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# Chartered sites of exception : problematizing the construction of bare life for exceptional populations in the United States educational system

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**Chartered Sites of Exception: Problematizing the Construction of Bare Life for  
Exceptional Populations in the United States Educational System**

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# **Chartered Sites of Exception: Problematizing the Construction of Bare Life for Exceptional Populations in the United States Educational System**

Bank Street College of Education, 2013

Jonathan McIntosh

## **ABSTRACT**

The expansion of charter schools across the United States has increased over the past decade. Charter schools operate as quasi-public institutions tasked with serving the needs of some of our neediest populations. Operating under public funding, yet managed by external management organizations, charter schools represent a transition from public to private education in the United States. The purpose of this paper is to analyze the influence of deregulation policies in charter schools through a *site of exception* analysis (Agamben, 1998, 2006) and the resulting effect on exceptional populations in these schools. The author concludes that sites of exception analysis should be updated to account for changing neoliberal structures in varying educational contexts and that sites of exception theory could provide alternate perspectives to restore agency and voice for marginalized groups.

**KEYWORDS:** special education, education, charter schools, Agamben, bare life, sites of exception, exceptionalities, state of emergency, educational crisis

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## **Introduction**

The rapid emergence of charter schools across the United States is a strong testament to the movement towards privatization of the United States school system. While there has been a significant amount of research on the academic and process oriented outcomes of these educational experiences, there have been sparse connections in the academic scholarship examining the deeper philosophical implications of the *charter school* on the formation of new systems of knowledge production for students with special needs. With the plethora of nationalized charter networks expanding their reach across the country, it is important for us to pause as academics and educators to examine the broader legal, political, and praxis centric implications for individual student populations. Specifically considering students with exceptionalities, the lack of regulatory and in-network accountability highlights a unique subset of individuals in the charter environment.

Charter schools were originally designed to be laboratories of innovative educational practices untethered by the bureaucracy of governmental organizations. However, through processes of deregulation, there has been a reciprocal loss of transparency on how legal mandates are codified within these charter schools. This work will examine the unique site of the charter school, an educational institution that is legally *chartered* to meet the needs of all students, and its resulting effect on populations with exceptional needs. Considering that charter schools are expected to follow legal mandates established by federal law, yet do not have the same accountability systems as schools in-

district by respective departments of education, an interesting phenomenon is appearing: a marginalized population with little to no agency.

Additionally, this work utilizes an application of political philosopher Giorgio Agamben's (1998, 2000) work on the formation of political identity and sovereignty in the construction of modern sites of exception as evidenced in the United States public education system. Developing multiple theoretical permutations to his work through a neoliberal exposition of exceptional populations in an increasingly privatized school system, Agamben's framework and analysis of contemporary notions of power as articulated in *Homo Sacer: Sovereign Power* (1998) and *Bare Life and the State of Exception* (2006), are read in the context of their resulting effect on the special needs populations that occupy these zones of indistinction.

The first half of the thesis will examine the contemporary permutations of Agamben's analysis (Hardt and Negri, 2001; Giroux, 2010; Dalakoglou, 2012) while developing the ontological grounds for the construction of states of emergency, the linguistic and policy strategies contributing to the formation of sites of exception within the educational reform movement, and the deployment of marginalization theories to zones of indistinction. The second half of the thesis will specifically apply a *site of exception* framework to populations presenting with exceptionalities in charter schools. Problematizing the political and social identity of individuals protected by federal laws such as the *Americans with Disabilities Act* (ADA) and *Individuals with Disabilities Education Act* (IDEA) will be deconstructed as an example of the transition to modernity. Additionally, this section will also draw some critical implications for the expression of identity of marginalized populations within sites of exceptions. Finally, this thesis will

detail some policy and critical recommendations for developing a necessary grammar to articulate agency and oppression in the face of neoliberalism in the United States school system.

## Literature Review

In an effort to analyze neoliberalism's effects on special education in charter schools in the United States, it is imperative to understand both the political and social climate of the education reform movement and appropriate methods of analysis. Subsequently, this section will enumerate some notable rhetorical themes in the establishment of charter schools within the current educational reform grammar; present an investigation of the policy and structural levers on both the federal and local levels influencing special education in charter schools; provide an examination of the philosophical implications of neoliberal mechanism in the communication of special education populations' perspectives; and then evaluate Giorgio Agamben's (1998, 2006) *state of emergency and sites of exception*, as a theoretical framework for understanding the expression of agency and voice for special education populations within the charter movement.

### A Survey of Educational Competitiveness Rhetoric

Many of the current studies on United States competitiveness rhetoric have analyzed the causal link between national educational success and national economic vitality as it has interjected itself into the political dialogue surrounding educational reform (Hero 2006; Giroux, 2009; Parker, 2000). The tension between educating scholars who will be competitive in the world of the recent post-economic collapse and the provision of *free and appropriate public education* for all students has infused its way into policymaking and has become a template for how we as a society must respond to emerging challenges that are limiting the future educational opportunities of our children

and their posterity (Council of Foreign Relations, 2011; Duncan, 2010, 2011; 2012). Research has revealed that scarce educational options at the secondary level have been attributed to the growing gap between those who have access and those who do not (Dalakoglou, 2012). This gap has led to responses by both the public and private sectors seeking to find a silver bullet to put the United States back onto the path of global competitiveness (Lyon, Shaywitz, Shaywitz, & Chhabra, 2005; Smith, 2003). The emphasis on science, technology, engineering, and math education (STEM) has become the litmus test for invigorating leadership in the new economic climate.

As census and demographic data are pointing towards a rapid erosion of our nation's technological proficiency and future capabilities, politicians and policymakers have placed technological education reform as centric to the United States' competitiveness discussion (Cetron & Davies, 2010). The conflation between educational and economic competitiveness has helped place our nation in an educational "state of emergency," where a vital internal link to our overall international leadership is tied to our ability to produce a technologically educated and highly skilled citizenry (Parker, 2000). The zero-sum characterization of the current state of educational progress fuels the endless policy responses to reform education at the primary, secondary and post-secondary levels.

On the public front, educational researchers have found multiple mechanisms to scapegoat our *failing* educational system. Unaligned and rigor-less curriculum, poor administrators and/or inadequate training, teachers, uninvolved parents, and students have all been named as contributing culprits in this vacuous downward educational spiral (Lipman, 2004; OECD, 2010, 2011). In response, recent dialogue has centered on

revealing the institutionalized mechanisms that allow this system to replicate the harms underwriting lower test scores, comparative to other developed nations (National Research Council, 2012). Controversial measures have been proposed, such as eliminating ineffective educational practitioners and establishing new modes of accountability (Iannuzzi, 2013). These proposals have led to more debate and the possibility of incentive-based policy reforms.

The contrast between positive and negative incentives has characterized much of the overall conversation. Research on the positive incentive side, performance bonuses and merit-based promotions has been heralded as re-establishing the educational profession with prestige and honor (Figlio & Kenny, 2007; Marsh, 2011; Rothstein, Jacobsen, & Wilder, 2008). These positive approaches have been attempted in various locations across the country--such as in Chicago, with varying degrees of success. Negative incentives such as eliminating tenure and establishing more rigid academic accountability systems have also been proposed. These policy responses leverage a climate of increased economic scrutiny to find value-based metrics gauging the effectiveness of current educational systems (Marsh, 2011; Rothstein, Jacobsen, & Wilder 2008). Negative incentive approaches to teacher evaluation have been lauded by some and repudiated by others, as the main issues continue to devolve from an economic lens to the human impact of these systems.

One large segment of research has focused on identifiable educational areas in need of specific reform. The *achievement gap* rhetoric has been pervasive in the reform dialogue and has led to governmental policy responses for pinpointing underserved communities as a primary population needing immediate attention within educational

representation (Ladson-Billings, 2006). Underserved populations are typically identified as a mixture of groups categorized by gender, ethnicity/race, and socioeconomic status. These populations exist in both rural and urban centers across the United States. The achievement gap identifies an observed discrepancy in a variety of metrics including data on standardized test scores, reading levels, attendance, and college completion. In contrast to the achievement gap characterization, policy responses to these areas have ranged from governmental accountability and reform systems, such as *Race to the Top* and the *No Child Left Behind Act*, to the human capital centric programs, such as *Teach for America* and localized teaching fellows programs (Heilig & Jez, 2010; Raymond, Fletcher & Luge, 2001).

Several educational critics have contended that the characterization of the *achievement gap* unfairly places the blame on the populations experiencing this unequal access to educational programming. Instead, some educational policy critics have presented alternate descriptions of this inequity through the lens of ‘educational debt’ (Ladson-Billings, 2006). This reframing of the educational experience moves the representations embedded within the discussion of educational inequity to a collective responsibility on how we as a democratic society address these educational disparities. While it is not within the scope of this thesis to examine all of the research and rhetorical posturing of governmental programs surrounding educational reform, it is important to note the influence of research into these alternative education reform programs in contributing to the diverging policy approaches and their current influence on the overall educational competitiveness dialogue, in particular, the growth of charter schools across the nation.

## **Policy Levers: The State of Educational Emergency**

President Obama has been a primary proponent of the charter school movement and has identified a correlation between alternative teacher preparation programs and the success of high-performing charter schools (Betts & Hill, 2006; Cowen & Winters, 2013; Peterson & Llaudet, 2006). Current policy research on President Obama's most recent legislation, the *Race to the Top*, called upon states to propose *competitive* state educational reform proposals for federal review in an effort to unlock increased federal funding and grants. The *Race to the Top* educational prize system placed states in a heated battle to come up with specific educational reforms and accountability systems in an attempt to raise overall achievement and to narrow the educational discrepancy between *underserved* communities and their *more successful* counterparts (Blume, 2010; Cowen & Winters, 2013; Zimmer, 2009.).

In response to educational policy concerns by various educational institutions, the council of foreign affairs, and the White House; the topic of educational international competitiveness has come to the forefront of policymaking (Duncan, 2010; Giroux, 2009; OECD, 2012). The association between the continued existence of our nation, our progeny, and our economic/social viability in the international arena has been further crystallized in this rhetoric of educational policy making. Posturing the United States at the losing end of preparing our children for the global economy has led to several poorly designed and implemented policy choices, particularly when framed against startling quantitative measures proclaiming that the United States ranked 23rd out of 30 in the Organization of Economic Cooperation and Development (OECD) assessment of nations' proficiency in math, and 25th in science proficiency (OECD 2011; 2012). This

highly politicized data can be contrasted to work by Carnoy and Rostein (2013), indicating that United States' international testing scores when adjusted for factors such as sample size and socioeconomic status, performed in the top seven countries.

A strong indicator of the new direction of educational privatization in this nation has been the expansion of the charter school movement (Giroux, 2009, 2010). Hurricane Katrina and the resulting charter school boom in the New Orleans, Louisiana region drew significant political attention to the politics of disposability and have helped make the invisible, visible (Giroux, 2019; Halperin, 2006). The success stories of charter schools coming into the ninth ward helping to revitalize communities presented an array of possibilities for the charter movement. With the emergence of federal and state support for charter schools, the idea that once-disposable populations are no longer disposable and must instead be served has been an important change in governmental policy solidarity.

However, through a deeper examination of the politics of disposability, there is one group of agency-deprived citizens who must be highlighted—those with exceptional needs. During the past few decades, the public education system has been portrayed as in need of major reform, policymakers have looked for new avenues to innovate and incite change. The response has been a mixture of public and private institutions looking to claim their stake in the changing educational landscape. As states continue to address the charter option as a viable alternative to the predominantly publically-funded domain, there has been a marked shift in how the lack of quality educational options is presented. While there has been much research into this new form of educational competition through the charter movement, the implications of this reframing of educational practices

through policy remains a developing field of academic study (Giroux, 2012; Halperin, 2006; Godwin, & Kemerer, 2002).

The charter movement initially came to the forefront of educational reform as a unique solution to the limitations of the public school system (Abernathy, 2005, 2007; Cetron, & Davies, 2010). The system of bureaucracy in the current public school system was seen as a major stumbling block to the innovation of educational practices. The idea of a charter school, untethered to the systems of the localized politics found in such structures of school boards and teachers' unions, could be a haven for new educational philosophies and practices (Giroux, 2010; Dalakoglou, 2012). These perspectives were not unfounded and many of the complaints about the current structure of the public school system carry a tremendous amount of cache. Narratives of bureaucracy and politics inhibiting quality educational opportunities are numerous and documented. Consequently, a rapid movement towards nationalized charter networks is sweeping across the nation, with a significant impact on student achievement and educational progress. Students in traditionally underserved communities are being served and new educational philosophies and methodologies are constantly being tested and reformulated. For every success story of a group of charter schools with amazing results, we also know stories of failure (Baker, Hupfield, & Teske, 2013; Frankenberg, Siegel-Hawley, & Wang, 2011; Schwenkenberg & VanderHoff, 2013). While not within the purview of this thesis, the overall impact of charter schools will merit further longitudinal study as new ways of evaluating charter schools and networks are developed.

Conversely, the pedagogical impact of the charter movement has been heavily criticized as creating an educational system that devalues the importance of democratic

citizenry and produces a new institutionalized arena of knowledge production where the students become part and parcel of a neoliberal model of rote memorization and fact regurgitation (Giroux, 2009; 2012; Smith, 2003). These educational implications of ‘competiveness’ rhetoric embedded within the charter movement have been criticized as transposing an ethic of social responsibility onto individuals, whereas previous labor and social movements have fought so hard to shift social responsibility from an individualized perspective to a collective issue to be addressed (Lipman, 2004). Research into the expansion of the charter movement and the resulting effects on the agency of disposable populations is an important area of consideration when we examine the massive political support of charter networks across the country and the populations they seek to serve (Giroux, 2009).

Accountability models and an emphasis on individualized test scores have changed the political landscape where underserved communities reside (Parker, 2000). The politics of disposability is used purposely here to identify a sub-section of the population that has historically been seen as expendable and has not been seen as an important policy consideration. Moreover, as the plethora of nationalized charter networks has been expanding their reach across the country, research has examined the broader legal, political, and praxis centric implications affecting individual student populations (Abernathy, 2007; Blume, 2010). Current research has highlighted a further imperative to specifically consider students with exceptionalities due to the accountability and transparency issues often compounded by the lack of external accountability and compliance managers (Godwin & Kremer, 2002; Zimmer et al, 2003).

