

An Anti-Ableist Starting Point: The Disability Rights of Our Students

OUSD Community Advisory
Committee for Special Education

August 25, 2021

BASELINE VALUES

There is no such thing as normal.

The law is not a moral compass.

ACCESS is a practice, a culture, and a
value.

We create safety, we are the experts
of our own lives.

BASELINE VALUES

People with impairments are most disabled by the attitudes, actions, and systematic exclusions in society.

We value our diversity—in our bodymind experiences and in our experiences of race, gender, class, sexuality, culture, language, nationality, etc.



No one is actually independent.

We are all interdependent.

The difference between the needs that many disabled people have & the needs of people who are not labeled as disabled is that non-disabled people have had their dependencies normalized.

-Ki'tay D. Davidson

WHAT IS ABLEISM?

...form of systemic oppression [that] leads to people and society determining who is valuable or worthy based on people's appearance and/or their ability to satisfactorily produce, excel, & 'behave.'

~ Talila L. Lewis

WHAT IS ABLEISM?

A system that places value on people's bodies and minds based on societally constructed ideas of normalcy, intelligence, and excellence.

These ideas are deeply rooted in anti-Blackness, eugenics, and capitalism.

*Our educational system is ableist,
and so is **ignoring** that it is.*

OUSD History of Ableism

3. Exclusions

Pupils whose physical or mental disability is such as to cause attendance to be inimical to the welfare of other pupils may be excluded from school. Recommendations for exclusion may be made by the principal or the Special Services staff. Such exclusion will be made by the Assistant Superintendent in Charge of Special Services after investigation by the appropriate department. Exclusions except for communicable disease shall be reported to the principal, the Superintendent, and the Board of Education.

Education Code references are as follows:

- a. Filthy or vicious habits (Ed. Code 10552).
- b. Contagious or infectious disease (Ed. Code 10552).
- c. Physical or mental disability if it is such as to cause attendance to be inimical to the welfare of other pupils (Ed. Code 10553).

Despite policy changes, these ableist attitudes and practices persist to this day.

Disabled students are excluded from schools and within them.

We need powerful District and community initiatives to end the exclusion of students with dis/abilities.

THE DISABILITY RIGHTS OF OUR STUDENTS

The Truth Is in the Stories

The *Legal Assurances* Section of the Local Plan for Special Education ensures that we understand and protect the rights of students with dis/abilities under the law.

23 legal assurances are included in the Local Plan.

We chose to focus on 3 of them tonight.

1) FAPE: Free and Appropriate Public Education

1) Full Educational Opportunity

1) Procedural Safeguards

FREE AND APPROPRIATE PUBLIC EDUCATION

20 USC Section 1412(a)(1)

“Free and appropriate education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; **meet the standards of the California Department of Education**; include appropriate services for children aged 3 through 21 years; and are **provided in conformity with the student's individualized education program.**”

FREE AND APPROPRIATE PUBLIC EDUCATION

Our children must not just “go to school.”

They must make meaningful progress in their individualized goals and in the standards that guide the education of all students.

What are some examples of systemic barriers to FAPE for our children?

EXAMPLE

- Multi-grade Special Day classrooms make meeting CDE standards almost impossible.
- Combo General Education classrooms with two grade levels are already widely opposed in OUSD.

Special Day Classroom teachers are asked to teach students at **THREE GRADE LEVELS.**

EXAMPLE

This arrangement translates into classrooms where:

- subjects are not taught
- students are taught at the wrong grade level
- teaching only relates to narrow IEP goals

Why do we combine many students into three-grade Special Day classrooms in this way?

FULL EDUCATIONAL OPPORTUNITY

20 USC Section 1412(a)(2)

“Students with disabilities have the right to full educational opportunities to meet their unique needs, including access to the variety of educational programs and services available to non-disabled students.”

DO STUDENTS WITH DIS/ABILITIES ACCESS:

Afterschool Programs Enrichment Programs Electives
Summer Programs Lunch Clubs and School Day Clubs
Leadership Groups Field Trips Arts Programs
Dual Language Learning Cultural and Affinity Groups
Restorative Justice Activities Linked Learning Pathways
Group Counseling Tutoring Expositions Assemblies
Reading and Math Intervention Internships/Work
Experiences
Ceremonies & Recognitions College Prep & So Much
More...

THE DISTRICT MUST CREATE 'ACCESSIBILITY'

Our children must not be excluded from all that can make education effective, rich, and meaningful for other students.

Special Education supports the **disability-related** needs of students; it is not meant to replace General Education.

What are some examples of systemic barriers to **Full Educational Opportunity** for our children?

