Houdek 450, 444). The future oriented temporality of progress discursively contains state violence to the past (closure), in order to maintain white innocence and secure the fact of rehabilitation and redemption (Ore and Houdek 445). Recall that it was this very possibility of rehabilitation that helped to shape contemporary schooling and which organize our sense of the movement of time as *progressive*.

As I gestured toward earlier, the relationship between white hegemonic time, racialized temporalities, and carcerality is not immaterial. As Fanon observed, white, colonial temporal regimes that situate Blackness – and Fanon would add, *madness* – in the past, detemporalize the subject from the present of time’s civilizational unfolding. This discursive, pathological association with the primitive past is materially disabling insofar as it situates the subject as irrational and cognitively deficient, which then justifies colonial violence and control (Fanon, *Alienation and Freedom* 460). Psychiatry, for example, worked in the service of colonization by pathologizing resistance and rendering madness a spatial quality of the body. Fanon demonstrated how the expression of behavioral “agitations” were classified psychiatrically as “disordered, anarchic behaviors... stamped with the seal of nonsense” that were “treated” by social dislocation and forced isolation and segregation. This agitation, Fanon argued, was actually a consequence of colonization itself, as well as psychiatric “treatment.” As Fanon so

aptly demonstrated, situating the “problem” as an ontological quality of the bodyminds of colonial resisters also obscured the temporally contingent violent conditions of colonization that produced madness (*Alienation and Freedom* 437-449). But at the same time, a turn to temporality in the context of carcerality helps to unveil resistance strategies. Ore and Houdek articulate a tempo-spatial politics of breathing that relies upon counter memorial strategies that unite present to past. By challenging the discursive work of “white temporal rhetorics” and “resisting the narrative of ‘closure,’” countertemporality underscores the continuity of state violence, creating room to both be in the present and acknowledge the pervasiveness of anti-Black violence. Houdek and Ore demonstrate how, by making demands about past harm *in the present*, some forms of public testimony and memorials open the temporal flow between past and present, which ruptures the sense of closure established by white time’s progressive temporality.

To get at the discursive elements, like time, that shape carceral conditions, it is helpful make one final shift from *carcerality* to *carceral logics*. As Angela Davis points out, to more fully understand carceral conditions in late capitalism, we need to consider the many logics beyond punishment that uphold, justify, and sustain carcerality (36). By “logic,” I mean to invoke doxastic forms of reasoning that rely upon generally accepted antecedent propositions that form the basis of generally accepted conclusions. As the building blocks of ideology, logics often appear as narrative common sense that are vanquished of any propositional status, situated instead as ahistorical and factual (Makus 499; Stuart Hall 76). So, for example, to suggest that punishment functions as a carceral logic is to point out how justification for incarceration is predicated on the premises that people who cause suffering should made to suffer, and people

who commit misdeeds cause others to suffer. The cultural acceptance of these premises lead to the “rational” conclusion that people who commit misdeeds should be made to suffer.

The carceral logics that I am concerned with are those that support, justify, and enable confinement, dispossession. I noted earlier that Black students, and especially Black students with disabilities at MMSD are subjected to extraordinarily high rates of expulsion, suspension, segregation, and physical force. The school to prison pipeline can demonstrate some of the harm generated by expulsions and suspensions, in that it can and often does lead to incarceration. A carceral logic framework, however, would consider the underlying logics and cultural common sense that naturalizes those actions. Because this dissertation is particularly concerned with the space of the school itself as carceral, a carceral logic framework draws our attention to the underlying justification that renders punitive discipline practices like segregation and physical force hegemonic common sense.⁵

Rhetoric, Public Policy, and Law

There are a number of rhetorical domains where one could find evidence of carceral logic, which is to say, carceral common sense, including interviews, archival documents, policy and law, and ethnographic observations. As I will explain later in this introduction, I was not able to complete interviews for this project, though I have included some in situ observations throughout this dissertation. Instead, my primary discursive focus is policy and law.

In rhetorical scholarship as elsewhere, law and policy have usually been treated separately, and often for good reason. Historically, the concept of “law” predates the concept of “policy” by several thousand years, and is shrouded in formality as it has typically been the of magisterial rule (Lowi). Law typically outlines rules for the life of the public and is revised slowly through formal processes. The term “public policy” is both more contemporary and

usually situated as a more informal, practical description of how the law will be carried out. Policies are typically made by representatives of a polity or authorities of an institution for the purposes of outlining the rules and guidelines for governmental and institutional operations and are subject to ongoing not-quite-formal revision and replacement. Nevertheless, the distinction between law and policy in practice has become blurry as government oversight and administration have grown, rendering the enactment of law an administration and legislative process, rather than only a magisterial one.⁶ There are thus, not surprisingly, an increasing number of academic journals that welcome a multi-disciplinary approach to both law and policy, such as the *Journal of Empirical Legal Studies*; *Cornell Journal of Law and Public Policy*; *Harvard Law and Policy Review*; *Journal of Health Politics, Policy, and Law*; and *Communication Law and Policy*. More importantly, contemporary approaches to law like critical legal realism and critical race theory attend to both law and policy as discourses shaped by broader cultural discourses. In much of that work, the formal distinctions between law and policy fade into the background and the dominant discursive frameworks that shape law and policy emerge in the foreground.⁷

From a rhetorical perspective, law (Hasian et. al; McKinnon, “Critical legal rhetoric” 176) and policy (Asen, “Reflections” 128) share much in common insofar as they both are co-constitutive with broader cultural discourses. Rhetoricians have employed similar methodological approaches and rhetorical foci in their analyses of law and policy, such as tracing the circulation of ideographs (Kelly C.; Hasian, *Legal Memories*), definitional contestations (Hasian et. al.; Stillion Southard), temporality (McKinnon, “Femincidio”; Asen, “Reflections”), and the constitutive role of language (McKinnon “Critical legal rhetoric”; Asen, “Reflections”). I draw on both critical legal rhetorical studies and rhetorical approaches to public policy in this

dissertation. Because public policy, especially public policy on education remains a much more significant rhetorical focus, my focus in this section is primarily public policy.

While rhetoricians have long been interested in education, much of that work offered normative guidance for teaching and learning oratorical skills. In its 20th century iteration, the discipline began to turn away from speech education as an object of study, owing in large part to the association between discipline's methodological approach – speech and mental hygiene – with power and violence. In its stead rhetorical criticism and later textual analysis became the predominant method, and speeches, as well as other discourse of national importance, became the principal object of study.

Rhetorical analyses of public policy emerged in full force with David Zarefsky's publication of *President Johnson's War on Poverty* in 1986. Much of this early policy work engaged federal or national policy, particularly foreign policy strongly associated with presidential leadership, a focus retained by much work on education policy. For example, Holly McIntush's "Defining Education: The Rhetorical Enactment of Ideology in *A Nation At Risk*" analyzed the impact of Ronald Regan's 1983 report on the urgency of education reform on national public policy debate about education in the 1980's and 1990's . Rhetoricians interested in education policy have shared McIntush's focus on the relationship between presidential rhetoric and policy debates (Asen, "Lyndon Bains Johnson") and the construction of the U.S. public education system as a crisis in need in of private intervention (Hermansen), but have also written about the role of blaming public employees and parents in order to justify the privatization of public schools (Hlavacik; Winslow), the work of educational workers to resist the neoliberalization of public education (Stuedeman), the racial dimensions of school choice (Flores), and the role of public deliberation in local policymaking (Robert Asen, *Democracy*,

Deliberation, and Education; Brooks). These works illuminate the ideological scaffolding that gives shape to education policy and directs its purpose and demonstrate how the meaning made in public policy is relationally derived.

Policies both “express a nation’s values, principles and priorities, hopes and ideals” (Asen, “Reflections” 127) and “grant meaning and value within a particular society,” (Hutcheon 8 qtd in Asen, “Reflections” 128) as policy both shapes and is shaped by hegemonic cultural forces (Guardino; Duerringer). In like fashion, the law establishes and is defined by hegemonic social and political structures, draws upon and perpetuates cultural myths and sentiments (Hasian, *Legal Memories*), is bounded by public culture more broadly (Hasian et al.). The text of policy and law, the description of and justification for legal decisions, and the policy-making process provide evidence of hegemonic cultural logics.

For example, cultural logics help shape how populations are constructed in law and policy. As RobAsen notes, policies have the capacity both to bring people together and pull people apart, “constituting some individuals and groups as ‘other’ and inferior to conventional practices and beliefs” (“Reflections on the Role of Rhetoric in Public Policy” 128). These groups are always already represented and constituted (in part) through policy (and I would add, law) which “does not occur outside of history and society but works with the symbolic materials of specific cultures” (Asen, “Reflections on the Role of Rhetoric in Public Policy” 128). These “specific cultures” are shaped by varying temporal and spatial contexts, even as present cultural trends always shaped by historically durable structures like (anti-Blackness and capitalism). For example, the means by which policies articulate and distinguish target populations is increasingly tacit under neoliberalism. Whereas in the Jim Crow era, racial inequality was enforced overtly through policies like “separate by equal” that directly referenced race, after the

passage of Civil Rights legislation, racism began to function more covertly through references to “habits” and other natural phenomena (Bonilla-Silva 3). Often avoiding references to race altogether, neoliberal color-blind racism hides behind linguistic abstinence from direct racial signifiers and an avowed lack of individual prejudice. The language through which policies and laws articulate constitutive groups is therefore historically and contextually dependent.

This is, perhaps, especially true for education policies and since, as Asen writes, “perhaps more so than other policy areas, education evidences a strong and comparatively conspicuous connection between meaning and environment” (Asen, *Democracy, Deliberation, and Education* 7). This key insight that rhetoricians can offer policy scholars, namely that meaning and environment are contingently linked, helps to explain the limited literature on how the school-to-prison pipeline works in non-urban settings. Scholars and officials alike implicitly suggest that the same policies facilitate and mitigate the school-to-prison pipeline, regardless of setting or environment. But if the meaning of educational policies *shifts* according to environment, then there is likely a much broader range of policies that structure carcerality beyond those identified through the school-to-prison pipeline, than scholars and officials have acknowledged.

I want to be careful to avoid strictly representational view of policy assumes that both the rhetors and the “audience” are stable subjects and can reduce the importance of language to a “logic of influence”(Greene 23). However, materialist views of rhetoric have the potential to elide important socio-political asymmetries obscuring material economic structures (Cloud, “The Materiality of Discourse as Oxymoron: A Challenge to Critical Rhetoric”). Thus I take the view that policies (and laws) work to “mediate rhetorical and material elements”(Asen, "Reflections" 129). Rhetorical elements help to articulate the purpose of policies and laws, the population who either fits those purposes, or for whom the policies are designed, always negotiating the

relationship between the two (Asen, "Reflections" 129). However, policies (and laws) also shape material forces like institutional arrangements of power (Asen, "Reflections" 125-129), the material violence of racism, and the embodied experience of disability and trauma. Asen distinguishes between the role of policymaking as a mode of meaning-making, and policies as mode of meaning maintenance and enforcement, though he acknowledges that the distinction is primarily an analytic one (Asen, "Reflections" 129). This project requires attention to policies and laws themselves, as well the local and national histories and struggles out of which these policies and laws emerge, obscuring the neat distinction between policies and policymaking, and rendering them both social processes.

Method

In refiguring policy texts as a process, rhetorical scholarship on education policy has expanded beyond presidential rhetoric and national policymaking (Asen, "Reflections" 127). However, this expansion and reconfiguration of the object of analysis necessarily requires an expansion and reconfiguration of rhetorical method to include not just rhetorical criticism and/or textual analysis, but also field methods. In order to access vernacular, local texts and rhetorical processes, and rhetors whose role (or denial) in policymaking is not documented as a part of official policy texts, a critic must, in many cases, utilize ethnographic approaches and other field methods to physically access the space where rhetorical processes occur and to learn about local, vernacular knowledge (Hess). A mixed methods approach can also reveal crucial insight about key rhetorical terms such as ideology and expertise by, as Aaron Hess puts it, offering the rhetorician "a close reading of cultural activities which is necessary for gaining the participant or insider perspective for the examination of vernacular organizations or local publics" (Hess 132).

Before the COVID pandemic, and while I was still living in Madison, I had hoped that this project could utilize a broad range of methodologies, including interviews. But unexpected personal and global conditions challenged my capacity to utilize methods beyond textual analysis. Nevertheless, my analytical judgment is informed in large part by the Madison Metropolitan School Board meetings that I regularly attended in 2017 and 2018. These meetings occurred roughly every month throughout the year, and usually included a public comment period which was followed by school board deliberation. I did not attend these meetings as a “neutral” member of the public or as a researcher, but rather as an act of solidarity with youth of color who were organizing campaigns with a local non-profit – Freedom Inc. – to remove police officers from district schools. Occasionally throughout this dissertation, I reference what I witnessed as a community member attending those school board meetings. In a more fundamental sense, attending those meetings helped to shape my critical approach to this project by demonstrating how an abolitionist politic could be used as an orientation for assessments of public education.

As I describe in Chapter 3, my own informal political education was shaped by volunteering with abolitionist Mariame Kaba while I lived in Chicago from 2008-2012. I stumbled my way through much learning and unlearning about the imbrication of policies and institutions that govern youth incarceration in Illinois, and the allure of promising policy reforms that ultimately end up funneling more money to prisons, policing, and carceral practices. As I learned more about the production of poverty through racial capitalism, the way that the surveillance apparatus works in and through not only policing but also state welfare programs and public schools, the way the bail system ultimately creates debtors’ prisons, and the way that prisons secure their role in local economies by generating jobs, I began to realize that advocating

for an abolitionist future requires so much more than policy reform. And yet, I also realized the importance and challenge of articulating connections between individual policies and the larger ideological and discursive currents that connect policies to each other and to broader cultural commitments.

When I later decided to attend Union Theological Seminary – a 150 year old liberal ecumenical seminary in New York City – I became increasingly aware of the insidious and constitutive force of white supremacy in shaping cultural commitments that guide public policies. It was also at Union that I first experienced the disabling effects of a neurological injury that dramatically changed how I read and write. It became very difficult for me to imagine a future for myself doing the kind of intellectual work that I had always imagined doing. Black and trans students with disabilities at Union were the first to teach me about talk-to-text software and helped me to reimagine my disability as a source of resistance, rather than (only) the end of my life as I knew it. We soon founded the Disability Justice Coalition at Union and held bi-weekly public forums that included panels, film viewings, and artistic performances. Over time, we began to take notice of the disablist conditions of the space we inhabited – for example, that the front doors of the building were very heavy and had to be manually opened, and the absence of ramps on campus. We noticed how these conditions made entering the building exceedingly difficult for wheelchair users, people pushing strollers, those with limited grip strength, and others. We advocated for and eventually persuaded Union to add automatic opening devices and ramps at several locations on campus.

When the Ferguson uprisings began during my final semester at Union, we began to think more critically about the relationship between “madness,” race, and criminalization. Some of us went to Ferguson, some were arrested, and others operated phone lines at Union to facilitate bail

support for students at Ferguson. As we took note of the long-term effects of tear gas and rubber bullets, as well as the violence enacted against those who were arrested, we began to think about disability much more as a process, rather than a static individual status. This was especially true for me since my own experience of disability was, like many white people, the consequence of an accident rather than state violence. I began to realize that if disability is produced, in part, through anti-Black state violence, then the intellectual work that I was doing and wanted to continue doing, had to attend to the arguments and ideologies that render Black disabled lives disposable and threatening, and make sense of policies they shape.

I share all of this because these experiences profoundly inform how I approach policy and rhetoric. I focus on law and policy in this dissertation, but always within a larger, ideological discursive framework, and from an abolitionist orientation. As Angela Davis writes,

the site of the jail or prison is not only material and objective but it's ideological and psychic as well...[in advocating for abolition] we can't think only about crime and punishment. We can't only think about the prison as a place of punishment for those who have committed crimes. We have to think about a larger framework. Why is there such a disproportionate number of Black people and people of color in prison? So we have to talk about racism. Abolishing the prison is about attempting to abolish racism. Why is there so much illiteracy? Why are so many prisoners illiterate? That means we have to attend to the educational system. Why is it that the three largest psychiatric institutions in the country are jails in New York, Chicago, Los Angeles, Rikers Island, Cook County Jail, and L.A. County Jail? That means we need to think about health care issues, and especially mental health care issues. We have to figure out how to abolish homelessness.

So it means you cannot think in such a narrow framework (Davis 34–36).

The danger of a narrow focus on the prison as a discrete institution is that it leaves the ideologies and arguments that justify carceral practices like isolation, containment, dispossession, and violence in and beyond the prison untouched, enabling the continuous reformation of policies that promise what they cannot deliver. Rather, we need (also) to attend to the discursive processes that render carceral logics common sense. To do so, Davis reminds us, we must ask questions that draw our attention to institutional resonance and imbrication between schools, prisons, and hospitals, and the processes of disablement, madness, and race.

Before outlining my research questions, I want to pause briefly to explain my approach to writing and thinking about race, given its central role in carceral logics, and the relationship between race and disability. Throughout most of this dissertation I refer exclusively to “Black” students, and to a lesser extent “white” students. I have made this choice for a few reasons. First, the phrase “students of color” fails to capture the way Blackness in particular signals behavioral threat. At MMSD (as elsewhere), the harshest and most frequent disciplinary action is accorded to Black students, who are also the most over-represented in special education. Centering Black students is thus a reflection of the students that are most often subject to carceral spaces.

At the same time, punitive treatment is also directed at students identified as belonging to “two or more racial categories,” for whom the category “multi-racial” might be appropriate, as well as indigenous students, though the racial category of indigeneity is not included in much of the reporting from and about MMSD and is difficult to consistently address. One could argue, perhaps, that I should also address these students’ groups, despite the practical challenge of doing so because of the erasure fostered by a Black/white binary. Yet, Natalia Molina reminds us

that even though binary understandings of race have been “transformed to accommodate gradations of color, the end points of the hierarchy [remain] the same: black marked the bottom and white the top” (14). Molina’s work demonstrates how Black racial scripts are deployed to justify the subjugation of Latin American and Asian immigrants, in order to “fuel the political economy while maintaining a racial hierarchy” (29). In this way, Molina argues that “racialized groups are linked across time and space: once attitudes, practices, customs, policies, and laws are directed at one group, they are more readily available and hence easily applied to other groups” (7). So, second, when I refer to Black students, I am also referring to other students racialized as non-white, especially multi-racial students, whose treatment is shaped by Black racial scripts, even though their identity has not been categorized as Black.

Though some disability scholars have articulated the relationship between race and disability as mutually constitutive (including myself), I resist that assertion in this project. Therí Pickens argues persuasively that the language of “mutual constitution” may obscure the asymmetry in the force of race and disability in producing meaning about the body (23–49). Because race and disability do not exert the same force in the same way – but are rather “dynamic social and discursive processes that inform each other” (Jarman 91), the extent to which racialized and disabled subordination according to deficit can be recuperated is variable. Of course, not all disabilities are situated according to “lack” in the same kind of way. This (constructed, inessential) capacity for recuperation plays a crucial role in exertion of carceral logics.

For example, Jasbir Puar suggests that the category of disability itself has often functioned as a way for white people to recuperate social capital lost due to disability (in other words, to be re-capacitated), and thus to secure their place in the future. Frequently focused on

rights-based frameworks that demarcate what *counts* as a disability and what does not, such work has not just elided but actually obscured the impact of capitalism and state-violence on the body in ways that are not legible as disabilities. Puar describes the way that populations are made to slowly wear down (or, more accurately, are *made* to wear out) as a process of debilitation, rather than disablement. Whereas the recognition and access to resources sometimes afforded to people who are disabled but for whom disability is not seen as the fault “of the body living that disability,” situates them in the “make live” biopolitical vector, debilitation marks those who are illegible as disabled and who are always already to blame for their diminished capacity (Puar 65). For Puar, debilitation is not just an exclusion, it is a *constitutive exclusion*. If rights-based disability claims necessarily rely on recognizing some conditions as signifying disability and not others, those chronic illnesses and other forms of slow death and other deteriorations of the body that are not legible as disabilities and thus do not afford access to resources and cannot be capacitating, must be excluded in order for the identity category of disability to cohere. Lisa Marie Cacho puts it succinctly when she writes, “recuperating social value requires rejecting the Other. Ascribing readily recognizable social value always requires the devaluation of an/other, and that other is almost always poor, racialized, criminalized, segregated, legally vulnerable, and unprotected” (17).

Because I am working within legal definitions of recognized disability, I do not use the framework of debilitation. But I take instruction from Puar’s insight and attempt to trace how the socio-political meaning of bodily impairment hinges on race, particularly in Chapter 2. Rather than suggesting that race and disability are mutually constitutive, I suggest that disabilities are constructed *vis a vis* race. If, as Ellen Samuels suggest, “the shadow function of disability is to hold the fact of physicality, unmoored from social or representational meanings”

in place, then the meaning of facts – deficit or difference - held in place are shaped within racial ecologies (36). “Diagnosis” – or labeling in the case of educational disabilities, as I’ll explain more in Chapter 2 – “remains a projective act, one that combines scientific understanding with a complex set of ideological and political assumptions” (Metzl xvii). Disabilities constructed through whiteness, for example, are engendered with a recuperative capacity – a capacity to participate in the future – that are not subject to the same carceral logics of containment, dispossession, immobility, and violence in the same way. This is why, for example, even though educational paradigms are often configured around development and progress, the *kinds* of disabilities that MMSD students are labeled with play an important role in the exertion of carceral logics.

Because this is a rhetorical project using textual analysis, it is beyond the scope and methodological purview to definitively identify what policies *caused* the intensification of the carceral capacities at district schools. By using the word “scope,” I am not suggesting that some analytical foci are rhetorical and others are not. Rather, I am gesturing toward my understanding of rhetoric as a *method*, rather than strictly an analytical object, per se. To be sure, situating rhetoric as a critical tool is, quite literally, ancient (Aristotle 76). Rhetorical scholar Jay Dolmage likewise situates rhetoric as a methodological tool, though one particularly attentive to flows of power. Dolmage writes that rhetoric is “the *strategic study of the circulation of power through communication*” (2). He goes on to write that in this context, “strategic” means “the larger patterns and plans that orchestrate possibilities” (Dolmage 2). If power is *productive* rather than primarily possessive – which is to say that it produces, through enablement and constraint – possibilities for movement of all kinds (physical, onto-epistemological, etc.), then rhetoric is an approach to understanding the kinds of movements that communication facilitates and inhibits.

Dolmage's insight on the word "strategic" is crucial: while rhetoricians may study local, fractured, or unofficial texts, the "power" produced through those texts depends upon their relationship to larger discursive-material patterns. Practically, in what follows I employ a process of analytical dialectic moving between these larger patterns – hegemonic discourses – and particular policy and legal texts in order to identify how cultural common sense is translated across discursive scales, in order to identify carceral logics. So rather than seek out what policies and laws "caused" the intensification of carceral conditions at MMSD, we instead might ask how discursive formations present in those texts work to enable and constrain student mobility, and justify confinement, isolation, and segregation.

Chapter Overview

Chapter 1: Chronotopes of Control

In Chapter One, I explore MMSD's disciplinary policy – the Behavior Education Plan (BEP) – that replaced zero tolerance. The implementation of the BEP was cause for celebration by many in Madison who had critiqued the role that zero tolerance played in the school-to-prison-pipeline, not only because it signaled the end of zero tolerance, but because it purported to be based on universal design principles, positive behavioral intervention, and restorative justice practices (Winn Winn). Yet, as the data I outlined at the beginning of this introduction demonstrated, while the BEP is correlated with marginal reduction in expulsions, it did not seem to impact the use of seclusion and physical force and may even be correlated with an increase in those practices. In this chapter, I analyze the text of the BEP in relationship with discourses of neoliberalism and developmentalism. Using the concept of the chronotope – an analytical term that helps to identify the way that time and space are relationally connected – I argue that that BEP is shaped by and articulates a neoliberal valence of the progress chronotope. The neoliberal

valence of progress situates the district in the timespace of the future, deferring accountability for harm by containing both the problem of disproportionate discipline levied against Black students and those with disabilities to the past. In order for the district to “progress,” Black students and students with disabilities must be likewise confined to that timespace.

Chapter 2: The Racialization of Disability in Emotional Behavioral Disability

Even though the BEP purports to utilize universal design, the kinds of supports and interventions (including removal from class) included in students’ Individualized Education plan (IEP) has a strong correspondence with the kind of disability they are labeled with. At MMSD and elsewhere, there is a correlation between particular disability labels and race. At MMSD, Black students are five times as likely to be labeled with Emotional Behavioral Disorder (EBD), and white students are 2.5 times as likely to be labeled with autism (Board of Education, “Special Education Plan” 11). Students labeled with EBD are much more likely to be subject to punitive discipline, segregation, and isolation. The word “label” is important because educational disabilities in schools are identified by school staff, rather than doctors, using the labeling categories outlined in the Individuals with Disabilities Education Act (IDEA). In Chapter Two, I analyze the discursive construction of Emotional Behavioral Disorder (EBD) and autism in IDEA. While EBD and autism share similar criteria, the EBD labeling criteria invokes a mythological racist past and constructs eligible students as the cause of their own and others’ barriers to access education, a potential threat to themselves and their environment. I suggest that this works as a justification for removal and use of force against students labeled with EBD.

Chapter 3: Challenging the Discourse of Black Adolescence

While Chapters 1 and 2 focus on the role that discursive constructions of temporality play in justifying carceral logics, Chapter 3 aims to draw attention to the temporal dimensions of

rhetorical strategies of resistance. Specifically, I focus on the (successful) strategies employed by Freedom, Inc. youth to end the 25 year contract between the Madison Police Department and MMSD high schools. In order to understand the temporal dimensions of Freedom, Inc. youth's rhetoric, however, I first outline what hovers at the edges of Chapters 1 and 2 – discourses of Black adolescence – to describe how Black youth voices are discursively constrained through the temporal closure of both childhood and adulthood. Drawing on public testimony Freedom, Inc. youth gave at school board meetings, I demonstrate how their rhetorical strategies relocate the past in the present and subvert dominant anti-Black and youth discourses.

Conclusion

The Black Lives Matter movement began with the murder of 17-year-old Trayvon Martin on February 26th, 2012. In the month after his death, news reports publicized Martin's high school disciplinary record which included three suspensions for marijuana paraphernalia and an expulsion for burglary, enthymematically suggesting that Martin's murder was justified. On the day he was murdered, Martin was serving a 10-day suspension under his high school's zero tolerance policy. Martin's murder inaugurated a national trend in many schools shifting away from zero tolerance, including MMSD. There is no doubt about the violent impact of zero tolerance policies on Black youth, so this is a trend that should be celebrated.

However, as Foucault reminds us, such reforms rarely signal the emancipation of control, and instead can indicate the emergence of more insidious modes of institutional control that might, for example, obscure the carceral quality of schools themselves. The underlying carceral logics that shape contemporary American life – within and beyond the prison and the school – have been thoroughly naturalized in American society. Punishment itself, and banishment from one's community – one's school, one's classroom, one's neighborhood, life itself – as a mode of

punishment structure our everyday thinking. Because rhetoricians are particularly attentive to the discursive architecture of what appears to be common sense, such as time, rhetorical scholars have much to offer the field of carceral studies.

CHAPTER 1: CHRONOTOPES OF CONTROL

In the introduction I noted that zero-tolerance policies have been cited as the *most* significant educational policy facilitating the school-to-prison pipeline (McGrew; Heitzeg). These policies are often situated as a response to the highly publicized school shootings in the late 1990's, particularly the events at Columbine High School in 1999. In fact, however, zero tolerance policies were first introduced on a federal level in the Gun-Free Schools Act of 1994, which was itself part of a larger legislative package, Improving America's Schools Act. It's worth noting that 1994 was also the year that Bill Clinton signed the nation's largest crime bill, the Violent Crime Control and Law Enforcement Act into law, increasing funding for policing and for punitive carceral responses to petty and misdemeanor drug crimes.

The Gun-Free Schools Act required each state receiving federal funds to institute a state law requiring any student who brought a weapon to school to be expelled for one year. In 1995 Wisconsin Act 75⁸ was passed and mandated that the school board had to expel students who brought a firearm to school. Within a few years, Wisconsin, like many states, began to apply the zero-tolerance paradigm to other school-related disciplinary protocols. For example, in 1998 Wisconsin Act 335 was passed, authorizing teachers to remove students from class if the child does not abide by the codes of conduct of the school, or is "unruly or disruptive or exhibits behavior that interferes with the ability of the teacher to teach effectively" (Wisconsin State, 120.13(1)(a)). Because the law allowed school districts to define "unruly behavior" for their own communities and suggested "zero-tolerance" for such violations, this legislation legally authorized punitive responses for minor behavioral concerns, not just the possession of a firearm.

According to MMSD, after 15 years of promoting zero-tolerance policies, in 2010, the Wisconsin Department of Public Instruction received a grant to explore less punitive modes of

school policy, at which point the Board of Education began discussions around alternative educational policies (Nerad et al.). This description of the grant process is somewhat misleading, however. According to the Wisconsin Department of Public Instruction, MMSD was awarded a \$76,000 grant from the state of Wisconsin specifically because MMSD had a history of racialized special education labeling. MMSD was prioritized in the grant award process because it was a “large district” that had been “identified as having significant disproportionality based on more than one race and more than one disability category” (Wisconsin Department of Public Instruction, “State of Wisconsin, Part b” 64–65). The grant would be used fund a software program that would aggregate “data reporting formats for behavior” in order to more fully understand “the impact of race and culture on student’s performance,” and included the stipulation that MMSD was to build a program that could be utilized by other districts in the state (Wisconsin Department of Public Instruction 64). As I’ll describe in greater detail in Chapter 2, such disproportionality violated the Individuals with Disabilities Education Act (IDEA), and so MMSD was at risk of losing funding for the Individuals with Disabilities Education Act (Hruz 2). The grant funding was to be used to build behavior tracking software that would bring the district and ultimately the state into good standing with IDEA. With the help of grant funding, over the next few years MMSD built what has come to be known as the Student Monitoring Intervention System (SIMS), a software program that tracks students’ behavior and academic progress (Wisconsin DPI, “Student Intervention Monitoring System (SIMS)”). It’s worth noting that while information about SIMS is available through the Wisconsin Department of Public Instruction, no evidence of it is available through the Madison Board of Education digital archive. As will become evident over the course of this chapter, this represents one of several

instances of the district's strategy to obscure their own financial motives by framing their transition from zero tolerance to the BEP as an act simply of goodwill.

Over roughly the same time frame – between 2010 and 2014 – the school board conducted four years of well-publicized research, including extensive interviewing with school board members at Baltimore Public Schools and New York City Public Schools, among others (Board of Education, “Ad Hoc student Conduct and Discipline Plan Committee Meeting: Minutes for November 21”; Board of Education, “Ad Hoc student Conduct and Discipline Plan Committee Meeting: Minutes for December 5th”). While these schools received national attention for their zero-tolerance policies, they have an overwhelmingly majority Black student population and are significantly larger than MMSD. It is not apparent to me why an analysis of these districts would offer insight for how MMSD might retool their disciplinary policies, unless we interrogate the unstated premise: MMSD situates Black students as the problem. Thus, looking at schools comprised mostly of Black students would offer insight into how they might better track the behavior of Black students. While MMSD does mention race directly in the documented interviews, they do repeatedly reference insights about the need to expand the kinds of behaviors that are tracked, the necessity of giving principals the capacity to override alternatives to procedures for zero tolerance, and the need to develop extensive behavioral intervention plans (Cheatham, Harper, et al. November 21st, 2013 2). As I'll explain in more detail throughout this chapter, this is precisely what MMSD did.

Unsurprisingly, these aspects of their new behavioral approach were more tacit than explicit. In 2014, MMSD board approved a new district wide educational policy called the “Behavioral Education Plan” (BEP). The BEP is the district's behavioral paradigm and disciplinary solution to the zero tolerance policies it eliminated earlier that year. At 30 pages

long, the BEP is 30 times longer than its former zero tolerance policy, though it made no mention of the development and implementation of districtwide software tracking programs. Yet, it does describe in great detail how the district would monitor and approach student behavior.

As Sarah Ahmed writes, “Documents,” including policy, “are not simply objects; they are means of doing or *not doing* something” (my emphasis) (*On Being Included* 85). Determining what exactly documents or policies are doing or not doing requires that we “follow them around.” (Ahmed, *On Being Included* 50). As Christa Olson notes, “tracking circulation has allowed rhetoricians to identify influence without resorting to static rhetor+audience frameworks” (12). In order to figure what the BEP might be “doing,” or in rhetorical terms, how it might exert persuasive force, I have *followed it around*. I found the BEP in the nationally and locally circulated stories and reports of the district’s success for how to transition away from zero-tolerance policies (Executive Office of the President; Education World) – indeed the number of students who were expelled and sent to juvenile detention *did* drop significantly (though rates of expulsions and arrests for white students dropped most significantly) (Executive Office of the President). And I also found the BEP in MMSD policy 4502b (BEP for elementary school), 4502c (BEP for middle school), and 4502d (BEP for high school). In sum, the BEP serves two functions: to structure a narrative about MMSD overcoming racially disproportionate discipline, and to structure the disciplinary paradigm of the district.