Some of these notable changes in educational reform have been the adoption of the Common Core Standards and the changing of state specific laws to increase educational innovation within their states through modified teacher evaluation systems. A primary solution to this education crisis on a state-by-state level has been the massive influx of charter schools allowed within states (Duncan, 2011). One of the effects of the *Race to the Top* program was the frenzy of state led initiatives to try and capture some of the federal funds being offered. Increasing the number of charter schools allowed under state statute was a highlighted policy action in Chicago, New York City, and Los Angeles. There have been a number of studies that have compared the effectiveness of charter schools to traditional public schools, and those have evaluated the place of charter schools in the larger picture of educational reform (Baker, Hupfield, & Teske, 2013; Cowen & Winters, 2013; Parker, 2000). Each of these studies highlights the complexity of the political process and policymaking landscape and how charter schools have been characterized and evaluated. While I do not discount this research, it is also important to dissect the implications of the charter school and its unique position within the educational legal framework, its philosophical resonance and to further provide insight on how the charter school functions in the space of spatiality, with particular emphasis on special education populations.

### **Agency and Biopower: Sites of Exception**

Researching the academic neoliberal economic analysis of educational policy provides an important literary framework to categorize and sort the charter school's impact on the development of agency and voice for traditionally underserved populations (Frankenberg, Siegel-Hawley, & Wang, 2011; Giroux, 2009). Prior research has sought

to identify the larger economic factors revolving around deregulation and its effects on charter populations, these criticisms are unspecific on how these factors impact the lives of specific marginalized populations within the charter movement (Abernathy, 2007; Betts, & Hill, 2006; Schwenkenberg & VanderHoff, 2013).

Agency is one of the primary signifiers that must be understood to truly unwrap the way special education populations exercise voice within the charter school setting. Michele Foucault articulated a number of different ways of categorizing agency within his works, specifically with how an analysis of power can be revealed through a descriptive criticism of how institutions function that appear to be neutral, independent and autonomous (Foucault, 1974, 1979). Agamben (1998) posits that life exists on the margins of society, and those whose classifications are as an outside group, are relegated to the fringe, in zones of sacrifice. This perspective of life on the margins, presents several challenges to the notion of agency and its exercise in the political sphere (Downey, 2009; Fassin, 2010; Foucault, 1979). Often these citizens are denied economic, political, legal, and social redress because the very nature of their lives is consumed with procuring and sustaining the essentials of their existence.

The refugee, the enemy combatant, the queer, the exceptional and/or disabled, the dispossessed, have all been excluded, to varying degrees from the social sphere, with limited appeals to the safety net of the nation state and recourse in international law (Caldwell, 2009; Foucault, 1979; Gregory, 2006). These individuals have been outlawed in essence, living in the nexus between recognition/protection through the political sphere and its laws—specific sites of exception. The precarious position of this limbo-like state within a *site of exception*, the juxtaposition of protection/no legal protection, has pushed

policy and cultural analysis to include these individuals not as an exception to modernity, but instead as an important component of modernity that must be clearly applied to groups occupying these political spaces (Elden, 2002; Foucault, 1974). Moreover, the breaking apart of this master narrative presents an interesting lens to capitulate how discrimination and other forms of strategic exclusion have constructed not only our own understanding of the imperfect subject within the educational realm, but also the exemplary subject that is the synthesis of competition in the globalized community (Hardt & Negri, 2001).

Italian philosopher Giorgio Agamben (1998) has developed his own treatise on marginalization that provides nuances beyond the political rhetoric that has been used to justify binaries of us/them, in group/out-group, and various other exclusionary dichotomies. Instead, he posits an alternate framework for understanding social exclusion propagated by the sovereign power. Agamben's analysis is largely interested in those who exist in the margins of society, through political, social, legal, economic and biological representations that constitute an era of post-modernity: not through their exceptionalities, but rather through their positioning as both a reminder of our transition into post-modernity and a warning of the ontological basis of the modern political subject (Agamben, 1998; Downey, 2009; Gregory, 2006).

Agamben (2006) extends his metaphor of marginalization around the notion of bare life, homo sacer, and the state of exception. *Homo sacer*, a trope in Roman Law, refers to a citizen that has been convicted of certain crimes and has been stripped of certain rights, such as representation under the law; condemned to live a life as a depoliticized citizen (Calarco & DeCaroli 2007; Elden, 2002; Ellerman 2009). Agamben

argues homo sacer has come to be a more emergent figure in modern politics, as sovereign powers are continually creating bare life as an interdependent aspect of the democratic order. However, Agamben does not make a case for victimhood in these situations; instead, he highlights the power of the sovereign to continue to bring unmediated power upon its subjects as a necessary component of living in a democracy. Consequently, this situation presents a number of challenges for a democracy, as every citizen therefore could at any time be reduced to homo sacer, or bare life (Downey, 2006; Ellermann, 2009). This despotic vision of the future puts democratic citizenry at the forefront of practices that continue to suspend rights rather than recognize those rights.

The power of this analysis is developed more through an application to the politics of space. Gregory (2006) applied the *site of exception* analysis to Guantanamo Bay, using the War on Terror as the state of emergency frame to examine the space of spatiality. The nature of these interlocking spatialities in both legal and political practices demonstrates the contrast to the sometimes politically pessimistic and negative description embedded in the perspectives of Agamben's (1998) *site of exception* theory. Further, it has been argued in the literature that these spaces should not be ceded as the norm of ethics in a critique of political modernity, and instead should be categorized as spaces in need of political struggle and a politics of resistance (Calarco & DeCaroli, 2007; Giroux, 2010; Gregory, 2006).

To note, Agamben's (1998, 2000) work is primarily located within the scope of human rights, international law, governmentality and the extension of state power over those who do not have full rights (Agamben, 2006; Caldwell, 2004; Gregory, 2006). The application of agency-centric analysis to specific populations within the charter school

movement is sparse and limited to the larger mission to serve communities affected by educational disparity (Giroux, 2009; Godwin & Kemerer (2002; Schwenkenberg & VanderHoff, 2013).

Lemke, Moore, and Casper (2010) present a compelling argument that current agency analysis must be more inclusive to out-groups that experience social and political exclusion, despite their legal identity through citizenship. Marginalized populations risk further labeling as needless and an enemy of the state. This justification creates a pathway for theoretical permutations of Agamben's (1998) *site of exception* analysis and bare life to special education populations within charter schools. Whereas in the past these figures inhabited only peripheral spaces, today in a global economy, these forms of exclusion can also be found in the industrialized centers where social questions are newly posed because of the dismantling of the welfare state and the crisis of the labor economy (Giroux, 2009; Hardt & Negri, 2001).

The theoretical derivations between subsequent expansions of biopolitical notions of power foreground an application of any agency analysis through the analysis of space and spatiality (Gregory, 2006). For example, when discussing the extension of *sites of exception* theory to Hardt and Negri's (2001) notion of *empire*, an economic perspective on how the space of biopolitical processes are furthered through the withdrawal of the state from the public sphere. The authors' interpretation of *deregulation* is articulated through the decoupling of transparency measures for charters schools to operate with limited bureaucracy and increased autonomy. This notion of economic privatization furthers that private educational institutions would be better able to innovate if they did not have to answer to the technologies of the welfare state, such as being beholden to ,

once occupied in society marks a transition in who makes decisions pertaining to the value of life in an educational setting, to market and commercial educational interests. This distancing potentially dislocates student and family agency from shaping these educational choices.

The political strategy of withdrawal is directly correlated to the legal and social interplay around the school reform movement, particularly as deregulation towards school privatization becomes the norm. Agamben's (2006) perspective of biopolitics is representative of a larger discussion on how to expand new forms of economic politics within an economic and security driven framework. Lemke, Moore and Casper (2010) also draw some distinct correlations to Agamben's caveat that the expansion and extension of rights to those who do not have rights is not the solution, but rather a new political grammar is needed: one that transcends the legal concepts that presuppose the separation between political existence and natural being.

### **Specific Implications for Exceptional Populations**

**Normalcy narratives.** Exploring the philosophical correlation between current "normalcy narratives" and their corresponding disability counter-narratives, as they are defined in the existing literature concerning disabilities in the K-12 school environment, reveals the methodologies which often subvert the agency of individuals with exceptionalities (Beurbe, 2003; Butler, 1993; Samuels, 2002; Ware, 2002). Drawing on the philosophical underpinnings of Michel Foucault's (1979) theories on biopolitics, the prevailing dialogue between proponents and opponents of *full inclusion* is an important consideration in the broader manifestation of bureaucratic institutions' framing of disabilities and how schools serve the traditionally underserved (Ware, 2002). This rhetorical depiction of disability issues has led to an epistemological paradigm where

schools' attitudes towards disability and exceptionality become indicators of their attribution to the politics of space (Halperin, 2006).

**The suspicion of self.** Contextually, this dialogue also has emergent implications for the role of educators and how this ethical responsibility for the “suspicion of self” can be realized in an environment of educational competitiveness (Hallahan, Kauffman, & Pullen, 2009, p. 19). The danger of ignoring these difficult discussions is the inadvertent outcome of re-classifying an understanding of disability as individual pathology. For example, this type of rhetorical labeling becomes a jargon that unconsciously seeks to identify, marginalize, and isolate *abnormality* from the rest of the perceived *normal* population. Without developing a full consciousness of the effects of labeling in charter schools, the hierarchical perceptions of the educational institution become normalized towards this indirect exclusion. Ware (2002) further articulates:

It represents ‘a whole set of knowledge that have (sic) been disqualified as inadequate to their task or insufficiently elaborated: naïve knowledge, located low down on the hierarchy, beneath the required level of cognition or scientificity.’ It is the ‘particular’ nature of this knowledge that resides within, and according to Foucault, ‘owes its force to the harshness with which it is opposed by everything surrounding it.’ (p. 148)

**Parity.** Berube (2003) argues that we have an obligation to put disability at the center of our policy discussion because what we choose to discuss says a lot about human conduct on a larger scale. Academic discussions that reveal invisible population are more than a meta-theoretical quibble; they are pivotal in changing the way disability is represented and conceived. When looking at our democracy, the passage of the

*Americans with Disabilities Act (ADA)* and *Individuals with Disabilities Education Act (IDEA)* become central sites for the intersection between law and ideology. IDEA established an important right for children with exceptionalities utilizing the rubric of a *free and appropriate public education (FAPE)*. Additionally, this legal right was also supplemented by the clause that students with exceptionalities should also be educated in the *least restrictive environment*. The volume of legal discussions and interpretations of *FAPE* and *LRE* finally resulted in the understanding that least restrictive means education in the ‘regular classroom’. IDEA represented a step in bringing disability issues to the forefront of rights discussion and educational access. However, IDEA never was designed to be the ultimate solution; it was a pragmatic envisioning of educational rights.

Discussions over participatory parity are central to the extension of both human rights and how we ascribe social value to issues in our culture. The impact of these discussions must be further analyzed within the context of how we view a participatory democracy and the limits of policy in realizing these discussions. Analyzing the impact of dehumanization of these groups further elevates the discussion of sites of exception as even more important to dissecting the larger issues of agency and voice for those with exceptionalities. An important consideration is the pragmatic impact of this social exclusion and what it means for our democracy.

**Identity politics.** Butler (1999) furthers the notion of identity politics and its direct tie to the political establishment. Considering that identity is no longer considered a fixed state embedded within a framework of political syllogism, the potential for new political tactics to ascribe identity is inevitable. The idea that identity can be co-created through both legal recognition and the exercising of individual agency is a stark contrast

to pre-modern believes that politics is predetermined by the elite/ruling class.

Contextually, this recreation of the social binaries of disability has an emergent effect on educators when dealing with the topic of exceptionality and inclusive practice to foster agency within these settings. Rust and Metts (2006) continue that when analyzing the associations between exclusive practices that perpetuate the notion of impairment and exceptionality, similar parallels are found when considering poverty and disability. As academics and educators it becomes imperative to identify the effect of exclusion on compounding both disability and poverty. Considering this overlapping component of double marginalized groups, highlights the necessity of creating a space for agency and voice among the discrete categories of poverty and exceptionality.

### **Gaps Identified in the Literature/Areas for Future Research**

Much of Agamben's (1996, 2000, 2006) and subsequent state of exception analysis is centered on the intersection of international law and the creation of juridical spaces. A considerable portion of current academic research is focused on the implications for the expression of rights. However, there is limited understanding of how these analyses influence the larger discussion of United States educational policy, particularly an analysis of neoliberal educational practice (such as competitiveness rhetoric and policy initiatives centered on deregulation of legal transparency in the educational realm).

Some theorists have identified the need for more proactive approaches to inform policy recommendations around the politics of disposability, but they have had limited reach in their influence on actual implementation of policy (Giroux, 2009). Additionally, the application of Agamben's (1996) equivocation of homo sacer has had restricted reach

in educational spaces, due to his articulation of the marginalization of Jews during the holocaust. The metaphor of the camp is seen as the ultimate expansion of this power and may be seen as too extreme an interpretation of the rights of exceptional populations within the charter movement. Further research is needed to uncover the implicit relationship between power and its ability to render any population as bare life.

### **Limitations of this Review**

The body of work surrounding Agamben's (1998, 2000, 2006) conception of the state of exception appears in multiple intersecting criticisms of politics and aesthetics (Calarco & DeCaroli, 2007; Downey, 2009; Ellerman, 2010; Gregory, 2006). However, these applications of Agamben's theory only represent a small sample of the theoretical permutations of his treatise on exceptionality. The *site of exception* framework is narrow in scope and depth, and this consideration reveals several challenges to the conclusive nature of the literature review's applicability to external contexts, particularly because there is limited use in the educational realm beyond an analysis of state of higher education (Dalakoglou, 2012). Additionally, this review lacks the literature base to justify consistent cross applicability of Foucault's analysis of biopolitical eradication, as the death of individuals rendered to a state of bare life are argued as experiencing ontological death, rather than the physical death articulated by both Agamben (1998, 2000) and Foucault (1979). The delineation of physical and ontological death is a difficult area to truly explore, as modernity is characterized as the merging of the physical and metaphysical realm. The idea that one type of death is worse than the other is not the focus of this deconstruction, but rather, is contextualized as uniquely disempowering and dehumanizing to those experiencing a loss of agency and identity.

## **The Method: Bare Life & the Politics of Exceptionality**

### **Political Sovereignty and Citizenship**

Modern political interpretations of our increasingly globalized economy have argued that the increased flow of capital, people, information, and transnational communication is drawing some critical implications on how we conceptualize boundaries of the nation state (Shapiro, 1997; Friedman, 2005; Ghemawat, 2007; Stiglitz, 2006). The struggle to counteract the effects of modernity, a point where the natural and political life intersect, has been an ongoing argument in Giorgio Agamben's depiction of the biopolitical process as manifested by a sovereign power (Agamben, 1998, 2006). In contrast to claims that current trends in globalization are a movement toward the evisceration of the nation-state, Agamben, as an alternative, furthers the premise that modern society is instead a reinstatement of classical political sovereignty.

