Traerás tus Documentos (you will bring your documents): navigating the intersections of disability and citizenship status in special education

Lilly B. Padía & Rachel Elizabeth Traxler

Published online: 10 Aug 2021.

Submit your article to this journal

Article views: 186

View related articles

View Crossmark data

Routledge
Taylor & Francis Group

Check for updates

Traerás tus Documentos (you will bring your documents): navigating the intersections of disability and citizenship status in special education

Lilly B. Padía and Rachel Elizabeth Traxler

Teaching and Learning, New York University, New York, NY, USA

ABSTRACT

DisCrit has illuminated the interconnectivity of racism and ableism, though the experiences of undocumented youth and families enrolled in special education are largely unknown. In this paper, we explore the experiences of students at the intersection of disability and migratory status, examining the interplay of fear, schooling, and language use as students pursue college. We use DisCrit to help us understand historical patterns surrounding citizenship and how race, ableism, and documentation status continue to intersect and shape the acknowledgment of which bodies – with which papers – are rendered deserving. Examining interviews with students, researcher memos and fieldnotes, and researcher reflections, we consider the cases of Fernanda, an undocumented high schooler, and Daniel, a 9th grader from a mixed-citizenship status family. We highlight how students at the intersection of migratory status and disability are met with care by teachers and schools, yet remain unsupported in several domains. We also highlight how students experience the movement from entitlement to eligibility in schools, and discuss complications surrounding documentation of disability for disclosure and language. In light of our findings, we suggest implications for research and practice.

If you have a disability, you can register with disability services to get accommodations and extra help in college. You make an appointment with them and you provide your documentation.

Si tienes una discapacidad, puedas registrarte con la oficina de servicios de discapacidad para obtener acomodaciones y ayuda extra en la universidad. Harás una cita con ellos y traerás tu documentación.

In an instant, the rustling in the room stopped. It was as if the air had been sucked out of the auditorium. Our presentation continued for a few minutes before concluding. Some families took fliers with our website information, but no one asked us any questions.

We were presenting at an informational workshop session for undocumented high school students with disabilities. We were there to present on how to access disability services in college, regardless of citizenship status. Rachel, with a background in disability services in higher education, was the primary presenter, while Lilly, with a background in

---

bilingual special education in K-12 schools, translated the information into Spanish. The audience was comprised of teenagers and their adult caregivers. Several women sitting with teenagers nodded upon hearing words like 'IEP' and 'servicios de educación especial'/'special education services.' It seemed clear that some of the students in the room received special education services and that their caregivers were familiar with the special education system.

After we left the event, we stood in the sunshine and unpacked what had just occurred. Our use of the word documentation/documentación, such a mainstay in the field of special education and disability services in higher education, had triggered the very fears and dangers we were seeking to assuage through the information we shared. As special educators and researchers working at the intersections of disability and language development, we were accustomed to being the only disability representatives in rooms focused on language, race, and citizenship. That day, we realized how very much we still need to learn from undocumented students with disabilities and their families. Something seemingly so small as one word that is used so frequently in special education discourse, transformed into an arm of a carceral nation-state when put in conversation with migration status.

We take up DisCrit, specifically tenets five and seven, which state the ways race and disability have been utilized to deny rights and identifies activism and resistance as crucial (Annamma 2018). We further complicate and extend DisCrit, however, by examining how citizenship status, disability, race, and language are co-constructed when students are both dis/abled and un/documented[1] in the United States school system. We put DisCrit in conversation with Undocumented Critical Theory (UndocuCrit) to explore the intersections of disability and documentation status in the United States school system (Aguilar 2019). UndocuCrit draws on TribalCrit (Brayboy 2005) and the legacy of Critical Race Theory to make sense of the experiences of undocumented people living in the United States today. Aguilar exposes the reality that U.S. immigration policies have their roots in capitalism, White supremacy, ideas of material acquisition, and assimilation and directly impact undocumented people (2019).

The tenets of UndocuCrit include:

> 1. Fear is endemic among immigrant communities; 2. Different experiences of liminality translate into different experiences of reality; 3. Parental sacrificios become a form of capital; 4. Acompañamiento is the embodiment of mentorship, academic redemption, and community engagement (Aguilar 2019, 3–6).

When we think about fear in relation to the school system, as well as parental sacrificios, it leads us to understand and view the school as an extension of the carceral state. We are also reminded of the barriers for families in the special education system, given the lack of access to clear information about their rights and legally mandated supports (Wilgus, Valle, and Ware 2013). These factors implicate a school system that does not provide access and justice to all; the burden often falls on parents/guardians to advocate for what they and their children are legally entitled to.

Struggles over access magnify when parents/guardians experience fear related to documentation status in schools, by virtue of schools being state institutions. Althusser describes the school as an ideological state apparatus (1971), where we cannot separate schooling from the state. Within contemporary calls to defund the police (e.g. Akbar

2020; Williams and Paterson 2020) and the removal of police and resource officers from schools is an opportunity to acknowledge that schooling is itself an ideological state apparatus meant for control and reification of social strata. In response to anti-immigrant political rhetoric and policies, schools and cities around the country have declared themselves sanctuaries for immigrants, rejecting U.S. Immigrations and Customs Enforcement (ICE) to keep students and families safe. By presuming that removing police or blocking ICE from schools will deliver justice, the embedded assumption is that schools are safe spaces where violence does not occur.