In this sense, the BEP is admittedly a strange document, in large part because of its multiple audiences. It is a policy written to govern how teachers and the school as an institution interpret student behavior, but it is also a document that attempts to frame for the public how the teachers and institution are responding to student behavior. When the Madison Metropolitan School Board presented the BEP in 2014, they described it as a

shift in district philosophy and practice with respect to behavior and discipline. It moves us away from zero-tolerance policies and exclusionary practices toward proactive approaches that focus on building student and staff skills and competencies, which, in turn, lead to greater productivity and success... (Board of Education, *Behavior Education Plan for Elementary School Students: Policy 4502b 6*).

MMSD's introduction to the BEP clearly binds it to neoliberal values like inclusion and productivity, and implicitly yoked it to neoliberal discursive strategies that aim to confine racist violence to a past that we are increasingly distanced from in the present. But much more than just a public letter, the BEP became the governing blueprint for MMSD's approach to student discipline and behavior modification. The Board argued that moving away from "zero-tolerance" policies and towards the "progressive discipline" and "positive behavior and intervention supports" outlined in the BEP, would lead to decreased disparities between Black and Brown students and white students (Board of Education "Behavior Education Plan Presentation"). The usage of the term "progressive" here describes the BEP's graduated or tiered approach to student misbehavior wherein the force of the disciplinary response of the school matches the severity of the infraction, in contrast with the one-size-fits-all disciplinary response marshalled by zero-tolerance. Though not articulated in this excerpt, key to this "progressive approach" is the utilization of behavioral management software that purports to rely upon apparently "objective" responses to student behavior that diminishes exclusionary disciplinary strategies (Robbins and Kovalchuk; Bornstein, "Entanglements" 139). Technology is thus figured as a key part of facilitating a "progressive" political paradigm oriented towards increasing equality and

inclusion. The aim of this doubly progressive approach is to help students to make behavioral “progress” through various technologically mediated support systems.

But the data revealed a different alarming trend emerged: an increase in the use of isolation and containment tactics, and use of physical force as a means of dealing with student mis/behavior. In 2011, 34 Black students with disabilities were physically restrained (Office of Civil Rights, “MMSD: Physical Restraint of Students with Disabilities 2011”), and in 2017 – 3 years after the BEP went into effect – 118 Black students were restrained (Office of Civil Rights, “MMSD: Physical Restraint of Students with Disabilities 2017”). Likewise, in 2011 4 Black students with disabilities were subject to seclusion (Office of Civil Rights, “MMSD: Seclusion of Students with Disabilities 2011”), while in 2017, 104 Black students with disabilities were subject to seclusion (Office of Civil Rights, “MMSD: Seclusion of Students with Disabilities 2017”). In fact, rates of restraint and seclusion increased for every single racial and disability demographic, though Black students with disabilities maintained the highest rate of restraint and seclusion.

The Department of Education’s Office for Civil Rights, where I located the data outlined in the previous paragraph, defines physical restraint as “a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely,” and seclusion as, “the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.” At MMSD, physical restraint is carried out by both school personnel and police officers alike. Recall that my approach to this project is oriented by an understanding of carcerality as a quality marked by “relations of power that enable and incentivize the systematic capture, control, and confinement of human beings through structures of immobility and dispossession” (Story 4). While it is true, perhaps, that the elimination of zero

tolerance policies and the establishment of the BEP interrupted the school-to-prison pipeline, in its place the school itself had become a site of confinement and immobility. Instead of exiling students from the space of the school, students were confined and immobilized through strategies of inclusion within the school in order to facilitate the progress outlined by the BEP. Some students, it seems, must be held back, immobilized, and confined, in order for others move forward.

In a certain sense, my approach to the BEP emerged out of the apparent discrepancy between what the BEP claimed to do, and what it has actually done. What discursive processes account for this disjuncture, and how then, if it all, do these discursive processes underwrite carceral practices? But before offering my argument, I want to return to the method that I outlined in my introduction. It is beyond the scope of rhetorical study to definitively identify the BEP as the *cause* of the intensification of the carceral capacities at district schools. By using the word “scope,” I am not suggesting that some analytical foci are rhetorical and others are not. Rather, I am gesturing toward my understanding of rhetoric as a *method*, rather than a “thing,” per se, which shifts our attention from *what* to *how*. So rather than seek out what communication “caused” the intensification of carceral conditions at MMSD, we instead might ask how discursive formations present in the BEP work to enable and constrain student movement. In order to understand how power circulates through these texts, particular attention to how these formations are connected to larger discursive patterns is crucial.

In this chapter, I draw on the concept of the chronotope to help understand how the BEP shapes and constrains student mobility. Coined by literary theorist Mikhail Bakhtin, the chronotope describes the way that texts construct particular timespaces, and how character movement, or in this case *student* mobility, is shaped by constructs of time. I argue that the BEP

articulates a neoliberal valence of the progress chronotope that rhetorically contains both the problem of disproportionately punitive disciplining to the past and constructs district schools as a vehicle of progress. So constructed, the district is immunized from their responsibility in creating carceral conditions *within* the school. The data-driven software program that the BEP utilizes further protects the district from responsibility for harm and as a potential environmental force that negatively shapes student behavior. Finally, I suggest that the BEP draws attention to students' home life, or what I call the chronotope of home-past. In what follows, I first underscore several particular (in no way exhaustive) features of neoliberal discourse. I then situate neoliberalism as a chronotope in order to call attention to the temporal spatialities it structures. I then turn to the BEP and analyze its three key parts: the letters from the Madison Board of Education that introduce the BEP, Positive Behavior Interventions and Supports, restorative practices, as well as a fourth component – the Violence Risk Assessment.

Progress, Neoliberalism, and the Chronotope

Neoliberalism as Progress

For liberal towns like Madison, the terms progress and progressive are often used as identity labels to indicate one's political orientation towards equity. Of course, the term "progressive" evokes other (eugenic) histories, too, that cannot easily be disentangled from its other usages. In both instances, "progress" and "progressive" describe the socio-political norms and practices necessary to reach a desirable future, however defined. Given its ubiquity and constitutive historical force, I situate progress and its attendant narrative as a "dominant symbolic order" or hegemonic grammar, to use Hortense Spillers' phrase (75), that has characterized the west and informs the BEP. Thus, I want to take a moment to underscore the normative drive of the term "progress" and the progress narrative.

The progress narrative consolidates scientific reason and democratic liberalism as the purveyors of social evolution that transform incivility, tradition, laziness, and disorder, into civility, technological innovation, productivity, and order (Ferreira da Silva). Progress implicitly declares that “less evolved” life forms are relics of the past (Baynton 19), and that must be made to stay in the past through modes of social control. As an ideology of social evolution, the progress narrative situates incivility and disorder as temporally *behind* civility and order, as defined by white, western enlightenment values (Mignolo 472), though increasingly characterized by color-blindness or post-racialism. Maintaining progress as the current order in this timespace requires the discursive and material establishment of a bounded past in which racism is both spatio-temporally rooted and contained. Only then can the past be said to be *overcome*, and only then does the present avail itself as a free, unencumbered, “autonomous thing” (Dillon 42). If white, western polities marked by hyper-mobility (ability) are *always already* figured as the telos of progress, the ways in which the past is continuously reproduced in the present (i.e. white supremacy) must be repressed or contained in the past timespace.

While the discourse of progress continues to shape contemporary life, the valence or shape of that discourse is typically neoliberal. It is difficult to speak of a singular neoliberalism, especially in a global context as asymmetries of power make neoliberalism particularly amorphous. Indeed, this accounts for part of the force of neoliberalism; it is always shifting and changing. But as neoliberalism has attained the status of academic buzzword, there is also a risk in attributing to neoliberalism, historical trends and discursive formations that are better understood through frameworks of white supremacy and hetero-patriarchy. This is not to say that these forces are somehow independent of each other but rather that, in attributing harm only to neoliberalism we risk obscuring the ways in which the processes of harm today are connected to

historical processes of harm that effect and produce racial hierarchies, people who are poor⁹ and people with disabilities in particular.¹⁰ By using neoliberalism as the only, or primary analytic, scholars may inadvertently mimic neoliberal practices themselves which operate through colorblind and purportedly pragmatic, economic solutions to crises in the present, eliding histories of power, conflict or opposition that have conditioned the contemporary moment, ultimately “dispensing with history as a form of knowledge altogether” (Brown 136). Insofar as anti-racist critique and activism is generated from historical memory, such accounts of neoliberalism may inadvertently obviate resistive possibilities (Enck-Wanzer, “Barack Obama, the Tea Party, and the Threat of Race: On Racial Neoliberalism and Born Again Racism” 25). Below, I work to articulate the key features of neoliberalism relevant to this chapter, and then situate it within broader discourses of progress.

In general, neoliberalism intensifies existing asymmetries of power by suspending the responsibility of the state to support citizens through social welfare. Instead, citizens are responsabilized to “care” for themselves *and* the state through economic enterprise (Brown 131-134). The state then becomes increasingly concerned with managing economic and territorial security risks vis a vis bureaucratic management strategies. While pre-existing forms of disciplinary power and sovereign power continue to flourish, they are often couched in economic and behavioral terms. By invoking neoliberalism here, I am referring to both a gradual reorganization of the state, and a shift in linguistic and discursive practices and relationships. In the first instance, this reorganization involves an expanded scale of population governance and production of knowledge, particularly with regard to imperatives for health and economic growth, security, and risk, which are regulated and enforced by the State and internalized by individuals to govern themselves (Foucault, *The Birth of Biopolitics Lectures*). Necessarily, a

key feature of neoliberal governance is tracking population behavior to secure borders and boundaries, promote growth, and to decrease risk (of loss), increasingly using sophisticated technology (Foucault, *Society Must Be Defended* 279). The production of behavioral knowledge plays a key role in neoliberal management so that predictions can be made, and interventions can be executed at the right time in order to mitigate loss and increase growth. Such growth, however, can only be facilitated by what Ruth Wilson Gilmore calls “organized abandonment” (Gilmore) or what Foucault calls the “let die” imperative of biopolitics. Producing and distinguishing between who is subjected to life and growth and who is subjected to social, economic, and/or physical death *in the service of that growth* is facilitated by pre-existing racial (Foucault, *Society Must Be Defended* 255–56), disabled (Mitchell and Snyder 7) subjectivities that rely upon a pre-existing hierarchy of vitality (Foucault, *Society Must Be Defended* 255) that figured whiteness and ability as “constant change, activity, or progress,” and Blackness as “the essence of stillness, of any undynamic human state” (Spillers 78). Contemporary neoliberal discourses of criminalization (Wacquant, “Crafting the Neoliberal State”), the medicalization of conduct, and the discourse of individual responsibility emerge from this discourse of racializing progress (Brown and Baker 28).

Yet, under neoliberalism, racism is “born again” and transformed into a “racism without race, racism gone private, racism without the categories to name it as such. It is racism shorn of the charge, a racism that cannot be named because nothing abounds with which it name it” (Goldberg 23 qtd. in Enck-Wanzer 25). This discursive norm obfuscating law and policy is not a side effect of neoliberalism, but rather one of its key features: it must conceal the same system of power that it depends upon. In being obscured through the language and regulation of behavior personal responsibility, management, economics, and growth, among others, white power is

secured, inured from legal challenge (Foucault, *The Birth of Biopolitics Lectures* 243). This linguistic and structural concealment contains racism to the past, “absolving the white national present” (Ore and Houdek 456). But the past and its signifiers always lurk as a threat to future growth because they function as a psychic, material, and discursive barrier to white freedom of movement-ability.

In school contexts, this manifests as an emphasis on “positive school climate” to promote student growth, and the centrality of behavioral modification, rather than “discipline” as such (Garrison 324). Students are expected to adhere to age-appropriate behavioral curriculums that are linked to academic curriculum, and if not, they are subject to increasingly invasive behavioral management strategies, justified and articulated through framework of educational disability (Bornstein, “Can Pbis Build Justice Rather than Merely Restore Order?” 137–38), following what Peter Conrad has noted as 19th century psycho-social framework wherein deviance has become, in some instances, medicalized (Conrad and Schneider). Once medicalized, deviance can be *cured*. Because disability and sickness are figured as relics of the pre-science past, and because medicine is figured as a vehicle of progress, the “cured” individual becomes evidence of the necessity of the contemporary order (Kim 8). In the absence of such curative success, the ailed individual must be segregated from the wider social body in order for a body politic (or in this case, educational institution) to continue its progressive march at the pace of capitalism.

In schools, students are increasingly surveilled through behavior tracking software (resurgent behaviorism), and subject to *preemptive* behavioral intervention as well as punitive responses like expulsion and isolation that are articulated as behavioral management and “supports,” and justified by appeals to their impact on growth of other individuals (Robbins and Kovalchuk). Students whose behavior is characterized as “disruptive” because it impedes the

learning of the class, are segregated in special education rooms and other isolating social spaces (Bornstein, “Can Pbis Build Justice Rather than Merely Restore Order?”). In Foucauldian terms, these students must be allowed to socially “die” – they must be literally held back a grade, isolated for disability practice, expelled from school as the space of growth – in this sense, in order for others students to “live,” or grow and progress through grades and classrooms. Students that do not “keep up” in that environment, or who interrupt the learning movement of others, are tempo-spatially *slowed down* and must be isolated and contained. Contemporary educational paradigms like PBIS, thus often result in an *increased* use of segregation and isolationist tactics (Bornstein, “Can Pbis Build Justice Rather than Merely Restore Order?”), especially for students of color, and especially when the majority of teachers are white (Oelrich). I am not primarily focused on the way that teachers and school staff are individually racist in their treatment of Black and Brown students. Rather, I am trying to underscore the way that white cultural norms shape the interpretation and evaluation of Black students’ behavior, and thus what constitutes disruption (Oelrich 24–41).

This neoliberal approach to behavioral management draws upon and reifies the developmental paradigm that structures modern school. Developmentalism emerged out of the burgeoning field of developmental psychology in the 20th century. I will discuss this in greater depth later in the chapter, but for now it is important to know that it is a stage-driven discursive framework that normalizes the development of particular childhood capacities at particular temporal milestones. Contemporary disciplinary and pedagogic practices are “saturated” with developmentalism, or “the notion of a normalized sequence of child development,” and work to “produce children as the object of their gaze” (Walkerdine, “Developmental Psychology” 149–50). In order to gauge whether or not a child is behaving *normally*, their behavior and

performance must be surveilled (Walkerdine, "Developmental Psychology" 153). Neoliberal behavioral management strategies develop from and amplify the developmental paradigm by producing an increased number of observable behaviors that can be supported, disciplined, or otherwise intervened.

But increasingly, the school bears less responsibility and teachers and especially students are made *more* responsible, even as the school retains its status and social function as a marshal of the future (Garrison). These practices are purportedly "colorblind," and work to "privatize" race as a matter of concern to individual teachers and students, rather than the school (Robbins and Kovalchuk 213, 204). In this sense, neoliberalism suppresses racialized discipline through medicalization of deviance, obscuring disciplinary practices through responsabilizing students for behavioral infractions and disavowing school responsibility for creating flourishing environments. As I'll explain more in Chapter 2, disability thus emerges as a means through which the racial past is overcome and means of "saving face" and securing the power dynamics of the status quo (Ore and Houdek 445).

Such neoliberal postracial discursive and material practices are essentially "white temporal rhetorics [that] reinscribe a linear conception of time that employs closure to achieve ideological and political ends" (Ore and Houdek 444). Racialized bodies that resist such colorblind tactics – either intentionally or simply through the presence of their bodies, must socially expire in order to avail the present of its future possibility of growth. While the mechanism of social expiration often relies upon the discourse of overt criminalization as means of responsabilizing individual behavior (made possible through increased behavioral surveillance) which requires exclusion to the prison, the medicalization of deviance via a vis disability provides a route for social death within the school itself. Though I take this up in

greater detail in Chapter 2, it's worth mentioning now that because disability is articulated as an interruption to developmental growth, it justifies practices of containment and isolation within the school.

In addition to outlining the major relevant features of neoliberalism, I hope to have also gestured toward the way that neoliberalism functions as a rearticulation and reformation of the means by which progress is achieved, rather than a replacement of progress itself. The discourse of neoliberalism has a clear progressive tempo-spatial imperative. In this sense, it is a *valence* of progress. To “manage” the population such that some are compelled to grow – which is to say, gain increasing mobility to move into the future – and some are compelled to various kinds of death – which is to say, to be held back, prevented from “growing,” prevented from moving into the future – is to produce and organize who belongs in the past and who is allowed to move into the future, which in turn justifies containment.

Chronotope

In articulating neoliberal discourse as a valence of progress, I have suggested that it subjectifies those who threaten future growth in a still/slow/isolated timespace, and those whose growth and mobility into the futurespace is facilitated. The literary concept of the chronotope is, I think, a particularly useful analytical tool for discerning how discourses construct tempo-spatial rubrics, and how movement is enabled and constrained within those rubrics. Derived from the Greek words for time (chronos) and space (topos), literary theorist Mikhail Bakhtin devised the concept of the “chronotope” to describe the inter-relationship between time and space in the novel (Bakhtin 84). The chronotope suggests that space and time are not two separate features of a rhetorical ecology, but rather asserts that a text's construction of temporality is necessarily linked to a particular construction of spatiality. Conjoining the terms also fosters a porous exchange

between space and time conceptually, such that we can begin to see how “Time, as it were, thickens, takes on flesh, becomes... visible; likewise, space becomes charged and responsive to the movements of time, plot and history” (Bakhtin 84). In this way, time and space are interdependent, and discursively constituted. The meaning of both space and time is shaped by the meaning of the other such that the material quality of time and the momentum of space emerge.

Consider, for example, Bakhtin’s notion of the idyllic chronotope. Characteristic of the folkloric novel, the idyllic chronotope describes the way that multi-generational, often rural family life that results in what Bakhtin calls a unity of place, means that cyclical time, rather than linear time predominates. Of the idyllic chronotope, Bakhtin writes,

[There is] an organic fastening-down, a grafting of life and its events to a place, to a familiar territory with all its nooks and crannies, its familiar mountains, valleys, fields, rivers and forests, and one's own home . Idyllic life and its events are inseparable from this concrete, spatial corner of the world where the fathers and grandfathers lived and where one's children and their children will live.... The unity of the life of generations (in general, the life of men) in an idyll is in most instances primarily defined by the unity of place, by the age-old rooting of the life of generations to a single place, from which this life, in all its events, is inseparable. This unity of place in the life of generations weakens and renders less distinct all the temporal boundaries between individual lives and between various phases of one and the same life... This blurring of all the temporal boundaries made possible by a unity of place also contributes in an essential way to the creation of the cyclic rhythmicalness of time so characteristic of the idyll (Bakhtin 225).

The interconnectedness of space and time is evident here, as is the porous boundary distinguishing the two. Idyll spatiality is not mere background but rather has cyclical, animative movements, and idyll temporality is not an invisible metric marking easily distinguishable pasts, presents, and futures, but is materialized in the rhythms of life's natural process. It's worth noting that while here Bakhtin appears to prioritize space as a cause of time, we could just as easily notice how a plot line whose movement is propelled by cyclical time would require a spatiality governed by some kind of sameness such that patterns of repetition are intelligible.

Though Bakhtin's utilization of the chronotope was restricted to literary analysis, he gestured toward its utility in other fields and in the analysis of public discourse more generally (Jack 53). In a rhetorical context, "the term chronotope refers to the ways in which a text draws upon, constitutes, or appeals to particular notions of space and time" (Jack, 53–54), or a "topos through which temporality is organized" spatially (Haraway; Jack 41). As commonplaces, topoi are "storehouses of social energy... that animate the body politic in a visible and highly public sort of way" (Cíntron 131). Of course, as Ralph Cíntron argues, topoi generate such persuasive motion only because "the body politic can be described as already organized around its topoi" (Cíntron 133). Chronotopes, then, function as commonplaces – doxa – that exert persuasive force. Discursively, chronotopes tend to be more or less institutionally established "to the extent that they are persuasive to concrete audiences" (Harrington 362). Those chronotopes that acquire supremacy are those that come to "exemplify dominant ideologies in a rhetorical moment" (Jack, "Chronotopes: Forms of Time in Rhetorical Argument" 54). Chronotopes aren't merely descriptive, they are also *normative*. In other words, chronotopes are neither neutral nor universal, and are mutually constitutive with larger systems of power. Thus, the chronotope helps

to draw out the ideological orientation of particular space-time configurations (Blommaert, “Commentary” 95).

For example, Jordynn Jack demonstrates how neoliberal ideologies, which we typically think of in terms of their economic dimensions, have a spatiotemporal dimension of time-space compression. The chronotope of time-space compression is characterized by technologically facilitated speed over vast distances, such that time and space appear to be compressed and no longer pose a barrier to travel and communication. Jack argues that the chronotope of time-space compression shapes genetically modified food policy in Canada in two ways: through its justification for technological advancement out of fear of falling behind the “pace of global development” which delimits the scope of temporal concerns for genetically modified food to the present time and global spatiality (Jack 57). In so doing, it virtually eliminates rhetorical argumentation that appeals to the long-term effects of genetically modified food on local environments. Indeed, even knowledge of such effects would be illegible within the chronotope of time-space compression. In this sense, chronotopes also shape the legibility of arguments in particular rhetorical contexts, and the knowledge that can be generated in a particular rhetorical context.

As Jack’s essay suggests, chronotopes help to condition the domain of possible actions insofar as “specific timespace configurations enable, allow, and sanction specific modes of behavior as positive, desired, or compulsory (and disqualify deviations from that order in negative terms) (Blommaert and De Fina 3). For example, human action that operates quickly and can facilitate global circulation of GMO modified foods are sanctioned and desired. Within this context, “specific patterns of social behavior “belong,” so to speak, to particular timespace configurations (Blommaert and De Fina 3). When they “fit,” they respond to existing frames of

recognizable identity, while when they don't they are "out of place," "out of order," or transgressive" (Blommaert and De Fina 3). To stick with Jack's example, the chronotope of time-space compression figures actions that occur slowly and are contained to the local as estranged.

But being *out of order*, or *out of place*, are not just claims about belonging, however; they are also valuations. In this way chronotopes structure identity insofar as particular timespaces situate particular behaviors and embodiments as good, right, and fitting, and others as bad, wrong, and out of place/order. As I suggested earlier, students who do not keep pace with developmental expectations or whose behavior and speech are viewed as obstructions for the development of others are placed in special education rooms, seclusion rooms, or are kept back a grade. In this way, chronotopes shape "socially shared, and differential, complexes of value attributed to specific forms of identity" expressed in the "looks, behavior, actions, and speech" (Blommaert and De Fina 3). By rhetorically working to restrict the spatial and temporal boundaries and scope of concerns (Jack 60), chronotopes also govern subjectivity and belonging (Jack 60).

In her groundbreaking work, *Chronotopes of Law*, Mariana Valverde argues that the chronotope is an especially useful tool for scholars interested in law and policy. This is particularly true, Valverde suggests, because law and policies shape social life as heterogeneously arranged modes of ordering. Under neoliberal capitalism, time plays an increasingly important role in structuring the governance of social life, and yet this governance is not temporally singular. For example, recent attempts to establish educational policy that suppresses teaching about the nation's violent anti-Black past, while at the same time the policies that govern the state's surveillance apparatus render one's individual recorded (past) activities

increasingly available for both private sale (in the case of digital footprints) and state intervention. A chronotopic analysis would draw our attention to the temporal dissonance between these two policies, *and* the prioritization of white property interests that they share. For these reasons, Valverde suggests that the chronotope is “a useful technique for generating analyses of how particular temporalities are linked to particular modes of spatialization in ways that show regularities but no ‘determinations in the last instance’” (351).

Even apparently coherent texts are rarely structured by a single chronotope. While one chronotope typically plays a central or dominant role, other, even contradictory chronotopes often exist concurrently. Bakhtin writes, “Chronotopes are mutually inclusive, they co-exist, they may be interwoven with, replace or oppose one another, contradict one another or find themselves in ever more complex relationships” (252). Jack makes a similar observation when she writes that rhetorically, chronotopes “compete” with each other to support various “ideological interests” (Jack 67).

I have, up to this point, prioritized time in my engagement with the chronotope. While I maintain that priority throughout the remainder of this chapter, I do not want to imply that space is somehow arhetorical. Space shapes communicative events and identity, and is shaped by communication and the relations of power that structure identity (Mountford 42 qtd in Dolmage 2). For example, Raka Shome describes how the space of the U.S.-Mexico border is defined through surveillance practices including police use of helicopters, patrols, and dogs that work to contain or fix the immigrant body. These structures of immobility construct immigrant identity through “material practices of containment and control that constitute the border” (Shome 45). The material practices help to produce the surveillant relationship between border police and immigrations which then recursively shape the meaning of that space. Space, Doreen Massey

reminds us, is a “product of interrelations” (Massey 28 qtd. in Chávez, “Spatializing Gender” 4). Put differently, space is relational; personal, historical, economic, racial relationships all shape the meaning and material reality of spaces (Chávez, “Spatializing Gender Performativity” 4). I want to point out that these relationships are structured, in part, through time. For example, the nearly synchronous speed (speed= spatial distance divided by time elapsed) of surveillance, the speed of bullets and dogs, the racialized threat of immigrants which presupposes a temporal urgency, shapes border relationships and therefore the meaning of the border space.

The Neoliberal Valence of Progress Chronotope

As a chronotopic discourse, the neoliberal valence of progress is marked by a future, growth-driven linear temporality and spatial expansion. Material practices of surveillance are articulated through appeals to what people – students in this case – might do and who they may become. In this sense, it has an anticipatory temporality that requires spatial containment. Without spatial borders, the regular observations necessary to produce data about student behavior and anticipate their future potential are not possible.

At the same time, those whose future potential represents a threat to progress are constructed as belonging to the past. This past is figured as a threat to forward motion and justifies spatial seclusion and restriction of mobility. This carceral logic underwrites the argument that those students who disrupt the classroom, as a space of progress, must be spatially secluded so that future progress of others can be enacted. The discourse of developmentalism is the educational genre of the neoliberal valence of progress which creates students who fail to develop “normally” as disabled, and usually out of place within the classroom. While the racializing and disabling qualities of the discourse of progress may be obscured from view through appeals to behavior, technology, intervention and supports, management, disability,

growth, responsibility, and post-racialism, among others, within the neoliberal valence it nevertheless requires their segregated social death.

While students and to a lesser extent teachers, bear the responsibility for their subjectivity according to this discourse, the role and responsibility of the school and administration is shielded. While students are increasingly made responsible for what they *might do* as well as what they have done, the school and administration (and to a much lesser extent teachers), are not responsible for the environment they have created. The neoliberal valence of the discourse of progress figures them as vehicles *of progress*, rather than subjects *in progress*. In this sense, the space of the school facilitates spatio-temporal movement forward, but is not necessarily subject to those forces, since it is both manages student populations, and produces knowledge about those populations.

In what follows, I focus on the neoliberal valence of progress as a chronotope and primary discursive formation in the BEP. In the next section, I argue that this chronotope works in the opening letters of the BEP to situate the school as the purveyor of progress and contain the problem of disproportionate disciplinary action against Black students with disabilities in the time of the past and space outside of the school. As I demonstrate throughout the remainder of this chapter, this feature of the neoliberal valence of progress chronotope tacitly structures the BEP more generally as well. Then, I argue that the BEP's discourse of PBIS and SIMS – the behavioral paradigm and behavior tracking software that undergird the BEP– produces the surveillance aspect of this chronotope. Student behavior is tracked more often temporally and generates more spatial intervention, including use of seclusion and physical restraint. At the same time, I suggest that the restorative justice aspect of the BEP creates a spatial and temporal boundary that protects school district administration and to a lesser extent staff from

accountability for their actions. Lastly, I demonstrate how the neoliberal valence of progress chronotope articulates and contains the source of student mis/behavior in the past and in the home.

The Behavior Education Plan (BEP)

PBIS Overview

The BEP is comprised of three primary components: 1) Letters from the Board of Education that frame the policy, 2) Positive Behavior Intervention and Supports (PBIS), a growing developmental, behaviorist education paradigm (implemented across the state in Wisconsin) and 3) “restorative practices” that shift the focus of discipline from “exclusionary punishment” to “repairing harm” (Board of Education, “Behavior Education Plan for Elementary School Students: Policy 4502b” 5, 25). But because PBIS constitutes the most significant portion of the BEP, and functions as an implicit interlocutor in the opening letter from the Board of Education, I want to offer a brief overview of the emergence of PBIS.

As the Individuals with Disabilities Education Act (IDEA) was being re-authorized in 1997, members of the National Joint Committee on Learning Disabilities (NJCLD) published a paper calling on all general education teachers to develop competencies teaching students with disabilities, including: a broader understanding of student evaluation, and social emotional development (National Joint Committee on Learning Disabilities). The letter’s primary concern was that “minority students” with disabilities were failing schools at alarming rates, and proposed the development of better tools to identify students with disabilities *earlier* in schools, and to help those students succeed academically. The letter also notes that minority students “continue to be placed disproportionately in separate special education settings” (Office of Special Education 55028). While I will discuss this in great detail in Chapter 2, I want to note

now that this same year, 1997, Emotional Behavior Disability (EBD) was reclassified and the threshold for labeling was lowered. This letter was the beginning of what would come to be known as the “learning disabilities initiative,” which sought to bring disability advocates, educators, and scientifically based research to ameliorate the problem (Bradley et al.).

The basic premise of the initiative was that if students with learning challenges could be identified *before* they began to fall behind academically, then perhaps they could lower the rate of students with disabilities who failed to graduate. Up until this point, IDEA outlined what was called the “discrepancy approach” for identifying learning disabilities. The discrepancy approach measured a student’s ability to achieve (such as an IQ test, for example) with their performance on tests. If there was a discrepancy between the two, along with an indication of information processing challenges, the student was usually classified with what was then called a Significant Learning Disability (SLD). The problem was that it took years of testing to identify students who had SLDs, at which point the student would have fallen behind.

By the 2004 reauthorization of IDEA, the LD Initiative identified an alternative approach to identifying SLD’s: Response to Intervention (RTI). Importantly, however, RTI would be implemented for an entire school, and applied to all students. RTI would consist of a multi-tiered model oriented toward prevention with at least three tiers of intervention. The first tier would be the basic education that all students are provided, the second would be short, moderate interventions that would not yet qualify as individualized educational plans, and the third would be IEPs or something similar (Merrell and Buchanan). But for RTI to work, students must be monitored and their activities documented from a young age. RTI thus requires software tracking capacities to provide “universal screening to identify at-risk students, and progress monitoring to detect those students who might be responding to this primary intervention as expected”

(Bradley et al. 9). RTI has been widely adopted across the country, including in the state of Wisconsin.

The 2004 reauthorization of IDEA also established a grant program to disseminate “positive behavior interventions and supports” (PBIS) to schools across the country to provide a similar, RTI-like program for dealing with students whose primary educational disability was characterized by behavioral challenges. First developed as an “alternative to aversive interventions used with students with significant disabilities who engaged in extreme forms of self-injury and aggression,” it has since been “extended from an intervention approach for individual students to an intervention approach for entire schools” (Sugai et al. 137–38). Like RTI, PBIS was recommended as a universal screening and tracking system for the entire school, but in the service of identifying students with behavioral problems and improving those problems before they become more significant. And like RTI, PBIS uses “data based problem solving” to track and intervene in “problem” behavior (Sugai et al. 138). As a psychiatric-driven, behaviorist philosophy of education, PBIS was designed explicitly to mitigate and even to prevent the school-to-prison pipeline but has actually been associated with increased in-school suspensions (Robbins and Kovalchuk 199, 209).

Around this same time, MMSD worked with the state of Wisconsin to develop a student intervention monitoring system (SIMS) (Wisconsin DPI "Part B Performance Report"; Wisconsin DPI "SIMS"). MMSD contracted the company VeganTech to write the software (Balestracci; VeganTech). Like PBIS, SIMS shares a corporate connection with a healthcare company, in this case, Rosh Review, whose primary focus is developing software to track the performance of doctors and medical staff in hospital settings. By 2010, the software they developed was available to other districts and the state, and over the last twelve, SIMS has been

adopted by schools all over the globe. What is unique about SIMS is that it combines elements of RTI and PBIS by tracking academic and behavioral “progress” in one system, in order to target areas of improvement. MMSD was, at the time, also being sued in three separate lawsuits for violating IDEA. Over the last 22 years, nearly 50 lawsuits have been filed against MMSD for violating IDEA (Wisconsin DPI "MMSD Lawsuits").

PBIS (or PBS as it is sometimes called) is not a new approach to education, but rather “an application of a behaviorally based systems approach to enhance the capacity of schools... to design effective environments that improve the fit or link between research-validated practices and the environments in which teaching and learning occur” (Sugai et al. 8) As I’ll explore in more detail below, while PBIS draws heavily on behavioral, cognitive, and developmental theories of education, it does reframe the meaning made of “problem” behavior. Whereas traditional approaches to discipline situate misbehavior as evidence of badness or delinquency, PBIS situates them as disabled. However, the language of PBIS obscures the way that disability “can have the same power as delinquency to construct an enduring deficit identity of the student as one who can be justifiably excluded” (Bornstein, “‘If They’re on Tier I, There Are Really No Concerns That We Can See:’ PBIS Medicalizes Compliant Behavior” 249; Youdell). The goal of PBIS is to create an improved school environment by “making problem behavior less effective, efficient, and relevant and making desired behavior more functional” (Sugai et al. 8) But rather than “punish” problem behavior, PBIS aims to disincentivize it and ultimately to cure it.