Biopolitical processes have become even more insidious as globalization rhetoric has sought to draw a discerning eye away from the potential effects of marginalization techniques (Fassin, 2010). Thus, we have an apt depiction of the reconstitution of bare life, the rendering of entire sub-populations of the natural rights and the redefining of current notions of citizenship (Caldwell, 2004; Calarco & DeCaroli, 2007; Downey, 2009; Lemke, & Moore, & Casper, 2010; Fassin, 2010). Because there is a wide range of analyses on the theses of Agamben, I will instead limit the discussion of Agamben's concepts of political sovereignty distilled to the major premises furthered in his work, which are applicable to the educational reform movement.

Citizenship is in a constant state of flux within a liberal democracy. The political identity of the citizen is incumbent on defining its boundaries within the nation state

furthering a clearer attribution of belongingness within this framework. Beginning with the premise that the modern political order is increasingly becoming more separated and stratified from the needs of citizens, the dissemination of power over life allows us to truly understand the current embodiment of biopolitics. Agamben is drawing on Foucault's analysis of biopolitics by centering in on the citizen as the locus of the western liberal political order (Calarco & DeCaroli, 2007). Power of the sovereign is only maintained by the creation of the friend-enemy dichotomy that has pervaded much of the modern political process (Agamben, 2006). By assessing the increasingly polarized electoral process, the War on Terror, the immigration battle, and the current educational tension between public and private, we are able to see the flow of power more clearly and how the sovereign power maintains systems of control. Citizenship has become the most important factor in determining access to both natural and political rights. The intersection between a citizen's political and private rights creates a zone of indistinction, a terse process that has specific academic attribution to public education systems.

Considering that public education has become a primary conduit by which individuals are granted access to global civil society, examining charter schools through the lens of citizenship highlights these spaces as potential laboratories for democratic training. The idea of equitable access to education codifies the inherent conflict between democratic liberal theory and economic neoliberalism; the universal right to *education for all individuals* is at odds with the developing citizens to fill *socially functional roles* (Foucault, 1979). By examining the genealogy of public education in western societies, we are able to more clearly perceive the evolution of creating citizens who *contributed* to the economy in contrast to more progressive interpretations of *participation* in the policy

making process. The cyclical nature of the educational apparatus demonstrates the sovereign's power in shaping a dystopian vision of education through both policy and social levers.

The Individuals with Disabilities Education Act (IDEA) has shaped much of the political identity of citizens with disabilities since its initial drafting in 1975, when it was known as Public Law 94-142. Understanding the policy implications of IDEA reveals much about how a liberal democracy views and treats individuals with special needs. Perhaps one of the most important effects of IDEA was the acknowledgement that human agency was an ideal strongly valued in the exceptional community, and that lawmakers needed to be inclusive of their voice in the decision making process. The exceptionality movement was given a strong political voice by this public law, which continues today.

Conversely, despite the political recognition achieved through IDEA, the policy has had several unintended consequences. Creating legal protections through law concurrently segments out at-risk groups subject to social ordering, which become part of another dialogue concerning governmental support and assistance. This tension was seen in the late 1990s as welfare and unemployment funding came into conflict with protections offered by IDEA (Burkhauser, 2001). Additionally, the over identification of children with special education needs has indicated a cultural bias towards minority children (Ladson-Billings, 2006). Increased bureaucracy has also shifted the responsibility away from a focus on learning, to finding ways to reconfigure metrics to gauge the return on learning investment. The system of learning *through experience* has been displaced by standardized curricula privileging chosen sets of knowledge and skills that are severed through fact regurgitation. Patchwork oversight over how to adapt a rigid

curriculum to exceptional populations, and further, what connotes success within this framework, has compounded the problem. Academics and policymakers alike are questioning how to make special education a more desirable tract for potentially qualified educators (Gaddy, McNulty, & Waters, 2002). IDEA has had several important impacts on our culture. While there may be problems, the significance of this legislation as a foundation for the disability movement is noted, and has been the exemplar for many international organizations' missions to protect the political agency of individuals with disabilities. Further insight of how the mandates of this public law interact with both state and local government may provide crucial insight on the overarching effects on the construction of citizenship and political sovereignty.

Consequently, the creation of bare life, or *homo sacer*, is a succinct premise within this framework of sovereign power in contemporary political regimes. The creation of juridical space, through policy levers like IDEA, unintentionally has the potential to create a space where bare life is possible. IDEA carved out a political space for individuals with exceptionalities to actively exercise agency. This *politics of space* has contributed to a site where political participation is ensured by law on both the state and federal levels. Political recognition is an important element in securing policy parity and consideration. However, the collateral in this politics of space has been the representation of the disabled/exceptional body, as a marginalized group needing political legitimacy to have access to political rights of the so-called *normal* population. Several similarities to a notion of disciplinary power are found in classical European societies as an extension of the sovereign powers' ability to create risk groups, such as the diseased during the middle ages (Foucault, 1979). *Homo sacer* (sacred man), is articulated as a

political identity that can be killed, but not sacrificed. While anyone can eliminate this life of the sacred person, they cannot ascribe the privileges of citizenship, i.e., sacrifice (Agamben, 1998). Sacrifice is difficult to contextualize in the discussion of disability/exceptional under IDEA. In fact, sacrifice is actually pre-empted, in the identification that one with exceptionality cannot be denied access to a *free and appropriate public education in the least restrictive environment*. Legal identities outlined through IDEA are a starting point to the manifestation of current representation politics and their importance in the expression of agency and voice. This distinction is important to understand as an attribute of how citizenship operates in a perpetual state of instability. Legal status labels exceptional populations as both an in-group (deserving education) and an out-group (needing legal status and recognition). Homo sacer lives in the middle ground between life and death. This state of *social death* is a level of forced invisibility and disenfranchisement where physical death and social exclusion tread a very thin line.

The concept of social death shows theoretical underpinnings in Derrida's attempts to examine the way that politicized life is divided between physical (biological) and politicized life (Fassin, 2010). This distinction is an important theoretical foundation in how we view life and how sovereign powers create systems and technologies to control and manage this life and its opposite – social death. The implicit connection to the way we indoctrinate our citizens in the democracy exemplifies this distinction, particularly through the educational apparatus. The larger geopolitical struggle against social death is problematized in the way we contextualize survival. Survival becomes the language of sovereignty tied to our ability to have access to a technology that provides relief or a

greater chance for survival. Survival, in this sense, shifts lines that are too often hardened. A similar framing of the socio-political factors that necessitate survival in a world of economic competitiveness have framed the way individuals view their own survival in the context of geopolitical necessitating factors. Contextualizing these discussions through geopolitics is an important aspect of maintaining the larger connection between survival an entry into global civil society.

### **Suspensions of Rights through the State of Emergency**

The power of the sovereign is particularly realized in its ability to call for a *state of exception*. Biopolitics is furthered by the ability to suspend the laws of the land and create entire populations of *homo sacer* that rest in “zones of indistinction”, between nature (chaos) and global civil society. These juridical spaces include *homo sacer* to the very degree that they are abandoned by the law (Agamben, 1998, 2000). In modern politics, these states of emergency have resulted in the suspension of rights and the relegation to a state of nature prior to the advent of political rule. The rule of law is not voided, but rather it is modified through a state of emergency, which suspends the intent of the law. This pressure is more pervasive in liberal democracies, arguing that the danger of such ideological suspension can become the norm rather than the exception. Slippage into this paradigm is presented as the most pressing concern as a society and is a direct call for the reformation of civil society’s conception of sovereign power (Agamben, 2006). Essentially, this process furthers the creation of a legal civil war between those who have access and those who do not. Individuals seen as unable to integrate into the social/political system are further marginalized and caught in an indeterminate state where their ability to exercise their agency is muted (Foucault, 1979).

The interplay between the sovereign power and its ability to create modes of survivability, the production of bare life and the power to suppress agency and voice is the foundation of modern politics. The idea of agency and the expression of these rights is the main issue embedded within this system of marginalization. Considering that we live in an era characterized by the production of an international police state and the entry into war without explicit recognition, our current situation is even more pressing. The *wars on ideologies* have functioned as extensions of sovereign authority to suspend rights, such as the War on Terror, the War on Drugs, and the War on Poverty. Each state of emergency has become the litmus for the extent to which the sovereign can enact *reforms* to stabilize its power. These rhetorical depictions further reify the friend-enemy distinction that is necessary to manage the survivability of humanity.

Agency is best clearly defined as the subjugated struggle to find voice within a *site of exception*. The suspension of rights on populations at-risk for deprivation of agency and voice presents a larger problem within an analysis of *sites of exception* theory. Characterization through the perspective of marginalized groups ascribes agency meaning through the practicing of self-determination in both political and public life (Giroux, 2009). When we consider that groups that are already seen as different from the norm, are further castigated to a realm of exceptionality, there is a potential for more stealthy oppression and invisibility by the sovereign power. This is the nexus of where this analysis seeks to examine the influence of modern systems of oppression within the realm of public education. Analyzing the connection between public discussions of the expression of agency within a deliberative democracy becomes even more urgent when we consider that these discussions often fall short of the normative requirement of

legitimate criticisms of the political process. The desire to critique the specialized discourses emanating from such positions require an epistemological approach that continues to complicate the political process through uncovering the technologies at play in the subversion of agency.

### **Modern Political Exceptionalism**

Agamben's (1998) theoretical criticism of the *sites of exception* was originally attributed to the instantiation of the concentration camp and the power over life within Auschwitz. These derivations are indicative of the extreme exercise of biopolitical control, where those individuals within the confines of the juridical space existed with physiological life yet were killed with impunity. Contemporary applications of political exceptionalism have sought to dissect the processes placing at-risk groups within a sphere of similar attribution. These perspectives are in no way meant to denigrate the weightiness of Agamben's illustration of the destructive capabilities of sovereignty (as in modernity's capability to orchestrate genocide), but rather to uncover the system of power at play within these systems of reducing populations to bare life (Downey, 2009). The stripping away of political community and identity within this framework of exceptionalism is a critical application of Agamben's theories to contemporary politics. While there are a number of different situations to consider from the War on Terror to the state of higher education, it is outside the realm of this discussion to examine every political attribution. Instead, the following choices were made due to their specific trans-application to the educational reform movement. The artifacts chosen exemplify three discrete areas of analysis: 1) the state of emergency; 2) the politics of space/spatiality; and 3) resistance and agency.

First, the state of emergency as applied to the *war on terror* is an appropriate application of an endless war against an unknown and unclassifiable *other*. The idea of terrorists threatening the existence of our nation prompted political responses that suspended citizen's rights and mobilized populations through a lens of security (Gregory, 2006). During the state of emergency we saw such egregious rights violations as warrantless wiretapping and the indefinite detention of enemy combatants. The politics of crisis and emergency created exceptions to the normal order of things and sovereign authority expanded. This period also saw the proliferation of the Bush doctrine and the use of pre-emptive warfare to expand our empire. Amidst the politics of crisis the dismissal of identity became pervasive. Representation politics presented a radicalized *other* that struck the very core of American national identity. Existence was tied to our ability to maintain security at all costs. The state of emergency derives its power to exist in so far as the public does not find moments to develop counterhegemonic narratives to disrupt the power of sovereignty (Hardt & Negri, 2000). Problematizing the practices of the sovereign begins a gradual process of discovering the invisible attributes of the suspension of rights, such as the United States' use of torture in CIA black sites (Scahill, 2011). Uncovering the tactics of the sovereign power becomes a way to reclaim both personal agency and voice in the democratic process.

Second, a site of exception theory has been specifically applied to the creation of zones of indistinction within a context of the politics of spatiality. The trope of Guantanamo Bay as an extension of the war on terror is thoroughly analyzed from a politics of space and spatiality perspective; particularly, the overlapping externalities of sovereign power, law, and violence. The nature of these interlocking spaces in both legal

and political practices demonstrates the contrast to the sometimes politically pessimistic and negative depiction of Agamben's (1998) *site of exception* theory. Conversely, this perspective argues that spaces should not capitulate as the norm of profacism in a Global Prison critique of political modernity, and instead should be categorized as locations in need of political struggle and a politics of resistance (Gregory, 2006). Gregory concludes that the recognition of these "invisible spaces" is a necessary step in breaking down the complex political and sociological conditions that necessitated their existence. Pragmatically the academic discussion of these spaces and the factors which have imbued power on the *site of exception* serve three functions: 1) They create a way to challenge overarching structures that are seen as institutionalized through discriminatory and or exclusionary practices 2) they provide a non-academic impact on policymaking and 3) they problematize these spaces to open a discussion of the politics of resistance (Downey, 2009; Gregory, 2006).

Third, resistance and agency have been articulated as two important techniques to reclaim identity in the examination of the undocumented migrant worker. Building on Giorgio Agamben's (1998, 2000, 2006) concepts of bare life and state of exception, the possibility of resistance by migrants is identified as an important area of success in disrupting sovereignty. Agamben argues the state's refusal to recognize the legal identity of migrants as an act of the sovereign's ultimate power over life. Ellerman (2009) furthers an act of resistance that acts as a *reverse state of exception*; situations where migrant works destroy their legal identity in an effort to render his/her identity as indeterminate and free from state control. Rather than a battle for status as the basis for individual rights, applying context and circumstance to the situation provides a diverging

analysis that is individually motivated (Caldwell, 2004). The legal identity of the illegal migrant is in a state of perpetual flux, because the legal recognition of their personhood would threaten them with expulsion from the social sphere, and further from the nation. However, in these situations the choice is between recognition by and through the law, while simultaneously facing removal from protection by the sovereign authority. When migrants lose their ability to advocate and make claims against the sovereign power, resistance and agency are only possible through the destruction of his /her legal identity. By placing his/her identity in a purely indeterminate state, one which is unclassifiable, the illegal migrant makes repatriation impossible, because external international accountability require this national identity as a precondition to repatriation. The parallel to students with exceptionalities can be seen in the legal identity prescribed by law under IDEA. The Individual Education Program (IEP) simultaneously provides legal identity and protection, yet also risks categorization of an at-risk group. The classification of exceptionality provides an opportunity for agency, but the cost is a syllogism to the migrant worker. Inclusive exclusiveness becomes the framework for interpreting the power of resistance in fostering agency.