We address the following research question: In what ways do disability status and migratory status intersect for two high school students who receive language and disability services? The purpose of this paper is twofold: (1) we offer an examination of schools as arms of the carceral state, used as a lens to unpack the experiences of undocumented students with disabilities and (2) share our analysis of interviews with high school students who receive both special education and English language services. In asking this question, we assert that that students with disabilities who are undocumented are not markedly different from other students. For instance, students of all identities share aspirations, dis/abilities, strengths, and needs, though the arms of the state through the school that act upon students at this particular intersection create different and unique experiences within schools and beyond.

Citizenship, disability, and documentation

Citizenship refers to the reciprocal relationship between individuals and the state (Heywood 1994) and refers to the rights, duties, and obligations afforded by this status. While there are several definitions of citizenship, we are concerned with the tangible responsibilities and affordances for citizens and the nature of power, policies, and pedagogies enacted within schools (see Ramanathan 2013). Citizenship can bring belonging and a sense of unitedness, though aspects of citizenship – including the extension of schooling – are marginalizing for undocumented students with disabilities and present a dichotomy of inclusion/exclusion.

Historically and presently, race and disability have been conflated to create and uphold White supremacist norms and hierarchies of power, including links drawn between disability and Blackness to justify enslavement of Black people in the United States (Davis 1995; Erevelles 2011) and refusal of certain immigrant groups' entrance to the country (Dolmage 2018). The relationships between disability, race, and immigration have a long and sordid history that inform how schools approach undocumented students with disabilities today.

Legislation protects disabled and undocumented youth from outright discrimination in schools, such the Americans With Disabilities Act of 1990 (1990) and policies extending from *Plyler v. Doe* (1982), discussed below. Mechanisms fueled by systemic racism, such as disproportionality, inequitable disciplinary practices, and the de-prioritization of academics, compound with the limitations of *Plyler v. Doe* to further limit student participation (Gonzales, Heredia, and Negrón-Gonzales 2015). Access to economic and social mobility for undocumented students is further compounded by the inaccessibility of work, lack of financial assistance for postsecondary education, and limits on voting rights. These barriers exist both within and without public schooling

and resources remain inaccessible for students who are often doubly stripped of their rights and duties afforded by citizenship.

Schools, citizenship, and disclosure

The Supreme Court decision *Plyler v. Doe* (1982) placed responsibility on schools to avoid questions about immigration status and social security numbers. However, what has transpired in many schools is that students' experiences and identities continue to be hushed and silenced in the name of neutrality. Schools have taken on the responsibility outlined in Plyler by adopting a culture of silence, reminiscent of 'don't ask, don't tell' (Mangual Figueroa 2011). Different experiences of citizenship status translate to different experiences of liminality for students (Aguilar 2019). Understanding policies like Plyler v. Doe helps shed light on the theoretical hopes of United States schooling and the differential experiences of liminality that students experience because of policies targeted towards language, dis/ability, and citizenship.

Schools reproduce civic identities through their practices and pedagogies, though little is known about how schools work with undocumented students within K-12 (see Gonzales, Heredia, and Negrón-Gonzales 2015) and even less is known about students at the intersection of disability and migratory status. Like undocumented students who are othered in schools, being disabled in schools requires navigation through disclosure and othering, though students are often 'outed' as disabled through participation in special education services. Undocumented students with disabilities receive multiple services from schools, including special education or English language (EL) services. A few scholars have attended to the intersection of language education and special education (see Harry and Klingner 2006; Baca and Cervantes 1998; Artiles and Ortiz 2002, Hoover and Collier 2004) and a small body of critical work is emerging that addresses students living at these intersections (e.g. Cioè-Peña 2017; Phuong 2017), but the intersection remains underexplored in many ways.

Theoretical framework

DisCrit is helpful for examining the ways that race and ableism are interconnected, but to date, few researchers have considered the experiences of undocumented students with disabilities. In this paper, we extend DisCrit to take up migratory status using empirical data, to examine how schools and structures deny citizenship affordances to undocumented youth with disabilities. We place DisCrit in conversation with UndocuCrit (Aguilar 2019), the history of eugenics in immigration policy (Dolmage 2018), and constructs of deservingness and innocence in migration discourse (Patel 2015).

To place our work within a larger context, we envision the integration of theory using the visual of a braid. The hands braiding the strands represent the State and its arms–including schools. The strands braided together represent the different systems and dynamics present in the schooling experiences of undocumented students with disabilities (i.e. special education, English language services, policies and/or supports for undocumented students and families). These braided strands are woven together to create the distinct experiences of undocumented dis/abled students. We use a bricolage of theories as a lens to understand this braid, including DisCrit, UndocuCrit,

deservingness, and heterotopias of deviation (Foucault 1986), to show how the state and the schooling systems experienced by these students and families create a particular liminal reality. We consider these braided experiences within a larger context that extends through categorizations of 'the state.' We also acknowledge the fringe emerging within the braid – elements of these strands that have frayed and come loose with time – representing disruptions to these systems. Among these frays are individual teachers who support students and families with their advocacy and actions to counter state control to the degree that is possible within the current system.