I want to pause for a moment on this distinction between punishing, and disincentivizing and curing undesirable behavior. To “punish” someone is to generate pain and/or loss as a consequence for action. The temporality of punishment is posterior and retributive, but the temporality of disincentivization is predictive and anticipatory. To disincentivize behavior

requires 1) anticipating how students will likely behave in order to create barriers that make problem behavior less desirable, and 2) an increasingly in-depth understanding of the psychological, emotional, and physical drives that make that behavior desirable in the first place. In this way, PBIS operates according to logic very similar to the broken windows policing paradigm which situates small, “disorder” crimes as indicative of more severe future crime, thereby justifying monitoring, intervention, and punishment of apparently banal, nonviolent activities. Every problem behavior thus indicates something about the child’s *future* behavior, and so even small behavioral infractions that are figured as developmentally inappropriate must be stopped. At the same time, PBIS does generate responses to problem behavior, but those are articulated as “supports” and “interventions” rather than punishment.

These supports and interventions aim to fix or cure the problem. As I’ll explain in more detail in Chapter 2, in the event that students cannot themselves be cured, they are relocated to private rooms and off-site locations so that they do not disrupt other students. This shift from a logic of punishment to a logic of intervention focuses on attention on small “problem” behaviors that, perhaps, would have gone unnoticed within previous punishment paradigms. As these behaviors recur, students are subject to increasingly intense interventions that can culminate in use of seclusion and restraint. Intervention, then, operates as a carceral logic. It does so, in part, through the surveillance aspect of the neoliberal valence of chronotope which constructs students who are imbued with the potential of misbehavior. This potential – or future temporality – for disruption requires increasing use of seclusion and other isolationist spatial tactics which simultaneously serve as an individual disincentive and a “support” for the students’ misbehavior, and a cure for what ails the classroom. Such hyper-focus on the individual student obscures the environment of the school itself as productive of the very misbehavior it seeks to curtail. While

the future temporality of students is invoked in the BEP, intervention and supports are not framed as tools to interrupt what is undesirable, but rather as necessary mediation to ensure students' future productivity.

Narratives of Change

First released in 2014, the Behavior Education Plan (BEP) is MMSD's alternative to zero-tolerance policies. Though each version has differed in length - the first BEP is over 82 pages long, while the most recent plan is 14 pages - their fundamental shape and outline has remained mostly unchanged. This difference in length is not surprising as the district was transitioning from a zero-tolerance approach to education between 2012 and 2014, so more detail was necessary. As district staff and the public became more familiar with the new approach, ostensibly less detail or transparency was necessary.

All of the BEPs share a heterogenous audience: the plan is written for MMSD families the general public, and staff. The BEP is itself a policy that governs how the student conduct policy is enforced (Board of Education, *Behavior Education Plan for High School Students: Policy 4502d*). In place of zero-tolerance policies the district has developed a much more expansive behavioral paradigm that includes the addition of a massive technological apparatus that cannot be fully accounted for simply by analyzing the BEP. Nevertheless, I've chosen to analyze the BEP because it sketches the relationship between the behavioral approach PBIS, classroom protocols, restorative justice practices, and the district's core values, while also providing brief explanations of each component. Crucially, the BEP also directly articulates both an internal audience (the school staff) and an external audience (the Madison community). The invocation of the external audience and the way the BEP addresses that audience describes how that audience should interpret the BEP.

Each version of the BEP opens with a letter from MMSD’s Board of Education, which is revised with each new BEP. As the first body of text the reader encounters in the BEP, the letter discursively frames the plan’s description of PBIS and restorative practice. In 2014, *two* letters actually introduce the BEP – one from the Board of Education, and one from District Superintendent, Jennifer Cheatham. The primary focus of these letters is the failure of zero-tolerance policies insofar as they were “ineffective in changing student behavior” and lead to “negative student outcomes,” and the affirmation of the BEP as the behavioral solution to the district’s problems (Board of Education, “Behavior Education Plan for Elementary School Students: Policy 4502b” 5). The Board of Education’s letter in the 2014 BEP echoed similar sentiments. An excerpt of that letter reads,

Changing the focus from discipline and punishment to support and education begins to close opportunity gaps that have existed in our schools. With better practices designed to teach our students how to correct bad behavior safely, learning will be enhanced, and all students will benefit. We believe we have the plan and resources to begin this work, and to truly make our schools places where no student will be deprived of their right to become ready for college, career and community (Board of Education, “Behavior Education Plan for Elementary School Students: Policy 4502b” 4).

The Board’s letter emphasizes the transition from “discipline and punishment to support and education,” which promise to fulfill the “opportunity gaps” present in MMSD schools. The letter goes on to suggest that such opportunity gaps that deprived students of future potential. However, the BEP promises to remediate those deprivations so that all students will have the

opportunity to actualize their readiness for “college, career, and community.” The link established between zero tolerance policies and negative student outcomes is *passive* and not focused on harm to students, but rather the *impact* on their *future* outcome, which is to say their relationship to expected developmental temporal markers, such as going to college, and getting a job. They do not recognize the harm the district has inflicted on students, but rather the impact of punitive policies on students’ ability to meet expectations and productivity. The way that the environment of the school itself may produce negative student behavior is completely obscured.

The Superintendent’s letter is resonant with the Board’s, but also emphasizes the increasing responsibilities that students will have. The letter begins as follows:

Dear MMSD Families and Community,

In MMSD, our vision is that every school will be a thriving school that prepares every student to graduate ready for college, career and community. In order to accomplish this vision and get the best results for all students, we need to ensure that each of our schools and classrooms is a place where all students are able and expected to learn.

We know, from national research and our own experience, that zero-tolerance policies that result in frequent removal from school are ineffective in changing student behavior and in fact have a negative impact on student outcomes – lower academic achievement, dropout rates and increased likelihood that a student will enter the criminal justice system. And, these policies disproportionately affect certain groups of students, especially our African American students and students with disabilities.

This reality signals a need for a shift in our system and our day-to-day practices. The good news is that this is a shift that many of our individual schools have been making

through the establishment of consistent behavioral expectations and reinforcement of positive behavior, a focus on social emotional learning to explicitly teach students how to interact with one another in a caring way, and the introduction of more restorative practices so that when we respond to misbehavior we do so in a way that encourages students to learn from their mistakes (Board of Education, “Behavior Education Plan for Elementary School Students: Policy 4502b” 6).

While this letter describes the impact of punitive policies on students, especially Black students with disabilities, it emphasizes how the BEP will “explicitly teach students how to interact with each other in a caring way” by “support[ing] positive behavior in every student” and helping students to “learn from their mistakes.” While the school obscures their own responsibility in the present, students are made totally responsible for their behavior, and the BEP promises to teach them “social emotional learning,” *increasing* their behavioral responsibility. Given that the letter links the negative impact of zero-tolerance explicitly to Black students and students with disabilities, when the letter suggests that the BEP will marshal positive impact by teaching students how to care for each other, it implicitly suggests that Black students and students with disabilities are those most in need of learning to care.

The 2014 letters situate the BEP clearly within the neoliberal valence of progress discourse. While its chronotopic features are more tacit compared to later letters, it implicitly links student value to the school in terms of their future potential, at the same time as it responsabilizes students – especially Black students and students with disabilities – in the present for their behavior. In the present, they are always a threat to their own progress, as well as that of others. The space of the classroom is implicitly situated as the mechanism through

which that growth occurs. Its responsibility is to the *future*, rather than the present. This argument chronotypically obscures the way that the classroom may *inhibit* or harm students in the present, veiling the carceral logics that structure the school.

The 2019-2020 BEP opens with a different letter, but one that evokes similar themes:

Dear Madison Community,

Five years ago, we made a major shift. Our community was in consensus that our zero-tolerance policy for school discipline wasn't working, that it was having a disproportionate and negative effect on students of color and students with disabilities, and that we needed to do something different. We took a step into uncharted territory - to embrace a restorative and progressive approach, one that aims to keep students in school... This updated BEP... will propel our District forward "(Board of Education, "Behavior Education Plan: Policy 4502b" 4).

Signed in 2019 by Madison Metropolitan Superintendent, Jennifer Cheatham, this letter is the introduction for the district's Behavior Education Plan (BEP). Given that the BEP was first established in 2014, it appears that it is particularly important for the district/board to reify the narrative of overcoming the past as the primary interpretative framework. Acknowledging that zero tolerance policies "were not working," the district took up a "progressive and restorative approach to education" formalized in the district's Behavior Education Plan (BEP).

As this letter makes clear, MMSD is invested in shaping the meaning that the Madison community made of this transition, specifically noting the "disproportionate and negative effect" zero tolerance policies had on "students of color and students with disabilities." Spatially and

temporally distinguished from this past harm, Cheatham's letter situates the BEP's "restorative and progressive approach" as "a step into uncharted territory" that "will propel our district forward" by "keep[ing] students in school." Evoking a colonial sense of improved futures tied to claiming new (to them) land that is foundational to progress, this framing suggests that the BEP will usher the district "forward" to a future that zero tolerance policies were not capable of facilitating, because in implicit contradistinction to the BEP, the zero-tolerance policies pushed students out of school. The heart of the meaning the community is to make of this transition, then, is articulated through the discursive construction of time and space. Specifically, the letter rhetorically contains the district's racist discipline practices to zero-tolerance policies of the past, a time-space they necessarily stepped out of as they stepped into the new territory of the BEP, which promises progress.

Tacitly working within and responding to the school-to-prison pipeline framework which underscores zero tolerance policies as a (perhaps *the* most important) policy mechanism for re-routing students of color with disabilities from school to prison, the regrettable past is marked by spatial domains *outside* of the school. The good future heralded by the BEP, is found, apparently, by staying in the school itself. But these two tempo-spatialities are not merely different, they are constitutively different. In order for the "restorative and progressive approach" outlined in the BEP to be capable of propelling the district forward, the racist policies that exiled students from school have to be contained to the past. The school itself is also isolated as the mechanism for progress, and that which is outside of the school is figured as its threat. The danger of this framework is that it obscures the way in which the school *itself* may function carcerally.

As the introduction to the BEP, the MMSD administrations' letters and the rhetorical construction of progress as a temporal spatiality play an important role in the interpretative

textual framework for the BEP. But the letters not only the plan's public message – how the authors of the plan articulate its relevance and ideological distance from zero-tolerance – but the structure of the plan itself. As I am to demonstrate over the course of this chapter, the BEP itself articulates the neoliberal valence of progress as a dominant chronotope governing student behavior and discipline at MMSD.

Not unique to MMSD or the BEP, U.S. cultural common sense is informed by the apparent rightness of the spatiotemporal movement described by progress and the network of terms to which it is ideologically connected (i.e. future, ahead, forward, in front, etc.). Progress thus functions doxastically, concealing its discursive, ideological underbelly, and invisibilizing who or what must be contained or excluded in order to facilitate forward movement for others. This act of the chronotope of progress has two effects: first, only by rooting racism – a practice cultivated by white supremacy - in the past, can a sense of “white innocence,” or at least the potential of white innocence to “manifest” in the present (the MMSD school board, it should be noted, is primarily white); and second, rhetorically, the BEP gains persuasive force the sense of having overcome the past.

PBIS: Developmentalism and Behaviorism

Containing the problem in a past timespace, it situates the practices, policies, and technology outlined in the BEP as a portent of progress. How then does the district construct, account for and ameliorate student mis/behavior? In this section, I argue that PBIS in Madison is characterized in particular by the surveillance aspect of the neoliberal valence of progress chronotope, but I also draw attention to the way that students who interrupt classroom progress must be chronotypically secluded and restrained. But before analyzing how the BEP takes up

PBIS, I situate this behavioral paradigm within the discourses of developmentalism and behavioralism, which have shaped its timespace

The chronotopic features of PBIS are shaped by the confluence of at least two discourses of education theory: developmentalism and behaviorism (McDorman 12). As one of the “grand metanarratives of science,” developmentalism is predicated on the foundational tropes of modernity, namely progressive evolution (Walkerdine, “Beyond Developmentalism?” 455). The roots of developmentalism can be traced to “speculative histories of human evolution and progress [which] were given sanction by evolutionary science and projected onto early theories of child development,” as well as the child welfare movement, and theories of scientific psychology (Beatty et al. 17). Using evolution as a scientifically grounding for the concept of developing life, developmentalism establishes a framework for how typical children should evolve, or develop, at various points over time that should result in the formation of an adult who encounters and understands their environment rationally and using abstract concepts (Salter). The “task” of childhood is, therefore “a step-wise progression through certain cognitive developmental stages, culminating in rational adulthood” (Salter 247), marked by autonomy (Walkerdine, “Beyond Developmentalism?” 456).

As Valerie Walkerdine explains, this sense of “rationality” is not synonymous with thinking, but rather “a particular kind of logic... [that] has become naturalized and understood as the pinnacle of western civilization. By producing rationality as the endpoint of a quasi-evolutionary process, it has been understood as part and parcel of ensuring a rational and democratic government” (“Beyond Developmentalism?” 456). Developmentalism thus situates development as progress “towards a goal, indeed a goal that not all reach, but which is surely the logocentric pinnacle of advanced, reactional abstract thought” (Walkerdine, “Beyond

Developmentalism?" 456). It is this goal which is understood as the most civilized, in the move from the animal, savage, primitive and childlike towards the adult and civilized" (Walkerdine, "Beyond Developmentalism?" 455-456). Development is not, of course a "natural" or "universal" discourse about change and transformation, but is instead a discursive narrative. As a "European patriarchal story" based on "western-style rationality," developmentalism teleologically culminating in a "rationally ordered social order," and is (necessarily also) "opposed strongly to the idea of the animal, primitive, and savage, which remained as the threat represented by the masses, the hordes who had to be led towards reason," (Walkerdine, "Beyond Developmentalism?" 455-456).

Developmentalism emerges, then as both a racializing, disabling discourse (B. Baker), and a chronotopic discourse (Walkerdine, *The Mastery of Reason* 212). It produces children who are developmentally normal or ahead, and whose subjectivity "belongs" in the time-space of the classroom, and children who are temporally "behind" or out of synch developmentally and who are out of place and must be removed from the classroom. As the "truth" of normal child development, the discourse of child development produces students who do not develop normally as "disabled," an obviously ableist conceptualization of disability (Yergeau 202).

I want to clarify what I mean to invoke when I describe the way developmentalism produces disability. In a specific, literal sense, developmental disability is a term that emerges out of the genealogical history of developmental discourse (Hodapp). But I also mean to describe the way that students who behave in ways that do not match this normative developmental sequence, are identified as having a range of disabilities, including but not limited to "developmental disability," since "developmental concerns arise in all disabilities" (Hodapp 35). As I'll describe in more detail in chapter 2, exactly what kind of disability a student is labeled

with plays a crucial role in the extent to which they are removed from the classroom. This distinction is often racialized as Black students are more regularly labeled with disabilities that are “treated” or “accommodated” through the use of isolation and segregation from the normal classroom (Ferri and Connor).

If developmentalism is the teleological ideology of PBIS and public education more broadly, behaviorism is increasingly the PBIS-specific methodology for enforcing developmentalism. Behaviorism is perhaps, in this sense, the neoliberal valence of developmentalism. Because behaviorist ideology 1) relies upon environmental determinism which suggests that human behavior in the present is caused by the patterns of past environments, 2) that human behavior can be explained through universal principles of cause and effect, and 3) that because humans (but particularly those that becomes objects of surveillance and behavioral control, like children) are not trustworthy narrators of their experience/ behavior, their behavior must be observed (Freeman and Locurto 42; Ormrod 36–37). In this sense, behaviorism produces subjects whose ethos is so diminished, their speech cannot be entirely trusted. Perhaps even more so than other schools of psychological thought, behaviorism requires a fundamental and nontraversable subject/object border. In the case of PBIS, students become objects of analysis whose behavior must be monitored in order to ensure that proper development takes place (Robbins and Kovalchuk 206). According to behaviorist B.F. Skinner, the agentic affordances that introspection might offer (e.g. changing our behavior) are not only fantastical, it is unnecessary as an explanation for behavior because when “something happens to you and it changes you: from now on, you are a you who behaves in a different way; you don’t need to store copies of what happened to you” (Freeman and Locurto 43). Behaviorism essentially forwards a progressive temporality: to get to the future we must overcome the past, and this is

accomplished by identifying the universal principle of cause and effect that originated and sedimented the behavior in the past. As Foucault noted, in behaviorism we find “the purist, more rigorous” instantiation of neoliberal behavioral governance (Foucault, *The Birth of Biopolitics Lectures* 208, 269–70).

Insofar as behaviorist psychology promotes environmental determinism, rather than genetic determinism, it has been figured as a non-racist, or at least *less* racist account of why people do what they do (Richards 78). Where genetic determinism emphasizes nature, behaviorism emphasizes nurture. But as the history of eugenics discourse reveals, attributing undesirable social behavior to particular, chronotopically *racialized* environments has historically served the same purpose as biological determinism – to justify the containment of those who are threats to white western society. This logic relies upon a “catch-22,” as Jay Dolmage calls it: “if [those bodies that are shaped by environmental harms] attempt to move, or are moved by forces well outside of their control, they are described as causing environmental harm” (139). It is this logic in particular that was used to justify the Chinese Exclusion Act and other restrictive immigration legislation. This tactic of linking harm to environment has arguably gained momentum over the last 50 years (Dolmage 139). Indeed, one need not look further than the Moynihan Report or contemporary discourse on immigration to see the pervasiveness of environmental determinist logic.

But behaviorism isn’t just a discourse that describes how and why non-normative behaviors occur in the present. Over the course of the 20th century, it was also increasingly oriented toward *predicting* how someone might behave in the future. In fact, behaviorist John B. Watson argued that behaviorism’s “theoretical goal is the prediction and control of behavior.” To put it more succinctly, prediction *was necessary* for increasing social control (Logue 156). The

kind of behavior that concerned behaviorists, was public behavior, because only this kind of behavior was publicly observable and thus available to generate data (Hayes and Brownstein), and prediction could only be facilitated through the production of behavioral data. Nevertheless, while data included not only observing present behavior, it also required gathering information about the subject's home life, as I'll explore in more detail at the end of this chapter.

Behaviorism is a discourse rooted in the argument that a person behaves the way that they do because that behavior has been environmentally reinforced in the past. Thus, understanding a subject's environment is key to understanding how the present behavior has been reinforced in the past. Because behaviorism has a telos of institutional social control, public institutions like schools, for example, which function as the agents of control, are not typically figured as environmentally affecting. As I'll explore more in Chapter 3, arguments from students about the harm caused by the carceral conditions of schools at MMSD, are situated as matters of personal "feeling," rather than important observations about the school environment. Instead, home and family are constructed – pathologized – as blameworthy when non-normative or undesirable behavior emerges. Indeed, this precisely what emerges from the BEP. The chronotopes produced through the discourse of behaviorism are thus multiple: on the one hand, behaviorism produces subjects' who are rooted in and emergent from, the home and family past. And on the other hand, they are articulated in terms of their future public behavior. The chronotopes I outlined in the opening letters of the BEP are reflective of behaviorist chronotopes more generally.

In the BEP, PBIS constructs students in terms of this future public behavior. The premise is quite simple: instead of levying extreme punishments against students who committed disciplinary infractions (often minor disciplinary infractions) PBIS works to support good behavior. PBIS accomplishes this through the implementation of a tiered or graduated scale of

disciplinary “support” aimed at intervening after a student’s minor behavioral infraction in an effort to reduce the likelihood of more severe behavioral infractions. But the interventions outlined in the BEP are not only individual, they are also systemic and apply to the entire school. The BEP articulates PBIS as a “proactive approach to behavior education” that takes the form of “universal expectations for all” and “universal system” (Board of Education, “Behavior Education Plan for High School Students: Policy 4502d” 7) that are designed to “create positive learning environments where all students can experience academic, behavior, and social emotional growth” (Board of Education, “Behavior Education Plan Toolkit” 7).

It’s worth pausing for a moment here to focus on the discursive maneuver that replaces “discipline” with “intervention” and “support.” In the 2019-2020 BEP, the word “discipline” appears 18 times and is used most often to describe PBIS as “progressive discipline.” The word “support” and its cognates occur over 100 times, and the words “intervention” and “interventions” occur 54 times in the 30-page document. These so called “supports” include removal from class for any behavior that exceeds a level 1 behavior. All behaviors categorized as level 1 – including leaving class without permission, disrupting others’ learning, inappropriate use of technology, verbal put-downs, and not respecting property – are also categorized as level 2, meaning that a teacher uses their judgement to determine whether or not the behavior warrants removal from class. Their removal could be temporary or permanent, depending on the severity. The teacher’s judgment is predicated on whether or not the student “requires additional support from a behavior responded” in order to stop the disruption, either because the student does not stop, or the event is repeated. Disruption of the learning environment of the classroom is thus figured as the threshold for removal (Board of Education, “Behavior Education Plan for High School Students: Policy 4502d”).

But behaviors can only be interpreted as disruptive against a backdrop of what is expected to occur. In other words, a behavior is disruptive insofar as it significantly halts and prevents the continuation of some activity or process that was expected to proceed in a particular manner over a particular length of time, or to achieve a particular end (progress). This progressive chronotope normatively creates, in a sense, disruption. Disruptive students are then chronotypically figured as out of timespace and require removal. If expectations were less rigid, more organic, and less temporally constrained, then the behaviors that may have been interpreted as disruptive could instead be considered creative, for example.

Because the BEP also instituted “social and emotional learning standards”, disruptive behavior is not only assessed disciplinarily, but also *developmentally*. A student’s ability to perform social and emotional tasks according to developmental standards is assessed on student report cards (Madison Metropolitan School District, “Introducing Your Child’s New Standards-Based Report Card: A Guide for Families”). As the following section demonstrates, these standards cannot account for the ways that the school environment is responsible for students’ behavior. This is *especially crucial*, given that MMSD is a “majority minority” school district, with a majority white teaching and administrative staff.

PBIS: In Practice

Under PBIS, teachers become hyper-vigilant monitors of student behavior (Robbins and Kovalchuk 2005). They are expected, it seems, to be in a state of constant observation which requires both temporal and spatial proximity to students who are consequently constrained by this chrontopic gaze. Because of this, the implementation of PBIS requires school district adoption of behavioral management software that uses algorithms to track behavioral incidents. PBIS’ strong emphasis on behavior tracking is evident in the SIMS software program that, so far

as I can tell, MMSD still uses to carry out PBIS. The Wisconsin Department of Education lists access to a training version of SIMS that offers insight into how the program operates. All students in the district have a digital representation that catalogues and retains all of their behavioral infractions and interventions. When a student has at least one intervention, a yellow star appears next to their name, and if it is a current intervention, a green circle appears. Hovering a computer mouse over the symbol reveals the number of interventions that student has received, and why. Clicking on the student's name leads to the student's extended profile which includes any previous arrests or police interventions, counseling notes, and behavioral evaluations. In addition to overriding a student's right to privacy, this is worrisome because of the way that it symbolically draws attention to students whose behavior has already been closely tracked (given the data, Black students in particular), much like predictive policing which uses previous records of criminal activity to anticipate where crime will occur in the future, and thus justify increased police presence in that area. Given the historical and contemporary over-policing and surveillance of Black and Brown communities, and the way the law is written to primarily protect white property interests, records of past criminal activity are far from objective. In similar, though not entirely analogous fashion, behavioral tracking persuasively draws surveillant attention to those students who have already received interventions in the past. As more interventions are created and teachers and staff evaluate students' behavior unchanged, students' interventions become more severe and/or they are referred to Special Education. Outside referrals to Special Education and other staff are not uncommon since MMSD established "behavior response teams" as a part of its universal system of PBIS when they rolled out the BEP (Board of Education "BEP Toolkit" 8). This team works to preserve the progressive chronotope of the classroom by enabling the teacher to continue teaching other students, while

the disruptive student is removed. In several instances, members of the behavioral management team at MMSD have been recorded assaulting Black students (Tesfamichael).

If a teacher or staff member identifies an undesirable behavior and wants to create a new intervention, they can choose from three automatically generated goals – engagement (attendance), learning, or relationships – or they can write their own goal. Each goal includes automatically generated “objectives” such as “appropriate behavior,” and subcategories including “school, family and community collaboration,” “behavior management,” and “safety” among others. Teachers and staff then choose from pre-established interventions that correspond to the relevant behavioral tier. These include tier 1 interventions – the lowest or least severe intervention – for students who are not participating in class such as “pre-correct problem behavior” which involves letting students know the schedule for the day so they know what to expect, and “use positive consequences to increase behaviors” such as “social encouragement.” The system also has the capacity for principals to override tiers at the teacher or staff member’s request, which means that there is significant interpretation involved in assessing the severity of student behavior (VeganTech).

For students who have reached tier 3 interventions and beyond, student seclusion appears to become more likely. While the terms “seclusion” and “restraint” are not listed in any of the tier 3 interventions, many tier 3 interventions facilitate and justify the use of seclusion. For example, one tier 3 intervention is a Functional Behavior Assessment (FBA). If a student receives an FBA and demonstrates “aggression directed at objects” or participates in “head banging that seems self-limited (e.g., 3 times and she stops”), staff are instructed to “physically transport [the student] to seclusion room” (Board of Education, “Behavior Support Plan” 17). Behaviors that “are creating an imminent threat” such as “attempting property damage,” “head

banging-persistent,” or “other behaviors that cause an imminent threat to [student’s name] or other’s safety that you are unlikely to be able to stop” authorize not only seclusion, but also physical restraint. Staff are also told to consider additional actions such as calling the police (Board of Education, “Behavior Support Plan” 18). Again, I want to underscore the profound role of interpretation in determining whether or not students are “attempting” property damage. To “attempt” something is to make an effort to achieve a particular end, which requires interpreting a students’ intent. Given the white cultural milieu of Madison and the overwhelming whiteness of the district teachers and behavioral team members, such interpretations are undoubtedly biased. I also question such moral frameworks that privilege property over autonomy. In order to leave the seclusion room, students must indicate that they are “in recovery” (Board of Education, “Behavior Support Plan” 19). Students demonstrate that they are in this “post crisis” stage by following directions, making eye contact, using a quiet voice, resuming verbal interactions, demonstrating an “absence of verbal defiance, physical aggression, and behavioral refusal” (Board of Education, “Behavior Support Plan” 19). In other words, they must bring themselves into alignment with the chronotopic norm of the school in order to be removed from seclusion.

To name what has been implicit in this section thus far, the neoliberal valence of the progress chronotope shapes the kind of knowledge produced about students’ and staff behavior and renders arguments that challenge that knowledge illegible. The turn to PBIS marks a decidedly technological turn to behavioral management that appeals to the universal coverage of graduated, progressive disciplinary responses. Technological innovation works to secure “white innocence” through appeals to the neutrality and universality of science and now through algorithms and big data (Gillborn et al.). Increasingly, the objective, universal ethos that marks

the idealized western public sphere as the telos of progress, is a quality attributed to technological innovations utilizing algorithmic management software that have proliferated under neoliberalism. While often seen as “non-ideological,” because “numbers do not lie,” technologies like PBIS purport to neutrally “regulate,” “intervene” and “support” student behavior through guiding staff responses (Robbins and Kovalchuk 199). As one of many new purportedly “colorblind” technologies designed to mitigate racist judgements,¹¹ PBIS actually works to discursively immunize school disciplinary practices from charges of racial bias. These technological innovations are regularly marked “color-blind” or “race-neutral,” suggesting that they do not exert racist judgments (Ferguson; Minocher). While the public sphere is neither neutral, nor universally accessible,¹² appeals to neutrality and universality circulate discursively to protect its bearers from accountability for wrongdoing (Asen, *Democracy, Deliberation, and Education* 189). In so doing, these norms “can function as tools of domination” (Asen, “The Ownership Society, or Bourgeois Publicity Revisited” 110) by discursively concealing the power dynamics that structure public institutions. While sitting in on school board meetings over the last few years, time and again I watched students talk about their terrible experiences at MMSD, only to have the validity of their claims called into question by appealing to the BEP and PBIS as “progressive plans” that generate reliable data. In this way the technological aspects of neoliberals and the transcendent space of progressive time works to discursively protect public institutions in the present from both accountability for the past and the present insofar as it functions as an “epistemological unit of organization” (Puar 19). In other words, the timespace of the neoliberal valence of progress structures how and what we know in and about the past and its relationship to the present. The present, then, functions in the liminal space of not-yet-the-future that is also trimmed of the past.

Restorative Practices

In addition to PBIS, MMSD also presented “restorative justice practices” as a vital part of the behavior plan that replaced zero-tolerance policies (Board of Education, “Behavior Education Plan for High School Students: Policy 4502d”; Board of Education, “Behavior Education Plan for Middle School Students: Policy 4502c”). If PBIS aims to curb and discipline behavior, restorative justice is supposed to attend to restoring relationships that were disrupted by mis/behavior. Restorative justice offers an alternative to criminal-legal means of ameliorating harm. In the school context, it is presented as a means of responding to not just “criminal” behavior, but also inappropriate, harmful behavior in the classroom. The aim is to foster connection through restoring the relationship between an “offender” and the victim, rather than facilitating disconnection through punishment. While RJ is aimed at restoring the status of the relationship before the harm was committed (and to provide the victim with a change to speak), there is less attention on changing the conditions that engendered the harm, compared to transformative justice, which aims to transform the environment out of which the environment emerged.

Nevertheless, it is possible to imagine a world where RJ could *potentially* facilitate important change in schools leading to more equitable learning environments. For example, let’s say that a student—we’ll call her Student A—continuously “acts out” by “inappropriately” laughing during an activity. Let’s also say that Student A is initially pulled out of the classroom for her behavior, and upon talking to the student, staff discovers that the teacher has repeatedly derided the student for incorrect answers in the past. A restorative circle is instituted, led by a school counselor, during which both the student and the teacher, as well as the rest of the class, work through the harm that was committed and develop a practice to ameliorate that harm

moving forward. In this scenario, the student would be figured both as the “object” under analysis (since her behavior was observed), and a subject (since her account of the teacher’s behavior carried rhetorical force). The teacher would be considered both the subject (since she first observed the student’s behavior) and part of the environment that generated the student’s behavior, and the counselor would be a subject mediator/moderator who helped to guide the class through environmental change. In order for restorative approaches to potentially work within this paradigm, all members of the school community would need to be meaningfully accountable for their behavior, *and* a person other than the teacher with no incentives to support the teacher’s version of events would need to function as the mediator. A school counselor would be one option, though not the ideal option for this because of their institutional ties to the school. Crucially, the student’s voice and observations, and well-being would need to be privileged *over* compliance, and adults would need to learn and express vulnerability.

But the BEP and MMSD’s restorative practices do not situate teachers, nor to an even lesser extent the school administration, as having the potential to “misbehave,” save grievous cases of harm. RJ, after all, is meant to ameliorate harm between students, and the teacher’s role is to facilitate the RJ circle as they are the ones usually expected to lead RJ circles in the classroom.¹ Teachers and staff are instead situated as *vehicles* of progress. The BEP accomplishes this by outlining universal design interventions that, by virtue of their universality, should work to produce positive behavior in *all* students. Because these are situated as “universal principles,” students who “misbehave” are responsabilized for their own behavior. A student who resists, for example, a teacher’s demand to be quiet, is made responsible for their “misbehavior”

of continuing to speak. PBIS does not make legible, for example, the way that a teacher's demand may be rooted in their own need for control, or the way it may be rooted in white norms around what kinds of behavior demonstrate respect (e.g. silence). Moreover, PBIS's ethos of technological universality and neutrality is transferred to its operators and users, namely school administration and staff. By preserving the timespace of the classroom, teachers, and the school in general as having already made all proactive, positive environmental changes possible, and thus already serving as telos as the vehicle of progress, the BEP eliminates the school as an environment that could be triggering a student's misbehavior. Student accounts and testimony given at school board meetings over the last five years suggest that this is a key reason why restorative approaches to ameliorating harm do not work: there is no real accountability for banal harms perpetuated by school authorities that contribute to the environment of the school, and which shapes student staff behavior.

This is vitally important for so many reasons, not least of which is that PBIS purports to be "culturally responsive." First added to the BEP in 2019, this term occurs 21 times in the document, but is never defined and usually appears to describe how students are taught. For example, "Culturally Responsive Teaching focuses on creating the classroom conditions necessary for teaching advanced cognitive skills to every child." To be sure, such teaching is, I think, an important move. The problem, however, is that the individual teacher appears to be responsible for enacting "culturally responsive teaching." There are no additional documents available through MMSD's archive of board meetings and policies that explain how culturally responsive teaching is enacted, aside from the following mention in the BEP: "As culturally responsive teachers, educators are expected to engage in 'inside' work that examines their own racial identities. This work includes: "examining implicit biases, recognizing needs for social

emotional learning, and analyzing the impact of actions” (Board of Education, “Behavior Education Plan for High School Students: Policy 4502d” 8). While these are important strategies, the district ultimately displaces responsibility for enacting cultural responsiveness to teachers alone. In so doing, the district precludes more significant structural changes to the school and the power dynamics that undergird it. References to “culturally responsive teaching” secure the *appearance* of noticing “diversity,” while doing little to restructure the environment in response to the presence of a diverse student body, thus securing the status quo. Furthermore, students are not structurally empowered to participate in identifying such biases or the impact of teacher actions. If students are chronotopically figured as developmentally pre-rational subjects whose role in creating their environment and the norms by which that environment is evaluated is deferred in the future, and if the classroom is figured as the vehicle of progress, the student and the school are in conflict. It is not the case, of course, that appeals to the future always or even usually win out. But because the classroom is itself figured as a vehicle to reach the future and so has spatio-temporal coherence that is sedimented historically and doxastically in the discourse, and likewise children are figured developmentally as both a threat to and a promise of that future, there is an obvious winner in this temporal clash.