### **Theoretical Permutations**

**Empire.** The actual concept of *empire* is one of a supranational capitalist body that has no center and no end. The application of this metaphor discusses how the rejection of *empire* is the first step towards getting rid of *empire*, and that only through attacks on *empire* from anywhere, yet everywhere, can *empire* finally be brought down by the *multitude*. Even though we may already live under this new global form of sovereignty called *empire*, we can still resist by pushing and pulling *empire* toward

democracy in however small a way. Taking ethical stands against all forms of domination is important, regardless of whether it spurs revolution overnight, because it creates intrinsically-valuable sites of resistance (Hardt & Negri 2001).

There are two direct applications of Hardt and Negri's (2001) analysis that inform much of the discussion about biopolitics and sovereign power and the creation of political sites of exclusion. First, Hardt and Negri directly address the influence of neoliberal market liberalization, which provides context to Agamben's (2000) argumentation of deregulation and withdrawal of the state from the public sphere. Framed around the context of the privatization of the school movement, this conversation occurs through a decidedly anti-capitalist perspective. This analysis could merit further discussion in its own right, but it is somewhat outside of the intent of this initial framework. Second, Hardt and Negri provide a tangible way to justify their methodological approach to resistance against *empire*. These alternatives empower the so called *multitudes'* technologies of resistance, and should be realized in pragmatic policy making through the problematization of specific approaches for marginalized/silenced populations. Restoring agency is a longer process that both academically analyzes and draws attention to the suppression of rights.

**Bio-sovereignty.** The political construction of status, using the law as the primary mechanism of the sovereign to extend into the biopolitics of person's body, has been an extension of *site of exception* analysis. The unique alternative to bare life in Agamben's work is the explication of *whatever being*. *Whatever being* is the antithesis of the production of a unified identity through the designation of that which is thought to be abject, or not part of the whole group (Agamben, 2006). Creating these types of borders

is undesirable in the sense that it promotes a radical *other* that can slip into bare life. The metaphor of *whatever being* is a technique to conceive of communal subjectivity that is not dependent on a stable political identity for its integrity (Caldwell, 2004).

Additionally, *whatever being* attempts to propagate zones of indistinction and unlearns the habit of automatic negations.

Agamben's (2006) vague discussion of "*whatever being*" is difficult to apply pragmatically to exceptional citizenship. The fluidity of this identity assumes that there has been significant problematization of *sites of exception* in both academic and educational literature. Further, grounded in this type of theoretical state of being is the notion that resistance is an ongoing amorphous process that first starts with the recognizing of life beyond the periphery. Conceptually, there are much stronger correlations between the legal connection of these events to a more nuanced understanding of identity struggles for oppressed groups. There is apt criticism about Agamben on his articulation of "*whatever being*" as there is a further gap between intellectualized discussion of oppression and the need for activism within this framework.

## **The Application: The State of Emergency - Policy and Rhetorical Characterizations in Educational Sites of Exception**

### **Problematizing the Educational “Crisis” within a Democracy**

In the push towards educational reform, the language of the *achievement gap* has been a rallying cry utilized to mobilize policy response and, equally, to incite outrage over the issues of educational disparity present in the United States’ public school system. Numerous academic studies have demonstrated that when analyzing the educational performance indicators, there are disparate and stark differences between the outcomes of differing groups of students, demographically defined by their social location and economic status, gender, and race/ethnicity (Carnoy & Rostein, 2013; Raymond, M., Fletcher, S., & Lague; Peterson, P. E., & Llaudet, E. 2006; Smith, 2003). The body of literature surrounding the *achievement gap* rhetoric is not the object of evaluation in this work, but instead serves as an entry point into the framing of the ‘educational crisis’ magnified through the state of emergency. When the first charter school opened in Minnesota in 1992, a new wave of education reform spread across the country, imbued with a new sense of purpose, uniting around the idea of closing the achievement gap. Over the next 21 years, the question over what populations charter schools primarily serve has been an area of perpetual controversy.

The UCLA Civil Rights Project (CRP) released a study in 2010 that analyzed the demographic makeup of charter schools across the nation in comparison to traditional public schools in similar areas. Their findings suggested that a new form of hyper segregation is occurring across the United States, with charter schools attracting a disproportionate number of minority students compared to traditional schools. Additionally, the study found that because charter schools are concentrated primarily in

urban areas, they were statistically more likely to enroll students from under-represented minority populations (Frankenberg, Siegel-Hawley, & Wang, 2011).

Considering studies that have posed counterarguments against the UCLA Civil Rights Project conclusions, such as the RAND Report (2010) and the Education Next (2010) study, it is clear that the issue of representation politics continues to play a large role in the battle over both funding and the charter school’s role within the larger discussion surrounding closing the achievement gap (Ritter, Jense, Kisida, & McGee, 2010).

In a comparison between studies, Education Next (2010) found that within urban sites the issues of hyper-segregation was more prevalent in traditional public schools.

**Table 1:**

*Segregation in Traditional Public Schools*

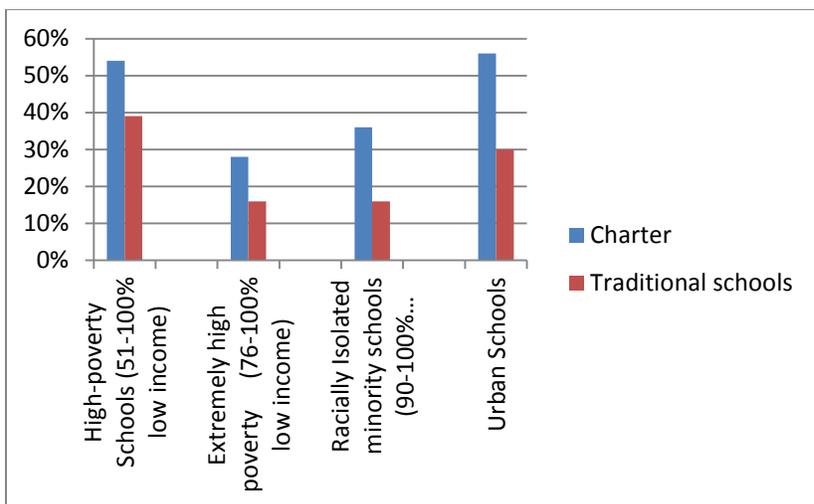
<b>Largest Metro Areas Studied</b>	<b>Education Next Hypersegregation</b>	<b>Difference</b>
New York City, NY	72%	40%
Los Angeles, CA	87	34
Chicago, IL	77	48
Dallas, TX	78	55
Houston, TX	68	33
Atlanta, GA	70	43
Philadelphia, PA	65	48
Washington, DC	86	66

(National Center for Educational Statistics, 2008; Frankenberg, Siegel-Hawley & Wang, 2010)

A common thread connecting these studies, regardless of the issue of hyper-segregation, is the argument that considering the amount of money distributed each year to United States public schools, and the number of hours children spend in these settings, it is imperative to understand the underlying issues of representation at play in school enrollment. Particularly when framed within the context of the history of segregation and race in our nation's schools, the issues of the achievement gap and charter schools' role in the education reform movement are intrinsically linked. Further, these studies conclude that minority and underrepresented populations are more likely to be drawn to the charter schools than similarly segregated traditional public schools (Frankenberg, Siegel-Hawley & Wang, 2011 ; Zimmer, 2009; Ritter, Jense, Kisida, & McGee, 2010). The politics of race and representation become further complicated when placing other risk factors, such as poverty, into the equation of charter schools. In reports published by the Poverty & Race Research Council (2012), the UCLA Civil Rights Project (2010) and the National Center for Educational Statistics Common Core of Data (2008), the conclusion is that there is a statistically significant difference in the number of students experiencing the structural conditions of poverty in charter schools in comparison to traditional public schools, regardless of the location of the school.

**Figure 1**

*Concentration of Poverty in Charter Schools, 2007-2008*



(Frankenberg, Siegel-Hawley, & Wang, 2010)

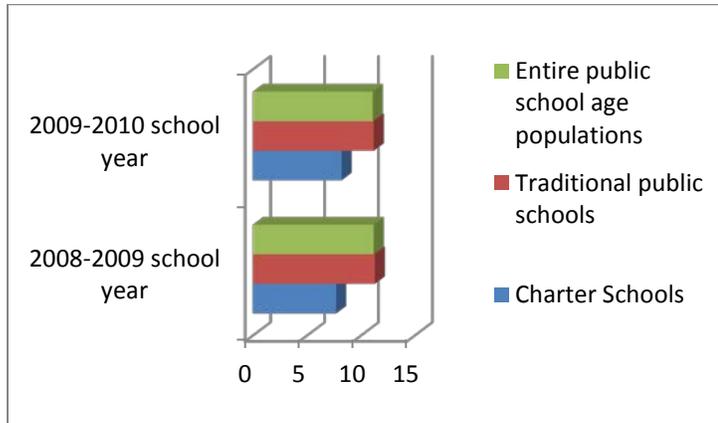
Consequently, it is not the purpose of this study to argue the merits of these risk factors, but rather to frame the current dialogue and mission of charter schools in the context of serving underrepresented, at-risk populations. These intersecting data points of poverty and race/ethnicity complicate the epistemological analysis of special needs' populations served within charter settings.

The General Accounting Office Report (2012) published their most recent review of special education numbers in charter schools, finding that, "In school year 2009-2010, approximately 11 percent of students enrolled in traditional public schools were students with disabilities, compared to about 8 percent of students enrolled in charter schools" (GAO, 2012, p. 7).

Data collected from the GAO (2012) report outlines who had disabilities compared to overall disability representation in public schools (GAO, 2012, p.7).

**Figure 2**

*The Percentage of Students in Charter Schools and Traditional Public Schools*



(National Center for Educational Statistics, 2008)

Several interpretations have been enumerated as possible reasons for this statistical difference, such as resource issues, lack of administrator and teacher training, and the influence of parental choice in finding an appropriate school site (Blume, 2012; GAO, 2012; Godwin, & Kemerer, 2002; Office of Civil Rights, 2000; Parker, 2000).

Nevertheless, the reasoning behind this disparity remains largely undiscussed from a position of philosophical problematization. Outlining these questions through the missions of charter schools, to serve traditionally underserved populations and to close the “achievement gap”, informs much of the politics of disposability. Despite the initial policy call for educational sites of innovation and autonomy highlighted in the push for deregulation and privatization of public education system, representation of these traditionally underserved groups remains at the center of the state of emergency.

## Neoliberalism & the State of Emergency

**The state of emergency.** The political apparatus is one of the most powerful mechanisms the sovereign has at its disposal to influence the creation of *sites of exception*. The ability to create educational policy, such as the *Race to the Top* program, demonstrates the amount of influence government has on shaping individual educational choices. The *Race to the Top* policy was instrumental in pushing educational reform at the state level, leveraging access to some 4.3 billion dollars of funds (Duncan, 2009). States were encouraged to compete with one another to earn the prize. This ‘educational state of emergency’ allowed several measures to pass, including the increased promotion of the charter school model nationwide. Likewise, sovereignty has been previously characterized by its ability to suspend the rule of law, and it is furthered through the state of emergency (Agamben, 1998; Downey, 2009; Foucault, 1979).

As the roots of the sovereign’s power come from historical conceptions of monarchical control, the correlation between the ‘state of emergency’ and the ‘state of exception’ that empower the sovereign are evidently clear. The sovereign maintains and emboldens its assertion of power by eliciting the trust and support of a population that feels that their existence can only be protected by the sovereign, such as through *educational crisis*. The *educational state of emergency* has created a perpetual unidentifiable threat ever present and in need of constant solutions to *fix* the problem. The so-called *educational crisis* operates as a syllogism to the *war on terror*, framed through the concept of political exceptionalism justifying the existential need to wage war against global threats to our future. Meanwhile, the state of emergency allows an

abdication of laws such as public transparency and accountability in educational decision making in order to secure and manage this future.

Similarly, the ‘state of exception’ is a unique starting point because the sovereign’s legal responsibility is to *protect the common defense*, yet this mandate does not give the sovereign the power to reduce its citizen’s rights. The specific contextualization of this state of exception, tied to a master narrative propagated through the existential threat of other nations passing the United States in terms of educational quality and innovation through a focus on futurism, provides the sovereign with the necessary public mandate to undertake actions interpreted to be necessary to ‘promote the general welfare’; enter the current educational crisis. Rhetorical depictions vis a vis the *Race to the Top* legislation, comparative analysis between the United States educational systems and entry into the global economy, the proliferation of the academic insight on the equity of access to educational resources, and the interpolation of objectivism through the “scientification” of educational practices have all contributed to this rhetorical depiction of crisis.

**Neoliberalism and educational deregulation.** Neoliberal economics have become a major theoretical foundation and accepted solution guiding much of current educational reform policy. The transfer of control from the public to the private sector (see school vouchers, private management organizations, charter schools), is clearly seen in the educational reform movement, operating through the thesis that this transition will produce a more efficient, innovative, and accountable government; ultimately improving the economic health of our nation (Giroux, 2009). The definitive state of utilitarian policies advocated by neoliberalism, such as the privatization and deregulation of

education codify the politics of disposability. Presenting the charter school as a necessary modality of deregulation represents the transition to the use of social entrepreneurship as a vehicle to push educational innovation.

Examining the pragmatic functioning of a charter school is essential, especially before undertaking an appropriate problematization of the policy structures embedded within the notion of “deregulation”. States have the autonomy as outlined by the Tenth Amendment to the constitution of the United States, to determine all matters not expressly held by the federal government, namely educational practices. This constitutional justification has been further articulated under the “provision of the general welfare” doctrine, as it has allowed states to determine how a charter school will function in a “deregulated” educational climate (Godwin, & Kemerer, 2002). States specify through which entity a school can be chartered, including state boards of education, school districts, state departments of education, institutions of higher learning, and local education agencies (LEA). Some states have even created independent charter school boards to review and authorize charters in their states. Authorizers are then tasked with making sure that the school is meeting performance benchmarks established in the charter, ensuring academic and community based goals are met, and assessing financial obligations and commitments (GAO, 2012). The process of deregulation becomes more complex when there is incongruence between states on structure within these frameworks, such as whether a school is part of a larger LEA or established as their own LEA.