Aguilar's focus on acompañamiento (2019) as embodiment of mentorship, academic redemption, and community engagement as particularly salient for disabled undocumented students and their communities. The idea that IEPs, special education services, and English language services should serve to promote student success via individualism and independence upholds White supremacist ideals. The myth of meritocracy suggests that White, upper-middle class young people who achieve do so of their own accord, rather than recognizing the webs of networks, resources, and wealth that bolster their success. Acompañamiento aligns with community care accentuated within the disability justice movement (Piepzna-Samarasinha 2019). We recognize that care webs support both disabled students and students navigating the endemic fear of un/documentation status.

Jay Dolmage cites Foucault's heterotopias of deviance to understand intersections of immigration, race, and disability in the U.S. (2018). He writes:

> . . . . a heterotopia of deviation divides and isolates difference, suggesting that this situation (of purifying by extraction) is ideal for the 'normals' in mainstream society, yet also creating a dystopian space for the minoritized . . . . (2018, 10)

We suggest that schools are heterotopias of deviation, specifically in their construction and regulation of disability and citizenship. Schools serve to uphold ableist notions of normalcy (Davis 1997) and ideals of success aligned with a medical model of disability (Shakespeare 1995), wherein anyone who deviates from said norm is punished, regulated, subjected to 'cure,' and/or marginalized; 'racism and ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normalcy' (Annamma, Connor, and Ferri 2013, 11–12). Regulation of bodies and identities that 'deviate' from the norm are disciplined and removed. Disabled students of color are hyper-surveilled, hyper-labelled, and hyper-punished. (Annamma 2018). The policing, controlling, silencing, and managing of disabled undocumented students directly links to tenet five of DisCrit, wherein race and disability have been employed individually and collectively to deny the rights of some citizens (Annamma, Connor, and Ferri 2013; Connor, Ferri, and Annamma, 2016).

Recognizing schools as ideological state apparatuses (Althusser 1971) helps highlight their role as heterotopias of deviation. Fear is understood as something cultivated and imposed by the state. The fear that undocumented families experience when interacting with the school system is important to recognize in the context of parental advocacy for what their children are entitled to under IDEA. Aguilar (2019) acknowledges the perseverance that emerges alongside fear. The interplay between fear related to documentation status and the infantilizing or devaluing of disabled students can help us understand the unique experiences that undocumented students with disabilities face in

our schools. We want to be mindful of romanticizing traumatic and oppressive realities when we discuss the transformational potential of fear, while also recognizing that undocumented communities in the United States consistently engage in resilience and persistence.

Patel highlights the discourse of deservingness surrounding immigration when she writes that the debates, policies, and rhetoric about immigration frames migrants as lacking in worth (2015). The question of worth under a White settler capitalist society is inextricably bound to conversations of productivity. Special education programming often evaluates students in terms of their productive capacity. Historically, for instance, students with disabilities were categorized as 'educable' or 'trainable' (Wehmeyer 2013) and to this day transition programming is centered in large part around the vocation, career, and/or education that a student will obtain after secondary school to earn money and contribute to a capitalist economy and society.

Patel identifies language fluency as a proxy for race, wherein programming centered around English language development is rooted in the premise that acquiring and adhering to the dominant codes of power will enable students, even undocumented students, to access social mobility and well-being. She identifies '[w]hite settler anxieties that seek to discipline subalterns' practices and delimit the very possibilities of those practices' (p. 17). The parallels between English language programming and special education programming that funnels students into 'less restrictive' settings are premised on the same White settler anxieties that privilege particular ways of being (neurotypical, White, middle class, monolingual English speaking) and criminalize, infantilize, and/or devalue others (disabled, BIPOC, multilingual/speakers of languages other than English).

We see these theoretical approaches intersecting and braiding together to extend DisCrit to conceptualize the experiences of undocumented students with disabilities. Our use of theory in this paper is intended to further uplift and explore the experiences of students living at these intersections as they experience state violence through schooling. DisCrit's recognition of Whiteness and ability as property highlights the ways that schools obscure and marginalize disabled students. Examining the relationships between citizenship, deservingness, racialization, and disability centers the experiences of undocumented disabled students and their families to offer new possibilities for schooling and learning.

Methods

This study is a part of a larger mixed-methods examination of the experiences of high school and college students dually identified as multilingual with disabilities, using both qualitative interviewing and quantitative measures data from the National Longitudinal Transition Study 2012 (NLTS2012). We collected data for this larger study in high schools located in New York City and interviewed students who received both English Language (EL) and special education services. For this study, we are focused on two cases within the larger qualitative study. IRB approval was obtained from the Department of Education and from New York University. The research team for this study was made up of 6 people, with a range of experiences in special education k-12, special education teacher training, multilingual education, disability services in higher education, and occupational therapy. The research team for this project was committed to engaging in reciprocal relationships with participants

and employed a researcher-as-activist paradigm. We developed professional development sessions for local teachers to address the needs identified by students in this study and partnered with local institutions (both high school and college) to provide information about students with disabilities attending college to families. No data was collected from participants at these events.

The present study

One primary research question guided this study: in what ways do disability status and migratory status intersect for two high school students who receive language and disability services? We relied on qualitative methods to explore the experiences of two undocumented students identified with disabilities during the transition from high school to adulthood. We drew from three primary data sources: (1) interviews with two high school students, chosen purposively from a larger sample due to knowledge or self-disclosure about students' or family's documentation status, (2) researcher field notes and analytic memos, (3) a collection of researcher reflections. Using these data sources, we describe some of the ways disability status and migratory status intersect for students engaged in transition.