Chronotope of Home-past: Sourcing the Problem

Thus far I have argued that MMSD introduces the BEP as an educational approach that will propel the district into a future where Black students with disabilities learn to behave better so that they will have more productive futures. I then outlined two of the psychological paradigms – behaviorism and developmentalism - that shaped PBIS, which is the heart of the BEP. While developmentalism situates students in terms of what they will become, measured by their proximity to expected developmental markers, behaviorist approaches work to identify

environmental principles that generate undesirable behavior. I then outlined how PBIS requires vigilant surveillance and documentation in order to identify precursors to future bad behavior. Students identified as the “problem” – Black students, especially those with disabilities – are the primary focus of this surveillant gaze, which results in those students moving more quickly to the most severe interventions, including seclusion and physical force. At the same time, the directionality of this surveillance – on students - obscures the role of the school in creating an environment that produces the behavior they aim to curtail. This obfuscation is reified through the apparent technological neutrality of data, coupled with the district’s restorative practices which shield the district from accountability. Keeping in mind that behaviorist approaches require the identification of environmental principles that generate undesirable behavior, if the school is chronotopically concealed as a cause of student mis/behavior, then the cause of it must be located in a different time-space.

One way that this is accomplished is through the district’s “Violence Risk Assessment” (or VRA) (Board of Educaiton, “Violence Risk Assessment”). Use of VRAs is a growing trend across the United States. School threat assessment protocols were first developed in tandem with the Department of Homeland Security and the Department of Education in 2002 and were presented as an alternative to zero-tolerance policies (Owens). As of 2017, all Wisconsin schools are required to develop violence threat assessments (the VRA is one such assessment) in collaboration with the Wisconsin Department of Justice, Office of School Safety. These threat assessment protocols were “developed to assist school safety professionals in identifying students of concern so that their behaviors can be mitigated to the point that they no longer pose a threat” (Wisconsin Office of School Safety 5).

MMSD wrote and developed their own VRA, which was implemented by at least 2011. The VRA was originally drafted into the 2014 BEP (Board of Education, “Behavior Education Plan for Elementary School Students: Policy 4502b” 25), and while the MMSD district website evidences continued use of the VRA (*Behavior Education Plan Toolkit - Madison Metropolitan School District*), it is no longer included in the BEP itself. MMSD defines the VRA as “a set of tools and a procedure to use when the members of the school staff determine that student may pose a risk to the safety of others that requires immediate action... When there is a probably risk of harm to students, staff or school property, the VRA is recommended” (Board of Education, “Violence Risk Assessment” 5). The VRA thus articulates a temporality – future – and a space – the school, or what I’ve called the chronotope of the future public. The assessment requires that the behavior response team tally the number of risk factors for each student – the more risk factors a student has, the harsher the disciplinary response. Particularly high scores result in removal of a student from classrooms, potential isolation, and render them much more vulnerable to use of force by staff and police officers. In recent years, the district has also used the VRA to provide “wrap-around” services including mental health support and off-site schooling in restricted settings for students with behavioral “problems.” I want to note, however, that MMSD has contracted Journey Mental Health Services in Madison to provide such services, and Journey works in tandem with the Madison Police Department. In 2019, Journey called the police on a student at West High School who was “exhibiting threatening behavior, consistent with a mental health crisis” (Euseary and Amari). MPD officers arrived at the student’s home, claimed the student resisted arrested, and subsequently “put a bag – referred to as a ‘spit hood’ over his head and [punched] the side or back of his head three times,” before “taking him into custody” (Euseary and Amari). The wrap-around services are thus, however well-intended,

rooted in carceral logics that require behavioral *threats* (future), not just infractions and crimes (past), to be surveilled and confined. In other words, it is not just present behavior but potential *future* behavior that occurs at school, which justifies confinement.

While the VRA is rhetorically framed as an assessment tool for students whose behavior suggests a violent threat, in practice the VRA is an available assessment for a student who commits a tier 2 or higher infraction (Board of Education, “Behavior Education Plan Toolkit” 21–22). However, because all level 1 infractions are also level 2 infractions, the VRA could be invoked for any behavioral infraction, including violation of dress code, use of any non-educational device (i.e. cell phone), and playing a game of chance or skill for money or value (Board of Education, “Behavior Education Plan for High School Students: Policy 4502d” 23–26). The district does not release data on how often VRAs are utilized.

The VRA contains four primary components: a description of the threatening behavior, a compilation of the student’s prior behavioral record (note, not just the *disciplinary* record, but the behavioral data compiled through SIMS), attitudinal/behavioral and mental health risk factors, and an evaluation of environmental risk factors. Attitudinal/behavioral and mental health risk factors include: “aggressive behavior,” “discipline problems,” lacking “commitment to learning,” lacking “pro-social” behaviors, demonstration of a “negative attitude toward school,” “disengagement” from school, “suspiciousness,” “poor attendance,” use of “past medication” to manage mental health, having sought “past therapy,” “mania,” being overly “suspicious,” having friends who have had contact with the police, student contact with police, and “struggling academically.” As I’ll demonstrate more clearly in the next chapter, these “risk factors” describe many of the “symptoms” of Emotional Behavioral Disorder (EBD). These include “inability to develop or maintain satisfactory relationships” (failure to be pro-social), “inappropriate affective

or behavior response to a normal situation” (suspiciousness,” “pervasive unhappiness” (negative attitude and disengagement), “inability to learn” (struggling academically), and “extreme aggressiveness for a long period of time.” I note this overlap not only because it demonstrates the discursive imbrication of disability and violence in contemporary U.S. culture, but also because Black students at MMSD are significantly more likely to be labeled with EBD than any other student group. This suggests to me that it is likely the case that Black students are likewise disproportionately assessed for risk of violence.

The VRA also includes environmental risk factors, however the only environments that could increase a student’s risk of violence are their home and community, *not* the school itself. Home and community risk factors include “exposure” to violence, having a parent who “has little control/ignores problem behaviors,” “criminal activity in family,” “family dynamics that contribute to anger,” “mental illness in home,” and “low parental involvement.” Given the radically disproportionate arrest rate of Black residents in Madison, as well as the racialization of deviant family dynamics (e.g., the Moynihan Report), these environmental factors enthymematically evoke Black students and families.

Recall that PBIS is rooted in behaviorism, which seeks to identify how environmental forces – spatially circumscribed the private domain of home and family – in the past shape a student’s behavior. This portion of the VRA is organized around the chronotope of the home-past. obscuring the capacity of the school environment, especially the power dynamics therein between students and staff, as well as more structural dynamics such as curriculum to shape behavior. In fact, a student’s positive attachment to school is considered a “protective” factor that actually *reduces* their VRA score.

Students with high VRA scores are implicitly marked as belonging to, and therefore *from* their home-past. Evoking Fanon’s observation that “the past is ontologically sutured to race” (Dillon 43; ref. Fanon 112), Ava Gotsby notes that representative and structural signification of being from “elsewhere” - which chronotopically also signifies another *time* – function as a primary carceral logic, justifying racial containment when legal exclusions (such as the school-to-prison pipeline) are not viable (Gotby 153 ref. Ferreira da Silva). Implicit in this logic is a claim that students who *are not from* or *of here* and *now* threaten the future public.

It is perhaps not surprising then that these students – racialized signifiers of another time-space – are forcibly removed from classrooms by the behavior response team and isolated at alarming rates. Their removal by this team enables the teacher and the class to “progress” as usual. If the school is the vehicle of progress, these students are figured as interruptions to that progression who need to be removed. This removal and isolation is, it’s worth noting, anathema to building the sort of communal ties that make healing and ameliorating harm possible, which the district purportedly wants. Even in more banal instances of behavioral intervention, students who misbehave are often removed from the classroom for “regulation breaks,” (Board of Education, “Behavior Education Plan Toolkit”) and their behavior logged through PBIS software. This log creates behavioral “history” for each student which then increases the likelihood that they will receive more extreme disciplinary responses (Board of Education, “Violence Risk Assessment”).

If, as Ian Baucom suggests, “Time does not pass, it accumulates,” temporality is always already materially spatialized (24). However, *what* accumulates over time depends upon what is “behind us” (Ahmed, *Queer Phenomenology* 137). Recall that the Board of Education articulated the BEP as a vehicle of progress. The BEP’s utilization of the VRA suggests that progress

requires differentiating those who are chronotopically oriented toward – which is to say, belonging to - the future development of the school, and those that are oriented by the home-past. These orientations are, I've suggested, implicitly racialized. The VRA, then, (re)produces these chronotopic racialized subjectivities as it scores students' risk for violence according to where (and when) they are from. For those whose bodies extend into the future space shaped for their movement, time accumulates as mobility through the increasingly efficient paths that emerge from the habituated movement in and through institutions. These institutions, Sarah Ahmed reminds us, are “oriented *around* whiteness,” which means that whiteness itself “goes unnoticed” (*Queer Phenomenology* 132). If behaviorism aims to produce data through observation, and whiteness is not noticed, not observed, then what accumulates extends their institutional alignment. Ahmed continues, “by not having to encounter being white as an obstacle, given that whiteness is 'in line' with what is already given, bodies that pass as white move easily, and this motility is extended by what they move toward” (*Queer Phenomenology* 132).

Black students, conversely, are figured as an obstacle – a threat – to the progressive movement. Ahmed writes, “too much proximity with [racialized] others, we might say, could threaten the reproduction of whiteness as a bodily or social attribute. The existence of such a threat is required to enforce proximity as an ethical duty: we defend that which is at risk” (*Queer Phenomenology* 138). And at the same time, Ahmed continues “proximity to such others can.. ‘confirm the whiteness of the body. ‘Others’ might then become resources for extending the reach of the white body” (*Queer Phenomenology* 128)). Perhaps this is part of what is at play, in the turn to PBIS. As I noted earlier, PBIS and SIMS were constructed *because* of racially disproportionate behavioral disability labeling. PBIS and SIMS have undoubtedly extended the reach of white administrative bodies; no longer focused simply on punishing behavior after the

fact, they have refocused vigilant attention and documentation of a much broader range of behavioral expressions. And the school, in turn, has become increasingly carceral, as the necessary production of risk requires increasing rates of seclusion and physical restraint. Chronotypically figured from or oriented toward the racialized home-past, they are subjected to enhanced behavioral surveillance. Time accumulates not as mobility, but as the immobilizing weight of the disciplinary record. In this way, “time not only accumulates, it also captures” (Dillon 42; ref Spillers).

Conclusion

In my analysis of the letter that opens the BEP, I argued that the district discursively confines Black students with disabilities in and to the past. Use of continuous interventions like seclusion and physical restraint materialize this discursive labor by isolating students from their peers and removing them from the class itself. But without these students, MMSD would not have achieved the kind of national attention they’ve received as a result of their transition from zero-tolerance to the BEP. These students, then, are paradoxically both figured as threats to the progress of the school, but also as a kind of fuel that generates the district’s forward movement. In this way, the neoliberal valence of progress chronotope relies upon confining and overcoming the past, but also continuously re-animating it. To put it differently, the past is overcome but never extinguished. Insofar as the process of covering or concealing and then revealing that which is supposed to be hidden from view charges the thoroughly racialized affective economy, the past becomes rhetorical fuel for progress (Watts 327). And, at the same time, those chronotypically figured in the Home-past must be kept at a distance to ensure the safety and progress of the district.

In November 2019, MMSD approved the purchase of a 30,000 square foot property that was originally slated for use as a professional development building. However, in December, the school board stated that it would instead use the building to operate “four intensive intervention programs” for students with behavioral and mental health concerns, and students with disabilities whose mis/behavior exceeds the current tiered system (Girard). These students are currently being taught in rented off-site locations through programs specifically designed for students with behavioral disabilities, but due to the increasing numbers of students assigned to these programs, additional space is necessary. The district maintains that they are committed to providing “an excellent education for all students” but that a “separate program space is... essential to meeting our students’ unique and individualized educational needs” so that all can progress (Girard). Quite clearly, the district has decided that the development of progress requires the off-site containment of those whose race, disability, and/or trauma history threatens to disrupt the school’s progressive telos.

CHAPTER 2: THE RACIALIZATION OF DISABILITY IN EMOTIONAL BEHAVIORAL DISORDER

In the previous chapter, I discussed how the Behavior Education Plan is shaped by neoliberal discourse, which is a valence of the progress narrative. I suggested that the BEP figures district schools as a spatial location shaped by the timespace of progress, and that it establishes racializing chronotopes of future threat and home-past. My focus there was to understand how the purportedly universal behavioral paradigm – the Behavior Education Plan (BEP) and Positive Behavior Intervention and Supports (PBIS) - at MMSD has such asymmetrical impact by exploring how the discursive configuration of space and time in these paradigms work to constrain and enable student mobility. By circumscribing the district's problem with Black students with disabilities to Zero Tolerance policies, and figuring those policies within a past that had been overcome through the establishment of BEP and PBIS, the neoliberal valence of the chronotope of progress worked to render harm facilitated by the district illegible and inured the school from accountability. At the same time, the BEP produces students in terms of their future behavioral potential. By establishing a paradigmatic distinction between the problems of the past and the present directionality and movement of the school toward the future, students associated with the problems of the past threatened progressive forward motion, and so required capture. I suggested that Black students were constructed as such through a series of administrative and disciplinary mechanisms that situated the cause and location of "misbehavior" as/in the home-past. I argued that these chronotopic processes function as carceral logics that justify containment.

As I mentioned in Chapter 1, PBIS, a primary component of MMSD's new behavioral policy, the BEP, emerged out of the Individuals with Disabilities Education Act (IDEA). Specifically, PBIS and the software program that MMSD developed to enact PBIS – SIMS – were developed to mitigate racially disproportionate labeling of Emotional Behavioral Disorder

(EBD). In this chapter, I explore how the discursive formations present in the EBD definition in IDEA evokes cultural narratives and myths of Black criminality. These legal stories articulate students with EBD as essentially and atemporally *bad*, which has profound consequences for how students labeled with EBD are treated. But before moving into my analysis, I offer a brief overview of IDEA and how it was produced as law.

IDEA was first passed as the Education for All Handicapped Children Act (EHCA) in 1975. The passage of *Brown v. Board of Education* nearly twenty years prior provided legal precedent to establish that all students, including those with disabilities, had a right to equal education under the 14th amendment *and* that equal education required integration or mainstreaming (Rothstein 12). This right was established through a series of circuit court cases in the late 1960's and early 70's- most notably *PARC v. Pennsylvania* and *Mills v. Board of Education* - that utilized the *Brown v. Board* ruling to argue that students with disabilities were entitled to equal, integrated education. While an earlier version of EHCA established a grant program to provide schools with funding to educate disabled students, there was no enforcement mechanism for the law. The *PARC* and *Mills* rulings created a legal duty to educate students with disabilities, however Congress recognized that many schools would have difficulty funding the education that the law now required (Rothstein 13). The 1975 version of EHCA, which would later be amended and reauthorized as IDEA, was crafted using the legal architecture of the *PARC* and *Mills* cases. It was characterized by four legal mandates:

“1. All children with disabilities, regardless of the nature of their disability have a right to and must be provided with a free appropriate public education (FAPE).

2. All children with disabilities will have a right to and must receive an Individual Education Program (IEP) that is tailored to address the child's unique learning needs.
3. Children with disabilities must be educated in the least restrictive environment (LRE) with their non-disabled peers to the maximum extent appropriate
4. Students with disabilities must have access to all areas of school participation.
5. Children with disabilities and their families are guaranteed rights with respect to non discriminatory testing, confidentiality and due process “ (P.L. 94-142 as summarized by Beratan).

Legally, the FAPE mandate is the primary focus of the law, while the LRE mandate is secondary. This distinction is important because if the two are in conflict (e.g., a student cannot be taught in a regular classroom and must be taught in a more restrictive environment), then a student's right to FAPE is considered more important than being educated in an LRE setting. In other words, "mainstreaming" or integration of students with disabilities is the goal *so long* as it is appropriate for the individual child under FAPE. If and when it is no longer appropriate, then a district could still act in accordance with IDEA by upholding the FAPE mandate, even if that education occurs in a restrictive setting. This begs the question: what does "appropriate" mean?

The Supreme Court ruled on the matter in the 1982 case Board of Education v. Rowley. In that case, the court established a two-prong standard: so long as the school district follows the procedural requirements of IDEA, and the IEP is “reasonably calculated to enable the child to receive educational benefits,” then the FAPE standard has been achieved. Here, “appropriate” means “educational benefits” (both academic and nonacademic) as determined by the IEP. The majority opinion in that case also wrote that the legislative purpose of IDEA was to “open the

door” to students with disabilities, rather than establish a “high substantive floor” (Zirkel 498). The court's point here, is clear: IDEA is meant to remove the barrier to access, rather than facilitate parallel success. In the years since the Rowley decision, district court rulings have only served to further erode substantive mandates of IDEA to procedural compliance (Zirkel 498).

As of yet, the Supreme Court has yet to take on any case establishing a universal LRE standard, so understanding how “appropriate” is defined in that context is deferred to the circuit courts. The 7th circuit – to which Wisconsin belongs – has argued that while educational benefit is a factor in determining what counts as a free appropriate public education, an “appropriate” learning environment must also consider the needs and capacities of teachers and other students. If, for example, the curriculum would need to be changed significantly in order for a disabled student to stay in the classroom, then that could be characterized as *inappropriate* because it would not satisfy other students’ right to *their* appropriate education (Crockett 47–48). On this matter, the 7th district wrote that “the Rowley holding applies only to the school district’s responsibility to provide a FAPE - a requirement that analyzes the appropriateness of the district’s placement - not the appropriateness of its alternative, in this case the regular setting” (Crockett 48). So long as the district can demonstrate that the student’s placement in special education classes is “appropriate” and the student is receiving educational benefits (Etscheidt and Bartlett 168), then the question of whether or not it is *more* appropriate to include them regular classrooms is largely irrelevant. Disability labels, then, facilitate a means to lower the educational standard for students with disabilities (Beratan).

What we have, then, is a procedure to identify, assess, and label a student's particular disability and educational needs, and then develop an appropriate educational program for that child, preferably within the regular classroom but if necessary, in another location. Implicitly,

IDEA utilizes a deficiency model for understanding disability – namely, that it is primarily characterized by lack, absence, and impairment (Beratan). Disability is purely an embodiment, made to, in Ellen Samuels's words, "hold the fact of physicality, unmoored from social representational meanings" (Samuels 36). One of the real dangers here is that it suggests that the "regular" education and classroom play no part in the production of disability. This approach to disability tends to obscure the social and physical environmental factors that produce disability, as well as the ways in which disability labels are themselves socially constructed and politically invested (Kafer 6).

Yet, districts are required to label students with a set of circumscribed educational disabilities in order to fulfill the individualized aspect of the law, but also, and perhaps more importantly, to receive federal funds. Schools actually have further incentive to label students with disabilities because they can receive funding to cover services that they otherwise would have to cover themselves. For example, if a school identified a group of students who read at a slower pace than other students and wanted to hire an aid to work with them, the school would have to pay that cost. However, if those same students were labeled with a learning disability, some of that funding would be defrayed by federal funds (Beratan). Given the resultant seclusion that occurs, this amounts to incentivizing isolation and facilitating carceral conditions. School attendance is compulsory, after all.

From the very beginning, special education teachers and scholars expressed grave concern over this feature of IDEA as early as the 1970s. They specifically expressed concern over the way in which labeling would be used to justify racial segregation within the public school system. For example, one teacher wrote,

In a time when we have controversies over immoral textbooks and continued racial disturbance, emotionally disturbed too often means, in practice, that a child doesn't behave as his teacher feels he should behave. Retarded can be and is interpreted as "below grade level," and learning disabled can mean almost anything.

Attitudes like "retarded kids can't learn," "regular teachers shouldn't have to deal with those kids," and "IQ scores are conclusive," are still widespread: Minority and low-income children are vastly overrepresented in educational programs for the retarded, and I am told by people from several States that the same thing is beginning to happen in the area of emotional disturbance (Randolph et al. 230).

The 2004 re-authorization of IDEA acknowledged as much, but ultimately further incentivized disproportionality through changes to the funding calculation (Beratan). Members of Congress argued that labeling procedures are necessary to hold the schools accountable for funds, and in order to keep special education works aware of the latest, scientifically proven interventions (Randolph et al.). In fact, the 2004 IDEA reauthorization *requires* that all interventions have peer-reviewed justification. The nature of scientific, medical research and operations reifies this requirement as it tends to be based in particular disability labels.

The concerns expressed by special education workers in the 1970s have been fully actualized in Madison Metropolitan School District where Black and Indigenous students are nearly twice as likely to be labeled with an educational disability as their white peers, and experience higher rates of exclusionary consequences (2016-2019 Special Education Plan). And *what* they are labeled *with* is even more significant. MMSD is currently one of 29 schools identified by the Wisconsin Department of Public Instruction as having significant racially

disproportionate disability labeling (Board of Education, “Special Education Plan 2016-2019” 11). This means that MMSD not only labels disabilities *twice* as often in Black students as white students, but also that the *type* of disabilities typically labels in students is strongly correlated with the student’s race. White students at MMSD are most often labeled with autism (23% of all disability labels) and *six times* more likely to be labeled with autism than Black students (Board of Education, “Special Education Plan 2016-2019”).² Black students, on the other hand, are four times as likely to be labeled with EBD. Studies in recent years have demonstrated that Black students labeled with EBD are often later diagnosed with autism (Mandell et al.). This pattern demonstrates both the similarity in symptoms and the significant variation in how those symptoms are measured. In particular, EBD requirements isolate the cause of those behavioral expressions within the students themselves, and so appropriate interventions are aimed almost solely at changing (disciplining) individual behavior, rather than augmenting the environment. Additionally, IEPs for students with behavioral “disabilities” such as EBD usually include a Behavioral Intervention Plan (BIP), which have no legal grounding in IDEA. In the 2004 case of *Alex R v. Forrestville Valley Community Unit School District*, the plaintiffs argued that Alex’s BIP did not serve his educational benefit. The Seventh Circuit Court ruled that because IDEA does not include a definition for BIPs, regardless of how the BIP impacted his educational benefit, it “could not have fallen short of substantive criteria that do not exist” (Zirkel 500). Interventions for EBD thus often fall outside of the purview of IDEA legislation, despite the fact that IDEA legislation itself facilitates the usage of that label in an educational context to begin with.

The consequences of these racially disproportionate labels are important because of the consequences they marshal. While schools receive the same amount of federal funds regardless

of the disability label that a student is assigned, students with EBD are routinely given lower-cost modifications that focused primarily on behavior modifications that do not necessarily require additional staff or technology, including "teaching of splinter skills, classroom organization and management, alternate assignments, preferred seating, alternate classrooms, etc." (Evers 26). Not only are these students given less support, students labeled with EBD are placed in exclusionary, isolated settings outside of the regular classroom at greater rates (Ferri and Connor 94). Compare this to appropriate modifications suggested by the state of Wisconsin for students labeled with autism, "visual supports, such as picture schedules.... Augmentative communication systems such as a picture point system... sensory processing supports... access to various modes of technology.... Additional staff support to address safety concerns" (Burmester 23). The disability labels matter, in part, because they generate different supports and exclusions. While IDEA paradoxically justifies the segregation of students with disabilities (Ferrari and Connor), the ableist, deficiency model of disability in IDEA that enables student segregation is further intensified by the anti-Black racism that structures contemporary society.

Over the course of this chapter, I'll suggest that EBD is a racialized educational disability that intensifies the ableist, segregationist mechanism of IDEA. The behavioral indicators of EBD do not serve as evidence of a school's racial environment on Black students, or of another similar disability such as autism, or even of traumatic experiences; instead, it intensifies what IDEA does more generally, situating the student themselves as *the problem*. I want to resist the claim that Black students with disabilities simply experience a summation of harm levied from ableism and racism. Rather, I aim to illustrate how racial myths are imbricated in the very eligibility requirements for the EBD disability label, and to demonstrate how this shapes institutional responses to that label. I conclude that IDEA constructs the target population for EBD through

enthymematic racial reasoning that draws on the myth of the savage and figures students who meet the eligibility requirements for EBD as essentialized deviants. In order to do so, I employ a comparative analytic to understand how EBD is constructed as similar to and different from autism. In what follows, I offer a contextual history of the development of autism and EBD. I then explain how rhetorical approaches to law and policy shape my methodology before moving into my analysis.

Contextual History of the Development of autism and EBD

It is tempting to view disability as a *fact* of the body. Scientifically, legally, and socially, disability is cast an obvious, visibly identifiable embodiment, effectively rendering it a-rhetorical. In a paper on the difficulty of defining Emotional Disturbance in law and public policy, Eli Bower wrote, “with the unique exception of pregnancy, all human conditions including life and death exist to some degree and are therefore open to legal, scientific, and community interpretation” (E. M. Bower 55). And, in fact, the definitions of disability with the most subjective criteria tend to also be those definitions with the most racially disproportionate rates of labeling and diagnosis. But it is also the case that no definition, no matter how apparently objective, is ideologically neutral, for “all definitions and descriptions are persuasive, and all function to advance certain interests and not others” (Schiappa 67). I take disability and mental illness to be discursive formations produced through the “circulation of power through communication” (Dolmage 2). Definitions of disability don’t express an a priori truth of the body, but rather construct reality through clinical, scientific language that “frames certain experiences of distress and difficulty as abnormal.”²

The embedded interests and persuasive effect of scientific or medical definitions are, perhaps, especially difficult to identify because such definitions benefit from the apparently

objective domain of science itself. “Even in an era dominated by neuroscience, diagnosis remains a projective act, one that combines scientific understanding with a complex set of ideological and political assumptions. Cloaking our observations under the seemingly objective rubric of biological science renders these ideological functions all the more difficult to discern or critique” (Metzl xvii) In reciprocal relationship with the cultural context in which they emerge, medical definitions are co-constitutive with broader discourses of race, gender, disability, and deviance. From a rhetorical perspective, medical definitions such as those found in the Diagnostic and Statistical Manual of Mental Disorders (DSM) is a veritable “*house of cards* from a rhetorician’s point of view—a biased social construction fraught with validity and reliability issues” (Reynolds 3) This rhetorical perspective echoes disability studies scholars who have long emphasized the material and discursive constructedness of disability.

Generally, critical approaches to understanding the rhetorical dimensions of the psychiatric complex have focused on how diagnostic criteria, medical surveillance, and psychiatric processes facilitate the institutionalization of adults.¹³ However, for children, non-normative mental, emotional, behavioral, etc. expressions are scrutinized at school where the IDEA act, rather than the DSM, is the authoritative rubric. In an educational context, disabilities like EBD and autism are function as *labels* rather than *diagnoses* because an IEP team rather than medical or psychiatric personnel assess student disabilities. To be sure, some of the IDEA definitions for disabilities such as autism are drawn nearly verbatim from the DSM, while others, like EBD, are not found in the DSM *at all*. Nevertheless, whether we are discussing autism or EBD, school personnel look to IDEA rather than the DSM to guide their labeling and responses to that labeling. We might imagine the DSM and IDEA as two diagnostic/labeling rubrics that, while overlapping in some content (take autism, for example), acquire their authority from

different sources – the ethos of scientific objectivity and consensus in the former, and a fusion of both science and law in the latter.

A thorough account of the history of autism and emotional behavioral disorder is not the focus of this chapter, nor would the space afforded to it do justice to the complexity of forces that have shaped contemporary labeling frameworks and eligibility requirements for both. Nevertheless, because these two disabilities have resonant labeling criteria but generate different institutional responses, a historical review of these two disabilities that traces how they came to be categorized under the same disability classification in IDEA and what led to their ultimate disintegration is vital to understanding their rhetorical shape and function in IDEA. Central to understanding the relationship between EBD and autism, however, is the historical and ongoing relationship between each disability and a third disability – schizophrenia. In this section, I outline the developing psychiatric/medical understanding of the convergence and divergence between these three disabilities within the socio-political context of the United States. But before proceeding, I want to be clear that in scrutinizing the rhetorical dimensions of autism, EBD, and schizophrenia, and in gesturing toward the absence of a rigorous scientific grounding for EBD, I do not mean to suggest that all of these categories lack material referents or grounding. Rather, I aim to draw attention to the differential, racialized meaning made of non-normative emotional, psychological, and behavioral expression.

Emotional Behavioral Disability is the 20th-century name for the 18th-century psychiatric condition of “moral derangement,” a condition that would later be named “emotional disturbance” (ED) before arriving at its contemporary nomenclature in the 1990’s (Willis-Jackson 82). Characterized by students whose behavior was uncorrectable and whose defining feature was incorrigibility, as early as 1910, cognitive disability, emotional disturbance, and

learning disability were identified as separate conditions (Willis-Jackson 82). Students identified as emotionally disturbed were often taught at separate schools or were incarcerated at medical and psychiatric institutions or prisons. Yet, as psychiatrist Leo Kanner wrote, it was

impossible to find anywhere a definition of the term ‘emotionally disturbed children’ which had “somehow crept into the literature some 30 years ago and has since then been used widely, sometimes as a generality with no terminologic boundaries whatever and sometimes with reference to certain psychotic and near-psychotic conditions,” namely schizophrenia (Kanner 100).

EBD was, from the outset, both a category of psychosis and a specific characteristic of schizophrenia.

Ultimately it was psychologist Eli Bower’s definition of Emotional Disturbance – a definition that included (and continues to include) schizophrenia – that was ultimately grafted into IDEA (E. M. Bower). An employee of California’s Department of Education, Bower’s definition of Emotional Disturbance was lifted, virtually verbatim, and included in the 1975 Act. Bower’s research and definition of what was then still dubbed emotional disturbance was generated from a 1955 study legislated by the state of California that was authorized just after the passage of *Brown V Board*, examining the prevalence of behavioral disorders in California public schools. While Bower’s Report does not include any information on the race or ethnicity of the students who were researched, earlier research on ED suggests that during the period of de jure segregation, poor white boys were primarily labeled (E. Bower). By the late 1960s, however, ED had been transformed into a racialized condition.

While autism and EBD exist as two separate disability categories in IDEA, when the bill was first passed as the Education for All Handicapped Children in 1975, the two were conceptually integrated along with schizophrenia as one disability category of Emotional Disturbance. While autism would be re-categorized as a subcategory of “Other Health Impairment” just seven years later at the recommendation of the U.S. Department of Education, the initial inclusion of autism and EBD in the same category evidences their symptomatic similarities. Ultimately, it was their purported etiological divergence that was used to justify their categorical differentiation. Whereas researchers came to a consensus that autism was an “organic,” biologically rooted disability that emerged at or before birth, EBD and schizophrenia were understood as degenerative sicknesses that affected children who demonstrated normal early development.¹⁴

Of course, it had not always been this way. In the early 20th century, the Swiss psychiatrist Eugene Bleuler coined the terms “autism” and “schizophrenia.” Bleuler suggested that autism was, in fact, one of the “four schizophrenias” particularly characterized by pathological withdrawal from the social world. It was this primary characteristic, along with the potential for normal or high IQ, that bound the two for decades (Feinstein 6, 25-26). Bleuler was not alone in this characterization, however, as prominent autism researcher Leo Kanner argued similarly in the early stages of his career (Feinstein 27). Up until the mid-1970s, autism was widely understood to be “childhood schizophrenia,” a form of the disease rooted in a lack of motherly love, or what was then called the “refrigerator mother” theory (Feinstein 129).

In the preceding decades, the face of schizophrenia had begun to change dramatically. For much of the first half of the 20th century, it was understood to be a largely white, often feminine disease caused by trauma, manifested as an “emotional disharmony” that harmed a

person's ability to "think and feel" but was generally harmless to society (Metzl xii–xiii). In fact, some psychiatrists "urged clinicians to nurture patients as if they were underdeveloped children by finding the 'sensitive and tender nature' hidden beyond 'infantile' regressions" (Metzl and Kirkland 25). At the same time, case reports from the period often remarked on the high intelligence of the patient – an intelligence which, paradoxically, also rendered the patient more vulnerable to the disease (Metzl 37). Though marked by a detachment from reality, the innocence and intelligence of white patients were foregrounded as a common feature of schizophrenia. But by the 1960s and 1970s, schizophrenia had become a Black disease that threatened to tear apart the fabric of American society. As Jonathan Metzl notes, "This was because the 1960s was an era when the notion that large groups of people acted in hostile ways while rationalizing their aggression as a justifiable response to the attitudes of others was a tremendously powerful social message. But that group was not people with schizophrenia; it was people who were black" (Metzl, 97–98). From the view of white society, Black protesters demonstrated traits of schizophrenia by naming white supremacist power structures as the cause for racial segregation and systematic white violence vis a vis the police force, education systems, public transportation, etc., because they viewed these as irrational, paranoid justifications that did not reflect reality. The media representation of Black protesters often supported this narrative by figuring them as particularly violent and criminally deviant (Metzl 31, 112) while visually and discursively obscuring white violence. In case notes, Black patients with schizophrenia were routinely described as intellectually "dull" and as having an antagonistic orientation to authority (Metzl 63, 86). Such characterizations rely upon an ideological and material investment in anti-Blackness, and "because medicine has long claimed a special provenance over criminality," psychiatric definitions wield tremendous power in their capacity to define normal and abnormal

behavior (Washington 247). In this sense, disproportionate diagnostic rates (e.g., the radical overrepresentation of Black people in schizophrenia contemporary diagnoses) are not just a matter of racial bias, but rather “to a remarkable extent anxieties about racial difference shape diagnostic criteria” itself (Metzl xi).

