



Equity Dispatch

Volume 5, Issue 1

Did You Know | Why It Matters | For Equity Now

**Shifting from Surveillance and Control in
Virtual Learning Environments:
Utilizing Principles of Universal Design for Learning &
Culturally Sustaining Pedagogy**



“Be sure that in your educating you are not manufacturing obedient citizens, but rather unleashing powerful, creative souls.”

- Vince Gowmon



Did You Know

Black and Brown Students are Being Suspended from Virtual Learning at Higher Rates than their White Peers?

The MAP Center’s 2020-2021 theme, “(Re)claim¹, (Re)vitalize², (Re)imagine³, & (Re)commit⁴,” is a call for the educational community to (re)evaluate our stance, approach, and dedication to the pursuit of educational equity for all students. Equity-centered education work is ongoing; operating in uncertain times under the veil of COVID-19 requires that we evolve with the times—while not losing focus of the work. That is: even in virtual spaces, we must still be vigilant, attending to the many ways in which minoritized students have their learning disrupted, often barred from experiencing schooling without disproportionate persecution.

School discipline policies have a known effect on increasing the likelihood that Black and Brown children will have encounters with law enforcement (Annamma, 2017; Mackey, 2018). These policies often criminalize the behavior of Black students with disabilities, and maintain the school-to-prison pipeline (Annamma et al., 2014; Annamma et al., 2017; Kim, Losen, & Hewitt, 2010; Reid & Knight, 2006). Even though discipline policies might often appear neutral, research has shown that an over-reliance on school resource officers for reinforcement exploits Black and Brown students’ vulnerability at the intersections of historic and generational disenfranchisement, based on race and disability (Annamma, 2019). Importantly, disciplinary processes that lead toward increased likelihood of adjudication begin with a teacher’s initial evaluation of a student’s behavior, participation, or engagement in class (Mackey, 2018). Teachers’ interpretations of school policy and subsequent evaluations of students are often inseparable from their biases and deficit assumptions about students’ lives (Collins, 2011; Gregory et al., 2010; Kennedy & Soutullo, 2018; Skiba et al., 2012; Skiba et al., 2014; Valencia, 2010).

As schools have moved to virtual learning as part of wide-scale crisis responses to the risk of infection and death due to COVID-19, discipline policies in many districts have failed to adapt to changing school environments (Belsha, 2020). As a result, Black and Brown students have continued to be suspended and expelled at disproportionately higher rates than their white peers—even in virtual spaces (Belsha, 2020). In such cases, it is unclear as to whether schools have developed structures to ensure that students’ due process rights have been maintained—signaling a need to (re)imagine how these methods may look in a virtual setting.

¹Assert ones’ agency and ownership of the work

²Imbue with new life and vitality

³Innovate established structures and processes by introducing new methods, ideas, or products

⁴Perform and devote oneself to the role and work

It is essential that schools understand that discipline policies as applied to virtual learning contexts further disenfranchise Black and Brown youth from e-learning schooling processes that are already arduous in many ways, and also risk violating students' due process rights. Students do not forfeit their rights in the context of e-learning (Smith & Vigodnier, 2020). Ensuring that a student is availed of procedural safeguards, including a fair hearing, can help stay the effect of long-term exclusion from school. Importantly, a (re)commitment to ensuring students' rights to an education also has the rhetorical effect of holding schools accountable to developing schooling processes in remote learning contexts that maintain students' opportunities to participate in meaningful learning activities.



Why It Matters

Traditional Codes of Conduct Applied in Virtual Learning Environments Disenfranchise Black and Brown Youth from Meaningful Learning Opportunities

Students should have the opportunity be in their homes according to their family's rules. As school discipline policies were likely developed for large groups of students gathering in one building, a direct application to online learning contexts does not always logically apply. Furthermore, with the shift to e-learning, schools are now able to "enter" the homes of students through video conferencing platforms and compulsory camera usage (e.g. Fernandez, 2020), risking the exacerbation of teacher bias. By giving schools literal windows into students' otherwise private lives, homes, and families, schools have a power advantage over students through uni-directional surveillance. Due to this power differential and an over-reliance on brick-and-mortar school discipline policies applied to e-learning contexts, the shift to virtual learning has resulted in the continued criminalization of Black students, and specifically Black students with disabilities (Belsha, 2020; Pressley, Annamma, & Thompson, 2020). A strict adherence to school discipline policies has made students the subject of heightened control, including the development of a six-hour remote-learning school day (e.g. Koumpilova, 2020) and unlimited monitoring of students' activity on district-issued devices (see: perryschools.org). Some school districts have also mandated that students adhere to a dress code during e-learning, and have barred students from wearing hats, tank tops, or what may be considered pajamas (e.g. Associate Press, 2020; Page & Hargrave, 2020). A school district in Tennessee has also specified in their Code of Conduct handbook that students' personal work spaces "must be free of foreign objects that are not being utilized for instruction," and that the teacher should be able to "observe both the working space and the student" while students are

engaging in online learning, as well as that eating and drinking are prohibited during “virtual courses” (Page & Hargrave, 2020, p. 9).