Interviews

We interviewed high school students face-to-face at two time points, utilizing semi-structured interviewing at their high schools. Each semi-structured interview lasted about 45 minutes. In the first interview, we asked students questions about their goals and plans for life after high school. In the second interview, we asked students about their involvement in IEP meetings, their participation in schools, and the supports they received. Interviews were recorded with participants' consent and were translated when necessary and transcribed.

Researcher field notes and memos

We wrote field notes about the interviews and campus visits, where we detailed our impressions of context, features of the environment, and our experience within and around the interviews. In addition to describing our observations, these notes also included researchers' past experiences as they related to the interviews and surrounding context. We also wrote analytic memos where we discussed coding choices and emergent patterns, themes, and concepts (Saldaña 2016) and reflected on the interviews, theory, and coding, discussed discontinuities that arose during the coding process, and connected our thoughts across interviews. We share researcher reflections that emerged from our field notes and include ourselves as participants to recognize the role that our identities, interpretations, and experiences play in relationship to the study. Participant narratives shared during interviews are distinct from the researcher reflections; we analyzed both our researcher reflections, researcher fieldnotes and memos, and participant interviews to uncover insights about disability and citizenship status in education.

Participants

We take this opportunity to provide a brief description of both our participants and to position ourselves as researchers and participants.

Fernanda

Fernanda was a 12th grader at a New York City high school, the oldest of three siblings, a speaker of Spanish and English, and saw herself being a teacher or a nurse's assistant. She identified her disability as hearing loss and shared that she migrated with her family from Mexico. We came to learn about her documentation status through conversations with her mother and school staff. When given the option to share three identity components from a list of ten in a written icebreaker activity, Fernanda shared with Lilly, the interviewer, that she was female, 19 years old, and learned Spanish as her first language.

Daniel

Despite feeling unprepared and uncertain about his next steps after high school, Daniel shared that he is the only one in his family pursuing college – he was the one with papers. He was a 9th grader at a high school in New York City and was the middle child. He shared with his IEP team that he aspired to be an animator but wasn't currently involved in technology or art classes. Daniel shared with Lilly during the icebreaker activity that he was male, 16 years old, and identified his ethnicity as Salvadorian and Guatemalan.

Rachel

I am a White woman from the South with an emerging and non-linear identity as disabled. I grew up outside county lines, bordering conservative farm country and the suburbs, about 15 miles from a major liberal city. My upbringing was saturated within explicit and visible anti-Blackness (confederate flags sprinkled my neighborhood), the treatment of undocumented folks as other ('Why can't they speak English? This is America'), intense gentrification (railroad tracks separated the classes), the privileging of certain discourses and accents (White Texan, but take out the drawl), and the segregation of the disabled (Partners 'n PE, a partnership between general education and the Resource room, got me out of gym class). As I have engaged with critical discourses, I am reminded about the dangers of beliefs, policies, and educational philosophies guised as neutral or apolitical, and how I have been – and am – an active contributor in positioning 'the other.' I believe that unchecked neutrality, especially for students with minoritized identities in schools, actively works against goals of equity and belonging.

Lilly

For most intents and purposes, I experience the world as a White woman. My mother's family from Belarus is Russian-Jewish and immigrated to the Bronx and then Los Angeles. My father's family is mixed White and Mexican. Our Mexican family is specifically Chicanx, having been in Southern California since it was México; 'We never crossed the border; the border crossed us,' was a common phrase I heard growing up. My notions of citizenship were complicated by this constant adage, as well as constant

reminders that we were on Ohlone land (in Oakland, California) my whole life. My experiences led me to the understanding that it is not our identities that determine one's access, but rather the ideological, institutional, interpersonal, and internalized messages, policies, practices, and beliefs that impose specific meanings on people's identities.

Analysis

We used NVIVO software to conduct analysis with participant interviews, researcher reflections, fieldnotes, and analytic memos. Migration status emerged during analysis of the larger data set, particularly with the interviews with Daniel and Fernanda and their parents. We coded the three sources of data, identified themes across sources, and tested our themes across data used for this study (Ryan and Bernard 2000). We developed a codebook utilizing both deductive (pulling from our theoretical framework) and inductive methods (Saldaña 2016). We referred back to and continued to shape our theoretical framework throughout analysis. Codes and categories were created iteratively and recursively, placed within context and extracted from the data sources. Examples of codes included IEP meetings, student beliefs about disability, concerns about college, and their engagement in schools. We visited about codes as a team and when disagreement arose, discussed extensively and came to agreement. Following creation of codes, we sorted codes into categories and examined these categories for thematic trends. We developed themes across data sources by tracing continuities and discontinuities in the data and identifying patterns and themes related to students' experiences as undocumented and disabled.

Findings

In the following section, we report on our findings, discussing student and family experiences with liminality and citizenship in schools, the notion of symbolism tied to college-going, and the connection between entitlement, eligibility, and fear.

Liminal experiences with citizenship in schools

The following outlines an interaction Lilly had at one of the schools in the study. Lilly's fieldnotes outline the experience.

> "So, we have one parent in particular, the mother of a student who might be in your study," a staff member said to me in hushed tones.

> "We are running the Free Application for Federal Student Aid (FAFSA) workshop and, because of her status and her daughter's status, they cannot fill out the FAFSA. So, we are going to have her come and talk to you when we start talking about the FAFSA."