The interpretation of *deregulation*, previously furthered by Hardt and Negri (2001) as a retreat from the domains it once occupied in society, parallels the method of

deregulation furthered by untethering charter schools from district accountability networks. This process of deregulation hands over decisions pertaining to the value of life in the political sphere to semi-public entities. This is where the derivation between physical death and ontological death becomes even more precarious. Educational competitiveness rhetoric ties the existence of United States' society to its ability to further an educational climate that will support the sovereign's ability to expand its power more globally. Creating productive citizens who contribute to economic competition, whether it be through technological proficiency or entrepreneurial innovation, becomes an underlying motivation in educational reform dialogues. Economic market forces thus become catalysts for those who are relegated to the margins of this sphere, and exceptional populations are faced with a stark choice between assimilating or facing removal from this educational oasis, essentially accepting social death as a plausible alternative.

An important effect of the neoliberal *state of emergency* is conversely the figure of *homo sacer* in Roman history. This person was stripped of his or her rights and reduced to bare life, the furthest point from political life. *Homo sacer* did have indeterminate protection by the law because of their status, but access was limited. As a basis of political life, *homo sacer* is an important character to understand through sites of exception, as his/her life becomes the rationale of a sovereign's decision. The concept of bare life is intrinsically tied to the notion of an educational state of emergency and has become a key qualifier of the transition to modernity, merging political and natural life through specific sites of exception.

**Chartered exceptions.** A letter arrives in the mailbox. Inside the letter are a number, an address, and a time to be at a specified location for a “lottery”. As you read the body of the letter, a few details catch your eye; first, attendance at the lottery is not mandatory and second, the lottery is completely open; everyone is allowed to participate. You go to the lottery, and your child’s number is called for the next to last spot in the fifth grade. Parents and family members around you are rejoicing. Tears stream down the faces of those who got in and on those who did not. When you go to the lottery officials’ desk, you are handed an initial questionnaire and enrollment packet. Flipping through the pages, there is a box with the standard boilerplate, “Does your child have an Individual Education Plan (IEP)?” You are instructed to check yes or no. You think this over for a few minutes. You show it to your partner. A discussion turns into a heated argument. The question is mulled over and over again. “Should I check yes or no?”

The above situation is not unique to many caregivers across the country systematically making similar educational choices every year, particularly with the proliferation of charter schools across the nation. Posturing our nation in the middle of an *educational crisis*, where the quality and quantity of exceptionally prepared citizens from public education systems are called into constant question, is a perpetual struggle. The link connecting the continued existence of our nation, our progeny, and our economic/social viability in the international arena has been further crystallized within this neoliberal context. Access to education risks being at the losing end of preparing our children for the global economy. Looking back at the mailer for the charter school you see the words at the bottom of the flyer in bold lettering, “The United States ranked 23rd out of 30 Organization of Economic Cooperation and Development (OECD) nations in

math and 25th in science” (OECD, 2012). ‘X’ Charter school is a chance to change this course.

The charter school was conceptualized as a way to provide a reasonable public alternative to the status quo system of educational stagnation. Starting from a belief that the status quo educational system is insufficient, charter schools evolved as a way to simultaneously provide both an alternative and challenge to the educational institution that had become detached from the neoliberal capitalist notion of ‘competition’. A politicized process of competitiveness and accountability has been applied to the system of education through the invention of the charter school, in an effort to prompt reform from policymakers, citizens, and the private sector. Charter schools present the merging of political and private ideology to create new systems of knowledge and to actively design methodologies to proliferate this knowledge to the population. It is important to understand there have been numerous academics such as Giroux (2012), Hero et al. (2006), Halperin,(2006) and Godwin & Kemerer (2002), have sought to specifically outline these hierarchies in public education in the United States. However, the level of political policy options revolving around the charter school as a *site of exception* within the current menu of educational options has been a rallying cry among educational reformists for the past decade (Godwin & Kremer, 2002; Zimmer et al., 2003). The discourse of educational competitiveness has slowly reframed the larger educational discussion, placing it within the context of life and death. For exceptional populations that occupy this zone of triple oppression based on poverty, ethnicity/race, and exceptionality, the alternative to life is social death. Those who have education will succeed competitively in the 21<sup>st</sup> century, while those who do not have access to high

quality, rigorous education are destined to a life of poverty and exclusion from the social/political sphere. Considering that the makeup of our world has been positioned against existential threats such as access to food, perpetual war, and international globalization via trade, the direct links to quality education have become more tenuous and idealistic.

The charter school, an educational institution that is legally “chartered” to meet the needs of all students, based on the principle of market deregulation and autonomy, can actively contribute to the representation of exceptional populations by the very method of their inclusion policies, whether it be offering a range of services to meet exceptional populations needs within a school setting, or the characterization of exceptional populations within the larger discussion of policy and resource allocation. Recognizing that charter schools are expected to follow legal mandates established by the law to provide a *free and appropriate public education* in the *least restrictive environment*, yet do not have the same accountability systems as schools in-district by respective departments of education, an interesting phenomena is occurring: a disposable population with little-to-no agency, despite its protection by federal law. Charter schools have become the overlap of neoliberal market theory, of the transition to a privatization of the public education system and the resultant effects without appropriate problematization (Giroux, 2009; Abernathy, 2005; Duncan, 2009, 2010, 2011).

Educational policy situated within the context of a liberal democracy presents a number of additional problems, particularly when couched against global educational competitiveness; notably the preparation for post-industrial jobs: equality of opportunity, diversity, democratic citizenship training, development of student autonomy/agency, and

regulatory accountability. School choice presents the legal and regulatory framework justifying the cost benefit analysis between school regulation and autonomy. If the choice becomes responsibility to stakeholders and external management organizations before students and their families, the collateral will also be exceptional populations. Thus this existing legal framework has created a natural condition for tension between the privatization of school choice and the mandate to provide a *free and appropriate public education* for all students; especially if exceptional students contribute negatively to a bottom line mentality of test scores and academic progress (Godwin, R. K. & Kemerer, F. R., 2002). The metrics by which we assess schools progress towards the mission of serving traditionally underserving populations is changing, but the conversation of accountability is becoming even more pervasive.

Charter schools are presented as meeting the needs outlined by a situational analysis of the status quo through innovation and efficiency for educational competitiveness (Duncan, 2011, OCED, 2012). Consequently, the creation of External Management Organization (EMOs) have become the actualized process of this transfer between the public to the private sector; the legal framework designs the structural foundation for the establishment of *sites of exception* in both charter school practice and pedagogy, especially because of the transfer of accountability procedures away from the public sector. While it is understandable from a perspective of resource distribution that accountability must be rigorous and in-house, it is difficult to anticipate the level of unintentional neglect. A legal framework for education, run through private educational management organizations (EMOs) has been classified under law as implicitly having external accountability to state and federal statutes. The issues of special education

services as stipulated under IDEA compound this legal responsibility with the notion of *free and appropriate public education*, making the provision of services to those with exceptional needs an exception in a framework of charter schools, and often times subject to internal accountability systems that have not been appropriately vetted or configured (Abernathy, 2005).

Unwrapping the tension between the legal framework and the regulatory accountability presented in the issue of charter schools as a viable option in school choice debates presents definite empirical data that supports the effect on advocacy experienced in the real world for individuals with exceptionalities. Additionally, case studies of multiple states' implementation of charter schools and the effect on populations with exceptional needs, provide a bridge between the theoretical understanding of marginalization politics and the provision of actual special needs services(Abernathy, 2005).

Exceptional populations within this context have an indeterminate identity, they are both the focus of economic inquiry and yet present as mostly voiceless in the shaping of this climate. While IDEA and the ADA have constructed a legal context to provide a space for agency and voice through legislative recognition, the process of deregulation has problematized this ability for representation (Abernathy, 2007). When we look at the effect of the battle between futurism (i.e., the notion that all politics is caught in the vice-grip of understanding and preserving the future for our progeny) and presentism ( i.e., the desire to perfect the status quo), we notice that exceptional populations have become the collateral in this process. The politics of disposability is even more important, as exceptional populations are mobilized as a means to an end, to secure this economic

future through the violent dismissal of individual identity, or face the ultimate form of exclusion: social death. Drawing explicit connections to this analysis provides an understanding of how to gauge the effectiveness of identity-based interventions on both a policy and school site level.

In the charter world, the relationship between accountability and transparency in the legal and political sphere is one of inclusive exclusion. Special education populations are categorized as at-risk within the larger general education population, where the clearly defined rights under *Individuals with Disabilities Education Act (IDEA)* and *Americans with Disabilities Act (ADA)* are often deprioritized in their placement at the forefront of educational programming (Frankenberg, Siegel-Hawley & Wang, 2011). Due to the lack of both understanding of the special education systems and appropriate training for administrators and EMOs, accountability measures are often less scrutinized in terms of funding and auditing measures.

The charter process has created a climate where parents of students with exceptionalities might become less forthcoming in the disclosure of disabilities for fear that these disabilities will be used as a reason to explain their way out of educational services for these students. Parents are in a catch 22 situation: a desire to secure the best educational programs for their children in a safe and secure environment, contrasted with the specific needs of their child's exceptionality. Because charter schools have been untangled from a *multitude* of accountability mechanisms to insure IDEA compliance, such as on-site Committee of Special Education representation and legal loopholes that do not force charter schools to offer all types of academic programming, the result has been a systematic subversion of individual agency. The very nature of biopolitical life is

managed on a level where inclusion into the charter community is often at odds with meeting exceptional needs. Paradoxically, the flip-side of the charter schools' mandate to serve all students is enforced through biopower; where a mobilization of all the apparatuses of charter school to minimize individual exceptionalities may inadvertently be used to raise achievement scores and graduation numbers.

While operating within a climate of educational competitiveness, any roadblock to increasing our competitiveness risks being labeled an enemy of progress. Populations with exceptional needs are often the casualties of this war of attrition. Parents are placed in a situation where they can remove their students from the school or leave the student in an environment that may not fully meet their individual needs. Further labeled as students with exceptionalities, these individuals are subject to a biological discourse that has the potential to render them *homo sacer*, removing aspects of their legal rights through a realm of exceptionality. The logic of competitiveness reaches its apex in general education classrooms, where these students often operate in a state of arrested development, where mandates are met, but individuals are not adequately served from a perspective of differentiation, grading, or even participation in school wide activities.

Because charter schools were originally designed to be laboratories of educational praxis untethered by the bureaucracy of governmental organizations, there has been a reciprocal loss of transparency on how legal mandates are provided within these charter schools. By exploring the unique site of the charter school, an educational institution that is legally "chartered" to meet the needs of all students, and the resulting effect on populations with exceptional needs reveals some important implications that merit thoughtful policy and philosophical consideration.

## **The Implications: A Politics of Spatiality - Disposability in Charter Schools**

### **The Politics of Space**

Framing the educational plight for competitiveness and the charter school as a utopian deus ex machina, presents many challenges to both citizens seeking pragmatic educational options, and policymakers tasked with fulfilling this underlying need for security and safety in a world of international competition. Thus, the implications before us are less quantitative, and more qualitative. Specifically, if entry into educational sites of exception are limited, and not every person in the United States can have access to a quality education, does this goal in itself present a solution to the global problems outlined in educational competitiveness rhetoric or is this call for universal inclusion all the more utopian? Consequently, the aptly-titled reformation of the semi-publicly funded charter schools in the United States represents a systematic attempt to further a model pushing charter schools to increase as part of the economic and social integration in our democracy. Without a clear problematization of the effects of the chartered *site of exception*, the philosophical impacts are marked.

Answering these criticisms poses a daunting task, because the qualitative nature of the “effectiveness” of a charter school is difficult to objectively assess outside the purview of a philosophical discussion. However, these types of questions do reveal the relationship of the role of the charter school in the *state of emergency*. The power of the federal government is measured by its capacity to mobilize action to the cause (Agamben, 2005). The educational state of emergency has provided a period for exception in the usual order of things, notably in the provision of educational services highlighting the tension between school choice and accountability.

As the current competitiveness gap is tied more closely to the educational choices made nationally, the capitalist undertones of competition and deregulation come to the epicenter of policy considerations. Policy choices are precarious, saving education requires some abdication of control. A bedrock constitutional principle in some 28 states has been the legal interpretation for the creation of *common schools* that are *general* and *uniform* (Godwin, 2002). If we hold that the charter school does present a viable solution to our educational crisis, then it is equally imperative to draw the distinction between innovation and the constitutional protection of the legal rights of all students to receive a *free and appropriate public education*. These implications are important to consider in light of exceptional populations in the context of the charter world.

### **The Philosophical Problematization**

**Symbolic space.** Recognizing that space is both a physical and ideological realm brings deeper analysis to the charter movement. Connecting the philosophical arguments of Agamben's (1998, 2006) framework for sites of exception is an apt metaphor. The impact of the battle over space is representative of how the physical and political have become so intertwined in a system of biopolitics (Halperin, 2006). The symbiotic nature of this characterization further instantiates the *site of exception* analysis that is implicit when market forces dictate the level and depth of deregulation, especially when looking at real battles between teachers unions, school boards, and parents over allowing charter schools into their communities. Examining this intersection of tension illuminates the real impacts educational institutions have on the fabric of communities. The struggle for space represents a larger ideological event, the role space plays in the construction of identity and the politics of space itself must be considered as an apriori discussion for

how to restore agency within these increasingly politicized struggles. Understanding that there are multiple spaces; the space to voice ones concerns, the space to own an exceptional identity and to be recognized for it, and the space to articulate the ongoing struggle for rights/recognition, is an integral step in restoring agency for marginalized groups.

**The rule of law.** Suspension of the rule of law or regulation of charter schools under the neoliberal framework creates a significant issue for exceptional populations. Protection and status of their exceptionality is recognized by the establishment of IDEA and ADA, yet the federal protections have been relegated to internal accountability metrics, via EMOs (Abernathy, 2007). The dualism between these two roles is the where the biopolitical power over life and death is seen even more glaringly. Law has created the *site of exception*, and yet law also guarantees a right to access and representation. The problematization of this realm is equally confounding. The lack of clarity over the federal interpretation of how to ensure accountability through the suspension of the rule of law is a starting point in the discussion over enforceability.

**Sites of exception.** The charter school pragmatically manifests itself as *a site of exception*, where populations with exceptionalities can be deprived of their agency and rights through a number of different mechanisms. Specifically, two areas are outlined as contributing to the structural inequity inherent within a system of deregulation and autonomy: 1) redistribution of resources/funding and 2) misattribution of a *free and appropriate public education*.

First, a redistribution of resources and funding presents an accountability concern within charter networks, contributing to practices that may perpetuate zones of

indistinction, particularly between general and special education populations. The regulatory capability of IDEA and the ADA indirectly addresses the application of special education services to individuals protected by federal law. Funding metrics, in terms of access to monies allocated under IDEA and Title II, are often left up to the discretionary distribution of Charter Educational Management Organizations (Office of Civil Rights, 2000; Parker, 2000). A current methodology of special education funding in charter schools is based on the principle of census based financing of special education services, which assumes that flat base allocation of special education funding per pupil regardless of individual school populations, is the best model for financing (Baker & Ramsey, 2010).