If in the early part of the 20th century, schizophrenia represented a threat to the individual body of the typically white patient, in the middle of the century, the deviance already associated with Black resistance to white supremacist socio-legal structures rendered the threat of this newly Black disease, a socio-political one. The threat of the disease was no longer primarily to the Black body but to the status quo, which ensured white power. The appropriate response, then, was not so much treatment but containment. Though generally unremarked upon in historical accounts of the development of medical views of autism, it was precisely at this point – in the 1970s when schizophrenia became a Black disease – that autism was differentiated as a separate disorder/disability.

In 1982, The National Society for Autistic Children (now the Autism Society of America) and the National Institute for Neurological and Communicative Disorders provided research that compelled Congress to categorize autism as a “health impairment” rather than an emotional disturbance,” leaving what was then called “Emotional Disturbance” but which would later be renamed by some states as “emotional behavioral disorder” as a labeling category that included schizophrenia. As Eric Schopler and Marie Bristol wrote in their report for the National Institute of Education, “It is now widely recognized that autism is a form of developmental disability rather than an emotional disturbance. This is not to say that autistic children do not show disturbed emotions. However, their disturbed feelings are the result of their disabilities and the frustrations these cause for them” (Schopler and Bristol 11). Herein lies a crucial, if paradoxical

labeling distinction between autism and ED: while non-normative emotional and behavioral expression are defining characteristics of both, in the former, autism itself is articulated as the root cause, while in the case of the later, the root cause continues to be situated as environmental.

Schopler and Bristol write,

At the present time, there is no evidence that any kind of conditioning could have caused autism in a biologically normal infant, nor that any kind of parenting could have prevented autism in an organically impaired autistic child... Today, the majority of scientists believe that autism is the result of some form of brain abnormality present from birth and is not produced by any kind of faulty parenting... For most autistic children, however, no such [genetic, biochemical, or viral agent] link is found, although many show evidence of neurological dysfunction” (5–6).

At the same time, “poor parenting skills,” inability to “control the family,” and parents who do not value education remained a central focus for students who were identified as emotionally disturbed (Schopler and Bristol 16). So-called “poor parenting,” and specifically poor mothering, is a racialized trope that has long been used as a means of justifying direct and indirect state violence against Black children (Spillers). In a trend that continues to this day, Black students are over-represented in EBD labels and under-represented in autism labels. For those that are labeled, the age of labeling is delayed on average by three years. Because students with EBD are segregated in special education classrooms and isolated from their peers at significantly higher rates than students diagnosed with autism, and in general afforded fewer resources, missed or delayed diagnoses has significant consequences.

Still, there was (and continues to be) no widespread agreement among psychiatrists about what exactly ED was, save a consistent if at times also a nebulous association with schizophrenia. In a 1962 review of extant literature, Leo Kanner wrote,

It is strange indeed that a historical review of emotional disturbances of children should occupy itself predominately, or almost exclusively with psychoses and, more specifically, with schizophrenia. It is equally strange that, seek as one may, it is impossible to find anywhere a definition of the term “emotionally disturbed children,” which had somehow crept into the literature some 30 years ago and has since been used widely, sometimes as a generality with no terminologic boundaries whatever and sometimes with reference to certain psychotic and near-psychotic conditions (101).

In a body of research presented to the Department of Education that same year, ED was characterized as having “no objective reality,” wrought with “logically inconsistencies, terminological confusion, and redundancies,” determined by an “arbitrary behavioral standard” that were themselves defined by “social convention” (though one that PBIS attempts to render meaningful), and ultimately tainted by a fundamental problem – “the fact that emotional disturbance is whatever we choose to make it” (Margeret and Haring 4–5). Yet, as the authors’ reflects, the definitional features of EBD – unhappiness, physical symptoms in response to fear, inappropriate responses to normal situations, unexplained inability to learn or build meaningful relationships – are five key characteristics for childhood deviance and thus provide a “general description of child behavior that is of concern to adults” (Margeret and Haring 3): In this sense,

we should understand EBD as an effort – and a successful one at that – at medicalizing deviance – a process whereby social norms were translated into medical norms.

The medicalization of so-called “public problems” serves an important purpose: depoliticization. “By removing the problems as ones on which honest and reasonable people might differ and in presenting one definition as inherently and ‘really’ preferential, the medicalization of social problems depoliticizes them and diminishes the recognition of differences in moral choices that they represent” (Conrad and Schneider 86–87). However, the medicalization of deviance can only function as a depoliticizing act if the telos of medicine itself – health – is value-neutral and apolitical. Despite its depoliticizing effect, “health is a term replete with value judgments, hierarchies, and blind assumptions... Health is a desired state, but it is also a prescribed state and an ideological position...Appealing to health allows for a set of moral assumptions that are allowed to fly stealthily under the radar” (Metzl and Kirkland 107). Thus while framing deviance as a medicalized quality may appear to neutralize the political, anti-Black thrust of discourses of deviance, it tacitly retains a moral framework, but one that is harder to resist because it is obscured.

In the years following Civil Rights legislation, policies that formally outlawed discrimination and state violence on the basis of race were passed. The period of neoliberal postracialism that followed manifested in two distinct but interrelated ways – the “active suppression of ‘race’ as a legitimate topic or term of public discourse and public policy” (Enck-Wanzer, “Barack Obama, the Tea Party, and the Threat of Race: On Racial Neoliberalism and Born Again Racism” 2) *and* anti-Black violence aimed at eliminating people marked by race, both of which function as a response to an imagined racial threat (Watts 325). Medicalization in general, and EBD in particular, became particularly useful mechanisms for facilitating anti-

Black violence in ways that did not transgress legal mandates. Thus despite this vague attempt at medicalizing deviance, the definition still had the capacity to “serve social policy purposes well” (Schopler and Bristol 5) .

In the years following *Brown V. Board* that signaled potential public-school integration of white students and students of color, as well as students across a spectrum of ability and disability, law and medicine were re-tooled as technologies that could be used to maintain segregation. To be sure, this is not so much an exception in the history of law and medicine, but more often the rule - “History illustrates that at the very moment when difference is on the verge of being integrated or included, new forms of containment emerge to maintain the status quo” (Ferri and Connor 97). By analyzing the definition for EBD in IDEA, we can see one new development for how carceral modes of containment and dispossession are created.

A Rhetorical Methodology for Law

Law and policy do not emerge in a vacuum, but rather within a particular rhetorical “culture” (Hasian et al. 326-327; Asen, “Reflections”128). This reality is obscured by the predominance of legal formalism which in turn can inform traditional policy and legal analysis. Such a denial of the rhetorical dimension of law profits those who the status quo has empowered (Hasian, *Legal Memories* 4). While rhetoricians are not usually formal legal scholars, our attention to the rhetorical milieu in which laws and policies are constructed and rendered makes us especially adept at tracing the relationship between the formal rules of governance – such as law and policy - and society (McKinnon, “Critical Legal” 176).

In the service of such a task, Marouf Hasian Jr., utilizes key rhetorical units to help identify how legal texts and public discourses co-constitutively share patterns of thought. Ranging in size and scope, these include ideographs, which are key terms that illustrate the

commitments of a public and which “typically appear in public argumentation as the necessary motivations or justifications for action performed in the name of the public;” characterizations, which are “single words or single phrases that describe particular social agents within a society;” narratives, which are the stories that structure how we organize events and which, grouped together help to constitute myth; myths, which are persistent narratives that generate and sustain shared values and which may also exist cross-culturally, as in the case of the Western myth of whiteness; and memories, or generational plot structures that influence how we relate to the past, present, and future (Hasian, *Legal Memories* 53; 14–15). These units of rhetorical analysis provide a framework for not only analyzing specific legal texts and thus coming to understand their meaning and function in relationship to broader cultural and vernacular discourses, I use this critical legal rhetorical method as a point of departure for my analysis.

However, insights offered by rhetorical approaches to public policy are also crucial to ensure that Hasian's methodology goes beyond a representational view of language wherein the "doing" of a text is reduced to a “logic of influence” (Greene 23). The aim of this chapter is to demonstrate how the discursive shape of EBD, within the broader matrix of IDEA, creates the conditions necessary for carceral control. What do the rhetorical features of the eligibility requirements for EBD and autism have to do with the creation of material, carceral conditions? Rob Asen writes that rhetorically, policymaking "*makes* meaning," while policies maintain and enforce meaning and materially provide "money, goods, and services to target populations to achieve particular outcomes" (“Reflections” 126). In this way public policy mediates rhetorical and material elements (Asen, “Reflections” 130). A key way that policies do this work is through the discursive creation of "target populations" that receive the provisions enlisted in the policy (Asen, “Reflections” 126). Asen notes, "policies can bring people together, creating a target

population that overcomes individual differences, and policies can pull people apart, constituting some individuals and groups as 'other' and inferior to conventional practices and beliefs" ("Reflections" 128). As I suggested in my introduction, IDEA is itself governed by a deficiency model of disability in which reception of disability services occurs concomitantly with a reduced standard for educational quality, implicitly devaluing students with disabilities. As a subgroup within IDEA, EBD eligibility requirements construct a target population that, I'm suggesting is always already racialized. Attention to ideographs, narratives, and myths vis a vis Hasian's methodology helps us to understand how this target population is shaped by the same discursive formations that are used to justify the exigency of the carceral state.

Ideographic Characterizations: Ab/normality in Autism and EBD

Over the course of this analysis that follows, I'll employ Hasian's approach for rhetorical analyses of law. The term "norm" and its cognates will be my ideographical focus and methodological entry point to explore how EBD and autism are discursively constructed, rhetorically characterized, and narratively rendered. I'll then move to specifically explore how spatio-temporality structures each disability narrative and how this, is informed by foundational racial myths.

I begin my analysis with the term "norm" and its associated cognates for several reasons. As they circumscribe, filter, and emphasize what we can sense and what we pay attention to, the discourses of law and medicine shape the parameters of knowledge production but are teleologically oriented by the norm, which functions as the classificatory system that structures the meaning we make of that knowledge. But classification is never merely descriptive, as the terms and relationship between that which is being classified are always invested with valuations. In this way, the norm functions as the organizing principle of relations of power. As

such, it has an overriding prescriptive rather than descriptive function, which means that it makes a claim about how something *should* be. In this capacity, the norm has primarily negative value insofar as its practical utility exists to designate *failures* to conform. As Foucault understands it, although norms are discursively generated ideals that create the conditions of possibility for distinguishing normal from abnormal, the real utility of the norm, at least within the regime of disciplinary power, is to normalize the abnormal (Kelly 17). Yet As an organizing principle, the norm maintains some not insignificant degree of ambiguity. While the norm itself is an ideal, the nature of this ideal could be highly specific, as in the case of quantitative norms (e.g., the average human temperature is 98.7 degrees), or a vague fantasy such as self-sufficiency. In the case of the former, while the numerical value is definite, most people do not have a temperature of 98.7 degrees, despite this being the norm and so the boundary around the norm must be somewhat ambiguously determined (Kelly 5). Thus, “even though disciplinary mechanisms are clearly meant to bring things into conformity with norms, not only do they not completely manage this but in fact, they have a different function altogether — the classic example of this being the production of delinquency or criminality by the prison system. Since no one really finds themselves in accordance with any norm, this means that everything is punishable” (Kelly 18). The implication, then, “is that punishment is not really meted out *because* people are at variance with the norm, but rather that this inevitable abnormality constitutes a pretext for punishment” (Kelly 18).

Methodologically, the ‘norm’ also functions as an ideograph or a particular term through which an ideology is consolidated and communicated. Ideographs tend toward abstraction but are affectively potent. Celeste Condit suggests that because of their “partial indeterminacy,” they serve as “powerful normative warrants for public behavior” which have “evolved from their

historical, discursive interactions with one another and from their standing as ‘the moral of the story’ in public political narratives’’ (3 qtd in Enck-Wanzer, “Decolonizing Imaginaries” 4) The ideograph’s persuasive force comes from the fact they are a locust of shared beliefs, some of which are visible while others remain latent. “Additionally, ideographs are so ingrained within a culture that their (general) meaning cannot be legitimately questioned or opposed” (Enck-wanzer, “Decolonizing Imaginaries” 4). In this way, they are similar to what Richard Weaver calls “god terms,” (Enck-wanzer, "Decolonizing Imaginaries” 4) or expressions “about which all other expressions are ranked as subordinate and serving dominations and powers. Its force imparts to the others their lesser degree of force, and fixes the scale by which degrees of comparison are understood” (Weaver 212 qtd in Enck-Wanzer “Decolonizing Imaginaries” 4) .

The portion of IDEA that determines student eligibility for coverage under the act was written into Wisconsin state law Chapter PI (Public Instruction) 11: Children with Disabilities. The majority of this section of the law is devoted to (1) providing descriptive definitions of eligible disabilities and (2) providing labeling criteria for the 11 disabilities covered under the IDEA Act: Intellectual Disability (ID), Orthopedic Impairment, Visual Impairment, Hearing Impairment, Speech or Language Impairment, Specific Learning Disability, Emotional Behavioral Disability (EBD), autism, Traumatic Brain Injury, Other Health Impairment, and Significant Developmental Delay. Each disability subsection is composed of three parts: a universal labeling description, various potential symptoms or “proofs” of disability, and a guide for how many symptoms must be met in order for a student to be labeled with a particular disability.

The IDEA Act is a somewhat unique text that has explicitly named abnormalities, implicitly deduced norms, and directly expressed norms. The named abnormalities function as

the eligibility requirements for the disability labels enshrined in IDEA. Specifically, the ab/normalities function as threshold characteristics with both quantifiable, explicit components and implicit components that guide the audience's – school personnel – interpretation of student behavior. So, for example, visual impairment is defined by IDEA as having "central visual acuity of 20/70 or less in the better eye after convention correction" (PI 11.36). This specific measurement of vision is the threshold of abnormality that could generate the educational disability label of visual impairment. The norm is implicit in the quantification of the threshold for abnormality – better than 20/70 – and so functions as a quality against which various disabilities can be identified, when present in a child legally require an intervention, though the means of that accommodation differs significantly.

The word "norm" itself occurs seventeen times in this chapter of the law. Thirteen of those references occur in the context of norm-referenced assessments, measures, tests, or data of some kind. These instances occur at least once in each disability, with the exception of EBD. This usage of the term occurs only once in the autism section, where it is referenced as an insufficient indicator of disability. The additional four usages of the term occur with relationship to generally held behavioral, developmental, and cognitive norms, all of which are referenced in either EBD or autism and will be the focus of the analysis that follows.

The axiological differentiation between the two labels is immediately suggested by their location within the disability subsection themselves: While the term "norm" and its cognates occur in both the definition and labeling criteria for EBD, they occur only in the labeling criteria for autism. This is significant. While the definition provides the meaning of the disability and thus its *universal* characteristics, the labeling criteria provide a range of *potential* characteristics that a student with a given disability may demonstrate or effects or impairments caused by the

disability. For example, in Wisconsin law, there are six labeling criteria for autism. However, in order to be labeled, a student only needs to meet the first two criteria and one additional criteria under parts 3-6 (see appendix).

The words “normal” and “abnormalities” occur in the third and fourth labeling criteria for autism, respectively. The word “normal” occurs twice in the third criteria as: "The child exhibits delays, arrests, or regressions in motor, sensory, social, or learning skills. The child may exhibit precocious or advanced skills development, while other skills may develop at *normal* or extremely depressed rates. The child may not follow *normal* developmental patterns in the acquisition of skills." The arch of this labeling plot is noteworthy. The criteria begin with a sentence that describes an impairment – “delays, arrests, or regressions” – that indicates autism. But this is immediately followed by two sentences that complicate a simplistic understanding of the first sentence. The second sentence describes the potential for co-presence between delays (a disability) and hyper-ability or normal performance (an ability). The third sentence describes potential differences in the developmental patterns of the child. In this instance, the word “normal” is first used to indicate how the autistic child demonstrates able-bodied skills, even exceptional skills, and then to gesture toward rather than directly identify a *potential* disability by stating that “the child may not follow normal developmental patterns.” In this usage of the word “normal,” the phrase evokes a child who “walks to the beat of their own drum,” or whose individuality and divergence from normative behavior may be celebrated. Indeed, such stories lacquer the publications produced by the autism Society of America, whose original name was the National Society for Autistic Children, which was the organization that provided research leading to the creation of a separate category for autism in the IDEA Act. Bernard Rimland, a psychologist and founder of the National Society for Autistic Children, which provided

significant research leading to the inclusion of autism in IDEA, popularized the concept of “savant” in relationship to autism. While the word “savant” is not used here, the concept is implicitly invoked through gestures toward hyper-ability, which reframe autism from only *lack* to also being characterized by ability. The absence of the word “abnormal,” which could synonymously be used in this sentence, seems intentional since the following criteria explicitly use the word “abnormalities.” Together, these three sentences offer a story of autism that complicates a simple delay-driven narrative of social and/or medical pathologization.

The word “abnormalities” *is*, however, used explicitly in the fourth criteria for autism: “The child exhibits abnormalities in the thinking process and in generalizing. The child exhibits strengths in concrete thinking, while difficulties are demonstrated in abstract thinking, awareness, and judgment. Perseverant thinking and impaired ability to process symbolic information may be present.” While the word “abnormalities” is used to refer to the way a child with autism may think, here again, the second and third sentences nuance a one-dimensional read of the criteria by pairing the strength a child may demonstrate in concrete thinking with the difficulties a child may demonstrate in abstract thinking. It is not clear that the word “difficulties” is necessarily used as a synonym for “abnormalities,” though both words are used to describe the same atypical thought processes (generalizing and abstraction). Nevertheless, the word “difficulties” softens the negative associations with “abnormal” by reframing atypical cognition as a challenge they face, rather than merely an observed “abnormality.” Certainly, this framework runs the risk of inducing pity or sympathy by framing autism as something that must be “overcome” – a typical if objectionable narrativization of disability that frames non-normativity as an obstacle. However, the final sentence offers a final nuance or rephrase of this characteristic by substituting “impaired ability” for “abnormalities” and “difficulties” and

“symbolic information” for “generalizing” and “abstract thinking.” It also adds the potential presence of “perseverant thinking.” While this feature is referenced as an “impaired ability” (notable *not* a disability), the word “persevere,” from which the adverb perseverant is derived, has positive connotations in the myths of self-actualization and success. “Abnormalities” is thus nuanced through similar adjectives that soften deviant associations, invite aid and the inclusion of positive attributes. The sentences that include references to “norm” and derivative terms – and, in fact, all sentences in the autism description – begin with the phrase “The child.” This makes the subject of the sentence immediately visible discursively and also in the mind’s eye of the reader. The repetition of this phrase at the beginning over every sentence reaffirms the developmental status of the subject – a child – a term that is imbued with both innocence, protective need, and future possibility. Eschewing positivist behaviorist paradigms focus only on the external, observable characteristics of a subject, namely behavior, this definition instead constructs a subject who has internal processes such as thinking and learning.

Although the ideograph “norm” (and its related derivatives, “normal” and “abnormal;”) appears in the eligibility requirements for autism, they only appear in the list of potential labeling criteria rather than the universal definition. This has the effect of situating autism as *potentially*, rather than *necessarily* antagonistic to the norm. Even then, autism is sometimes framed in alignment with expected norms. Even when it is not, the negative associations are softened through appeals to individuality and internal processes of learning, rather than massification. This weakens the negative characterization that would likely result from being defined by a deviation from the norm.

In contrast, in EBD, the word “norms” occurs in the definitional, rather than the labeling portion of the text: “Emotional behavioral disability... means social, emotional or behavioral

functioning that so departs from generally accepted, age-appropriate ethnic or cultural *norms* that it adversely affects a child's academic success, social relationships, personal adjustment, classroom adjustment, self-care or vocational skills." Its inclusion in the definition means that it is universally relevant as a constitutive component of the disability. What's more, because the disability is only universally characterized by its distance from social, emotional, and behavioral norms, the meaning and essence of the definition actually hinge on its relationship to the norm. Recall that deviance is determined by the transgression of norms, which is to say, to behave in a way that does not align with normative expectations, or in this case, "generally accepted, age-appropriate, ethnic or cultural norms." EBD evokes students' behavior, rather than their relationships, as in autism.

Bracketing the adjective phrase "age-appropriate" for a moment, we should ask, what are "generally accepted age-appropriate ethnic or cultural norms"? This phrase was added to the 1990 amendment of IDEA, at the same time as autism was extracted from EBD. The recommendation was made by the National Mental Health and Special Education Coalition, which acknowledged that EBD was used as a racializing tool. IDEA did not, of course, generate a list of "age-appropriate ethnic or cultural norms." Nor did the Wisconsin Department of Curriculum Instruction, and for good reason. It is not difficult to see how such a project could generate a list of behaviors that were/were not appropriate based on a students' perceived race or ethnicity. Such a provision *could work* if parents and teachers of a specific school district worked together to construct generate collective norms (Bal et al.). Absent such a move, the inclusion of this provision in the law functions to provide the appearance of being considerate of race while actually offering nothing. The "functional behavior assessment," which is the primary assessment tool for determining EBD, includes an imperative to "ensure all interventions are

culturally responsive and trauma-sensitive.” But the law gives no direction, and in practice the imperative is fraught. “Culturally responsive” is essentially an extracted, self-referential term that calls for little more than self-reflection on the part of the evaluators and examination of impact by school districts. To actually engage “cultural responsiveness” would require a radical shift of paradigm that invites students and parents, and families impacted to be a part of the decision making process (Bal et al.). Given this CYA clause, there are actually no modifiers in this sentence to offer nuance or complexity to the claim about normativity, with the exception of “age-appropriate.” While there are affective, emotional expectations explicitly associated with each grade progression at MMSD, none of these are listed on the FBA, which is the labeling test given to students suspected of having EBD. As I described in the previous chapter, the discourse of development that generates age-based behavioral expectations is racialized. As I’ll discuss in more detail in Chapter 3, Black children are frequently seen by white people as older and treated in the criminal legal system as adults while white children are given the benefit of innocence attributed to childhood.

The vagaries continue with the phrase “so departs,” which is sufficiently nebulous so as to facilitate subjective application. In this context, “norm” is in reference to behavior that “so departs” from the norm that it negatively affects a student’s “academic success, social relationships, personal adjustment, classroom adjustment, self-care or vocational skills” but cannot be attributed to “situational anxiety, stress or conflict.” The student is responsabilized for the cause of their own negative consequences.

This is quite different than the individualized “challenge” described in the labeling criteria for autism. Not only that, whereas the autistic child is situated in the context of an immediate social environment, to which their disability is a *response* (such as noting how

changes in routine can affect a student) – implicitly located in the school – the EBD definition isolates the child’s *behavior* obfuscating the relationship between behavior and environment. The negative connotations of behavior (the word “behavior” never occurs in autism), and isolation from the immediate environment, gesture toward, vis a vis enthymematic reasoning, punitive responses of correction. If a student is responding to their environment in a “different” way, as is described in the IDEA eligibility requirements for autism, it is the environment rather than the student that needs to be augmented, if anything needs to be augmented at all. However, if the student is behaving in a way that is detrimental to their own purported well-being, and this behavior is independent of the environment, then the student’s behavior needs to be corrected.

Finally, determining what is “ethnically or culturally appropriate” would require inviting community and parental involvement to construct those which MMSD has, by and large, refused to do. While MMSD frequently utilizes the language of “cultural relevance,” their usage reflects white, neoliberal models of extraction that merely circulate the language of diversity and inclusion but do not substantively engage what that would mean. This effectively nullifies the utility of that phrase and also provides the appearance of actually *doing something* (Ahmed, *On Being Included* 86).

From the outset – quite literally, the description’s first sentence – EBD is cast as a disability that is marked by deviance. The text reads, “Emotional behavioral disability means social, emotional, and behavioral functioning that so departs from generally accepted, age-appropriate ethnic or cultural norms that it adversely affects a child’s academic progress, social relationships, personal adjustment, classroom adjustment, self-care or vocational skills” (WI Law). Framed in the affectively banal language of the law, the phrase “so departs from generally accepted, age-appropriate... norms” may at first appear to describe EBD as merely non-

normative or atypical— both concepts that now have some positive associations, especially when referring to gender and neurology. However, the word “depart” gestures toward a different interpretation. To “depart” is to move from where one location, to another location. In the two contemporary uses of the term – travel, and death – “depart” is used to describe agency, as in the case of travel, or to *imply* some degree of agency, as in the case of death. In both cases, the term describes the movement from *here* to *there*. As will become clear over the course of this analysis, the “there” in question is *behind*. So, a student with EBD demonstrates behavior or social/emotional functioning that is *behind*. Interestingly, the word “depart” finds its root in the Latin word “departire” or to divide and separate into parts, and later came to mean going away, withdrawing, or quitting. Labeling criteria for EBD includes phrases such as “inability to learn that cannot be explained by intellectual, sensory, or other health factors.” In other words, there is no apparent cause, save, implicitly, the agentic refusal or choice to not learn. This is the justification that Eli Bower offered in his studies of EBD that became the foundation for the IDEA description of the disability. Deviance requires some degree of choice or at least responsibility.

What I’ve tried to demonstrate thus far is that using the ideograph “norm” as our point of departure for understanding the construction of autism and EBD in IDEA, we can see that the latter is discursively constructed as essentially deviant in that it is normatively transgressive, former is discursively constructed through difference that, while non-normative, is not pathological. That a child could be constructed as deviant is not itself surprising since the problem of deviance often focuses on children, psychiatric discourses about children are a particularly potent site of control.⁶ Children function as persuasive figures because they are associated with future and past temporalities (Applegarth). Children signal a future potentiality –

a future capacity to produce and reproduce that adults with disabilities do not typically signal. Because children are “locked into the process of becoming,” they often function as tokens of futurity that constrain political possibility within the telos of the social order (Raby 79 qtd in Applegarth 55). Controlling childhood deviance, then, recurs as a social and political exigency because of the futurity that it portends (Harwood 76).

What is surprising at first, however, is that two disabilities that apparently describe very similar sorts of phenomena are cast so differently. Unsurprising, the legal and social category of “child” is a mobile discursive construct that shifts unequally according to race, gender and ability, signaling different futures (Applegarth 54). One need not look further than media characterizations of Black children as adults, the disproportionate legal mandates of criminal responsibility for Black children, and descriptions of police officers viewing Black children as physical threats that justify deadly force. The futurity signaled by white children may be one of responsibility, productivity and civic contribution – their future development is seen as integral to the maintenance of the national body. But in white public consciousness, Black children can signal a different futurity, one associated with criminality (Harwood 65). Perhaps then stigmatization has a future-oriented temporality, too, that declares future criminality is already knowable and cannot be resisted.

Narrative and Myth

Thus far, I’ve argued that the ideograph “norm” helps to characterize emotional behavioral disorder as a criminal/bad deviant, in contrast with a softer, more innocent form of difference in autism. In this section, I’ll explore the narratives developed from these ideographic characterizations— a scalar step up in the rhetorical units of analysis utilized by both Hasian's rhetorical legal scholarship and rhetorical approaches to public policy. The rhetorical culture that

shapes law is constituted, in part, by narratives and myths, and we can see evidence of that rhetorical culture in the law itself. I'll also demonstrate how these narrative qualities draw upon and materially reify myths of Black deviance and criminality that the law makes real through policy and, in this case, eligibility criteria. In so doing, the myth actually becomes a kind of legal memory the sustains and authorizes future use of force, isolation, and segregation, and incarceration.

Both EBD and autism are defined with reference to particular temporal markers. The autism definition indicates a specific range of emergence – before the age of 3 – for the labeling criteria. This means that in order for a child to be labeled with autism, someone who knows the child (usually a parent, but it could also be a teacher or school staff) must attest to having noticed symptoms associated with autism before the child was three years old. The particular responses demonstrated by the child have meaning in relationship to time, specifically a linear progress narrative that begins with birth and is followed by growth and development. Even if the child deviates from this norm, their deviation is granted meaning only in relationship to linear, developmental temporality. Insofar as the child is still figured as having a relationship (even if unorthodox, as is implied in the labeling criteria: “may not follow normal developmental patterns) to a shared temporality, they are a subject *in* time. The bifurcation of time and space is central to the subject/object distinction. The former association denotes change, possibility, contextuality, while the latter denotes stasis and occupation. Further supporting the subjectivity of the target population constructed through the autism eligibility requirement, each of the criteria for autism are constructed through the use of multiple complete sentences that always begin with the phrase “the child” and which situate the child in an interactive and conditional relationship to their environment. Together, the sentences build on one another and construct a

narrative with a subject who carries out actions and is affected by their environment. As a form, narrative institutes its own temporality, affirming the autistic child as a subject in time.

In EBD, the only temporal markers are exclusively self-referential or without relationship to any pre-existing or shared sense time: “frequent,” “chronic,” and “severe.” In order to be labeled with EBD, the student must exhibit qualifying behaviors frequently, and they must be both chronic and severe. The word “frequent” indexes the relationship between behavioral incidences, rather than the relationship between the incidences and a linear developmental timeline. “Chronic” describes the quantitative occurrence, or persistence of the behavior over some period of time, and “severe” describes the behavior's quality of intensity. The meaning of each of these terms are derived not from their relationship to a linear developmental timeline, but rather to the self in comparison to other students who, though they may exhibit similar behaviors, exhibit them in response to "situational" factors (PI 11.36 37). The EBD label applies only to students whose behavior expressions have no spatio-temporal cause or emergence and persist without regard for spatial or temporal context. This self-referential temporality potentially indicates a positivist ontology, where meaning is derived independently of external temporal signifiers (Temporality in human action). Crucially, this definition entirely eliminates the possibility that a) the school environment, which persists through time and even spatial environment as students bring schoolwork home, access virtual classroom material from home through district-wide education platforms (even pre-pandemic), could *itself* be a cause of the behavior, or b) that the student's response is *actually* contextually based but is unrecognizable as such to the IEP team. Instead, EBD is constructed as a *constant, essential* state.¹⁵

In her analysis of the discursive construction of race in the Moynihan report, Hortense Spillers writes that Blackness (ethnicity) “freezes” meaning, takes on constancy, assumes the

look and affects of the Eternal” where ‘actants’ are “wholly generated, with neither past nor future, as tribal currents moving out of time,” occupying a “pure present and always tense” (Spillers 66). In these discourses, Blackness (ethnicity) takes on the status of “mythical time” as a “signifier that has no movement in the field of signification” (Spillers 66). This temporal construction is endemic to pathologization, Spillers notes and works as a mode of capture to contain to the Black body. The character of the deviant exists in a static or mythic temporality renders the action always already in the present. This is, among other things, the process of objectification through the erasure of multiplicity that marks subjectivity.

In the criteria for EBD eligibility, the sentences actually *lack* a subject, specifically a “child.” Instead, the criteria are listed as descriptions, rather than complete sentences, that simply name an undesirable behavior. These are “Inability to develop,” “inappropriate affective or behavior response,” “pervasive unhappiness,” “physical symptoms,” “inability to learn,” “Extreme withdrawal,” “Extreme aggressiveness,” and “Other inappropriate behaviors.” The suppression of the subject and erasure of the child dehumanizes through omission, foregrounding behavior, rather than the child subject. The labeling criteria create a narrative list through the repetition of incomplete sentences that begin by stating (and thus centering) an undesirable quality (rather than the child). It’s worth noting here, too, that while autism criteria are differentiated through numerical bulleting, which creates a temporal ordering (first, second, third, etc.), the criteria for EBD are differentiated from each other through alphabetical bulleting. At the same time, EBD is spatialized to a more significant extent than autism, in that it is explicitly defined by its persistence across locales.

In striking fashion, the content of the criteria amounts to a contemporary re-articulation of historical myths. For Hasian, the myth is a narrative that persists over time in more than one

cultural space and functions as a macro unit of rhetorical analysis. In the eligibility requirements for EBD, mirror the myth of the savage as described by Thomas Hobbes. Hobbes describes the existence of the savage in the state of nature as “solitary, poor, nasty, brutish, and short,” marked by “constant despair,” fear, “bodily pains,” which fundamentally inhibits the production of knowledge, and therefore also learning (101). The potential student with EBD is described as socially isolated and withdrawn (solitary), extremely aggressive (brutish and nasty), pervasive unhappiness, depression, and anxiety (despair), physical pain and fear associated with “problems” (bodily pains and fear), and an inability to learn (no knowledge)—keeping in mind that the law articulates the dangerous consequence of EBD, and one of the disability’s defining characteristics, as abnormal behavioral functioning that effects a child’s ability to learn *and* acquire vocational skills. Only one other disability listed in IDEA – Speech or Language Impairment – mentions the impact of a disability on a student’s capacity to labor in the future. Like EBD, Speech or Language Impairment is labeled at higher rates in students of color, specifically Latinx and Asian students. In articulating the negative impact of these disabilities on a student’s capacity to work for wages, this law evokes the poverty that Hobbes suggests is a defining feature of the state of nature.