THE DISTRICT MUST ACCESS

‘ACCESSIBLE’

We celebrate the adoption and look forward to the implementation of:

[OUSD Board Resolution No. 2021-0159 - Ensuring Access to Social-Emotional and Academic Supports for Students with Disabilities](#)

[Link](https://drive.google.com/file/d/1Vf_v3vSIL0ofkBZuiKHL7S79avykgaOf/view?usp=sharing) - https://drive.google.com/file/d/1Vf_v3vSIL0ofkBZuiKHL7S79avykgaOf/view?usp=sharing

PROVIDING ACCESSIBILITY TO ELIMINATE ABLEISM



It is the attitudes and physical barriers imposed on them by society

COVID-19 EXAMPLE

Due to state legislation and the rush to return to in-person learning, parents and guardians of students with dis/abilities are made to go through increasingly difficult and punitive measures to find accommodations that work for their student. Alternatives to in-person learning were not designed for them.

In General Education, a parent or guardian can opt to send their child to 'independent study' as a Covid prevention, while a parent or guardian of a student with an IEP, must call for an IEP meeting, causing up to a 30-day delay in the child's education. After that, the student can still be denied access.

When the parent/guardian and the student are ready to return to in-person education, it must be done within 5 days. However, there is no guarantee where their student will be placed. Historically, the school placement of students with dis/abilities in OUSD has been an after-thought with very limited spaces at only certain schools, creating great anxiety in both the parent/guardian and student that they will be displaced. The fact that OUSD has no plan in place that is evident to the community, continues to exacerbate this.

PROCEDURAL SAFEGUARDS

20 USC Section 1412(a)(2)

“In order to protect the rights of students with disabilities and their parents/guardians, the district shall follow all procedural safeguards as set forth in law.

Parents/guardians shall receive written notice of their rights, including the right to a Due Process Hearing for any dispute related to the identification, assessment or educational placement of a child or the provision of a free, appropriate education to the child.”

From "Advocates, Parents, and Disabled Students Want More Than Just Better Funding for Schools"

Forbes, 8/29/20

“Too many disabled students are denied their rights to a ‘free, appropriate public education,’ known in education advocacy circles as FAPE, which is the core guarantee of IDEA.

“While IDEA sets this out as a general principle, execution happens one student at a time, with many people and conflicting forces to complicate things, and little practical mechanism to ensure that IDEA rights and principles are consistently followed.

“Too often, the quality of a disabled student’s education depends on how hard their parents are able to fight for it...parents in general face a “power disparity” that weakens their ability, and that of the students themselves, to advocate for a better, more equitable education.”

THE DISEMPOWERMENT OF

PARENTS

Why Written Notice of Parents Rights Is Not Enough

- Lack of language and disability access
- Lack of time to have rights explained & to ask questions
- Perceived/actual complexity of written notice and Due Process or Compliance Complaints
- Class/race/gender/disability bias and discrimination within the process
- Sterile and intimidating meeting protocols
- Families not (really) welcomed as part of the decision-making team
- Teams not understanding or addressing the daily life barriers of parents
- Absence of other opportunities for collective parent/student empowerment and problem solving with each other and with staff (as classrooms, schools, etc.)

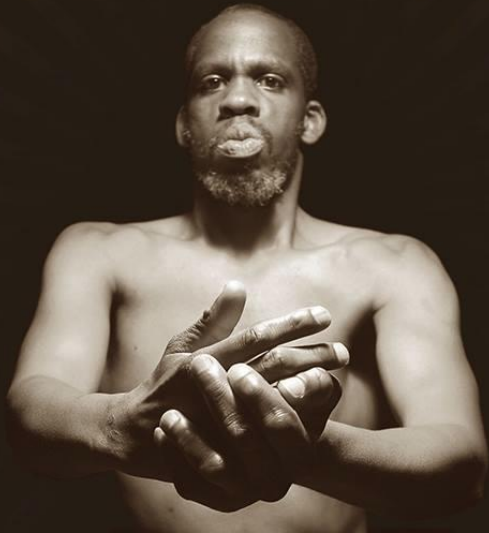
ALL BODIES ARE UNIQUE AND ESSENTIAL.

**ALL BODIES ARE WHOLE. ALL BODIES HAVE
STRENGTHS AND NEEDS THAT MUST BE MET.**

**WE ARE POWERFUL NOT DESPITE THE COMPLEXITIES
OF OUR BODIES, BUT BECAUSE OF THEM.**

WE MOVE TOGETHER, WITH NO BODY LEFT BEHIND.

THIS IS DISABILITY JUSTICE.



TODOS LOS CUERPOS SON ÚNICOS Y ESENCIALES.

**TODOS LOS CUERPOS SON COMPLETOS. TODOS LOS CUERPOS
TIENEN FORTALEZAS Y NECESIDADES QUE SE DEBEN SUPLIR.**

**SOMOS PODEROSOS NO A PESAR DE LAS COMPLEJIDADES DE
NUESTROS CUERPOS, SINO DEBIDO A ELLAS.**

NOS MOVEMOS JUNTOS, SIN DEJAR NINGÚN CUERPO ATRÁS.

ESTO ES JUSTICIA DE DISCAPACIDAD.

<https://www.sinsinvalid.org/>