This argument augments the reality of the conclusions presented in the GAO (2012) study indicating that populations of all types vary in their geographic distribution for a variety of reasons including families of children with disabilities. Funding on this census basis deprives charter schools of the necessary resources to fund programs that meet the needs of their students, especially for more severe exceptionalities. Further, and more illogically, for schools having smaller than the base number of students with exceptionalities calculated using this census approach, this approach arbitrarily over-funds their needs, encouraging misallocation and distribution of funds outside the scope of their intended purpose, (i.e., for services/programs that serve general education students more specifically). Currently, we are seeing a renaissance in charter school recruitment, where exceptional populations are welcomed in lottery application materials. The danger behind this market approach is that while an increase in special education

students results in a reciprocal increase in federal funding, accountability must be matched equally to ensure proper utilization of those resources.

Thus, the centralization of collective funding and distribution of those earmarked funds to school sites is not based on individual student populations, but rather operating through a centralized funding mechanism. Ultimately, the framing of the interplay between compliance and the provision of services is left up to the State Educational Authority, who is allowed to designate another entity to ensure IDEA/Title II compliance. The lack of transparency in accountability from the state to federal level is often filled with errors and delays, further complicating the process to ensure that federal rights are met on the localized school level.

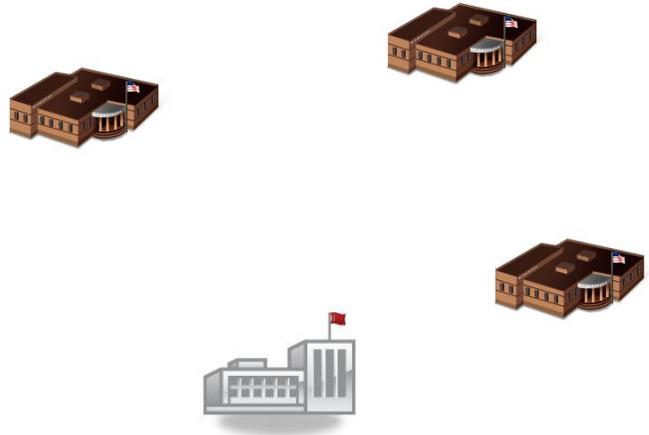
Second, a misattribution and interpretation of *free and appropriate public education* further serves as a source of conflict. Services are intended to be allocated similarly to both charter and traditional public schools (Parker, 2000). However, many charters are given autonomy under the state statute, as previously discussed in the process of deregulation, to either participate in the shared public special education programming or to opt out depending on these services and their needs. Examining this funding model is imperative to understanding how charters can operate as a *site of exception* through the process of deregulation.

### Figure 3

#### *Differences in charter school LEA status for the purposes of special education funding.*

The General Accounting Office (2012) report differentiates the charter school status within the framework of responsibility for special education.

A charter school EMO/LEA has the same obligations under IDEA and ADA as a traditional school to secure special education services for their populations.



- The District is responsible for providing special education services for individuals with exceptionalities.
- The District not the charter school often provides special education services.

This autonomy, to opt out of services and/or to not provide an entire menu of services, which may be appropriate, to provide a *free and appropriate public education* to all students, can lead to a very problematic interpretation of what it means to provide a *free and appropriate public education* under Section 504 under the Rehabilitation Act of 1973 and IDEA. A RAND (2003) study on charter school operation and performance analyzed a number of questions, including: what populations of students attend charter

schools, and what oversight and support do the chartering authorities provide? These two specific questions directly addressed charter schools' ability to serve the needs of all students with exceptionalities (p. 16). Additionally, the report outlined the differences in the provision of services administered in California, particularly with the designation of who is accountable for these services, the individual school or the chartering authority. The idea of mainstreaming large numbers of students with exceptionalities entering charter school on the surface appears to meet legal clauses of both FAPE and LRE. However, when comparing the reports between charter schools and similar traditional schools in-district, there is a greater number of students with special needs receiving services through pullout programs. Consequently, studies have also concluded that new charter schools are far more likely to mainstream their students with exceptionalities compared to conversion schools placing their exceptional populations in separate classrooms (Zimmer et al., 2003). The idea of mainstreaming fills the ideological goal of *a free and appropriate public education*, but does not address whether these decisions are made based on available resources (such as availability of space for pull-out programs) or whether it is part of a political goal that does not want to recognize that there may be a philosophical need for an alternate setting.

### **Exceptional Populations in Sites of Exception**

The intersection of race/ethnicity, poverty, and special education represents a difficult situation where multiple characterizations of oppression mutually reinforce the vulnerability of exceptional populations experiencing structural violence. Structural violence is defined in context as “the increased rates of death and disability suffered by those who occupy the bottom rungs of society, as contrasted with the relatively lower

death rates experienced by those who are above them” (Gilligan, 1996, p. 191). Bare life therefore becomes the resultant condition when at-risk populations are subject to the violent dismissal of their identity within sites of exception. Their agency is suppressed to a level where it is impossible to articulate the factors that are keeping them static, unable to find choice in a landscape where choice in educational quality is more of an illusion than a reality.

The proverbial area of omission within the contextual mission of the charter school has been the influence of race (Ladson-Billings, 2006; Giroux, 2006). Consequently, it is difficult to draw motivations for the desire to serve traditionally underserved populations; thus, the purpose of this discussion is not to come to any consensus. Instead, through the process of problematization, the double consciousness of exceptionality and race present an important juncture of identity construction. A notability pronounced framework drawn throughout this work has been the use of the global prison critique to outline the foundation of biopolitical control through a state of emergency. By questioning the epistemological positioning of race within the mission of serving individuals with exceptionalities a definite space is created within criticism surrounding the danger embedded around white supremacy. White supremacy will be defined using the concepts presented by Dylan Rodriguez (2007), where he furthers that white supremacy can be understood as a logic of social organization that produces “regimented, institutionalized, and militarized concepts of hierarchized human difference, enforced through coercion and violence that are structured by genocidal policy” (p.2).

Meanwhile, the media and policy critics characterize the achievement gap as more a condition of class and resource access, further placing the discussion at the whim of

neoliberal education reform efforts to increase efficient distribution of resources. The previously cited studies from the GAO (2012), The RAND Corporation (2010) and the Next Education (2010) study either omit or overtly dismiss the notion that populations with special needs occupy a segment transcending both of these areas and exist in a disparate category. This process of rhetorical and policy subversion identified by Ladson-Billings (2006) is that the characterization of the achievement gap in urban communities. Gap rhetoric highlights a disempowering form of sovereign control. This technique of social reality construction places the blame of communities struggles on something intrinsic to the community, meaning that the problem exists within these communities, rather than considering the historical, economic, and sociopolitical factors which have led to the current state of education. The lack of consideration for the effects of structural policy changes on the formation of identity within these communities is even more insidious.

The outrage over charter schools and their special education numbers become wrapped into a larger criticism of the school reform movement, and they are co-opted into discussions that become ancillary to the issue of a *free and appropriate public education*. In fact, the lack of regulatory accountability and deregulation then becomes the foundation of this new politics of disposability, one where an entire subset of an at-risk population is rendered disposable, left to fend for themselves amidst the larger discussion of educational competitiveness. These conditions further beg the question: what is a better distribution of resources in a world where an entire subset of the population is rendered invisible by current accounting practices?

Oppressive rhetorical tactics become even more problematic in how they replicate these cycles of marginalization, often times because policy and public response are intricately tied to this process. The propagation of achievement gap discourse further fuels a logic perpetuated by the savage-victim-saviors metaphor (SVS). Policy responses look for solutions to *close the gap*, which could be a resource gap or an achievement gap. A pragmatic application of this process is evident within exceptional populations, especially as they are identified in need of caretaking given their perceived lack of skill and ability to care for themselves. The extension of how an apparatus of sovereign power utilizes a state of emergency to subvert the expression of identity, which was previously articulated in the transition to modernity within an educational state of emergency, draws syllogistic parallels to feudal societies (Foucault, 1979). The control of space, physical and metaphorical, becomes the intersection where a chartered space is secured by the law, yet is it truly protected by the law?

Agency is one of the primary signifiers that must be understood to problematize the way self-determination manifests itself within a chartered *site of exception*. Foucault (1974) articulated a number of different ways of categorizing agency within his works, specifically with how an analysis of power can be revealed through a descriptive criticism of the workings of institutions that appear to be neutral or independent. There are multiple modes through which this agency can be described: through that of the citizen with the exceptionalities (i.e., special needs), through that of the charter school as an extension of biopolitics, and through that of practitioners of subjugated knowledge—the one who seeks “to criticize them in such a manner that the political violence which

has always exercised itself obscurely through them will be unmasked, so that one can fight them” (Foucault, 1974, p. 171).

Delving into the origins of the savages-victims-saviors metaphor through an extension of biopolitics, while exploring the influence of a *social ordering logic* through a correlation to chartered sites of exception, is the critical bridge to the epistemology of United States’ exceptionality policy as juxtaposed against race. The SVS metaphor is an important semiotic relationship to ground the theoretical deconstruction of white supremacy through historical discussion (Mutua, 2001). An examination of the current best practices literature for specialized minority groups with disabilities reveals the legal context for protection under the 14<sup>th</sup> amendment. The rights of students with disabilities are clearly outlined in such laws as the Individuals with Disabilities Education Act of 1975 (Abernathy, 2007; Beurbe, 2003; Burkhauser, 2001).

Overlap between the disability movement and the need for policy inclusion of underserved communities in a charter context, is a strong parallel to this overall problematization of educational labeling and categorization. Exposing how educational structures and practices work to normalize nonwhite students and students, are part of the sovereign tools to magnify the state of emergency. Disabilities are treated as *conditions* apart from the norm. Students, who identify with exceptionality/disability and as a minority have been found to experience greater social bias than youth falling within just one of these categories (Sears, 2002). The cross-categorical nature of these issues presents an important area of concern for educators. These fundamental challenges are important to negotiate, due to the risk factors that may further exacerbate dropout rates,

name calling, and general social isolation, which compounds the educational experience for everyone involved.

The SVS metaphor signifies the unique relationship between the chartered sites of exception (saviors) and the students (victims) placed in positions of double-exceptionality in those spaces. Consequently, the simultaneous identification of exceptionality and racial/ethnic identity, which is embedded within the achievement gap characterization underwrites a form of double consciousness, whereas identity exists in a state of perpetual flux, unable to escape a predetermined fate ascribed to children and families living in these communities.

Re-articulating the notion of double consciousness arose from a new understanding about the nature of a multi-faceted identity in a realm of modernity. For so long the grammar of oppression for marginalized groups has been locked into a perspective of the master-signifier relationship, constituting a reformation of bare life. This dynamic has caused a tremendous amount of conflict for minorities characterized as savages through such posturing as the ‘achievement gap’. This master-slave relationship serves as a foundation for the domination during a state of emergency. Locked in a system that has taken away exceptional populations’ ability to appropriately describe their suffering compounds this state of double consciousness, which has deprived exceptional minority populations from challenging the lexical sovereign supremacy embedded within the charter system. Oppressed and marginalized groups are lulled into a state of alienation and passivity by the sovereign’s power. Using a system of masking and subversion forecloses problematizing the world, and instead relies on fixed pictorials of the world that seem impossible to change, replicating bare life.

The process of amalgamation and assimilation therefore becomes a battle over space. A perspective of spatiality then develops a new grammar of exceptionality whereas the master's relationship with the *other* is described as in need of saving through inclusion in the newly created space. Educational competitiveness then becomes a rubric of United States white supremacy as we attempt to export competitiveness around the globe, especially as a project that encompasses and surpasses the disputed counts of forced exiting from the charter environment, ranging from scrupulous counseling out practices to inadequate provision of special educational services (Blume, 2010). The site preventing an acquiescence to social death outside the charter school has the potential to present as the new space occupied by the marginalized, which allows the continued domination of the differentiated body to be encultured into the frontier mentality of globalization. This new form of expansion needs a discourse to represent the space that ultimately would be taken over and appropriated by as policymakers, educators, and special interest groups. Closely outlining this relationship in the politics of spatiality reveals how structures can be unintentionally designed to further fracture the exceptional identity.

Displacement has become the method of physically occupying the space of the minority subject through discourse appropriation. The SVS metaphor is an appropriate analogue to further examine the subtlety of double-consciousness's effect on the master-slave signifier. A recreation of binaries may not have been the explicit intention, but the result was a systematic erasure of the exceptional narrative that has truly articulated the nature of suffering within a charter school. While there may be a number of reasons for this perceived lack of change from the narrative experiences of exceptional populations

within the charter movement, SVS metaphors can be used by contemporary scholars to describe the mentality of the need for space and expansion for political, economic and social gains. For example, the battle over appropriate settings for individuals with exceptionalities can become a struggle between the provision of necessary services to meet those academic and/or social needs, and an implicit desire to maintain a homogenous population that is best representative of the neoliberal push for competition. The SVS metaphor then becomes an appropriate mechanism to stimulate dialogue about the true nature of the oppression. When applying this metaphor to the conditions of exceptional populations in sites of educational exception, we see a much more nuanced application. What happens when there is no savior? If the law creates a space where the law applies but is primarily subject to internal monitoring, the effect on agency is ever more pronounced. Exceptional populations occupy a realm of double consciousness in a state of fractured identity politics, and their personal experiences become dislocated from lived reality. Exceptional populations occupy a dual role – as both savage and victim. The lack of a savior then makes this process much more real. Only by recognizing this point can we take a major step forward in unwrapping the genealogy and epistemology of oppression.

Further, the legalization of removed accountability systems is viewed through a lens of neoliberal deregulatory practices (Giroux, 2006). By examining these narratives of the “singular” exceptional experience through a multi-faceted approach, the militarized mobilization of masses of people labeled as ‘disposable’ becomes a reality. Because legal policy is based on precedent, it becomes even more powerful to draw modern connections to our dark past of tying educational outcomes to reproducibility of

economic systems. However, these narratives lack a deeper discussion about the intersectional experience of the exceptional population in relation to a modern policy of entry and access to opportunity.