Most egregious, however, is the action schools have taken to not only suspend and expel students for violating disciplinary policies, but to call upon law enforcement to intervene with students as they played with toys and personal belongings in their own homes (e.g. Cattafi, 2020; Peiser, 2020). For example, in Colorado Springs, a Black male student with Attention-Deficit Hyperactivity Disorder (ADHD) was playing with a Nerf gun during his class on a video conferencing platform, and was suspended, according to school policy, for “bringing a facsimile of a firearm to school,” even though he was not actually *at school* (Peiser, 2020). Further complicating this situation and endangering the student and the student’s family members, school officials sent police to the student’s home, telling police that he had a facsimile of a firearm (Peiser, 2020). In this case, school officials interpreted a school’s discipline policy around bringing firearms to school and extended the reach of the policy to address a student who was *not at school*. As a result, the rationale for the policy shifted from protecting students’ physical safety in a school building, and toward policing the actions of a student, in his own home, with his own toy, through the use of a virtual learning platform. Similarly, school districts in Boston, Massachusetts that serve primarily Black and Brown students called children’s protective services for children who failed to log into their e-learning platforms (Tones, 2020). In these cases, the schools alleged possible neglect, the consequences for which can be as severe as child removal (Tones, 2020).

In a September 2020 article in *Teen Vogue*, Representative Ayanna Pressley, Dr. Subini Annamma of Stanford University, and Vilissa Thompson, a senior fellow at American Progress, explain that Black girls with disabilities, in particular, are not availed of the same due process protections of such educational legislation as the Individuals with Disabilities in Education Act as their white peers, and are instead vulnerable to the increased likelihood of interaction with the juvenile justice system (Pressley et al., 2020). As the authors explain, “jail” is used as a coercive method for fixing students’ thoughts and behaviors. When coupled with the ambiguity in discipline policies designed for brick-and-mortar learning applied to virtual contexts, the likelihood of criminalizing student behavior in their own homes, for actions that are neither disruptive or dangerous, shifts school-based disciplinary action away from ensuring the processes of in-person schooling, and toward surveillance and control of students’ home lives.

Without logical e-learning policies that are focused on access to high quality instruction, meaningful engagement in learning activities, and assessment that values an array of student expression, disciplinary measures in virtual contexts result in confusion and overreach as to what is actually unsafe or disruptive to the learning process, and endanger students’ long term schooling outcomes. Rather than focusing on disciplinary action to control the time, thoughts, and actions of students,

schools should instead focus on (re)imagining and redesigning instruction to keep students engaged. Indeed, virtual learning as a response to COVID-19 presents an opportunity for schools to *include* students' funds of knowledge (Moll, et al., 1992) into the curriculum, not regulate them out.



For Equity Now

Shifting from Surveillance to Engagement: Using Principles of Universal Design for Learning and Culturally Sustaining Pedagogy

Shifting from disciplinary action that is focused on behavioral control, toward instructional strategies that are proactive, responsive, and supportive of student learning, increases the likelihood of student engagement and success in online schooling contexts, and reduces the need for disciplinary control. As teachers are able to use varying digital mechanisms that allow them to attend less to student behavior and more toward student learning, schools can focus remote learning policies on student *engagement*, not behavior. In order to measure learning in a virtual context away from control mechanisms, and toward responsive, supportive, and meaningful learning, schools should consider designing instruction and assessment using principles of Universal Design for Learning (UDL) and Culturally Sustaining Pedagogy (e.g. Waitoller & Thorius, 2016).