> [staff member to the mother of student]

> "Puedes confiar en ella. She is someone you can trust. We would never put you in touch with someone that you couldn't trust. We work closely with her and she will not share your information with anyone. You can trust her to help you get information about this process."

Fernanda's mom arrived at the event expecting to learn how to complete FAFSA for her daughter. Instead, the school presented her with the opportunity to talk to Lilly, a researcher

there to do recruitment for a study on the transition of emergent bilingual students with IEPs. Lilly's field notes from that day detail her perception of how the interactions unfolded:

> The school counselors pulled me to the side to let me know that they thought undocumented parents and students were unable to fill out a FAFSA using the outline they were providing that day. Because of their status, some parents might come to talk to me instead of participating in the FAFSA workshop. When Fernanda's mother came to the office, another school staff member introduced us and told her that I was going to talk to her about college for bilingual students with IEPs. I had stacks of fliers that offered insights via our research team's website, but beyond that, I was there to recruit participants for our study, not to provide expertise on the college-going process.

Tenet two of UndocuCrit proposes that 'Different experiences of liminality translate into different experiences of reality' (Aguilar 2019, 4). The liminality that both Fernanda and her mother experienced regarding their (un)documented status impacted the school's approach to them. We read this liminality and differential experience(s) in conversation with DisCrit tenet five, which posits, 'DisCrit considers legal and historical aspects of dis/ability and race and how both have been used separately and together to deny the rights of some citizens' (Annamma, Connor, and Ferri 2013, 11). This denial of rights–such as information about FAFSA–is thinly veiled under the guise of ignorance or lack of knowledge; the school, typically positioned as the beacon of expertise, abdicated responsibility for a family that did not have nation-state-conferred citizenship. Here, the school staff member assumed that undocumented students would be ineligible to complete the FAFSA to gain financial aid in college and did not provide additional resources, information, or options for students. In tandem, they opted out of responsibility and instead, positioned Lilly as an expert and mediator of the 'complications' extended from undocumentation. This scenario highlights questions of deservingness in schools: who is positioned as deserving of the time, research, and resources necessary to support a student's dreams and transition to life after high school, and who gets denied these rights?

In her interview, Fernanda talked extensively about wanting to be a teacher and had experience tutoring young children and working as a teacher's assistant. Her commitment to education and public service might be read as a testament to her faith in the education system, despite school staff feeling unequipped to support her college-going process due to her documentation status. Despite performing a deep care for Fernanda and her mother, the school simultaneously engaged in a paternalistic dismissal of them when they asserted they did not have any resources or guidance to offer them in the FAFSA and financial aid process. Fernanda maintained hope and commitment to her goals of educating young people.

Acompañamiento: symbolic college-going

> Such as me . . . I don't like, like going to college. But like years ago when I was little, I told my mom that I don't want to go to college because it seems like it's pretty impossible for me to do. But mom was like it's your opinion but I'm telling you that you have to go because your older brother hasn't gone to college. He doesn't have the papers when he was born he doesn't have any. . . . So that's why they couldn't apply to college . . . I'm the only one because I have the papers of course. And my little brother of course. –Daniel, age 16

Acompañamiento is defined by Aguilar 'not only as a "way to *acompañar* . . . students in their journeys through school" and life, but also to *acompañar* and be *acompañados* by our communities as we create knowledge (Sepúlveda 2011, 568)' (Aguilar, 2019, 6). Daniel came from a mixed citizenship-status family, which he chose to disclose in the context of explaining why he had to go to college. He explained that life had been hard for his older brother, and that finding work has been difficult. Daniel was formerly in one of the most restrictive programs for autistic students in the district and moved to what is considered one of the least restrictive for high school.

College-going might feel like a natural progression because Daniel experienced a move from a class setting of 'less capable' students to the 'most successful' in special education in his district. Daniel lived at the intersections of problematic doling out of worthiness and deservingness from the system; he was a 'high functioning' student with autism who has 'successfully' moved across restrictive environments, and he has the legal status of 'belonging' in the United States. Upward social mobility and assimilation into White, middle class economic and behavioral norms is often considered a marker of successful acculturation (Bui 2015; Padia and Traxler 2021), but this simplification of success obscures the emotion and nuance undocumented students with disabilities face in their educational journeys.

Tenet three of UndocuCrit posits that '*Parental sacrificios become a form of capital* . . . parental sacrificios have been shown to motivate undocumented individuals to excel academically and engage civically' (2018, 5). Daniel's statement of college as mandatory because of his conversations with his mother and his awareness of his differential status in relation to his family members signaled an understanding of familial responsibility, both on his part but also in terms of the status that he has due to his mother's sacrificios.

Aguilar (2019) writes about the coworkers who told him that he was meant for academia rather than hard labor because of his 'gentle hands.' The conflation between manual labor and lack of citizenship might be evident in Daniel's assertion that he was the one who must go to college, because he was the one with papers. The responsibility of college-going that Daniel shares was not just an individual goal, but a familial one, symbolic of the opportunities he had access to by virtue of citizenship. While not explicitly stated, this mandate of college-going may also point to parental sacrificios. The dynamic of what his mother has sacrificed for her children's opportunities may be a driving force in his life choices. Daniel shared that he told his mom that college was pretty impossible for him when he was in middle school, a time when he was in a more restrictive special education environment. His movement to a less restrictive environment and his college-going trajectory speak back to expectations that schools often hold for students in more restrictive environments (i.e. that they will enter the workforce and not continue to higher education after secondary school). The recognition that he is the one with papers so he has to go to college, citing that his brother was not able to, reflects his understanding that attending college is not purely about his personal success, but a collective college-going for his mixed citizenship-status family (Mangual Figueroa 2011). He claimed that path for himself–and, by proxy, his family–despite his internalized assertion that college would be 'pretty impossible' for him–a notion likely instilled through his experiences with the special education system.