A need for cheap and technologically proficient labor is a defining characteristic of this educational competitiveness rhetoric. The ability to understand a coupling between production and labor readiness has slowly crept its way back into global education comparison. While much of resistance criticism has sought to interrogate these links between nation building and production mechanism, there has been little scholarship that situates the exceptional minority populations' experience in terms of production control (Lemke, Moore & Casper, 2010). The producer laborer relationship has been a huge point of grammatical contention, especially in its ability to provide a framework of discourse that best approaches these experiences from each person's unique social location. Federal government policies operating around an SVS metaphor force a melding of a vague political ontology of humanity in comparison to social death. The question of 'what it means to be human or who the human is' developed out of the fungibility of the minority body. This new grammatical cartography of humanism is based on anti-blackness.

An underlying notion of categorization and emphasis on difference slowly has become the primary driver of this disposable groups ideology. When one group is labeled as sub-human; bondage, indefinite detention, torture, and all manner of atrocities suddenly become justifiable. The absence of critical political discussion's the exceptional experience within charter schools is what reifies this social ordering of space,

contributing to a double consciousness in contemporary debate. This fragmented identity weakens the ability to form stable coalitions against the prevailing social order.

Present discussions of exceptionality and its contemporary connections to the educational reform movement lack the appropriate grammar of suffering to escape the influence of the educational state of emergency. The exceptional populations' existence is predicated on a history of inclusive-exclusiveness as a member deserving equitable service protected by law, yet operating in a space where those mechanisms are not as easy to access. This positioning inhibits the ability to make sufficient demands of the state, because his/her position exists as sub-human, devoid of agency and voice. The marginalized population's inability to express his/her individual perspectives leads to a reductionist method of articulating a singular experience. The grammar of the exceptionality is therefore insufficient to express what it means to suffer? Operating under a framework of modernity, this superstructure becomes inescapable. Contemporary social and political philosophers have conflated the division of class with the methods of racial segregation (Hero et al., 2010; Ladson-Billings, 2006; Rust & Metts, 2006). Through this political process of generalization, the legacy of exceptionality is erased from the lexicon of suffering. White supremacy became even more discreet as it influenced the formation of policy (Margonis, 2007).

**Reverse state of exception.** The “reverse state of exception” refers to instances where individuals shed their legal status and identity (IEP) in order to move outside the realm of state control. Agamben (2006) treats legal status as the basis for individual rights. This parallel is distinctly drawn to an IEP, where having legal protections afforded by an IEP becomes a danger to his/her status within the educational institution,

for fear of dismissal of their identity or facing social death. In situations where exceptional populations fear being cast out of the educational oasis, many individual decide to conduct differing extreme acts of resistance; the refusal to identify with their exceptionality via the IEP or the hiding of the history of their exceptionality documents. Placing this legal identity in an indeterminate state, individuals with exceptionalities foreclose the sovereign's ability to leverage legal clauses like FAPE and LRE as justification for utilizing exemptions to services articulated by charter law.

**Bare life & social death.** The dualism between life and death has further implications in dissecting this notion of social death and how it is deployed in educational environments. For example, after looking at the 'reverse state of exception,' one could argue that threatened with expulsion, or the fear of counseling out, individuals with exceptionalities, and by proxy their caregivers, have destroyed and/or hidden their records tying their loved ones to exceptionalities, for fear that they will not be accepted by the school. While these individuals are still classifiable within the organization as students, the legal document providing further identification within this subgroup is in essence a denial of 'repatriation' within the realm of exceptionalities.

**Representation politics.** Predominant representations of the human body have been normalized into the public sphere, and a hyper-realized form has risen to the surface of the public consciousness as the ideal or "normal" political configuration. The maintenance of this ontological "core" of citizenship is a specific manifestation of "regulatory discourses" used to shape individual identity (Samuels, 2002). Educators and policymakers need to be mindful of the identities that we attach to politics – particularly within charter schools' highly politicized process of both education and representation.

Creating more categories for exceptional groups can inadvertently construct an ‘*other*’ that is seen as an enemy to the normal competitive functioning of a school. This process culminates with political decisions continuing to categorize the *other or disabled* into risk groups where identity merely comes from government mandate and policy labeling. The result is a form of identity politics, where the framing of the political sphere in these terms locks us into a cycle of role-playing. Exceptional populations forget what it would even mean to create change because the application of the exceptional expression of agency within political spaces, such as charter schools, is represented through a lens of otherization. The argument is realized when the federal government’s policies seek to identify differences as a correlative factor contributing to high prevalence rates among children with disabilities who associate themselves with a particular identity.

**Body politics.** Body politics identifies those disabled/exceptional populations’ perspectives through the inclusion of a holistic “other” in the extension of disability and learning exceptionality. The epistemological question asked concerns the status quo replication of power dynamics, that seek to co-create identity as originating from the political apparatus (Butler, 1993). Defaulting to political decisions to determine our policies concerning disabilities halts the necessary policy discussion on how to identify issues and change the status quo. Butler (1999) argues we are in danger of any politics that is seen in opposition to governmental action and silences any group that advocates against such action. Current educational policy tends to marginalize this type of critical evaluation, because the concepts are seen as too abstract with little to no practical application. This perspective seems notably wrong, as body studies seem to provide an apt connection to current charter school agency research on the prevalence of learning

disabilities. With increasingly more inclusive classrooms, educators would be better served by understanding how agency and identity are related. Perhaps this is a similar unconscious attitude which continues to subvert progress, which continues to segregate disabled populations into risk groups.

Popkewitz's (1999) work on futurism is an appropriate permutation to these characterizations. A recycling of the characterization of the school as a site to produce economically competitive citizens is repeating itself again, when charter schools ascribe to this global output of model citizenship. Identification of these issues become highlighted as necessity and later become objects that need to be reborn and reformed. In essence, the charter school becomes a utopian commitment to a better future and the molding of a more functioning citizen. This characterization is particularly important when analyzing its impact on populations existing outside of this conventional norm, and by their very nature is seen as an out group, threatening the legacy of futurism.

## **Recommendations: Developing a Grammar for Oppression: The Intersection of Agency, Policy, and Exceptionality**

When identifying the contemporary and historical connections between *sites of exception* theory, current charter school policy around exceptionality, and the resulting implications of these relationships it is important to examine the political strategies necessary to create an appropriate grammar of suffering. Critical Pedagogy therefore provides an appropriate political strategy to disrupt the erasure of the deep histories of exceptionality. It is essential to reveal the historicism that is hidden in most narratives of the modern exceptional experience. Until there is an explicit and clear acceptance that there is lack of discursive ability to truly describe the conditions of the exceptional experience, change is not possible.

Micro political movements in the past to bring these narratives to the forefront of the public consciousness have failed due to system co-option. Giroux (2011) argues that critical pedagogy is a process that provides students and educators space to develop critical thinking and action oriented skills that translate into becoming political agents in both larger society and the classroom. In other words:

It is concerned with providing students with the skills and knowledge necessary for them to expand their capacities, first to question the deep-seated assumptions and myths that legitimate the archaic and disempowering social practices structuring every aspect of society and then to take responsibility for intervening in the world they inhabit. (p.158)

Using a lens of critical pedagogy, this section seeks to outline important political and philosophical recommendations to halt the dangerous slippage into agency depriving mechanisms in chartered sites of exception.

## **Political Solutions**

**Policy priority.** Putting disability/exceptionality at the center of charter policy discussion on a federal, state, and local level is imperative, because exceptional populations experience a unique form of invisibility in the charter environment due to the legal and regulatory framework of charter schools functioning in the realm of deregulation (Beurbe, 2003; Giroux, 2010). Priority of exceptionality discussion says a lot about human conduct on a larger scale. Academic discussion reveals that invisible populations are more than meta-theoretical quibbles, but instead are central to changing the way that disability is represented and conceived. Policy makers and advocacy groups must seek to bring the discussion of exceptional populations within charter schools to the forefront of policy decision making. The allocation of monies and resources must acknowledge the impact of those choices on exceptional populations and further clearly outline the appropriate distribution of those resources.

Consequently, policy priority can start with many different approaches from building safe-guards into the formation of school charters that appropriately recognize the legal and ethical mandate to educate individuals with exceptionalities. Policy framing occurs at both the governmental and school site levels. However, frontloading this policy approach makes it an important aspect that is not subject to further exception. For example, Conroy and Rothstein (2013) have reanalyzed international test score data concluding that the disparity between disadvantaged populations and advantaged populations in the United States is much smaller than in similar countries. While this educational gap is still unacceptable it does frame the conversation towards improvement. This subtle rhetorical shift can be dramatic in mobilizing educators and families towards

exercising agency in the educational reform process.

**Accountability.** When looking at our democracy, the passage of the ADA and IDEA become central sites for the intersection between law and ideology. IDEA established legal status for children with exceptionalities, including introducing the theory of a *free and appropriate public education* in the least restrictive environment. And yet IDEA did change the political and educational structures immediately. This transition to interpreting FAPE and LRE meant that students with exceptionalities had every right to participate in the general curriculum when possible. In charter schools this interpretation is at times contradictory to the level of accountability systems articulated by charter law. The concept of deregulation must be revisited when discussing exceptionality and charter schools, especially to provide more layers of transparency to the political process.

The methods of external accountability are only one part of the political reform necessary to ensure a *free and appropriate public education* for exceptional populations. Accountability requires a philosophical shift in the mandate to educate all students. With the proliferation of charter networks and districts, it seems reasonable to recommend that charter organizations must find ways to develop educational programming that meets the mandate of serving all students. When public district schools are confronted with a tension between *least restrictive* and *most restrictive*, it is incumbent upon administrators to appropriately delegate services to meet the need of exceptional populations within their district schools. Only when all other options are exhausted do non-public schools come to the table. This philosophical approach towards educational responsibility could equally be appropriated to include charter districts and EMOs.

**Parity.** Discussions over participatory parity are central to the extension of both human rights and how we inscribe social value to issues in our culture. The impact of these discussions must be further analyzed within the context of how we view a participatory democracy, and the limits of policy in realizing these discussions. Analyzing the impact of dehumanization of these groups further inscribes the discussion of sites of exception as even more important to dissecting the larger issues of agency and voice for those with exceptionalities. We must understand that participatory parity is essential in addressing the pragmatic impact of this social exclusion and what it means for our democracy.

**Rhetorical representations.** Understanding different political communication contexts reveals how politics functions through the sharing of information. Learning how to manage and interpret this message proliferation, whether verbal or non-verbal becomes crucial in training political leaders and policymakers. Investigating the challenges of orientation into political representation is warranted. Communication helps provide a diagram for social inclusion into organizational hierarchy. Considering how individual characterization affects cultural communication and intercultural association in policymaking, this starting point provides an important framing to the overall discussion of exceptionality. In the United States, the constantly changing cultural atmosphere impacts appropriate communication styles based on discourse of exceptionality and ethnicity. Identity is a multidimensional concept, and recent political rhetoric has shifted emphasis to understanding the depth of socially transmitted behavior patterns, arts, beliefs, and institutional thought. Sharing common interest shapes our communication framework as we reassess our political environment, particularly within states of

emergency. Learning how communities engage in this type of representation politics connotes a deeper understanding of belonging and identity formation.

Properly educating political leaders on the merits of social location analysis around exceptionality and race/ethnicity will help policymakers be better prepared to understand the impact of policy on identity construction. Cultural ideology differs greatly across our increasingly non-white populace. Educating leaders to be sensitive to exceptional differences involves more than just becoming aware; it involves constant reflection and problematization. Motivating this level of engaged understanding increases both the clarity of messaging and implementation of policy. If politics is unprepared to deal with differences in learning and orientation methods based on culture, this may affect work attitudes and responses to these cultural conflicts. Likewise, the informed policymaker may respond with an equal amount of resistance to this exceptional insensitivity, further creating a site of disempowerment. The interdependent relationship between political leaders and marginalized populations becomes more evident when representation conflicts occurs.

### **Agency Based Solutions**

**Performative resistance.** A tangible way to justify the mobilization is through resistance against *empire*, such as the reverse state of exception. These alternatives to a fixed political identity empower the *multitude* and should be added to the technologies of resistance. Realization in pragmatic policymaking occurs through the problematization of specific approaches for marginalized/silenced populations. Restoring agency is a longer process that both academically analyzes and draws attention to rights' suppression.

(Hardt & Negri, 2001). Performative resistance requires exceptional populations to place their identity into indeterminate states that are unclassifiable by the sovereign power. In some situations the refusal to be classified and labeled with exceptionality requires institutions to undergo their own modes of evaluation and consideration. This method of *whatever being*, allows exceptional populations to disassociate their political identity with their exceptional label and instead, operate within the realm of *the least restrictive environment*. This paradigm shift in resetting their classification could potentially problematize the charter school's mission to serve underserved students. This period of resistance causes dialogue and discourse among educators and administrators about how to best meet the educational needs of every student. While the danger to this method of performative resistance is that the exceptional body can become homogenized without his or her needs being met, the more pragmatic result is a deep conversation concerning the nature of a school's ability to change the structures of the school to serve the exceptional needs of *whatever being*. The lack of an easy solution is a reflection of the constant struggle exceptional populations undergo to secure both their rights and identity.

**Political grammar.** The political strategy of withdrawal is directly correlative to the legal and social interplay around the school reform movement, particularly as deregulation towards school privatization becomes the norm. Understanding that Agamben's (1998) perspective of biopolitics is symbolic of a larger discussion on how to expand new forms of politics. Lemke, Moore and Casper (2010) also draw some distinct correlations to Agamben's caveat that the expansion and extension of rights to those who do not have rights is not the solution, but instead a new political grammar is needed, one

that transcends the legal concepts that presuppose the separation between political existence and natural being.

Reframing the conversation towards educational debt, as posited by Ladson-Billings (2006), provides a change in rhetorical posturing that operates through a framework of deconstruction, re-centering our understanding of how the knowledge produced from the social location of the exceptional experience, becomes reversed from a gap characterization to a debt society must rectify. The reshaping of the dichotomy between signifier and signified is a first step in reclaiming agency, while simultaneously dismantling notions of white supremacy and disenfranchisement, in the philosophical and policy realm. The responsibility for *free and appropriate public education* moves from a realm of defectiveness to one of social accountability, a bedrock principle in a liberal democracy that places access to equitable education as a defining characteristic of civil society. Giroux (2012) supports this type of pedagogy arguing:

Surviving the current education deficit will depend on progressives using history, memory and knowledge not only to reconnect intellectuals to the everyday needs of ordinary people, but also to jumpstart social movements by making education central to organized politics and the quest for a radical democracy. (p. 8).

Engaging the issue of social awareness of access disparity, particularly in areas affected by the poverty of education provides a context of empowerment and personal ownership.