As to the apparently “short” lifespan that Hobbes describes as a feature of the state of nature, C. Heike Schotten posits that this cannot, in fact, be a description of the length of one’s life, because according to Hobbes, temporality does not actually apply to the state of nature (Schotten 42–43). Without a Sovereign – a state power that rules through fear of force in order to provide security – civilization is impossible and therefore the future is entirely uncertain. Even more than that, the future is not only suspect but ultimately unimaginable. This absence of futurity suffocates any potential awareness of temporal patterns, much less the knowledge to

generate machines to measure time. Instead, “inhabitants of the state of nature abide in an enduring present,” which is “completely timeless” and lacks “any dynamism or principle of change” (Schotten 43, 50). Given that Hobbes situates this state of nature in the pre-colonized land that would become the United States, Schotten suggests that “short” is a European claim about the impending end of “savagery” at the hands of European colonization. In other words, the word “short” portends future conquest, either through forced assimilation, “relocation,” or genocide (Schotten 50–53). We do not, of course, see the discourse of conquest immediately or explicitly in the labeling criteria for EBD. Yet, I’d argue that that in framing EBD as essential deviance that inhibits one’s capacity to contribute to the economy through waged labor and for which there is no external “cause” and therefore no way to respond to a student with EBD except for a student to make different choices about their behavior (assimilation) or be segregated from the other students (relocation). Indeed, it is this image of the savage as someone whose damnation is already determined as they cannot be saved (L. D. Baker 12).

As a colonial ideology used to justify the genocide and containment of indigenous people as well as black people in order to maintain white supremacy, savagery is an ideological formation marked by ontologized, timeless present deviance. For them, insofar as the future is characterized by productivity and sociality, they ultimately have no future, a prospect foretold in the absence of a child subject who could develop in the future in the labeling criteria. The child, always already a *white* child, is “innocent, infinitely valuable, and vested with redemptive potential,” signaling a future filled with possibility (Schotten 36). The child, despite their error in youth, is capable of reform, of being reincorporated into the fold. Signaling this futurity, the definition for autism centers “the child” literally by beginning each sentence with the phrase. In addition to situating the disability in time vis a vis noting the expected temporal emergence of

autism, “the child” is, in many ways, the corollary of “the savage.” This is not to suggest that “the child” has no ideological entailments or that it necessarily accords access to socio-political and physical resources. As disability scholars have rightly noted, adults with disabilities – especially cognitive disabilities are social and legally dehumanized through infantilization, which denies agency and self-determination (Ben-Moshe, “Decarcerating Disability” 64). Still, the innocence and futurity associated with children are thoroughly racialized as white (Ben-Moshe, “Decarcerating Disability” 65).

While the concept of the savage retains currency in our contemporary discourse, its form has shifted somewhat to the criminal (D. Baker). Early 20th century eugenic science “recycled” to 19th century ideas about social Darwinism into more “practical application of ideas of inferiority by the state,” such as criminality (D. Baker 5). One way to understand the figure of the criminal, then, is as a racialized figure whose “real” status is acquired through scientific racism that shaped the fields of anthropology (D. Baker) and medicine (Washington 236-365). To find evidence of criminality in a text draws on medical labeling criteria is not surprising because, as Harriet Washington writes, “medicine has long claimed a special provenance over criminality” and has (247). Criminality itself was medicalized by the Congress of the American Prison Association in 1870: “A criminal is a man who has suffered under a disease evidenced by the perpetration of a crime, and how may reasonably be held to be under the dominion of such disease until his conduct has afforded very strong presumption not only that he is from immediate influence but the chances of its recurrence have become exceedingly remote” (qtd in Washington 247). In our present context, maintaining segregation while also extracting labor through force under contemporary liberalism has required the development of a legal framework that institutionally criminalizes Blackness in order to maintain segregation after de jure segregation ended. This

form of social and physical debilitation or, as Jasbir Puar calls it, the right to maim, is necessary not only so that bodies can still labor in prison and in low-wage perilous jobs, maintaining and, in fact, exacerbating the stratification and form of white supremacy, but the pace of this social and corporeal violence inures the white state from responsibility for Black death. Shifting the burden of responsibility, maiming vis a vis criminalization displaces responsibility onto the criminalized through framing their actions as a transgression of neutral and universal laws, when in fact, “historically, the law has criminalized the recreational activities, survival economies, and intimate relationships of people of color so the status of ‘being of color’ was inseparable from conduct assumed to be “criminal” (Cacho 40). A consequence of the criminalization of Blackness is that “criminality is unrecognizable without a black body” (Cacho 2). She continues, “without a black body, the same action [is] interpreted as a (white) survival strategy” (Cacho 2). In other words, Blackness makes criminality or deviance *legible*. Law relies upon and rematerializes myth. It acquires power through what remains unnamed, even as it materializes that which is unnamed.

In one sense, the EBD eligibility requirements constitute a population of students that did not exist prior to its naming. And yet, it is also true that *what* EBD names – a timeless, spatialized ontology of deviance has been a key racialized trope that has been used to establish and maintain white supremacy. This trope is not limited to media representation of Black people as criminals but structures the shape of law and Law Enforcement agencies. As Hasain notes, law and policy are sustained by various memories and amnesias, perhaps none more powerfully than the figure of the criminal. To be clear, by invoking memory, I am not suggesting that this figural construction is somehow immaterial or confined to the past. Rather, the hauntological

figure of the western epistemological paradigm is made to re-appear through the structure and application of law.

Value, Cacho reminds us, is only intelligible *relationally* (13). In other words, valuing autism as an incorporable *real, organic, biogenetic* disability depends, to some extent, upon situating *mere* deviance generated from an environmental or indeterminable causal root, a threat. “In other words, the black disabled subject exists only to shore up the values of others” (Pickens 29), because “the negative, the expended, the excessive invariably form the ground of possibilities for value” (Cacho 13). This is *not* to suggest that the construction of autism in IDEA is not also ableist, or that autism itself does not have a racialized history – indeed, it does. Both EBD and autism, as articulated through the eligibility requirements in IDEA, are operationalized through policy to ultimately justify the exclusion of students with disabilities, as I noted in the introduction to this chapter. The purpose of this comparative analytic has been to demonstrate how these two educational disabilities, with similar behavioral expressions, are differently racialized.

EBD as Enthymematically Constructed Target Population

In the neoliberal era in which IDEA policy was constructed, racial hegemony – white supremacy – is instituted and maintained on the basis of “tacit agreement with unstated premises” (Jackson 622). Neoliberal postracialism manifests in two distinct but interrelated ways – the “active suppression of ‘race’ as a legitimate topic or term of public discourse and public policy” (Enck-Wanzer, “Barack Obama, the Tea Party, and the Threat of Race: On Racial Neoliberalism and Born Again Racism” 2) *and* anti-Black violence aimed at eliminating people marked by race, both which function as a response to an imagined racial threat (Watts 325). In the neoliberal era that has followed the 1960’s and 1970’s Civil Rights policies that formally

outlawed discrimination and state violence on the basis of race, suppressing race as an appropriate topic of public conversation is used to mask anti-Black violence (Jones and Mukherjee 409). This tactic of *suppressing* race does not, of course, mean that public policy does not still *target* racial minorities. Rather, it means that the methodology through it achieves this is often an enthymematic one where direct references to race are suppressed. We might think of this tactic – suppression of the racial premise– as a means of maintaining power by suppressing the object of potential resistance, and thus resistance itself.

Legal scholars Giovanni Damele and Fabrizio Macagno argue that in the context of law, the “dialectical and persuasive force of enthymemes is grounded on presumptions – on what is likely, namely what usually happens or *should* be the case” (Macagno and Damele 42). In this way the word “presumption” describes a particular kind of inference, namely one based on the *doxa*, or principles that are culturally shared, that indicate what is normal, or what *typically* happens (Macagno and Damele 44).

Communication generally and argument specifically, must rely on the “a priori ideas and beliefs contained in the listeners. They do not presume to construct totally new systems of reasoning, perceiving, and believing. Furthermore, the proof of the syllogism, in effect lies within the hearers who accede to the implicit argument in their minds” (Boss 25). Stereotypes, for example, as one form of enthymematic argument, rely on the assignation of particular traits to particular minoritized groups. We could think of this association as a premise. For example, if someone were to say, “Liam is trans, so they are dangerous,” the suppressed premise would be the stereotype that trans people are dangerous. As an audience to this statement, even if you do not actively engage the argument, your tacit supplication of the suppressed premise functions to reify the stereotype. The stereotype might function more covertly, in the form of “Liam is trans,

what could you expect?" Depending on the context, a person could supply one of a cluster of words (Boss 23) that have *stuck*¹⁶ to trans people, including "dangerous," "sexual deviant," "fake," etc. The cluster of words that congeal to form a given stereotype, function enthymematically a "network of emotively significant ideas" – such as deviance and criminality – to generate some kind of identification. Or, in this case, a target population. The second example relies on the audience to supply both the suppressed premise *and* conclusion¹⁷ and enables the speaker to abdicate responsibility for having articulated a stereotyped trope. This enthymematic form flourishes when the doxastic stereotype is especially sticky and has a particularly broad investment. And, I'd argue, in an age of legal neoliberal post-racialism where the racial group cannot be explicitly named.

Conclusion

What I am suggesting is that, in order to both target Black children and also remain legal in the years following the Civil Rights Bill, the discursive construction of EBD must evoke race tacitly, in this case enthymematically. The eligibility requirements constructed EBD as a deviation from the norm characterized by essential deviance rather than context driven behavioral difference. This deviance was covertly racialized through the erasure of subjectivity – evidenced through the elimination of a subject from the eligibility requirements themselves, objectification of the subject by situating them atemporally and yet occupying space. This kind of deviance is marked by an incapacity to learn, which I later suggested was resonant with the mythical legal memory of the savage whose ontology could only be altered through the authoritarian, violent occupation of the leviathan. In the context of active school integration—when IDEA was first crafted and the eligibility requirements for EBD were written (and remain

largely unchanged – the target population constructed through EBD is enthymematically racialized. This provides a legal way to covertly identify, isolate, and segregate Black and Brown students whose behavior is interpreted as deviant, without (necessarily) either breaking the law or calling law enforcement. By constructing the student as the cause of their own "problem" behavior, the school is again shielded from meaningfully attending to the way that it produces the very behavior it seeks to eliminate.

CHAPTER 3: CHALLENGING THE DISCOURSE OF BLACK ADOLESCENCE

I first learned of the contract between MMSD and MPD in the spring of 2018 when I began regularly attending area school board meetings with a small group of graduate students. These were the first school board meetings I'd ever attended. Just six months prior, I'd become involved in the Derail the Jail Coalition – a small group of Madison residents and organizations who were committed to preventing the 76-million-dollar jail renovations proposed by the Madison City Council. City Council argued that such an investment would enable the jail to build, among other innovative carceral renovations, isolated sensory rooms with rocking chairs, a mural, and music instead of solitary confinement, which would result in a reduction of suicides (Becker). Derail the Jail argued that 76 million dollars would go a long way toward increasing the quantity and quality of affordable housing and other social safety measures that would *prevent* incarceration in the first place.

I began to notice that one of the organizations involved in the coalition – Freedom, Inc. – was especially incisive rhetorically, and radical politically. Cutting to the core of the issues posed by the proposed Jail renovations, Freedom Inc. organizer M. Adams wrote,

Jail is for punishing people. You shouldn't be punishing people because they are homeless. You shouldn't be punishing people with mental health issues because they have mental health issues," Adams says. "I'm sorry, somebody who is locked in a cage and is suicidal, they aren't going to care if the new paint is yellow or blue. They won't care if there are bars or a concrete door. It won't save people's lives (Brogan).

Adams's clear and unflinching analysis of the purpose of jails is evidence of Freedom, Inc.'s radical approach to activism and liberation. By "radical," I mean to invoke the etymological history of the word denoting "root" to situate Freedom Inc.'s approach to organizing in Madison as oriented toward the "root" causes of violence against people of color, especially Black and Hmong women, youth, and trans people in particular. In their own words, Freedom, Inc. is a

Black and Southeast Asian non-profit organization that works with low- to no-income communities of color. Our mission is to achieve social justice through coupling direct services with leadership development and community organizing that will bring about social, political, cultural, and economic change resulting in the end of violence against women, gender-non-conforming and transgender folks, and children within communities of color. FI works to challenge the root causes of violence, poverty, racism and discrimination. Our belief is that people who are most affected by these issues must have voice, power, resources and choice, in order for true social change to happen (Freedom, Inc., "About Freedom, Inc.").

Led by and for the Black and Southeast Asian communities from which they emerged, Freedom, Inc. has not been swayed by the liberal promise of reformation. As Adams's comments about the Dane County Jail demonstrate, the organization resists projects of inclusion – such as the jail renovations proposed by Dane County Sheriff – because such projects don't disrupt oppressive structures, but rather "uphold and reinforce those structures by showing how they can be kinder and gentler and better without actually changing much at all" (Chávez, "Beyond Inclusion: Rethinking Rhetoric's Historical Narrative" 166) While Freedom, Inc. was leading the charge

against the Dane County Jail, the Freedom, Inc. Youth Squad—the youth wing of the organization—was also organizing another campaign: the No Cops in Schools Campaign – aimed at ending the police contract between MMSD and MPD (*Freedom Inc. 2017 Annual Report*). While Freedom, Inc. was leading the charge against the Dane County Jail, the Freedom, Inc. Youth Squad—the youth wing of the organization—was also organizing another campaign: the No Cops in Schools Campaign – aimed at ending the police contract between MMSD and MPD (*Freedom Inc. 2017 Annual Report*).

Nearly a decade earlier, I had the-good fortune of interning for abolitionist Mariame Kaba at Project Nia, a grassroots organization (then) in Chicago. It was through Kaba that I first learned about the School-to-Prison Pipeline and the nexus of policies and practices that facilitate the incarceration of Black youth, particularly Black youth with disabilities in the country's largest cities. While helping to organize the Locked Up and Locked Out Youth Summit (Kaba, *News from Project NIA*) with Kaba, I learned about the subtle but impactful reformist strategies that appeared to mitigate the expansion of the prison industrial complex in the United States through such policy proposals as eliminating private prisons, legalizing marijuana, and universalizing body cameras for police. These strategies usually funnel *more* money to State run jails and prisons, as well as local police departments and the federal Department of Justice (Kaba, *We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice* 119). Kaba's commitment to young Black people meant that much of the work I witnessed her doing and conversations I witnessed her having, were oriented toward reducing the possibility for interaction between police and Black youth. Because our system of laws and law enforcement are inherently oriented toward protecting whiteness and property (Harris), Blackness is structured as a threat to both. To the extent that they divert money and energy to the prison and

law enforcement, and reify carceral logics, reforms usually end up reinforcing the criminal-legal system of anti-Black violence (Ben-Moshe, “The Tension Between Abolition and Reform”; Kaba, “Police ‘Reforms’ You Should Always Oppose”). Instead, an abolitionist politics is oriented toward mitigating the reach and power of law enforcement, while simultaneously building community networks to respond to harm and crises. As the title of article quoting M. Adams on the previous page – “Reality Check: ‘Derail the Jail’ Coalition Intends to Do Just That but Officials Say Group Is Naïve” – demonstrates, abolitionist principles are frequently derided as unrealistic and naïve, at best.

So, while working with the Derail the Jail Coalition in Madison, Wisconsin nearly ten years later, I learned that the Freedom, Inc. Youth Squad was organizing to end the contract that placed Madison Police in every school in the district, I had some sense of the necessity of their work. Organized in 2016, No Cops in Schools was developed in response to the MMSD Board's establishment of an ad hoc committee that would investigate and make policy and language recommendations to revise the contract with MPD in subsequent years. The official charge of the committee was as follows:

- Review existing MMSD data, federal and local guidance, contracts and policies related to Educational Resource Officers
- Review current research on the use and effectiveness of Educational Resource Officers and/or School Resource Officers
- Review best practices related to Educational Resource Officers and/or School Resource Officers from other districts and locales

- Develop possible recommendations for amendments to contract language and board policy based on feedback from the community in regard to our discussions, information-sharing sessions and monthly meetings
- Exchange input and feedback with the working committee before their recommendations on policy and contract language are forwarded to the Board for consideration
- Report to the Board of Education a summary of the work of the Committee on the Educational Resource Officers in MMSD (Board of Education, "Charge to the Task Force")

The committee itself emerged after the district released a report on the 2015-2016 school year showing that 84% of students arrested on school property and 60% of students given citations were Black, despite representing less than 20% of student (Walker). In most of those cases, the arresting and citational officers were Educational Resource Officers (EROs) – MPD officers contracted and paid by MMSD to be on school grounds during (and after) school hours.

In the Spring of 2017, the ERO Ad Hoc Committee began holding regular monthly meetings. From the very beginning, Freedom Inc. Youth Squad members registered to speak during the public comment period that opened the Ad Hoc Committee meetings. Freedom, Inc. Youth Squad members continued speaking regularly during public comment until the end of 2018 when the committee made their recommendation to renew the MPD contract but added a clause that would allow them to remove the officers before the contract ended, if needed. After that, Youth Squad members continued to show up to speak at regular school board meetings and Madison City Council Meetings into 2020. This is noteworthy in part because children and youth are

much more frequently situated as objects of discourse, rather than agents of discourse, the possibility of effectual public participation is effectively foreclosed (Applegarth).

On the one hand, we should view their demands as policy advocacy. Undergirding those policy demands are ethical claims about the rights of the governed to have a direct say in *how* they are governed. It may be tempting to frame their work as an effort to extend the mores of democracy to the domain of the public school. And in a certain sense, this is true. However, this is not the language that Freedom Inc. used to describe their political commitments or the aim of their campaign. Their commitment was, and is, liberation. Freedom Inc.'s No Cops in School Campaign was explicitly abolitionist in that it lobbied for an end to the contract that put MPD officers in MMSD schools. But their campaign lobbied for more, in particular, for parents and Black youth and other youth color to have a constitutive role in the shaping of school curriculum and disciplinary policy.

But to understand the rhetorical force and strategy of their campaign, we have to turn to what has been, until now, lurking at the edges of this project: the discursive construction of Black youth *as youth*. In Chapter 1, I demonstrated how the neoliberal valence of the progress chronotope requires containment, and in Chapter 2, I analyzed disability law to show how Black youth are enthymematically figured as atemporally “bad” through the label of EBD, which disposes those labeled by it of their resistance and justifies containment and segregation. In this chapter, I argue that the discourse of Black adolescence figures Black youth in a state of continued deferral and dispossession, and thus acts as a carceral logic itself. In what follows, I outline a brief history of the racialized construction of childhood and youth. As I aim to demonstrate, the discursive topography of the figure of the child and youth is both slick and sticky, a difference informed in no small measure by the co-constitutive topography of race.

Different features of childhood and youth stick to and are repelled by white youth and Black youth. I suggest that the discourse of Black adolescence is a developmentally disabling discourse, but I also demonstrate how Freedom Inc.’s rhetorical strategy challenges this discourse by refusing the terms of respectability, connecting past to present, and insisting their own capacity to disrupt the normative order of anti-Blackness.

Youth and the Figure of the Child

Though the status category of “child” appears as an entirely naturalized category in contemporary discourse, it is a historically contingent, malleable classification. Prior to the 16th century, pre-adulthood was characterized only by infancy – a status that continued until the age of 6 or 7, when adult responsibilities and status were conferred (Aries 47, 128–33). The concept of citizenship that emerged with the advent of liberalism, industrial capitalism, and increasing levels of literacy meant that adulthood carried new formal responsibilities for public life, namely the capacity to deploy reason (Schmidt 175). This so called “capacity contract” undergirds liberal political participation, marshalling in anxieties about how to guard against the participation of rationally “incapacitated” (Simplica 8). The constitutive exclusion of people with developmental disabilities, non-white persons, and women, and children, among others, gave meaning to the capacity threshold that underwrites liberal political participation (Simplica 49–67). Unlike people with developmental disabilities, and women and non-white people until more recently, children represented a unique category because they were only *temporarily* rationally incapacitated (Simplica 34). Childhood thus became both the training ground for adulthood and the bridge between infancy and citizenship for those born to white, wealthy families (Tait 103).

At the same time, political philosophers such as Jean-Jacques Rousseau challenged the long-held theological doctrine of original sin, instead promoting an ideology of children’s moral

innocence (Schmidt 82). The ideology of innocence marshalled in a twin notion of vulnerability to both their emerging sexuality and inappropriate outside influence that situated children's innocence, especially the innocence of girls, as perpetually under threat (Walkerdine, "Beyond Developmentalism?" 459). Consequently, Rousseau's secular theory of children's moral and epistemic innocence explicitly called for constant surveillance, discipline, and even punishment to ensure the preservation of their natural moral sinless state (Schmidt 83). Promoting the "advantage of prolonged innocence," Rousseau argued that early childhood education should have consisted "not in teaching virtue or truth, but in preserving the heart from vice and the spirit from error" (Schmidt 82). Rooted in the preservation of white girls' sexual purity (Innocence), the ideology of innocence continues to be a justificatory force for violent protection from racially corrupting threats.

The category of childhood offered protection from and training in adult responsibilities through controlling what kinds of knowledge children had access to. In both senses, childhood was strongly rooted in western notions of individual rights - the right to be protected from particular kinds of labor and reproduction, and the right to education, which functioned as preparation for future adulthood (Schmidt 175). As a primary mechanism for controlling what children know and thus preparation for citizenship, debates around what constituted an appropriate education proliferated.

Children, especially male children, needed adult-like experiences to prepare them for their future duties, but this often chafed with the need to protect young girls from the moral contamination of public participation. In older childhood, or what we would now refer to as adolescence, experience is "a double bind. Remaining innocent (the defining category of

childhood) requires the negation of experience (sexual, life, and other), and therefore knowledge becomes tricky for children” (Meiners 37).

In addition to innocence and knowledge, the constitutive features of childhood have been shaped by cultural commonplaces including animality, savagery, and degeneracy, which infuse the figure of the child with multiple, often apparently contradictory qualities like innocence, lack of knowledge, and unrestrained urges (Walkerline, “Developmental Psychology and The Child-Centred Pedagogy: The Insertion of Piaget into Early Education” 169). Indeed, the association between children, childhood, and idiocy, has a long history in political theory. John Locke, for example, wrote that children and idiots did not have the capacity to internally generate ideas, a capacity that he claimed also rendered their rational faculties moot and hindered their capacity to learn (Simplica 34). Importantly, Locke included “savages,” and “illiterate people” in this category. Indeed, childhood and adulthood were marked by a transition from illiteracy to literacy, a transition that also signaled the acquisition of rational capacities. Whereas the categories of “savagery” and “idiocy” were ontological, static categories deployed to retain white, European power, childhood slowly emerged as a developmental status that could be transcended (by some) through disciplinary punishment and education, including education through force (Simplica 33–50). Childhood is itself a chronotopic discourse in that it creates subjects whose relationship to temporal development demanded a corresponding spatial arrangement of domination.

Indeed, from the 19th century onward, evolutionary theory and its more contemporary iteration in the field of psychology – developmentalism – have been used to regulate the triumvirate features of innocence, knowledge acquisition, and uncontrollability/animality that mark childhood. As Emily Cahan writes, “The child’s development served to demonstrate the

connection between development in evolution and the development of civilization. The child became a lynchpin— a link between natural and human history” (“History of the Concept of Child Development”) In recent years, scientific discourse has suggested that risk-taking behavior in youth is because of their over reliance on the amygdala, and that this amounts to a serious rational incapacitation (Lesko and Talburt 17). A biodeterminist perspective situates youth itself as a kind of disability, though one that can be developmentally overcome with age, and appropriate performance of knowledge. As children develop and acquire knowledge, it creates gaps or breaks in their social bodies, and demonstration of mastering this knowledge is a corresponding discursive suture, stitching together their new emergent political body. The acquisition of knowledge acts as evidence of rational capacity that is the precondition for the threshold of legally recognized participation in the public sphere (Simplica 72). In this way children represent two temporalities: the promise of future civilizing capacity, and the yet to be civilized present. The rights afforded to adults had to be earned by overcoming the developmental impairment of childhood.

Until the process of becoming an adult was achieved, prominent social contract theorists like John Locke as well as John Stuart Mill argued that “children and savage peoples (who are also considered children) have no inherent rights to bodily integrity or freedom from violence” (Rollo 313; Mills). As this quote implies, the articulation of the child-figure as implicitly inferior justified children’s domination by adults and dispossession of their personhood and helped to justify anti-Black violence. Toby Rollo writes that the adult-child binary “served as a ready-made scaffold upon which the facades of race, cultural hierarchies, and civilizational progress could be easily fixed in the rationalizing of the slave trade” (Rollo 313). Eugenic science of the

19th and 20th centuries attempted to justify both the natural inferiority of children, and the childlikeness of Black and Brown people (Rollo 313).

The concept of the child is thus undergirded by two different kinds of children – the white child whose potentiality foreshadowed the development of a white (male) adult, and the permanent child whose status did not indicate the transformational potentiality of white manhood, but rather the potentiality of labor and dependency. These potentialities were not incommensurable with childlikeness, but invoked the features of childhood – incivility, lack of knowledge, and degeneracy – that required an increased need for punitive discipline. This is a subtle if important distinction. While scholarship on Black children has often emphasized the adultification of Black children (Dancy) and the incommensurability of Blackness with childhood, this can obscure the discursive complexity and labor of the figure of the child and its attendant associates – youth and adolescence. In order to understand the discursive topography of these figures, a brief engagement with the history of Black childhood is necessary.

The Discourse of Black Adolescence

In the preceding section, I situated the child as a historically emergent discursive commonplace that is also tied to discourses of innocence, race, animality, and the undeveloped “civilizing” capacities. The child works to justify threshold accounts for citizenship that justify the exclusion of those marked by or constituted through this discursive commonplace. Youth, and adjacent terms like adolescent and juvenile are discursively potent but liminal categories that evoke some features of the child and responsibility of the adult, while suppressing others. Because youth/juvenile/adolescence describes those who “make mistakes but are nevertheless capable of consenting to systems of governance” (Rollo 322), the terms evoke a sense of what Jacob Breslow has called adolescent proto-citizenship, but which I refer to more simply as the

discourse of Black adolescence. In this section I argue that Black adolescence is a racializing, disabling discourse that simultaneously negates interpellation into the innocence of childhood and defers the possibility of full adulthood and the rights it marshals. In what follows, I first historically situate the discourse of Black adolescence, tracing its shape from the antebellum period through the present day. I then demonstrate how the discourse of Black adolescence has shaped the kind of arguments that can be made for justice and conclude by demonstrating how Black Power revolutionaries circumnavigate the constraints of this discourse.

By the end of the Civil War, half of all enslaved people were under 18 – legal children by today’s standards (Eblen 276). Seventeenth and 18th century laws governing the enslavement of Black people often differentiated between a “grown woman or boy slave above the age of twelve,” and a “Negro child under the age of twelve” (Breslow 479). The law distinguished age and gender because Black children were sold at higher prices because of their purported capacity for future reproductive and manual labor. In this context, childhood did not generate associated innocence or need for protection, but rather immediate and future labor. “We might recognize,” Jacob Breslow writes, “the particular work that childhood itself did to maintain and justify this racism” (Breslow 480).

As gradual abolition began to spread in the north, many emancipation laws required that Black children remain enslaved in order to compensate white enslaver’s loss of property (Breslow 480). White enslavers bemoaned the fact that they had to “care” for these children, as they did not believe that the enslaved children’s labor would compensate for the cost of their care. Gradual abolition did not result in total abolition, but rather offered “a framework within which whites could enjoy abolition and slavery at the same time” (Breslow 481). Those Black children that did reach the age of their own emancipation remained categorically dependent

because “they had been ‘dependent’ on their owners during childhood and because their eventual status as a freed person was dependent on the very condition of them having been a slave”

(Breslow 481). This status allowed them greater proximity to the status of personhood, but not citizenship (Breslow 481). Nevertheless, the child’s futurity – the kind of future labor that a child could potentially perform – grounded the continued enslavement of Black children in the north.

While the potentiality to become adults (and therefore citizens) that children symbolize is one of the few universally sticky constituent features of the discursive formation of the child, the extent to which this potentiality can be activated, is wildly asymmetrical. As Breslow writes,

Because of the dehumanizing terms of legal slavery and the conditions that followed it, being childlike, being almost a white child but not quite, meant that infantilized Black slaves could only be understood as subjects deserving of *potential* for emancipation, and not necessarily that they could, like white (male) children, ever eventually come into the space of emancipated adult citizen. The encapsulation of Black adults into that space of childlike thus operated as a future oriented suspension, such that potentiation (coupled with ongoing subjugation), rather than immediate recognition, became definitional of the condition of Blackness... Seen as unable to ever come into adulthood-as-whiteness, we might more critically understand this maneuver as a temporal positioning of Blackness within a suspended potentiation and subjection. Here, positioning Black subjects precisely as the ‘not yet’ mitigated what could have been the radical consequences of childhood as freedom and Blackness as childhood (Breslow 482).

The asymmetry of the potentiality signaled by the figure of the child is informed in part by the *grammar* of the child. By situating the child as a developmental reality whose potentiality is activated over time, when the child is used as a noun the full potentiality it signals is activated. But when used as an adjective— as in *childlike* – the child suggests temporally resistant ontological qualities, stuck in the process of becoming. These children always had the *potential* to become a rights-bearing subject, in theory, but were denied the activation of that potential through structures of forced confinement and labor, stuck instead in a “mandated and suspended limbo,” always becoming, but never arriving (Breslow 482). Crucially, securing potentiality in *theory*, even though the structural conditions of white supremacy foreclosed legible activation of this potentiality that would have resulted in citizenship provided a sense of innocence for whites “who congratulated themselves for the successes of Northern abolition” (Breslow 482).

In the early 20th century, this liminal status took the form of adolescence, which was associated with delinquency. In 1904, psychologist Stanley Hall published the first “scientific” work on the matter, titled simply, *Adolescence*. Stanley argued that while white children and adolescents had the capacity to develop into adults, the development of Black people regardless of their age, was capped. He wrote, “Most savages (Black, Chinese, and native American people, in particular) are in most respects children, or, because of sexuality maturity, more properly, adolescents of adult size” (Stanley Hall 649). Hall argued that if any institution could activate developmental potential, it was schooling, which offered a small possibility for Black adolescents to achieve adulthood. Schooling, Hall suggested, could work to “civilize” Black adolescents through the imposition of white norms: “As we are gradually putting the child-world into schools of the latest type, so the primitive men and women of the world are coaxed or constrained to take up the burden of the white man’s civilization, and those who cannot or will

not are following to extinction the larger wild animals about them that resist domestication” (649). In no uncertain terms, those students who did not sufficiently developed through the civilizing regime of schooling, were situated as delinquents. The status of delinquency was used to describe “problem children” whose distance from whiteness prevented them being recuperated as children or ushered into the independence adulthood (McCallum). Delinquency thus also carried with it an association with state dependency and crime. For Black adolescents, “delinquent” or otherwise, their racialization under white supremacy associated with sexuality and forbidden knowledge repelled innocence because they already knew too much, or who could not be reformed through education.

Whereas even white and white-adjacent immigrant children who were dependent on the state were always already figured as vulnerable in the social heart of the public which made them relatively easy candidates for reform, the growing number of Black children in need in places like Chicago in the late 19th and early 20th century were institutionally treated as *delinquents* (Agyepong 8). Anti-Black scientific discourse and popular discourse promoted a correlation between insensateness and Blackness and this shaped an institutional and white public view of Black children as innately wild and unable to feel pain, and therefore not vulnerable to influence. Shaped by anti-Black discourse that figured the morality of Black communities as suspect, these children were discursively shaped in opposition to the moral innocence of white children (Agyepong). In the heart of the law and white public, Black children were not really children and thus lacked the potential to become civilized adults. Instead, Black children were regarded as delinquent juveniles, and later delinquent youth (Agyepong 5–10).

Occupying the space between childhood and adulthood, as a developmental status, youth and adolescence is marked by an increased access to the knowledge and experience that

characterizes adulthood, but still lacking the ability to appropriately deploy that knowledge. “Cultural investments in the idea of childhood as a state of innocence can be contrasted with notions of youth as difficult, ‘out of control’ and potentially dangerous – a symbol of what is wrong with the neighborhood or the country more generally” (Nayek and Kehily 8). As a discourse produced by and through moral panics about sexual purity as a “dangerous space of limbo,” discourses of youth are “characterized by conflict, uncertainty, defiance, and deviance” (Cohen 151; Breslow 489). These modes or affects of conflict are shaped by changing relationship to dependence that marks adolescence. As Breslow writes, “in adolescence, the relation of dependency can become a central site of conflict, as parents and teenagers grapple with how much independence and autonomy teenagers can have, and what rights and privileges they are afforded” (489). However, this negotiation of agency is still articulated within the power dynamic that subjugates children in the child/adult binary which is governed by the expectation that children obey and comply with adult demands. Compliance and obedience are often articulated through the language of “respect,” which invokes the norms of compliance and obedience, without naming them as such. This means that children and youth who articulate “demands” for agency are often ridiculed as disrespectful. While they may have some accurate knowledge, the language of demand flips the adult/child binary on its head by suggesting that adults have a responsibility to facilitate youth and child agency. This dynamic is amplified for Black children and youth who are subject to the racialized expectations for obedience and are expected to show gratitude.