Fernanda shared that she tutored the child of a neighbor in her apartment building. This role of tutoring combined with her experience working as a teaching aide at her church, as well as her desire to become a teacher long-term, demonstrate her leveraging her education for communal learning and benefit. She is embodying acompañamiento in

her learning experiences. This speaks directly back to the ways that her citizenship is literally and figuratively denied due to her disability status, racial identity, national origins, and status as an English learner in the school system. Fernanda's resistance to what DisCrit tenet five identifies as the denial of the rights of some citizens is not just for her individual rights and citizenship status; she is ensuring her community accompanies her as she grows and seeks resources and opportunities.

Documentación: entitlement, eligibility, and fear

K-12 students are protected under IDEA and deemed *entitled* to special education services and supports, provided that they have approved documentation of disability. Once students age out of the K-12 system, however, they become *eligible* for services and supports rather than entitled. Disability service personnel provide accommodations (e.g. extra time on exams, reduced distraction testing environment) and additional services (e.g. peer tutoring, academic counseling) for disabled students who seek out the support and qualify. To be eligible for support in college, schools request documentation from students, which can include medical paperwork, school evaluations, or other professional documents. Students disclose their disability and negotiate with support staff to determine applicable supports. In special education, these services are initiated by school staff.

Students may opt out of disability services in college to renounce a label, because they are uncomfortable sharing disability information, or fear of being misunderstood by faculty (Wagner et al. 2005; Getzel and Thoma 2008; Hill 1994). As we experienced firsthand during our presentation, this language used to access services can be inaccessible for undocumented students. Relying on language rooted in the medical model of disability that simultaneously implies tracking and proof is not an equitable practice. We had not proactively considered the interplay of migratory status with the language and 'norms' of postsecondary disability services – specifically, the word 'documentation' and its myriad meanings – and mediated trust between presenter and attendees. Here, our language choice accompanied the endemic fear surrounding citizenship (Aguilar 2019).

Students without documentation experience challenges and pressures in the pursuit of college including fewer financial resources and assistance options, and as Lilly encountered, completing the FAFSA. This difference between entitlement and eligibility requires an extensive shift in the advocacy of students and families and involves a recentering of responsibility. This shift in responsibility is drastic and mirrors the tropes of innocence and criminality tied to immigrant children and adults respectively (Patel 2015). In childhood, youth are disconnected from the 'blame' of not having documentation, both related to medical records and migratory documentation. As children move into adulthood, this innocence shifts to responsibility. For instance, undocumented adults are deemed criminals. Academics and activists addressing the discourse around DREAMers, recipients of the Deferred Action for Childhood Arrivals (DACA), have identified the tensions of innocence versus culpability that traffic through these seemingly benevolent policies that absolve young people whilst continuing to demonize their parents and families (López 2020). The shift from innocence to responsibility continues in the sphere of postsecondary education, as support moves from school-initiated special education, where teachers and stakeholders individualize for students, to disability services in higher education, where students are responsible for proving and disclosing disability.

Conclusion

We believe that reading DisCrit in conversation with UndocuCrit illuminates aspects of the experiences of undocumented students identified with disabilities in the U.S. school system. We traced Aguilar's (2018) tenets of UndocuCrit through two cases – Daniel and Fernanda – of high school students with IEPs who experienced direct interaction with citizenship in their schooling experiences, transition plans, and long-term goals. Additionally, frameworks like deservingness and heterotopias of deviation helped to further illuminate DisCrit tenet five's message of how systems of power work to confer or deny rights on some citizens.

Implications for research

In addition to taking up DisCrit as an analytic tool and theoretical framework, researchers should work to understand the experiences of students at the intersection of migratory status and disability, and to understand the ways in which our systems, schools, and stakeholders are complicit in denying students access to rights and affordances of citizenship. Identifying how teachers and other school stakeholders within K-12 systems approach students' experiences with migratory statuses, particularly disclosure and confidentiality, is important for informing future policies and practices in schools.

While researchers have investigated students' hesitations to disclose disability in college (e.g. Wagner et al. 2005; Getzel and Thoma 2008; Hill 1994), little is known surrounding how and why undocumented students disclose disability. Future research should examine how students at this intersection navigate disclosure, share their experiences, and what supports and services are helpful during the transition from high school to college. Further, we acknowledge that while DisCrit is helpful for examining inequity and historical issues in schools and some researchers have examined this phenomenon (e.g. Annamma, Connor, and Ferri 2013), application should not be limited to the investigation and critique of schools. We call for research that critically examines the systems and structures outside of the context of schooling.