Universal Design for Learning is a framework that uses theories of learning to guide instructional design for an array of learner variability, including Disabled⁵ students (CAST, 2012). There are three main principles of UDL:

- ◇ Engagement (the “why” of learning)
- ◇ Representation (the “what” of learning)
- ◇ Action & Expression (the “how” of learning) (CAST, 2012)

An application of a “cross-pollination of UDL and Culturally Sustaining Pedagogy” (Waitoller & Thorius, 2016) simultaneously disrupts deficit orientations to students’ home lives and reduces barriers to learning. This approach effectively considers students’ identities, and the systemic vulnerabilities therein, at the intersections of race and disability (Waitoller & Thorius, 2016), as well as gender and class. Considering learning away from an adherence to prescribed, discrete behavioral actions and toward cognitive and emotional processes allows teachers to design instruction that focuses on accessible and inclusive instruction through multiple means of representation, engagement, and

⁵ In accordance with the social model of disability, as applied in this article, we follow leaders in disability justice advocacy movements to use Identity-First language. For discussion, see Liebowitz, C. (2015, March 20) I am Disabled: On Identity-First versus people-first language. The Body is Not an Apology. Retrieved from <https://thebodyisnotanapology.com/magazine/i-am-disabled-on-identity-first-versus-people-first-language/>.

action and expression (Rose & Meyer, 2006; Rose et al., 2005). As many schools are using digital interfaces that include live instruction and require students to attend the lesson via video conferencing, teachers can use principles of UDL (Rose & Meyer, 2006) and Culturally Sustaining Pedagogy (Paris, 2012; Paris & Alim, 2014) to design instruction that is aimed at increasing students' interest by incorporating the inherent value of their lives and lived experiences through engaging and relevant activities and assignments (e.g. Waitoller & Thorius, 2016). Examples of how teachers can use the principles of UDL and Culturally Sustaining Pedagogy to engage students in learning, rather than discipline them, are listed in the following paragraphs.

Multiple means of representation, refers to the ways in which teachers present new information to students (Hall et al., 2012). In the wake of school closures due to COVID-19, teachers have found creative uses of technology to present and engage students in and on the virtual platforms students were already using (e.g. boredteachers.com, 2020). Importantly, considering multiple means of representation accounts for the ways in which teachers can use technology to both develop and teach curriculum (Rose et al., 2005).

Multiple means of action and expression refers to the ways in which students engage with course material (Hall et al., 2012). Current students in pre-school through twelfth grade are “digital natives”—these students have experienced digital access, high speed internet, and personal computing devices as commonplace (Dingli & Seychell, 2015). This is a fortunate asset for teachers to consider as they can ask students what applications they use to develop creative content in their personal lives, and then use those avenues to allow students to engage in course material. This is an opportunity to invite students to share and think critically about their knowledge of digital media development and connection, and to engage tools students already know how to use and enjoy.

Similarly, *multiple means of engagement* in virtual learning contexts can, and should, be more than sitting, being quiet, and looking at camera during monitored school day hours (e.g. Koumpilova, 2020). Engagement can look a number of ways for students, and should start with instruction that is designed to be meaningful for them, and to build on the skills they already have to scaffold into new material. Planning around meaningful engagement through remote learning not only displaces the burden of constant communication and monitoring away from schools, but also replaces the necessity for hours-long synchronous learning where students are expected to focus on the teacher with meaningful activities students can develop and complete on in their own spaces.

When schools consider learning in virtual environments through the lens of instructional planning and strategy, and not through control mechanisms of discipline, teachers can begin to reimagine schooling beyond a six-hour, brick-and-mortar day. Even more importantly, school can be a place that actively pursues and includes students' homes, lives, and identities as assets to the schooling processes (Jackson et al., 2020). In planning for education during extended school closures like

those due to COVID-19, schools can prepare by developing policies that are not focused on controlling students' bodies and time, and instead develop meaningful learning opportunities through an array of meaningful representations, engagement, and action and expression. This important shift in considering school responses to COVID-19 is essential to ensuring that students are not only availed of their due process rights through school closures, but also to holding schools accountable for developing meaningful learning activities that do not replicate the surveillance of carceral logics (Annamma, 2017) in brick-and-mortar schools that have historically disenfranchised Disabled, youth of Color. Schools can, and should, use the current moment to reimagine learning in ways that are less focused on control, and more readily open to novel ways of providing instruction, engaging students, and providing meaningful learning opportunities so that students are not only allowed to bring more of themselves to school, but are invited to.

Rather than focusing on disciplinary action to control the time, thoughts, and actions of students, schools should instead focus on (re)imagining and redesigning instruction to keep students engaged.

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Recommended citation: Coomer, M. N., Jackson, R. G., Thorius, K. K., & Skelton, S. M. (2020). Shifting from surveillance and control in virtual learning environments: Using principles of universal design for learning and culturally sustaining pedagogy. *Equity Dispatch*. Indianapolis, IN: Midwest & Plains Equity Assistance Center (MAP EAC). Retrieved

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