Because anti-Black discourse hyper sexualizes and criminalizes Blackness, signaling deviant knowledge and repelling innocence, Black children and youth are figured more often as *youth* or *juveniles*, rather than children. In recent years, this feature of anti-Black discourse has

been figured as the adultification of Black boys (Dancy). The argument is that behavior that might be understood as childish or careless when performed by white boys, is interpreted through racial fantasies of Black men as “willful, destructive and irrational” and in need of control when performed by Black boys (Breslow 483). But the need for control arouses particular features of childhood, even as it repels others. Evoking associations between both childhood and adulthood – the need to be controlled and potential threatening danger, respectively – claims about the danger presented by Black children and youth does not negate them entirely from status of child or adult, but instead situates them in the context of deviant adolescence/youth. In this way, childhood does not *stick* to Black children and young people, but when it does stick, “it is not to offer innocence or protection to young Black people but to confine Blackness within the temporal suspensions that are also constitutive of childhood and adolescence” (Breslow 474). As Foucault demonstrated, forces of domination increase as capacity and aptitude are increased (138). By negating childhood and securing adolescence, increased use of force is justified. By negating adulthood, resistance to such domination is also reduced. Rhetorically, adolescence and youth work to racially negate childhood and the rights-bearing subject as citizen, justifying anti-Black violence (Breslow; Dancy).

Consider, for example, Martin Luther King Jr.’s letter from Birmingham Jail. After years of utilizing strategies of moral suasion which attempted to first make anti-Black violence visible, and then appealed to timeless moral truths that would compel the conscience of white people to enact justice, King became somewhat disenchanted. King wrote,

First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro’s

great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klan, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season" (King Jr., *Letter from Birmingham Jail*).

Gesturing toward what I've called the discourse of Black adolescence King highlights the way that supposed white "allies" situate themselves as paternalistic adults who have the power to defer rights through appealing to the need for further development. This white rhetorical strategy attempts to maintain both a sense of moral innocence by appearing to affirm the immorality of unjust laws, *and* privileged control over public and personal spaces. In other words, to have both slavery and abolition. White people deployed rhetorical strategies to preserve their own innocence, as they used claims about futurity to deny the innocence of Black protesters.

In the post-racial, this double negation has potent affective charge. As a condition linked to "anxieties over a post-white America" (Watts 325) the post-racial is activated when there is a felt threat to the status of masculine whiteness, such as through the emergence of movements like Black Lives Matter, the election of President Obama and before that, the passage of 1960s Civil Rights legislation (Watts 323). One way to describe post-racialism is as a white discursive and affective fantasy that denies and represses historic and contemporary anti-Black violence in the name of the forward movement of progress. The post-racial present is figured as the evolutionary

adulthood of a nation that legalized slavery in its developmental childhood.

Responsibility for the historically violence of slavery which occurred during the white childhood of the nation is deferred in the present by appealing to tropes associated with the innocence of white childhood, such as “they didn’t know any better.” In this way, the innocence afforded to white children legitimizes the denial of white adults, rhetorically holding together white racial power by preserving the innocence of white adults. Childhood thus works as a way to absolve white polities of past wrongs.

White childhood also shapes the way that white adults in the present are absolved. Because anti-Black violence is situated as a feature of the past/childhood, white adults often eschew the violence in the present as an aberration (for example: “this is not us”). The developmental potential that characterizes whiteness works to establish distance and closure between past and present, performing what Ersula Ore and Matthew Houdek call “a narrative of closure,” such that the present is seen as distinct from the past. This narrative of closure not only separates past from present, but also works to “freeze” stories of anti-Black violence as singular occurrences in the past chronology of linear time, rather than an overarching characteristic or structural feature (Gomez). If anti-Black violence were framed as a constitutive feature of the foundation of the United States, it would challenge both the white racial innocence of the past and the post-racial adult present.

Instead, Black expressions of *feeling* and *being* unsafe as a result of the conditions of white supremacy are met either with expression of white injury or appeals to “grow up” (Breslow 488). Such appeals emerge through the rhetoric of respectability which attempts to “complete the life span by moving [Black people] from adolescence to mature and respectable adulthood” (Duncan 9). Norms for respectability emerge out of the supremacy of “middle-class

white American culture” which are situated “as the highest stage of human development” (Duncan 4–5). Respectability norms and standards define and govern “manners, morals, and sexual attitudes” public and private life and civic institutions, including schools. Black youth who do not conform to white standards for respectability “are marginalized and depicted as being ‘militant,’ ‘rebellious,’ and ‘surly,’ and as having ‘attitude adjustment issues’” (Duncan 4). This results in the obfuscation of Black youth voices that challenge respectability standards, which “contributes to masking social contradictions that leave intact chronic patterns of oppression” (Duncan 13). In other words, respectability operates as a covert erasure of the discursive and structural inequity of anti-Black violence and the discourse of Black adolescence through universalizing white, middle-class behavioral norms.

The ideological fantasy of progressive development then attaches the problem of anti-Black violence to people of color, especially Black people, who are responsabilized as the cause of the race “problem.” This dynamic shapes reception of demands by Black youth for accountability for violence. When Black activists point to the relevance of that violent history of the nation’s childhood, they are derided with infantilizing discourses (see Foley) that situate their historical remembrance as “whining,” – a rhetorical framework to invalidate pain, echoing the ideology of insentience – generating white anger for not conforming to the adult, progressive, post-racial temporality of the present (Foley; Breslow 488).

Because injured white affects, particularly those that emerge in relationship to Martin’s murder, are tied to notions of temporality and progress, they suture the nature to a phantasmic race-neutral present while containing Black people themselves in a backward, or out-of-time, relation to it... These narratives position the white people who deployed

them as temporally located in a present that, they imagine, Black people have not emerged into” (Breslow 488).

Denying past and present, white discourses attempt to reify their power by discursively situating not only Black youth, but perhaps Blackness as itself, as juvenile, all the while attempting to rhetorically obscure and justify anti-Black violence.

In sum, the discourse of Black adolescence is fueled by the sensation of white injury that justifies anti-Black racism in our post-racial era through a double negation for Black youth in particular: 1) negating both “their location in childhood” because innocence is racialized white, and 2) negating their “demands for recognition and equality on the grounds that the subject has yet to deserve full citizenship rights” because the discursive surface of adolescence sticks to Black youth (Breslow 489). This double negation denies their “acts of citizenship” because they are “out of temporal sync” with the white fantasy of the nation’s progressive, adult present (Breslow 489). As an attempt to reassert white power, discourses of adolescent citizenship situate Black activism focused on connecting past with present as “evidence for a claim that Black people [are] not yet ready to occupy a paternal relationship to the nation” (Breslow 490).

The word “paternal relationship” evokes white-ability and independence, implying a resonance between the discourse of Black adolescence and disability in a few different ways. First, it disables access to the affordances of citizenship, and justifies debilitating anti-Black violence. Second, the discourse of Black adolescence has resonances with the construction of developmental disability offered by Jean Piaget – a prominent 20th century developmental psychologist whose work was foundational to developmentalism and the contemporary educational paradigm in the U.S. Piaget argued that developmentally disabled students –” follow

a much slower rhythm” and that their development is temporally deferred as it “remains forever unfinished” (Piaget and Inhelder 18). For Piaget, developmental disability represents a kind of aporia within developmentalism because there is a disjuncture between the cognitive-emotional development and chronological age: the temporal developmental does not match the spatial development of their bodies. Piaget’s studies actually led to the development of mental age as a way to understand how to developmentally situate someone whose capacities did not reflect expected developmental capacities of their chronological age (18). “Mental ages” it should be noted, are used regularly in the court system to justify the same dependency for which people with developmental disabilities are derided. The concept of mental age erases the embodied knowledge and experience of people with developmental disabilities and legally regulates self-expression (Gill 2–11). In both developmental disability and the discourse of Black adolescence, the discourse of development is used to erase embodied knowledge and justify control and violence by producing subjects who are denied adulthood, whose development is permanently deferred, creating a tempo-spatial discordance. Such discordance is, however, only legible as discordance within the tempo-spatial discourse of progress which situates white rationality and power as the telos.

Resistance

One wonders, then, what resistive possibilities emerge within and in spite of the discourse of adolescent citizenship. Breslow observes,

perhaps it requires a rethinking of the now, and of temporality itself. Indeed, if what is understood to be most fundamentally out of time... is a critique of state violence aimed at young Black people, and the potential for Black freedom to itself disrupt the normative

order of anti-Blackness, then perhaps being unmoved by the falsity of progress, and instead moored in an anachronism that more accurately reflects the pervasive injustices of the ongoing present, is where our critique needs to begin”(491).

Three features stand out in Breslow’s reflection: a refusal to be persuaded by the temptation of progressive temporality, including respectable norms of adulthood, an articulation of history that challenges the dominant hegemony in order to more accurately reflect the injustice of our present, and the expression of and commitment to Black freedom. We see these strategies employed in some civil rights activists, but in particular by Black Power organizations and as I’ll later suggest, Freedom, Inc.

Before discussing Freedom, Inc.’s No Cops in School campaign, I want to contextualize their strategies within a (very) brief engagement with civil rights and Black Power organizing. Earlier, I used King’s Letter from Birmingham to demonstrate how the discourse of adolescence shaped white responses to King’s activism. Now, I want to point to the strategies that King and other civil rights activists employed (in particular, another youth movement: the Student Nonviolent Coordinating Committee, or SNCC). Though King’s work after the passage of the Civil Rights Bill continued to be marked by his faith – not so much in the consciousness of white people but in the transformative capacity of divine presence– he realized that only a massive demonstration of civil disobedience that shut down entire cities had the potential to ignite such transformation (A. E. Johnson 143). “No longer believing that government officials would ‘do the right thing,’ such acts, he contested, had to be carried out by multi-racial coalitions of people connected through the precarious conditions of poverty in order to “massively confront the power structure” (A. E. Johnson 143). While King’s work had always included demonstrations,

up until the Poor People's campaign, they were often discrete, one-day acts that aimed to expose the material violence that undergirded segregation (A. E. Johnson 141–42). His new approach to demonstration was focused on structural economic inequity and called for multiple, simultaneous demonstrations across the nation without a pre-determined end time (A. E. Johnson 142).

Announcing the campaign, King said, "We will go [to D.C.], we will demand to be heard, and we will stay until American responds. If this means forcible repression of our movement, we will confront it" (King Jr., *Press Conference Announcing the Poor People's Campaign*; A. E.

Johnson 142). King's strategy, shaped by SNCC, was less vulnerable to the constant deferral enacted through the discourse of Black adolescence because it made demands, rather than attempting moral conversion. In this sense, King's sense of time had shifted (Cone 244–71).

Instead of protesting to evoke exigency by highlighting the contradiction between moral law and the country's law and practice, civil disobedience creates exigency for action by interrupting normal operations in entire cities. Refusing to be interpellated into the discourse of Black adolescence, he was clearly "unmoved by the falsity of progress," aiming instead to "disrupt the normative order" (Breslow 491). This was undoubtedly a life-threatening strategy.

While the coalitional, structural approach King took does not directly make the historical connections between past and present necessary to obviate the temporality of the discourse of Black adolescence, the strategies employed by Black Power activists, especially Black women like Assata Shakur and Angela Davis, *do* connect past to present more directly. Rather than focus on arguments predicated on timeless moral truths, rhetorical strategies of Black Power use the history of anti-Black violence to understand the present, using the continuity of that violence to shape their rhetorical strategies. If anything transcends time, it is the structure of anti-Black violence constructed and maintained by whites, so they have little morality to appeal to. Born

and raised in New York City, the experiences of Black Power revolutionaries like Malcolm X and Assata Shakur proved that the white promise of freedom and equality was nothing but lip service at best, and insidious manipulation at worst. Using the future promise of change to lure Black people into a state of obedient expectation for promises that would never be kept, Malcolm X believed that moral appeals to white conscience forced Black men into a subservient, graveling, ultimately child-like posture of disgrace (Cone 89–120, 181–213).

Instead, Black Power focuses on dignity and the capacity that Black people have to care for each other in order to secure Black liberation. If anti-Black violence connects the past to the present in the United States, then so does the dignity of Black people. In fact, it was the history of Black brilliance that really brought the insidiousness of anti-Black violence into relief. In this way, Black Power revolutionaries like Assata Shakur utilized Black history as a rhetorical resource for political action (Corrigan 119). When white audiences must be engaged, instead of relying upon their moral conscience to support civil rights, which puts white people in a position of power to recognize or refuse the inherent dignity of Black people, Black Power organizing focused on building power through making demands. As Cedric Robinson observes, Black Power discourse often alludes to the potential for continued and intensified insurrection (C. Johnson xxviii), which directly threatens white deferral strategies. As Lisa Corrigan notes, this rhetorical strategy “reoriented coalitions of power away from white liberals and toward Black community actors as Black nationalism replaced desegregation” (8).

Political re-education, however, avails history as an inventional resource, liberatory responsibility, and the basis from which they make their demands. Freedom Inc. Youth Squad members invoke this sense of duty to learn the history of anti-Black violence *and* Black care and community practices, and commitment to liberation articulated by Black revolutionaries like

Assata Shakur. As Shakur wrote, “Nobody is going to give the education you need to overthrow them. Nobody is going to teach you your true history, teach you your true heroes, if they know that that knowledge is going to set you free... As long as we expect Amerika’s schools to educate us, we will remain ignorant” (Shakur 181). For Shakur, education was a multi-generational and lifelong project that *necessarily* included children, since children are especially vulnerable to the internalization of anti-Black racism. For Black Power revolutionaries like Shakur, Malcolm X, Stokely Carmichael, and Angela Davis, among others, learning was not directed at achieving legal recognition from whites, but rather at the affirmation of Black love and care, and ultimately, liberation from white, carceral domination. It is from this orientation, that the Youth Squad’s “No Cops in School” campaign was developed.

While Freedom, Inc. is a coalition of Black and Hmong adults and youth, they are firmly rooted in the legacy of Black Power. Freedom Inc.’s strategy does not seek recognition or legitimization from a white power structure. Rather, their rhetoric reflects and reconstitutes the cultural resistance that marks Black Power movements. Rooted in political re-education, cultural resistance brings white master narratives of innocence, inherent vulnerability, and the need for protection into relief as rhetorical strategies, rather than Truth. White master narratives of security center state surveillance and law enforcement as the mechanism for security, erasing the police as a historically contingent state strategy to protect human property. While these master narratives can “make it difficult for black Americans to use history as a resource for resistance,” Freedom Inc.’s consistent insistence on history’s relevance nevertheless formed a basis for their campaign (Corrigan 130). Moreover, as the Freedom, Inc. youth speakers eventually took the name “youth squad,” they implicitly affirmed their sociopolitical position outside of the normative boundaries of white childhood, and in proximity to the kind of historical and

embodied knowledge that characterizes adulthood. This is not to suggest however, that their speech and actions were received as legitimate performances of knowledge by the mostly white school board. The fact that Black and Brown youth were both professing historical knowledge of anti-Black violence, and expressing knowledge of their own experience, meant that they threatened the innocence that grounds whiteness.

Freedom, Inc.'s No Cops in School Campaign, Part 1

As I outlined in the Introduction to this dissertation, the relationship between MMSD and MPD began as early as the 1960's ("Socialist Hits Requirement of Police at Meets"). Beginning in the 1970's, the district made several formal attempts to put Madison Police Officers in area schools, particularly those with majority Black and Brown student body. In June of 1975, The Madison School Board passed a revised plan for unarmed police that would allow each school "area" within the district to determine whether or not they wanted police "as school resource persons" (Kendrick, "Board OKs Unarmed Police As School Resource Persons"). This work to rename police officers in school as a "security resource" and later an "educational resource," functions as an attempt to disguise their role as police officers in order to garner public support. This was, undoubtedly, a rhetorical strategy to disguise the function of police officers in schools by figuring them as an *educational* necessity, obscuring their primary function as law enforcement. But as former MPD police chief Koval stated repeatedly over the course of the No Cops in School Campaign, Madison Police Officers were not and would not consent to being governed by school protocol (Blaska, "Cops likely to remain in Madison Schools?"). They were, in the end, nothing but police officers. Refusing the term "Educational Resource Officers," or EROs, Freedom Inc.'s No Cops in School campaign rhetorically negates such attempts to reframe the duty and function of police officers in schools as anything other else.

In an appeal that the No Cops in School campaign would intensify decades later, the Madison City Council wrote in 1975 that the proposal to put police in schools to govern Black and Brown students was “developed by a committee totally unrepresentative of the parents whose children will be affected” (“No Police in Schools Until Community Voices Support”). Whereas Madison City Council appealed to the logics of inclusion in their critique of the Gompers police-in-school plan, The No Cops in School Campaign would later appeal to community control – the idea that the community being governed should shape the mode of governance. If Black and Southeast Asian students in area schools were governed by disciplinary codes enforced by the police, then Black and Southeast Asian parents and students should play a significant role in the construction and enforcement of those codes.

By the 1990s, MMSD had developed a contractual relationship with Madison Police Officers, whom they would insist on calling ERO’s – Educational Resource Officers. The contract continued with periodic resistance until 2016 when the Madison Police Department contract with MMSD was again up for renewal. Of course, I can’t say for certain why the 2016 renewal was particularly contested, but the exigency was undoubtedly shaped by the growing public conversation about police violence nationally and locally. In the years preceding the 2016 renewal, Freedom, Inc. helped to organize protests and community sense-making of the murder of Tony Robinson – a young unarmed Black man – by police officer Matt Kenney, and the arrest of Denzel McDonald – a young Black student – during class at UW-Madison. They also organized the Free the 350 campaign, which sought to both bring awareness to the disproportionate incarceration of Black Madison residents, and to advocate for the material release of incarcerated Black people.

On August 29th, 2016 – the date that Madison’s Board of Education would make their announcement about whether or not they would renew the ERO contract – 14 people, mostly students and adults from Freedom, Inc. showed up to recommend that the board *not* renew the contract (*Board of Education Meeting for August 29, 2016*). In these early meetings, Black youth challenge norms for respectability and compliance, and actively draw on the history of anti-Black violence in more subtle ways than later board meetings. Still, they draw attention to larger systems of violence that MMSD has tried to rhetorically disarticulate itself from, and the erasure of their innocence by police officers. Perhaps most importantly, the fact of their participation in the civic forum of school board meetings demonstrates their investment in shaping the policies that they are governed by. Freedom, Inc. youth eschew the paradigm of paternalism, but their speech at school board demonstrates their understanding of community as a social responsibility.

Before proceeding, I want to note that I have removed the names of individual youth speakers. Even though the meetings they spoke at are publicly available and so using their names is ethically sound according to IRB standards, in several instances youth speakers were maligned and targeted by white supremacist activists in Madison. I have opted to not include their names in attempt to mitigate additional risk. However, I have some reservation about my choice to do so because it also strips youth speakers of their individual voice.

Most students’ testimony took the same shape: they greeted the board, shared their name, and articulated their relationship to Freedom, Inc. Freedom, Inc. youth usually proceeded by sharing their personal experiences within the school, describing what would later be characterized by the campaign as jail-like conditions of surveillance for Black students, who always already presumed guilty (which is to say, to lack innocence). For example, one youth speaker stated,

When I am at school, I feel as if I am being looked down on. When we're walking through the hallways the police department have these signs saying \$50 and reward if you give an anonymous tip to your principal or school officer about drugs, guns, or paraphernalia. Now the problem with that is that we are already looked at as guilty just for being in the hallway and because we're Black (Board of Education, "Board of Education Meeting for August 29, 2016").

This youth describes a system of surveillance that not only promotes disconnection within the student body, but because anti-Black racism situates Black youth as always already lacking innocence, and therefore as guilty, it also incentivizes the "capture" of Black students. This youth's testimony gestures toward the way that Black youth are situated developmentally as potential criminals *in the present*. In this sense, Black youth do not portend *future* criminality because they have already, apparently, developed into what they would become. The presence of police materializes anti-Black ideology that situates Black youth as criminals, by citing, fining, and arresting Black students, providing further justification for police presence.

It's worth noting here that the reward system described by this student is not at all at odds with the PBIS system implemented in MMSD but could actually be framed as an *extension* of that system by incentivizing the "good" behavior of turning in students suspected of drug use, weapons, and paraphernalia. Moreover, under PBIS, students found to be guilty of drug use are still regularly suspended and expelled. If found to be in possession of more than 1 gram of marijuana (the size of one joint available at most dispensaries), students are automatically suspended, and automatically expelled if they are found to distribute or if they are caught more than once. Police presence not only incentivizes students turning each other in, but can also

result in arrests, citations, and violent interactions. As one youth speaker noted, “I have always seen police at my school interacting violently with people of color, especially Black folks” (Board of Education, “Board of Education Meeting for August 29, 2016”).

Youth testimony at school board meetings also worked to situate the cops in MMSD schools within larger frameworks of police violence and deportation. Nearly all students who testified in this early part of the campaign described the way that the police facilitate the “school-to-prison-pipeline.” Linking police presence in schools to Black students dropping out of school, this youth went on to state that “there is no benefit to students of color... drop out leads to mass incarceration of people of color.” Many of the students who testified in the early stages of the No Cops in School campaign were Hmong youth who situated their testimony within the context of immigration and deportation. When the campaign began in 2016, the Trump administration had announced that all people in the U.S. without documentation (rather than only “criminals” under the Obama administration) would be subject to deportation. Student testimony reflected this exigent context. One youth said, “we know that having the police in school looks like a school to prison pipeline, and for Southeast Asian undocumented folks, that looks like school to deportation” (Board of Education, “Board of Education Meeting for August 29, 2016”). By connecting local policies in Madison to broader structures, Freedom Inc. youth challenged the dominant white rhetorical framework that attempts to confine and disarticulate instances of anti-Black violence.

Youth also challenged this dominant frame by situating the problem of anti-Black violence not only as a national problem, but also as a *Madison* problem. For example, one student began their testimony by saying that “we know that police are violent towards kids of color, especially Black youth. We’ve seen that with Tony Robinson. We’ve seen that with Janel

Laird...we know that having the police in schools... looks like a school to prison pipeline”

(Board of Education, “Board of Education Meeting for August 29, 2016”). This

contextualization not only situated the police contract within a larger history of police violence, including the school-to-prison pipeline, but also within the city of Madison itself. Rhetorically, this testimony worked against the tendency of white liberals to locate the problem of anti-Black violence as geographically rooted elsewhere, in order to obscure the violent policies in their own backyard.

In the early stages of the campaign, Freedom, Inc. Youth did not yet have formalized talking points, nor did they make specific “demands.” Instead, youth noted how money spent on police officers should be used for improving school infrastructure and programming. One youth stated,

I feel as if we could use this money in it in different ways. I've been a part of the music program at my school for two years and I will hope to do so until the end of my high school career, our school's new program is struggling to do its funding. So, you have to fight to keep our programs. There are students like myself who think that the music program is their escape for school. And also let me remind you that Jefferson middle school, which is right next door to Memorial, it doesn't have real walls, let alone our school. We have log providers and half of the time they can't even hear a teacher is because of the fact that other classrooms that you provide, if they have lessons themselves. So, um, if you haven't realized I'm opposed to use this \$1 million for police officers, because we don't even have real walls in our school and you all should use that money to make sure that we're able to hear our teachers (Board of Education, “Board of

Education Meeting for August 29, 2016”).

Arguing that the money the district spends on police officers should instead be spent on arts programming and fixing poor infrastructure, especially at Jefferson Middle School which boasts one of the highest percentages of Black and Brown students in the district, this youth speaker implies that if the district really cared about whether or not Black students learn, that they should focus on creating conditions that allow them to hear what their teachers are saying (“Jefferson Middle”). Not yet making a demand to end the contract, this youth speaker, and others, used words like “oppose” and “unnecessary” to describe their orientation to the MPD-MMSD contract.

Nevertheless, youth speakers’ testimony demonstrates the district’s relationship to Black youth. Namely, that MMSD seems more invested in criminalizing Black youth, rather than providing them with an education that fosters their passions and facilitates learning. The way children and youth are treated, as I described earlier, is a reflection of not only who we believe they are now, but also what they are capable of doing and learning. If the district is more financially invested in criminalization of Black youth, rather than learning, this reflects the kinds of future the district imagines Black youth evoke.

The Board of Education’s meetings notes for this meeting, and nearly all other meetings attended by Freedom, Inc. youth speakers, were marked by a shift in their description of the public appearances. While previous meeting notes named the speakers and described their testimony, the board did not include the names of speakers, and summarized Black youth testimony in a simple sentence: “14 opposed to renewing the ERO contract” (Board of Education, “Board of Education Regular Meeting Minutes August 29, 2016”). This elimination

of individual testimony could be simply a practical matter – that it was difficult to capture all of the testimony, given the number of speakers. However, all meetings are recorded, and so individual testimony could have been described, as they were in previous meeting minutes. The elimination of youth names from both meeting minutes and later also public testimony, would come to be a flashpoint in the No Cops in School Campaign.

Freedom, Inc.’s No Cops in School Campaign, Part 2

In September of 2016, the Madison School Board developed an “Ad Hoc Committee on Educational Resource Officers.” Though the Board of Education did not attribute the establishment of this group to Freedom, Inc.’s testimony that raised concerns about the ERO contract, the timing suggests that the exigency for the ad hoc committee was shaped by Freedom, Inc. youth testimony. The committee was charged with reviewing MMSD data, reviewing ERO efficacy, and developing recommendations to the board by the time the next ERO contract was to be signed in 2019.

The ERO Ad Hoc Committee began meeting in January 2017 and would be given roughly a year and a half to fulfil their charge, as their report to the school board would be due in May of 2018. While videos of other Madison School Board ad hoc committees were uploaded regularly to YouTube (and are still available for public viewing) through the school board’s YouTube channel, the ERO ad hoc committees either were never uploaded, or have since been removed. Because these videos are not publicly available, and because, as I’ll explain later, Freedom, Inc. youth speaking at ERO meetings were often subject to public harassment, I will not utilize requested footage for those videos. Instead, I’ll turn to the video that Freedom, Inc. put together to explain the No Cops in School campaign, which includes student testimony given at ERO board meetings during the summer of 2017.

On August 22nd, 2017, Freedom, Inc. published a video, titled “Why Freedom, Inc. is Fighting for No Cops in Schools (Freedom Inc., “Why Freedom, Inc. Is Fighting for No Cops in Schools”). This video is, to the best of my knowledge, the formal beginning of the No Cops in School campaign. The discursive frame of the video and the youth testimony it includes begin to directly challenge norms for respectability and the white liberal Madisonians’ attempts to preserve their innocence and demonstrate clear links between the presence of police officers in schools and anti-Black violence. The video opens with text that reads,

For years now, community leaders in Madison have been speaking up about racist state violence and offering tangible ideas for how to end it. But politicians are ignoring these efforts. On July 25th, 2017, the Dane County Public Protection and Judiciary Committee voted to recommend spending \$75 million to build new jail facilities rather than pushing money to making Madison a better place for everyone. In “progressive” Madison, upholding the status quo is business as usual (Freedom Inc., “Why Freedom, Inc. Is Fighting for No Cops in Schools”).

The video then proceeds to footage taken at a Madison Common Council meeting about the construction of a new and expanded jail in Dane County, where Freedom, Inc. organizer M. Adams describes the way that white liberalism works to support the status quo – incarcerating Black people – in Madison. The video focuses on Adams, who is standing up at a Madison Common Council meeting, pointing their finger at a group of white Madison officials who are seated at a table. Challenging the norms for respectable decorum in public forums, it appears that

Adams is not speaking during the public comment period but has begun speaking loudly during the meeting itself. Adams says,

Y'all kept saying we gotta be better than the status quo, this is actually the status quo: white folks, middle class folks don't know nothing about being Black, don't know nothing about being incarcerated, making decisions about jail, investing money in jail. That's actually the status quo. Madison is no different. Y'all act like y'all different, y'all act like y'all better. I don't care how progressive you think you are – on record, on paper you made the same decision. You put money in prisons, you put money in jails, and you are the worst in the country at racial disparities as it relates to incarceration. You have done nothing different (Freedom Inc., “Why Freedom, Inc. Is Fighting for No Cops in Schools”).

Adams's impromptu speech is compelling as they outline the failure of elected officials to represent the interests of Black people in Madison and outline the way that white Madison liberals use progressive politics to secure their own racial innocence, all the while maintaining the status quo of white racial violence. Rhetorically, beginning with Adams' impromptu speech links the presence of cops in schools to the incarceration of Black people more generally, which challenges the white racial framework of disarticulating acts of white racial violence as separate entities.

The video continues by making this connection explicit as the voice of a Freedom, Inc. youth organizer narrates the following over a photo of the almost entirely white Board of Education: “Meanwhile, our schools choose to stay in line with their historical role in ensuring the \$75 million [for the new jail] didn't go to waste, doing their part to help fill the jails by

pushing students of color through the school-to-prison pipeline.” This youth organizer situates the school not so much in opposition to the prison, but rather as a means of facilitating the incarceration of Black and Brown youth. This point is made more prescient on the slide that follows, which reads, “Though less than half of the schools in the country have police officers in them, and despite the ACLU’s unequivocal statement that ‘putting police in schools results in criminalizing adolescents of color,’ the Madison School Board continues its contract with the Madison Police Department, spending an additional \$360,000/year on placing cops in our four high schools.” Linking police officers in area schools to criminalization of Black and Brown youth, which the city was creating more room for by expanding the jail, this text invokes the ethos of the ACLU as a liberal authority to make the argument for the exigency of ending the MPD contract (Freedom Inc., “Why Freedom, Inc. Is Fighting for No Cops in Schools”).

Up until this point, the video has attempted to link police officers in MMSD schools to broader systems of anti-Black violence, called out directly the role that schools play in those systems of violence, and underscored the hypocrisy of white liberalism, which seeks both to secure its goodness and maintain power. Panning to a blurry video of an ERO officer in an MMSD school approaching a young Black student sitting in a desk, the youth narrator goes on to say, “This, despite all local facts and statistical evidence pointing to a reiteration of the ACLU’s conclusion: bringing the jail closer to schools with police presence only serves to re-criminalize Blackness.” The person in the video playing in the background appears to be sitting very quietly and still as the officer attempts to lift the student by the arm. Within the span of 2 seconds, when the student does not immediately get up, officer wraps his entire body around the student, placing them in a headlock. Nearly as remarkable as the event itself is the fact that the event is taking place in a classroom with other students who are all sitting at their desks. The location and

minimal reaction from other students suggest, perhaps, that this event is banal in its regularity, but also works to generate fear and compliance. As the student is sitting still when she is assaulted, the footage provides evidence of narrator's description of the impact of having officers in schools, namely the recriminalization of Blackness itself (Freedom Inc., "Why Freedom, Inc. Is Fighting for No Cops in Schools").

As the video continues, footage of Freedom, Inc. youth speaking at the ERO Ad Hoc Committee meeting emerges. The first youth testimony calls out the way that the common justification for having officers in schools – student safety – is a claim that only makes sense in the context of white youth, especially gender conforming youth. They say

As you all sit here today, and the many more days to come, I want you to think about this word: safety. Now I want you to think deeply and try to answer this question: whose safety are you really, truly concerned about? I can tell you that having police in our schools is not addressing any of the safety needs of Black and Brown students. By having police in our schools, we are only continuing the criminalization of Black, Brown, refugee, immigrant, and LGBTQ youth (Freedom Inc., "Why Freedom, Inc. Is Fighting for No Cops in Schools").

This youth speaker reframes the carceral logic that links safety to police, by outlining the danger police present not only to Black and Brown students, but also youth impacted by the global terror of the United States, as well as LGBTQ youth. Having demonstrated the way that Black youth in particular are criminalized as a result of having police in schools, this testimony challenges the commonsense logic that suggests the presence of police creates conditions of safety. This youth speaker goes on to say the committee, "If you want to make sure our schools are safe and

healthy, then we need to put that money into our students and not the police, especially if we say that young people are the future, if they are the future, then stop policing them” (Freedom Inc., “Why Freedom, Inc. Is Fighting for No Cops in Schools”). Finding common ground with the board’s goals of creating a safe, healthy environment for students, this youth speaker suggests an alternative way to achieve their goals: invest in youth of color in school, rather than their capture. Further accentuating this point, the speaker uses a common truism – that young people are the future – to imply why the MPD contract should be eliminated: it truncates the future of Black youth. This youth speaker – and narrator of the video – sets up a clear dichotomy between investing in youth of color in school and therefore their future and investing in police which results in the material elimination of the future of Black youth.

Another youth speaker continues this theme by asking the board, “Instead of pouring all that money to hiring more police to be in our schools, why not put that money into communities that need it and put a roof over someone’s head that can’t provide a house or buy food for poor people.” In stark contrast to narratives that situate youth as economically and civically irresponsible, this youth speaker asks a profound but simple question about the banal violence of budgets: Why would you pay to hire police when you could pay to house someone? The act of asking this question disrupts the norms of compliance that demand that youth answer for their behavior in a way that white adults do not typically have to, because they are shielded by racial innocence (Freedom Inc., “Why Freedom, Inc. Is Fighting for No Cops in Schools”).