Implications for practice

Fernanda's experiences reveal a direct need for schools to consider the needs of undocumented students in transition planning. As an undocumented student, Fernanda will need support navigating systems that will permit her to teach without requiring citizenship documentation. Fernanda's mother, as the guardian of an undocumented student with an IEP, needed transition support specific to the intersections of (un)documentation and disability. Educators and researchers must examine the ways systems are at odds with various student identities and be intentional about communicating this to families and students. For example, disability disclosure is essential for accessing special education services, but documentation status disclosure is not required. Educators' and schools' awareness of differential access and providing resources can support all students – including undocumented students with disabilities – in working towards their goals and dreams, from logistical items like financial aid applications to larger projects like securing work as a future educator.

A call to critical reflection

We acknowledge the real and human tendency to absolve responsibility for our role within these systems. We continue to grapple with the reality that we did harm at this event by using a word embedded in a culture of policing and fear. Working within oppressive systems means we are all culpable and responsible for perpetuating harm to students, regardless of our intentions. Acknowledging this reality is not enough, but this acknowledgement holds transformative power for students and for all who participate in upholding and extending the violent arms of the state. We leave stakeholders, including educators, disability service staff, and researchers with essential critical questions to facilitate acknowledgement of the roles we actively play within these systems.

We call on educational stakeholders to consider the following critical questions: How are teachers/schools complicit in furthering the culture of silence (Mangual Figueroa 2017) and shame around disability and documentation status? How can schools foster environments of trust and belonging for all students, including for undocumented youth with disabilities? Disability service offices and K-12 educators can resist and transform the culture of silence, fear, and state violence by explicitly examining their language use and explicitly laying bare the differential meanings of words like 'documentation' in the interlocking systems of disability services and nation-state citizenship. DisCrit tenet seven is a call to action for educators to engage in activism and resistance.

We call on disability service providers and admissions professionals to participate in this activism and resistance by engaging with these critical questions: In what ways do current practices actively omit students who are hesitant to share aspects of their identity to get necessary support? How can individual providers work to help students feel safe, seen, and heard within practice? How can providers help omit barriers to participation by challenging social norms within programs?

Finally, educational researchers can consider: What elements of your identity do you include in your research? What have you bracketed in the name of 'objectivity?' How do you make space for participants to remind you of what you don't know? How do you honor participants' silence and refusal? And lastly, acknowledging the work of Tuck and Yang (2014), what forms of knowledge, identity/ies, and participant narrative does the academy not deserve?

Note

1. In the same way we employ dis/abled to recognize the false binary between abled and disabled, we use un/documented at times to highlight how documentation is specific to a given nation-state. For example, a student who is considered 'undocumented' in the United States who has citizenship in their home country has documentation, just not the 'right' kind in the eyes of the state. Additionally, a student in a mixed-citizenship status family might experience this spectrum of documentation, even if they themselves are 'documented' by the state.

Acknowledgment

who provided helpful suggestions to improve and clarify the manuscript. Finally, many thanks to David Connor, Subini Annama, and Beth Ferri for their guidance throughout this process. The authors would like to acknowledge that this paper was equally coauthored together.

Disclosure statement

Funding

References

Aguilar, C. 2019. "Undocumented Critical Theory." *Cultural Studies ↔ Critical Methodologies* 19 (3): 152–160. doi:10.1177/1532708618817911.

Akbar, A. A. 2020. "An Abolitionist Horizon for (Police) Reform." *California Law Review* 108 (6): 1781–1846. Ohio State Legal Studies Research Paper No. 560.

Althusser, L. 1971. "Ideology and Ideological State Apparatuses." In *Lenin and Philosophy and Other Essays*, edited by L. Althusser, 104–140. New York and London: Monthly Review Press.

Americans With Disabilities Act of 1990. 1990. "Pub. L. No. 101-336, 104 Stat. 328."

Annamma, S. A. 2018. *The Pedagogy of Pathologization: Dis/abled Girls of Color in the School-prison Nexus*. London: Routledge.

Annamma, S. A., D. Connor, and B. Ferri. 2013. "Dis/ability Critical Race Studies (Discrit): Theorizing at the Intersections of Race and Dis/ability." *Race Ethnicity and Education* 16 (1): 1–31. doi:10.1080/13613324.2012.730511.

Artiles, A. J., and A. A. Ortiz, eds. 2002. *English Language Learners with Special Needs: Identification, Assessment, and Instruction*. Washington, D.C.: Center for Applied Linguistics.

Baca, L. M., and H. T. Cervantes. 1998. *The Bilingual Special Education Interface*. Upper Sale River, NJ: Merill Pub.

Brayboy, B. J. M. 2005. "Toward a Tribal Critical Race Theory in Education." *Urban Review* 37 (5): 425–46. doi:10.1007/s11256-005-0018-y.

Bui, H. N. 2015. "Behavioral Outcomes." In *Transitions: The Development of Children of Immigrants*, edited by C. Suárez-Orozco, M. M. Abo-Zena, and A. K. Marks, 239–258. New York, London: New York University Press. doi:10.1080/15348431.2017.1337577.

Cioè-Peña, M. Winter 2017. "Disability, Bilingualism and What It Means to Be Normal." *Journal of Bilingual Education Research & Instruction* 19 (1): 138–160.

Connor, D. J., B. A. Ferri, and S. A. Annamma. 2016. *DisCrit: Disability Studies and Critical Race Theory in Education*. New York: Teachers College Press.

Davis, L. J. 1995. *Enforcing Normalcy*. New York: Verso. doi:10.13023/DISCLOSURE.06.04.