In a shift from the earliest MMSD meetings attended by Freedom, Inc. youth, the final speaker in the video, declared: “I am demanding community control of discipline, resources for youth of color such as: teachers, counselors, and advocates for youth in a culturally specific way. And I lastly say, no cops in schools” (Freedom Inc., “Why Freedom, Inc. Is Fighting for No

Cops in Schools”). In what would become a hallmark of Freedom, Inc. testimony at school board meetings, this youth speaker shifts from previous testimony where students stated that they opposed the MPD contract, to making a demand. This is a crucial transition in rhetoric from sharing their opinion with the hope that the committee would take it into consideration, to a demand for action. The language of demand evokes a sense of certainty about what one is owed and what one deserves, overturning standards for obedience, compliance, and respect (in the case of youth, deference to adults) that govern Black youth.

Freedom, Inc. youth members continued showing up to ERO board meetings during the fall of 2017 and the spring of 2018, forming what came to be known as the Freedom, Inc. “youth squad.” As the Board of Education meeting notes demonstrate, Freedom, Inc. youth were present to testify at nearly every meeting between January 2017, and May 2018. In many meetings, all public comments were made by Freedom Inc. speakers who opposed the ERO contract (see for example (Board of Education, “ERO Ad Hoc Committee Minutes August 23, 2017”). Over that time, Freedom Inc. developed their core demands: to end the contract with MPD, to establish community control over discipline, and to invest in culturally relevant mental health support.

Freedom, Inc.’s No Cops in School Campaign, Part 3

Despite their consistent testimony, in the summer of 2018 the ERO ad hoc committee recommended that the Board of Education renew the MPD contract thru 2019. Freedom, Inc. youth continued to show up to regular school board meetings and even the Madison Common Council meetings to demand an end to the contract. While area white supremacists antagonized youth over the course of their campaign, by the summer of 2018 they were taking videos of Freedom, Inc. youth speakers and posting them online (Blaska, “Police Issue Citations against Freedom Inc. Intimidator”). As a practical strategy and demonstration of their agency and care

for each other, Freedom, Inc. Youth Squad responded by regularly creating a shield around their peers to protect their faces from recording.

While the words and stories that each student shared were self-authored and unique, they all shared the same format: an introduction, their experience of having police in schools, and their demands. That students were making demands, rather than *asking*, was central to Freedom Inc.'s foundational principle that “people who are most affected by these issues must have voice, power, resources and choice, in order for true social change to happen” (“About Freedom, Inc.”). But in making their demands, Freedom Inc., Youth Squad members eschewed the norms for offering testimony and question asking that typically ground parliamentary order. Whereas question-asking may denote a sense of unknowing, and an acquiesce to the knowledge of the person toward whom the question is asked, affirming both adult/child, teacher/student, and other similar power dynamics, demands invert the power relationship. By asserting the knowledge claims of the marginalized as a statement and call for action, demands refuse the purported knowledge of the person/group in charge, and face the hearer/audience with a choice: to either incorporate the professed knowledge and accede to the demands, or to refuse them.

Because students, especially Black and southeast Asian students were most affected by police presence in schools, youth speakers from Freedom, Inc. typically spoke before adult members of Freedom, Inc. However, their testimony was followed by parents and other like-minded community member voices usually followed, both in the order for public comments and in their message. Whereas youth is typically marked by rebellion against communities of origin, these youth were surrounded by their communities.¹⁸ This strategy not only centered youth voices, but it communicated to the Board that the adults in their life trusted their ethos, experience and knowledge.

The Freedom, Inc. Youth Squad ended every school board meeting they spoke at with a recitation of Assata Shakur's written proclamation after being arrested in 1973: "It is our duty to fight for our freedom. It is our duty to win. We must love and support each other. We have nothing to lose but our chains." These words grounded the public dimension of their work and situated their advocacy as a commitment and responsibility to each other.

Their public testimony at this point in the campaign demonstrated clear resistance to the false promise of progress and reform. Refusing the force of white injury and denial that animates the post-racial, they articulated sophisticated arguments that worked to undermine discursive efforts by the white institution of MMSD to maintain innocence by disguising the power and function of police in school by naming them "Educational Resource Officers." They also articulated arguments about what police actually do in schools. One Youth Squad member said, "They are supposed to be there for educational purposes because they're supposed to be educational resource officers. But why is it that when I ask for help, nothing happened." This line of argument was echoed by other students who said, "There have been times when I asked police officers in school, in my school for help, but they did nothing." In describing their experience that police do not fulfill their duty as Educational Resource officers, these students offer insight into the rhetorical labor of the title "Educational Resource Officer" (ERO). The title ERO suggests that their duties are, indeed, educational, but as these students gesture toward, they do not serve as educational resources, at least not for all students. Whereas when Black and Brown students expressed needs, the police failed to respond, they note that "when it comes to kids of color, they're the first one on the scene." Students shared stories about their experiences and the experiences of their Black and Brown friends, including being given \$100 citations in schools for loitering in hallways, being "verbally and sometimes even physically threatened,"

being “slammed by an ERO [on the ground]” resulting in a concussion. Likewise, another youth squad member stated, “[They are] harassing students of color, especially Black students. Is this what you call educational?” Youth Squad members noted that the presence of police officers in school makes it “like jail” (Madison Common Council).

In their testimony, Youth squad members also made clear connections between the presence of police officers in school and the origins of policing in the United States, particularly their foundational role in enslavement and global terror. One speaker stated, “You all are scared of Black potential and excellence. You are all scared to have Black and Brown folks thriving more than their white peers because [you] are all scared to let go of America’s history of slavery and genocide.” Others drew attention to the history of colonization and slavery which worked to strip those enslaved of their culture, and the connection between policing and imperial violence: “I chose to be here today because I believe in the freedom of my people. When you’re investing in police, you’re supporting the United States bombing of my country for nine years. When you’re investing in police, you’re supporting the genocide of my people... When you’re investing in police, you’re no different from those colonizing Europeans who killed many people around the world” (Board of Education, “Board of Education Regular Meeting October 29, 2018”). By connecting the presence of police officers in schools to the foundational violences of the United States, Youth Squad members challenged the containment strategies that attempt to contain anti-Black and imperial violence to the past.

The Youth Squad not only discussed the historical role of policing in school board meetings, but they also held teach-ins to educate white supporters about the history of policing in the United States. The teach-ins ended with time devoted to calling and emailing school board members directly and demanding an end to the police contract. Held in Freedom, Inc. offices,

these teach-ins were not an effort to recruit new supporters, but rather to turn tacit support into political action. I attended these trainings during the summer of 2018 and frequently sat in rooms that were packed with participants.

As they'd done in previous meetings, in the fall of 2018, Youth Squad members refused the scripts that situate Black youth as unable to appropriately demonstrate their knowledge, Youth Squad speakers were well versed not only in the historical legacy of policing but also school budgets. "As it says in the contract, each individual school in Madison is spending \$360,000 for cops in schools. That's not improving anything for our children in schools." Instead of investing over a quarter of a million dollars in police, Youth Squad members argued that the money could instead be invested into more counselors, offering students "bus passes," "free and reduced lunch," "more air conditioners," "clean bathrooms," and hiring "youth advocates to work with students of color in a culturally specific way." Their insistence on the inappropriateness of the school budget that devoted so much money to police officers challenged the constraints of the discourse of adolescent citizenship that situated white adulthood as the telos of development. If the mostly white school board members could not determine how to appropriately allocate money to invest in youth of color, then the Freedom, Inc. Youth Squad would tell them how to do so (Madison Common Council).

At the end of their allotted time to speak during the public comment period, youth squad members closed their statements uniformly: "We have three demands: the first is to take cops out of schools. The second is to invest the money into youth of color and not cops. The third one is to give parents, youth, and community control over school discipline" (Board of Education, "Board of Education Regular Meeting October 29, 2018"). Rooted in the historical demands of Black Power struggles, the demand for community control emerges out of an understanding that

“the Black community functions as a domestic colony within the United States” (Adams 263). According to this framework, the fundamental relationship between the white nation and the Black community is one of colonial control, rather than primarily racial prejudice (Adams and Rameau 521). The solution, then, is not recognition of the rights of the colonized per se, since the justification for colonial sovereignty is predicated on their unique access to reason, law, and rights that the colonized do not share (Wynter 293–99). Rather, the solution is a refiguration of power wherein the most marginalized do more than access the right to voice their concern, they “exercise their own power” directly to control the norms, standards, and practices by which they are governed (Adams and Rameau 537, 534–39). Rather than conform to the compliance and obedience demanded of them, the Youth Squad articulated their demand to shape the world that they live in.

At the final hearing held by the Madison Common Council, students pointed directly to the way that their testimony was delegitimized, saying “The harm described is not always captured in terms of a statistic, it’s not in terms of a report or not on a data sheet. You’re hearing out of the mouths of youth of color students, including myself.” Appealing to the important knowledge demonstrated in their stories, one student said, “So I hope you all take these stories – real stories – into consideration. Think about your children’s futures. Think about those you care [about]. Because you are all sitting on this table today that gives you power to make changes, not just for the law or the city by changes for the lives of people... please take this into your hearts, thank you.” Echoing this sentiment, another student ended their testimony by saying, “I really hope you guys all hear our voices and don’t ignore us like the ad hoc committee.” This expression of hope is not so much rooted in a faith in that that the council members would act morally as it is a recognition of the board’s refusal to be shaped by the students’ voices (Madison

Common Council).

The school board's response to Freedom, Inc.'s continued public testimony after the MPD contract had been renewed by actively disrespecting Black youth. When Board of Education member Mary Burke repeatedly failed to pronounce the names of youth correctly in the fall of 2018, she refused the correction. When the youth stated that she would wait to continue her testimony until the president correctly introduced her, Burke stayed silent for the remainder of the youth's testimony .

On October 29, 2018, the Board of Education was scheduled to finalize their vote to resign the MPD contract. Refusing to abide by the norms of public testimony when it became clear that those norms did not work because the mostly white board continuously affirmed the need for "reform" rather than ending the contract, members of Freedom, Inc. and the Freedom, Inc. Youth Squad carried a banner that read "No Cops in School" to the auditorium stage where the Board was sitting. Members of the Board fled the stage in apparent fear and the vote was delayed (Wroge, "Protesters Shut down Madison School Board Meeting, Delaying Vote on Budget"). This form of direct action was the material embodiment of the Youth Squad's demands and a demonstration of their belief in the potential for Black freedom to disrupt the normative order of anti-Blackness.

In response to both being corrected for mispronouncing a student's name and Freedom, Inc.'s direct action, beginning in December of 2018, the Board responded by assigning numbers to speakers in lieu of reading their names and placed security guards around the Board. This was not lost on youth speakers who stated, "Mary Burke wants to increase the number of security guards at these meetings as we peacefully speak about the wrongs of the community... you are also giving us numbers like inmates in jail and that also means you also want these damn pigs in

our school” (Board of Education, “Madison Board of Education Meeting for December 17, 2018”). By connecting their treatment at the meetings to their treatment at school, Youth Squad speakers delegitimized the moral superiority of white adult board members.

When the Board added security guards and made speakers take numbers, they demonstrated their fear of Black and Brown youth, shaped by the discourse of Black adolescence. But rather than try to dispel Board members of this fear, Youth Squad members used it to generate power. In a particularly compelling speech, one youth stated,

I am tired of you not taking us seriously. And yes, you fought for those seats up there, but those seats can be given up at any moment. With the momentum of students who are now in this room, we can take you out. Go ahead and increase security guards, it means we are getting close to taking these cops out of schools. And it means that we will get louder and increase in numbers in here (Board of Education, “Madison Board of Education Meeting for December 17, 2018”).

By directly invoking their future capacity to vote, the Youth Squad articulated their development and capacity as future adults who could and would make the Board accountable for their failure to listen to youth voices. Less than a year later, Mary Burke resigned.

Over the next year and half, Freedom, Inc. youth continued to show up to school board meetings. The kairoitic exigency of the summer of 2020 worked to further situate Freedom, Inc. Youth Squad's demands for No Cops in Schools within the history of police violence against Black people, affirming their demands within both historical and on-going anti-Black violence and resistance. When Freedom Inc. Youth Squad members spoke of the historical uses of police

officers as violent protectors of white property beginning with slavery, the news stories of George Floyd's murder for having used a counterfeit \$20 to pay for groceries (read: theft), recontextualized their demands as a challenge to the way the past continues to play out in the present. Likewise, the Youth Squad's demands to end the police contract and to reallocate the \$360,000 dollars for district EROs to youth resources were bolstered by increasing abolitionist discourse in the summer of 2020. As the phrase "Defund the Police" became a routine protest chant, and an awareness of the need to reduce police spending and increase spending on social infrastructure and mental health funding grew, Freedom, Inc.'s demands were infused with the persuasive force of thousands across the nation echoing their call.

As school board members retreated to their homes during the first year of the COVID pandemic, Freedom, Inc. Youth Squad members refused to let the elimination of a material public domain interrupt their campaign and rendered private property an insufficient barrier to public problems. After several protests that ended at the front yard of Gloria Reyes – former police officer and then president of the MMSD school board – on June 9th Reyes agreed to end the contract. But Reyes added a caveat that she would install a subcommittee to further investigate the issue, despite nearly four years of research by the ERO Ad Hoc Committee (Wroge, "School Board President Gloria Reyes Backs Removal of Police from Madison Schools"). Over the next three weeks, Freedom, Inc. continued organizing. They showed up at school board meetings, painted "Police Free Schools" and "Defund Police" in downtown Madison, and asked for supporters of their campaign to call Gloria Reyes and demand an end to the contract (Freedom, Inc., "Police Free Schools"; Freedom, Inc., "Defund the Police"; Freedom, Inc., "Take Cops out of Schools").

On June 29th, 2020, the school board voted unanimously to end the contract (Rude). Reflecting the exigency of the moment, when asked why she changed her mind on the ERO contract, Reyes stated,

I know that we as a community and all over the country have utilized police officers to respond to every societal challenge. And we need to stop placing our officers in those positions, invest in resources that get to the root causes of violence and public safety challenges, instead of relying on our officers and placing them in these positions to solve a lot of our complex societal challenges. So, considering the incidents of racial injustice that our nation has experienced, and as MMSD continued planning for the reopening of schools this fall, I felt the timing was right (Freyberg and Reyes).

Reyes avoids mentioning Freedom, Inc. by name and instead gestures toward the national context of 2020's summer protests as the "tipping point" for her decision to finally end the ERO contract. This is an unsurprising omission, because to cite Freedom, Inc.'s organizing would be to highlight the power of their multi-year, youth-led grassroots campaign, and few things are more threatening to white institutions than Black youth organizing. But to cite only the kairoic energy of 2020 in the story of Freedom, Inc.'s Youth Squad's campaign to end the police contract in MMSD's schools, would be to miss the heart of their success.

Conclusion

The tempo-spatiality of Black Power that shaped Freedom, Inc.'s campaign offers not only a compelling critique of the discourse of Black adolescence; it also evidences a

sophisticated and successful rhetorical strategy. In contradistinction with the way that the discourse of Black adolescence subjugates contains Black youth to a liminal developmental status, Freedom, Inc. drew upon a diasporic and coalitional understanding of place that *connects* Black people with colonized people across global regions and over time. Their campaign brought the past into the present, insisting on the past's belonging here and now. By connecting past to present, they challenged white rhetorical maneuvers to disarticulate individual events and occurrences from structural violence. Perhaps because they were youth who directly experienced and witness violence of police officers in the present, discursive strategies to contain anti-Black violence to the past were unsuccessful. By refusing to buy into norms of respectability, they used their knowledge of history and their own experiences to make adults accountable for their actions.

CONCLUSION

While Freedom, Inc. won the No Cops in School Campaign, because school staff are still permitted, indeed *required* to call police officers under Wisconsin Act 143 when they perceive threats of violence, police officers continue to be involved in student conflict. At East High School, an MMSD school with one of the largest numbers of Black students, fifteen police officers were called to respond to a student fight on November 8th, 2021. The officers pepper sprayed a basketball coach along with an undisclosed number of students, eight of whom required medical attention, including five students who had to be transported to area hospitals via ambulance. It was the second fight in the span of three weeks that generated the response of at least ten officers. These fights emerged in the first full semester of in-person schooling since the beginning of the COVID pandemic, and without police officers in schools.

The highly publicized school fights in the fall of 2021 have also renewed calls by parents to place police officers back in MMSD schools. Madison's former Police Chief, Mike Koval chimed in on the matter saying, "I think they made a strategically poor long-term answer based on sort of a political knee-jerk reaction... I thought that at some point in time, this might be an inevitability when the district decided to move away from having school resource officers" (Foxy) Koval's reframing of "educational resource officers" as "school resource officers" marks a return to the language first used by the Madison Board of Education in the 1980's. This shift respatializes the role of police officers in schools as primarily rooted in governing the school, rather than the supporting the educational mission of the school as educational resource officers. While it is, unquestionably, a more honest reflection of the function of police officers in schools than the ERO acronym, it nevertheless evokes white anxieties that the Board of Education's choice to end the contract leaves the space of the school vulnerable to the actions of Black

students. Koval's statement further situates the School Board's decision to end the MPD contract as a decision shaped by the kairos of the 2020 uprisings that failed to consider the "long-term" *future* – a future that must *inevitably* include police officers in schools. In so doing, Koval also dismisses the decades long efforts by the Black and Hmong communities in Madison, including most notably Freedom, Inc., to shape learning environments that facilitate equity, care, and democratic engagement.

Since Freedom, Inc.'s advocacy during the No Cops in School Campaign and the elimination of the contract that placed Madison Metropolitan Police Department officers in district schools, the MMSD board accepted proposals from the district's interim Executive Director of Student and Staff Supports, Leia Esser, and the district's school psychologist, Kristen Guetschow, to divert the officers' \$360,000 salaries to "Equity and Excellence Projects" through the 2024 school year. These projects include a Restorative Justice Project Manager (\$120,000/year) who would oversee and manage the district's use of restorative justice practices, as well as Student Wellness Centers (\$290,000) that would include nurses and social and behavioral counselors (Esser et al.; Esser and Knueve; Board of Education, "MMSD 2022-2023 Budget Planning"). While these plans articulate the district's commitment to prepare students for college and career, articulating student value in the future, they also include unique linguistic developments. For example, the Student Wellness Center proposal reads: "The District's mission is to effectively prepare each of our students to be college, career, and community ready and *is thereby accountable* for maximizing student learning and creating a positive school climate" (emphasis is mine) (Esser et al.). As the first documented use of the term "accountability" that I've seen in the hundreds of board documents I've read, this statement gestures toward the

school's responsibility and accountability to make the *present* more equitable, even if it is in service of the future.

Because accountability usually references a harm, the proposal's usage of the term acknowledges that schools are not an unmitigated source of progress. In this sense, the use of accountability also situates schools in an unfolding temporality. It marks a small shift from attempting to control time, to being subject to it. To be accountable is to acknowledge one's actions in the context of space and time. In suggesting that the school is accountability for student learning, the statement suggests that the district's choices and actions play a crucial role in student learning and offers an important counterbalance to the obfuscation of the school as an affecting environment in the BEP, PBIS, and the VRA. In so doing, it acknowledges the school, rather than (only) students' homes as a space that shapes outcomes, that *affects* students' capacity to learn, *and* that the district shares the burden of student outcomes. It is a step in the direction of displacing the individualized blame that is a hallmark of neoliberalism and anti-Black racism, which emerges very clearly in the definition of EBD. If, as I've argued throughout this dissertation, carceral logics are undergirded through rhetorically negating the timespace of the school as capable of harm, then this language gestures toward temporalities that might challenge those logics.

Yet, the statement stops shy of a direct statement of accountability *to* students. Invoking "accountability" usually suggests a person or group *to whom* one is accountable, but the statement instead uses the preposition "for." If the board claimed that they were accountable *to* students, they would begin to create a more equitable relationship between the administration and the students in area schools, because it would put students in a position to legibly hold the administration accountable. Such accountability was precisely the kind of accountability

Freedom, Inc. gestured toward in their testimony. Instead, the use of “for” describes the student capacities and spatial qualities for which the school is accountable. While this demonstrates a growing sense of their own role in contributing to student behavior and wellness, it nevertheless reaffirms their accountability for what students *do*, rather than to who they *are*, which maintains a hierarchized power dynamic.

But the statement continues, “This project also recognizes and works to remediate significant health disparities and access to care for our BIPOC youth” (Esser et al.) The word “remediate,” meaning to provide a remedy for; redress or make right, is noteworthy because it suggests, however implicitly, that mental health disparities in BIPOC youth are *caused* but structural inequities, rather than an essential student qualities. *And* that the school has a responsibility to right that wrong, whether it was caused by school or not.

The Board also approved over \$200,000 to develop a “Behavioral Health in Schools” project (Guetschow and Affeldt; Board of Education, “MMSD 20222-2023 Budget Planning”). The program aims to provide Cognitive Behavioral Intervention for Trauma in Schools (CBITS), as well as mental health counselors to address “the unmet mental health needs of students and their families, though there is virtually mention of disability in this or elsewhere in the district’s new plan for “Equity and Excellence” (Guetschow and Affeldt). There are a number of viable interpretations to make sense of this absence. For example, one could argue that those students are not a priority for the district. This is probably at least partially true. But based on the increasing focus on trauma, health, and overall wellness, with particular emphasis on the impact of structural inequities on BIPOC students, another interpretation is also possible. Perhaps there is a shift in focus from Black students as disabled, to Black students as debilitated by structural inequities, or more fittingly, structural violence and abandonment.

Jasbir Puar coined the term “debilitation” to describe the way that populations are made to slowly “wear down” (or, more accurately, are *made* to wear out) (x). Debilitation is carried out on the biopolitical level of population through containment strategies that restrict mobility (movement over space in time), enabling the execution of state-violence and the extraction of labor. These containment strategies involve both physical enclosure and temporal quarantine that narratively holds those assigned in the past. Puar argues that while debility is an endemic process that *massifies* people into a population, disability functions more like an event that individualizes people through recognition, though being legible as disabled is always historically, geographically, institutionally and discursively contingent (Puar 140). Puar suggests that the category of disability itself has often functioned as a way for white people to recuperate social capital lost due to disability (in other words, to be re-capacitated), and thus to secure their place in the future. Puar’s observations about the function of disability for many white people has some resonance with IDEA’s description of autism, especially as compared to EBD. Whereas the recognition and access to resources sometimes afforded to people who are disabled but for whom disability is not seen as the fault “of the body living that disability” situates them in the “make live” vector, debilitation marks those who are illegible as disabled and for those who are always already to blame for their disablement. In fact, EBD resonates much more with Puar’s description of debility, than it does disability.

I am inclined to consider this as a possible interpretation for a few reasons. First, the new language from the district constructs student needs, behavior, wellness, and health in the timespace context of the present, rather than either rooted in the past or ontologically disarticulated from temporal contexts as in the case of some aspects of EBD. Second, that

context includes language that reflects structural inequities that asymmetrically affects BIPOC students (though not structural violence). Of course, such acknowledgements cannot and do not change the definition of EBD in IDEA. But since EBD labeling seems to facilitate constraint, rather than support, perhaps an increased focus on supporting students' mental health needs could divert students from such labeling and therefore also reduce carceral conditions.

But such a suggestion is also overly optimistic since many of the mental health services the school provides are through Journey Mental Health, an organization that is increasingly imbricated in carceral logics, as I noted earlier. Journey regularly calls police on those experiencing a mental health crisis, and even has police officers embedded in their response team, in the fall of 2021, Journey Mental Health and Madison Police Department established a "Mental Health Unit." The unit aims to "achieve improved outcomes for individuals affected by mental illnesses or suffering a crisis by connecting them to needed services and diverting them away from the criminal justice whenever possible" (Madison Police Department). "Whenever possible" is determined by 911 operators who "have the option to send a team of trained specialists to non-violent mental health calls instead of police" (Duxter), unless the call involves a "possibly armed person and a potential threat to others" (Bayatpour). Very clearly, the chronotope of future threat provides a rhetorical justification for police response. Given the racialization of this chronotope, distinguishing between those that are in crisis and need help, (which is to say, they *deserve* to receive), and those who are threat (which is to say, they may *take away*) is sure to be likewise racialized. The increasing entanglement between Journey and MPD, I worry, increases contact between Black youth and police, regardless of the status of the ERO contract.

And yet, the MMSD Board also released a new Restorative Justice proposal that could reduce contact between Black youth and police. It begins by stating the following: “the goal of restorative justice in education and within MMSD is to create radically transformed school communities where all students, staff, parents, and caregivers experience authentic belonging and connection, have what they need to be well, and students are actively engaged in learning” (Esser and Knueve). The exigency for restorative justice is harm, which the statement tacitly defines as an injury that fractures community belonging. Focusing on the school community *in the present*, the statement situates student wellness as the aim, and *belonging* rather than progress as the way to achieve it. Belonging is framed in the statement as an experiential quality, rather than a normative evaluation, as in the EBD labeling criteria. The statement further extends belonging as an experience that should be shared by caregivers and parents.

The RJ proposal goes on to state that while MMSD “has a long history of implementing restorative justice with many partnerships in this arena, that MMSD has not devoted the time, attention, or money such programs need to thrive: “we know through these relationships that they take significant time and attention to develop, implement and sustain, both at the school and district levels. This position will... allow focused attention to the care new programs require to thrive and will plan for sustainability through the pursuit of funding streams and partnerships.” Thriving is defined by *sustainability* – or its ability to withstand *over time*, rather than usher in a *new future*. This language could suggest a different relationship to progress, as the following statement on the RJ proposal also suggests:

It is imperative with Restorative Justice that we work to have safe and just schools as well as reduction of exclusionary practices that disproportionately affect our Black

students and to promote a critical look at our systems and curriculum in order to move towards a more liberatory design and mindset. RJ work is designed to reimagine and create learning spaces where students of color can bring their full selves, feel connected and thrive in all learning spaces (Esser and Knueve).

Here, the focus is on liberation as a quality of *presence* that the district wants to move *toward*, rather than *progress* as a telos of time in the *future*. Liberative learning spaces, the statement argues, are marked by connection (rather than disconnection) exist when students of color can bring *their full selves* in the present. It remains unclear, however, what the role of youth and parents will be in shaping the enactment of these new projects.

But Freedom, Inc. Youth Squad continues their commitment to political education, focusing now on teachers. In October of 2021 and February of 2022, they worked alongside Freedom, Inc. adults to hold a series of workshops for teachers titled: Black Lives Matter at School: Political Education for Teachers Against White Supremacy (Freedom, Inc. October 2021; Freedom, Inc. January 2022). Refusing their temporal constraints, Black youth share their knowledge with adult educators. The creation of these spaces that situate adult, mostly white teachers as *students* establishes an alternative chronotope that not only challenges the carceral logics of progress, but harbors the capacity for a liberative timespace. If carceral logics are held in place and justified through rhetorical constructions of temporality, then Freedom, Inc.'s work demonstrates the role that temporality plays in movements for liberation, as well.

ENDNOTES

¹ See for example: Winn and Winn; Nancy A Heitzeg; Hunt et al. 5; Mallett.

² See for example: Winn and Winn; M. Robinson; S. Robinson.

³ See for example: Mrcuer; Kafer.

⁴ For the spatial bias in carceral studies, see: Russell and Rae 284; Jefferson et al. 3/

⁵ As distinct from the disruptive potential of counterhegemonic common sense, hegemonic common sense refers to the way that "interests of elites are naturalized and universalized as national or global interests." Cloud, "Critical Rhetoric: The Critique of Domination and The Critique of Freedom" 836.

⁶ See for example: Lowi, "Law vs. Public Policy: A Critical Exploration"; Kreis and Christensen, "Law and Public Policy"; Streeter, "Beyond Freedom of Speech and the Public Interest."

⁷ See for example: Talesh; Bell; Caldwell; Culp; Connor et al.

⁸ Still upheld by Wisconsin law 119.25.

⁹ See Wacquant, "Crafting the Neoliberal State".

¹⁰ See for example: Mitchell and Snyder,

¹¹ See, for example: Porter; O'Neil; Gillborn et al.

¹² See, for example: Fraser; Squires; Robert Asen, "Neoliberalism, the Public Sphere, and a Public Good."

¹³ See, for example: Reynolds; Price, *Mad at School* .

¹⁴ See, for example: Margeret and Haring; Schopler and Bristol

¹⁵ It is certainly the case that many of the other disabilities included in the IDEA Act do not include a specific range of emergence. Unlike EBD, however, these disabilities include some kind of standardized testing scores in the diagnostic criteria. These tests act as an interpolative mechanism that situates the tested student within the framework of progressive, linear time. I am not making a claim about whether or not such testing is good or appropriate (and, in fact, there is an overwhelming amount of data that suggests that standardized tests – from the SAT, to IQ tests and beyond – are written to facilitate the success of white, able-bodied, middle and upper-class students). Rather, I am noting the unique status of EBD in that its only temporal referents are to itself.

¹⁶ In *The Cultural Politics of Emotion*, Sara Ahmed suggests that through heightened circulation, affectively potent words acquire a kind of stickiness that adheres to bodies, shaping their surface.

¹⁷ See for example: Jackson 615; Boss 25.

¹⁸ As Lisa Corrigan writes, cross-generational cultural identification marks Black Power movements (127).

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APPENDIX

Chapter PI 11:36 (7) EMOTIONAL BEHAVIORAL DISABILITY. (a) Emotional behavioral disability, pursuant to s. 115.76 (5) (a) 5., Stats., means social, emotional or behavioral functioning that so departs from generally accepted, age appropriate ethnic or cultural norms that it adversely affects a child's academic progress, social relationships, personal adjustment, classroom adjustment, self-care or vocational skills.

(b) The IEP team may identify a child as having an emotional behavioral disability if the child meets the definition under par. (a), and meets all of the following:

1. The child demonstrates severe, chronic and frequent behavior that is not the result of situational anxiety, stress or conflict.
2. The child's behavior described under par. (a) occurs in school and in at least one other setting.
3. The child displays any of the following:
 - a. Inability to develop or maintain satisfactory interpersonal relationships.
 - b. Inappropriate affective or behavior response to a normal situation.
 - c. Pervasive unhappiness, depression or anxiety.
 - d. Physical symptoms, pains or fears associated with personal or school problems.
 - e. Inability to learn that cannot be explained by intellectual, sensory or health factors.
 - f. Extreme withdrawal from social interactions.
 - g. Extreme aggressiveness for a long period of time.
 - h. Other inappropriate behaviors that are so different from children of similar age, ability, educational experiences and opportunities that the child or other children in a regular or special education program are negatively affected.

(c) The IEP team shall rely on a variety of sources of information, including systematic observations of the child in a variety of educational settings and shall have reviewed prior, documented interventions. If the IEP team knows the cause of the disability under this paragraph, the cause may be, but is not required to be, included in the IEP team's written evaluation summary.

(d) The IEP team may not identify or refuse to identify a child as a child with an emotional behavioral disability solely on the basis that the child has another disability, or is socially maladjusted, adjudged delinquent, a dropout, chemically dependent, or

a child whose behavior is primarily due to cultural deprivation, familial instability, suspected child abuse or socio-economic circumstances, or when medical or psychiatric diagnostic statements have been used to describe the child's behavior.

Chapter PI 11:36 (8) AUTISM. (a) Autism means a developmental disability significantly affecting a child's social interaction and verbal and nonverbal communication, generally evident before age 3, that adversely affects learning and educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in sub (7).

(b) The results of standardized or norm-referenced instruments used to evaluate and identify a child under this paragraph may not be reliable or valid. Therefore, alternative means of evaluation, such as criterion-referenced assessments, achievement assessments, observation, and work samples, shall be considered to identify a child under this paragraph. Augmentative communication strategies, such as facilitated communication, picture boards, or signing shall be considered when evaluating a child under this paragraph. To identify a child under this paragraph, the criteria under subds. 1. and 2. and one or more criteria under subds. 3. through 6. shall be met.

1. The child displays difficulties or differences or both in interacting with people and events. The child may be unable to establish and maintain reciprocal relationships with people. The child may seek consistency in environmental events to the point of exhibiting rigidity in routines.
2. The child displays problems which extend beyond speech and language to other aspects of social communication, both receptively and expressively. The child's verbal language may be absent or, if present, lacks the usual communicative form which may involve deviance or delay or both. The child may have a speech or language disorder or both in addition to communication difficulties associated with autism.
3. The child exhibits delays, arrests, or regressions in motor, sensory, social or learning skills. The child may exhibit precocious or advanced skill development, while other skills may develop at normal or extremely depressed rates. The child may not follow normal developmental patterns in the acquisition of skills.
4. The child exhibits abnormalities in the thinking process and in generalizing. The child exhibits strengths in concrete thinking while difficulties are demonstrated in abstract thinking, awareness and judgment. Perseverant thinking and impaired ability to process symbolic information may be present.
5. The child exhibits unusual, inconsistent, repetitive or unconventional responses to sounds, sights, smells, tastes, touch or movement. The child may have a visual or hearing impairment or both in addition to sensory processing difficulties associated with autism.

6. The child displays marked distress over changes, insistence on following routines, and a persistent preoccupation with or attachment to objects. The child's capacity to use objects in an age-appropriate or functional manner may be absent, arrested or delayed. The child may have difficulty displaying a range of interests or imaginative activities or both. The child may exhibit stereotyped body movements.