Davis, L. J. 1997. Constructing normalcy. In The disability studies reader, edited by L. J. Davis, 9–28. New York: Routledge.

Dolmage, J. 2018. *Disabled Upon Arrival:Eugenics, Immigration, and the Construction of Race and Disability*.

Erevelles, N. 2011. *Disability and Difference in Global Contexts*. New York: Palgrave MacMillan.

Foucault, M. 1986. "Of Other Spaces." *Diacritics* 16 (1): 22–27. doi:10.2307/464648.

Getzel, E. E., and C. A. Thoma. 2008. "Experiences of College Students with Disabilities and the Importance of Self-determination in Higher Education Settings." *Career Development for Exceptional Individuals* 31 (2): 77–84. doi:10.1177/0885728808317658.

Gonzales, R., L. L. Heredia, and G. Negrón-Gonzales. 2015. "Untangling Plyler's Legacy: Undocumented Students, Schools, and Citizenship." *Harvard Educational Review* 85 (3): 318–341. doi:10.17763/0017-8055.85.3.318.

Harry, B., and J. K. Klingner. 2006. *Why are so Many Minority Students in Special Education?: Understanding Race & Disability in Schools*. New York; London: Teachers College Press.

Heywood, A. 1994. *Political Ideas and Concepts: An Introduction*. New York: St. Martin's Press.

Hill, J. L. 1994. "Speaking Out: Perceptions of Students with Disabilities at Canadian Universities regarding Institutional Policies." *Journal of Postsecondary Education and Disability*, 11 (1): 1–14.

Hoover, J. J., and C. Collier. 2004. "Methods and Materials for Bilingual Special Education." In *The Bilingual Special Education Interface*, edited by L. M. Baa and H. Cervantes, 276–297, Columbus, OH: Merrill.

López, R. M. 2020. "Discursive De/humanizing: A Multimodal Critical Discourse Analysis of Television News Representations of Undocumented Youth." *Education Policy Analysis Archives* 28 (47). doi:10.14507/epaa.28.4972.

Mangual Figueroa, A. 2011. "Citizenship and Education in the Homework Completion Routine." *Anthropology & Education Quarterly* 4 (3): 263–280. doi:10.1111/j.1548-1492.2011.01131.x.

Mangual Figueroa, A. 2017. "Speech or Silence: Undocumented Students' Decisions to Disclose Citizenship Status in Schools." *American Educational Research Journal* 54 (3): 485–523. doi:10.3102/0002831217693937.

Padia, L., and R. Traxler. 2021. "'We Don't Kiss in School': Policing Warmth, Disciplining Physicality, & Examining Consent of Latinx Students in U.S. Special Education Classrooms." In *Centering Dis/ability in Latin America*, edited by C. Figueroa and D. Saca-Hernandez, 195–216, London: Palgrave Macmillan.

Patel, L. 2015. "Deservingness: Challenging Coloniality in Education and Migration Scholarship." *Association of Mexican American Educators Journal* 9: 11–21.

Phuong, J. 2017. "Disability and Language Ideologies in Education Policy. Working Papers." *Educational Linguistics* 32 (1): 47–66.

Piepzna-Samarasinha, L. L. 2019. *Care Work: Dreaming Disability Justice*. Vancouver, BC, Canada: Arsenal Pulp Press.

Ramanathan, V. 2013. "Language Policies and (Dis)citizenship: Rights, Access, Pedagogies." In *Language Policies and (Dis)citizenship: Rights, Access, Pedagogies*, edited by V. Ramanathan, 1–18, Briston, UK: Multilingual Matters.

Ryan, G. W. & H. R. Bernard. 2000. "Data management and analysis methods." In *Handbook of qualitative research*, edited by N. K. Denzin, and S. L. Yvonna. Thousand Oaks, CA: Sage Publications.

Saldana, J. 2016. *The coding manual for qualitative researchers*. SAGE.

Sepúlveda, E. 2011. "Toward a Pedagogy of Acompañamiento: Mexican Migrant Youth Writing from the Underside of Modernity." *Harvard Educational Review* 81: 550–573.

Shakespeare, T. 1995. "The Social Model of Disability." In *The Disability Studies Reader*. 2nded., edited by L. J. Davis, 197–204. New York: Routledge.

Tuck, E. and K. W. Yang. 2014. "R-Words: Refusing Research." In *Humanizing Research: Decolonizing Qualitative Inquiry with Youth and Communities*, 223–48. London: SAGE Publications, Inc.

Wagner, M., L. Newman, R. Camento, and P. Levine. 2005. *After High School: A First Look at the Postschool Experiences of Youth with Disabilities*. Menlo Park, CA: SRI International.

Wehmeyer, M. L. 2013. *The Story of Intellectual Disability: An Evolution of Meaning, Understanding, and Public Perception*. Baltimore: Brookes Publishing.

Wilgus, G., J. Valle, and L. Ware. 2013. "Algorithms of Access: Immigrant Mothers Negotiating Educational Resources and Services for Their Children." *Review of Disability Studies: An International Journal* 9 (2–3).

Williams, A., and C. Paterson. 2020. "Social Development and Police Reform. Some Reflections on the Concept and Purpose of Policing and the Implications for Reform in the UK and USA." *Policing: A Journal of Policy and Practice*. doi:10.1093/police/paaa087.