**Perpetual problematization.** The relegation of exceptionality/disability to the periphery via security is a tool of neoliberal *empire* that masks ongoing biopolitical action against people with disabilities. The geopolitics of exceptionality in the new world

order, nonetheless, demands such questioning. The ongoing recognition that emerges from that questioning—a recognition of bodies beyond boundaries, bodies not (yet) legible according to the terms of our claims—will continue to open up new horizons for thought and action, for solidarity and coalition. Close attention to the "little" violence produced in the structures, and mentalities of everyday life shifts our attention to pathologies of exceptionality (Giroux, 2012).

**Liminal alterity.** Considering the theoretical underwriting of Ladson Billings and Donnor's (2008) discussion on marginalization, they present the notion that racialized *others* exist in a space of liminal alterity. This realm at the edge of society is directly correlative to Agamben's (1998) *site of exception* analysis furthered in this work as applicable to exceptional populations in charter schools. The idea that this space can be recapitulated as a site of empowerment comes from the notion that experience and identity may be constructed in the margins, yet there is inherent value to this positioning. A perspective advantage can occur from this positioning as *homo sacer* is continually confronted with reminders that he/she regardless of achievement, or change in status, the intersection of race, socio-economic status and exceptionality is deeply embedded in hierarchical political structures (Ladson-Billings & Donnor, 2008,).

Perspective advantage can best be considered in the context of what resources, supports and the relative power of other actors operating within this space have at their disposal (Rollock, 2012). Specifically using the framework of resource availability and support available within a chartered *site of exception* presents some empowering possibilities for restoring agency and voice. The dismantling of whiteness can only occur when there has been an appropriate recognition by exceptional populations of the liminal

alterity that exists because of their status. The ability to forage ‘counter-hegemonic discourses’ is an act of resistance through recognition (hooks, 1990, p. 149).

Understanding the counter-narratives to the disability master narrative reveals an academic response to the tropes of disability that exist in current depictions of special education in charter schools. Ware (2000) argues that only by examining these responses can we as a society begin to re-imagine the meaning of disabilities as they have been attached to institutions of learning handed down through the biomedical community. Only by adopting an approach that imbues a *suspicion of the self*, and the corresponding risks associated with an appeal to personal agency, can a truly humanizing educational curriculum emerge. Providing a context of liminal alterity means asking the following questions: 1) What does the inclusion of exceptional students in schools yield for society? and 2) What have we learned as a society about the exclusion of exceptional students? These types of counter-hegemonic discourses have direct applications to the discussion of how policy and legislation have shaped the way special education exists for the margins of society. As educators, we must begin to reframe the issues so we can obviate our responsibility for the consequences of adopting such a perspective which combines both the theory and praxis of special educational methods.

### **Limitations and Conclusion**

The relationship between public education and the emergence of market reforms to improve the quality of educational practices is difficult to develop. Because the market forces that push education come from varied political and social forces, the metaphor of education as a secular religion is an apt metaphor because it fulfills a cosmological belief among Americans that school offers a sure path to our destined

outcome. The reforms prompted by this market-based approach are typically supported by the claim that schools inadequately respond to economically valuable or competitive knowledge mastery. Questioning whether market based educational reforms, such as the charter movement are more likely to produce positive utilitarian change, is an initial step. The tension surrounding an emphasis on higher levels of human capital and an equitable distribution of social and economic opportunity versus a cultural change in the face of an indoctrination system are important issues is an important issue to consider when designing political prioritization strategies.

The value of this analysis is the direct correlation to the influence of the market as a factor contributing to the states of exception that have fragmented the charter system. Many of these reforms are positive in terms of pushing change and addressing the issues of equitable and disparate segmentation of social and economic opportunity. The influence of market factors is presented conversely to more negative representations of neoliberal market forces on education practices (Giroux, 2006, 2010), but it still informs much of the theoretical basis for the analysis of the genealogy of factors that are affecting the creation of equitable practices. Probing the forces that shape ideology foregrounds the tension between utilitarian assessments of educational systems foisted against a desire for democratic based educational practices. Placing student and family agency as the primary mode of resistance against systems of inequality is particularly important when we consider the proliferation of value systems that have prioritized efficiency as a mechanism to promote opportunity.

While identity negotiation is an important part of the education experience, it is difficult to provide appropriate educational opportunities for these students, due to the

sensitive and personal nature of both characteristics. This becomes even more problematic when legal interpretations of *least restrictive environment* come to the forefront of accommodation dialogue. Transition plans have long been a commonplace component of structuring IEPs for individuals with learning disabilities. The inclusion of individuals that identify with multiple exceptional groups (race, sexuality, etc), further complicates this process within any school site. However, these issues also provide a context for a responsive classroom and reflexive policy design.

**Quasi-public.** Recognizing that charter schools operate in a realm in-between the public and private sector is an important policy characterization. Starting with deeper questioning of neoliberal market influence into the charter school model, it is important that policymakers clearly outline the role of the charter in terms of its responsiveness to, and responsibility towards, the general public. Funding formulas and accountability vis a vis transparency laws codified by IDEA and ADA are an integral step in developing an appropriate political grammar to disassemble the *site of exception*. These measures are limited in scope when couched against the importance of empowering citizenry in a liberal democracy. Despite the fact that charter schools are subject to federal regulations and external inspections, and to a lesser known extent, state and district laws, the purely public distinction is insufficient. More regulatory accountability operates in a negative incentive framework, which is less successful in mitigating unscrupulous market practices. Accepting the distinction of quasi-public entity is a first step in conceptualizing how the notion of responsibility and responsiveness interact when an organization receives a majority of their operating budget from public resources.

As educators it becomes important to adapt our educational environments to be more sensitive to these complex issues. While most scholars agree that it is not the place of educators to define identity, it is important that we recognize that this process is ongoing and ever-present, through the very decisions made through the politics of space. We must then ask ourselves the following question: What is the role of educators in developing best practice models to effectively promote methods of inclusion of these unique students within a *site of exception*?

## References

- Abernathy, S.(2005). *School Choice and the Future of American Democracy*. Ann Arbor: University of Michigan Press.
- Abernathy, S. (2007). *No Child Left Behind and the Public Schools*. Ann Arbor: University of Michigan Press.
- Agamben, G. (1998). *Homo sacer: Sovereign power and bare life*. Stanford: Stanford University Press.
- Agamben, G. (2000). *Means without end: notes on politics*. (1st ed.). Minneapolis: University of Minnesota Press.
- Agamben, G. (2006). *State of exception*. Chicago. University Of Chicago Press.
- Baker, R., Hupfield, K., & Teske, P. (2013). *Turnarounds in colorado: Partnering for innovative reform in a local control state*. Denver: Buechner Institute for Governance.
- Baker, B.D., Ramsey, M.J. (2010). What we don't know can't hurt us: Equity consequences of financing special education on the untested assumption of uniform needs. *Journal of Education Finance*, 35(3) 245-275.
- Betts, J., & Hill, P.T. (2006). Key issues in studying charter schools and achievement: A review and suggestions for national guidelines. *The Charter School Achievement Consensus Panel*: National Charter School Research Project.

- Blume, H. (2011, January 11). Charter schools in LA unified to get more special education money. *Los Angeles Times*. Retrieved from [articles.latimes.com/2011/jan/05/local/la-me-special-ed-2011010](http://articles.latimes.com/2011/jan/05/local/la-me-special-ed-2011010).
- Berube, M. (2003). Citizenship and disability. *Dissent*, 50(2), 52-57.
- Burkhauser, R. & Daly, M. (2001). United States disability policy in a Changing environment. FRB of San Francisco Working Paper No. 2002-21.
- Butler, J. (1993). *Bodies that matter: On the discursive limits of "sex."* New York: Routledge.
- Butler, J. (1999). *Gender trouble*. New York: Routledge.
- Calarco, M. & DeCaroli, S. (2007). (Eds.). *Giorgio Agamben: Sovereignty and Life*. Stanford: Stanford University Press.
- Caldwell, A. (2004). Bio-sovereignty and the emergence of humanity. *Theory and Event*, 7(2). Retrieved, from Project MUSE database.
- Carnoy, R., & Rothstein, M. (2013). What do international tests really show about U.S. student performance?. *Economic Policy Institute*. Retrieved from <http://www.epi.org/publication/us-student-performance-testing/>.
- Cetron, M. & Davies, O. (2010). Trends shaping tomorrow's world: Forces in the natural and institutional environments. *The Futurist*, 44(4), 38-53.
- Cowen, J. M. & Winters, M. A. (2013). Choosing charters: Who leaves public school as an alternative sector expands? *Journal of Education Finance*, 38(3), 210-229. University of Illinois Press.

- Dalakoglou, D. (2012, 02 10). Universities in a state of exception. *Anthropology responds to the UK Crisis in HE*, DOI:  
[http://www.theasa.org/he\\_crisis\\_dalakoglu.shtml](http://www.theasa.org/he_crisis_dalakoglu.shtml)
- Downey, A. (2009). Zones of indistinction: Giorgio Agamben's 'bare life' and the politics of aesthetics. *Third Text*, 23(2), 109-25.
- Duncan, A. (2010). U.S. department of education. Retrieved from  
<http://www.ed.gov/news/speeches/education-and-international-competition-win-win-game-secretary-duncans-remarks-council>.
- Duncan, A. (Speaker) (2011). US Education Policy [Web series episode].  
 In *Congressional Chronicle*. Washington, DC: C-Span. Retrieved from  
<http://www.c-spanvideo.org/program/300964-2>.
- Duncan, A. (Speaker) (2012). Education reform [Web series episode]. In *Congressional Chronicle*. Washington, DC: C-Span. Retrieved from <http://www.c-spanvideo.org/program/EducationReform26&showFullAbstract=1>.
- Education and U.S. Competitiveness*. (2011, Nov). Council of Foreign Relations.
- Elden, S. (2002). The War of races and the constitution of the state. *Foucault's« il faut défendre la société» and the Politics of Calculation boundary*, 29(1), 125-151.
- Ellermann, A. (2009). *Undocumented migrants and resistance in the state of exception* .  
 Manuscript submitted for publication, Department of European Union Studies,  
 University of British Columbia, British Columbia, Canada. Retrieved from  
[http://www.unc.edu/euce/eusa2009/papers/ellermann\\_02G.pdf](http://www.unc.edu/euce/eusa2009/papers/ellermann_02G.pdf).
- Fassin, D. (2010). Ethics of survival. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 1(1), 81-95.

- Figlio, D., & Kenney, L. (2007). Individual teacher incentives and student performance. *Journal of Public Economics*, 91, 901-914.
- Foucault, M. (1974). Human nature: justice versus power. In E. Fons (Ed.), *Reflexive water: The basic concerns of mankind* (288-289). London: Souvenir Press.
- Foucault, M. (1979a). *Discipline and Punish: the Birth of the Prison*. England: Penguin.
- Foucault, M. (1979b) *Power, truth, and strategy*. Sydney, Australia: Feral Publications/Prometheus Books.
- Frankenberg, E., Siegel-Hawley, G., Wang, J. (2010). Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA;  
[www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu).
- Friedman, T. L. (2005). *The world is flat: A brief history of the twenty-first century*. New York: Farrar, Straus and Giroux.
- Fuller, E. (2011). *Characteristics of students enrolling in high-performing charter high schools*. A "Fuller" Look at Education Issues. Retrieved from <http://fullerlook.wordpress.com/>.
- Gaddy, B. , McNulty, B., & Waters, T. (2002). The reauthorization of the individuals with disabilities education act: Moving towards more unified system. (Policy Brief). Aurora, CO: Mid-continent Research for Education and Learning. Retrieved from [http://www.mcrel.org/PDF/PolicyBriefs/5022PI\\_PBReauthorizationIDEA.pdf](http://www.mcrel.org/PDF/PolicyBriefs/5022PI_PBReauthorizationIDEA.pdf)

- Ghemawat, P. (2007, March 1). Why the world isn't flat. *Foreign Policy*. Growth Strategies. Retrieved from [http://www.foreignpolicy.com/articles/2007/02/14/why\\_the\\_world\\_isnt\\_flat](http://www.foreignpolicy.com/articles/2007/02/14/why_the_world_isnt_flat).
- Gilligan, J. (1999). *Violence, reflections on a national epidemic*. (1st ed.). 191. New York: Vintage.
- Giroux, H. (2009). *Youth in a suspect society: Democracy or disposibility?*. New York, NY: Palgrave Macmillan.
- Giroux, H. (2010). *Politics after hope: Obama and the crisis of youth, race and democracy*. St. Paul: Paradigm Publishers.
- Giroux, H. (2012, June). Beyond the politics of the big lie: The education deficit and the new authoritarianism. *Truthout*, Retrieved from <http://truthout.org/opinion/item/9865-beyond-the-politics-of-the-big-lie-the-education-deficit-and-the-new-authoritarianism>.
- Godwin, R. K. & Kemerer, F. R. (2002). School choice tradeoffs: Liberty, equity, and diversity. Austin: University of Texas Press, 195-224.
- Gregory, D. (2006). The black flag: Guantánamo bay and the space of exception. *Geografiska Annaler: Series B, Human Geography*, 88, 405–427.
- Hallahan, D., Kauffman, J., & Pullen, P. (2009). *Exceptional learners: An introduction to special education* (11th ed.), 19-20. Boston: Allyn & Bacon Pearson Press.
- Halperin, R. H. (2006). *Whose school is it? Women, children, memory, and practice in the city*. Austin: University of Texas Press.

- Hardt, M., & Negri, A. (2001). *Empire*. Cambridge: Harvard University Press.
- Heilig, J.V. & Jez, S.J. (2010). Teach for America: A review of the evidence. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved from <http://epicpolicy.org/publication/teach-for-america>.
- Hero, R. S. M. C. S. F. L. E. B. A. (2006). *Multiethnic moments: The politics of urban education reform*, 143-169. Philadelphia: Temple University Press.
- hooks, B. (1990). Choosing the margin as a space of radical openness. *Yearning: Race, gender, and cultural politics*, 145-53.
- Iannuzzi, R. (Speaker) (2013). Obama administration and teachers unions are in sync with better learning. *New York State United Teachers*. [Video podcast]. Retrieved from [http://www.youtube.com/watch?v=yPVqsd4WK\\_E](http://www.youtube.com/watch?v=yPVqsd4WK_E).
- Ladson-Billings, G. (2006). From the achievement gap to the education debt: Understanding achievement in U.S. schools. *Educational Researcher*, 35(7), 3-12.
- Ladson-Billings, G. & Donnor, J. (2008). The moral activist role of critical race theory scholarship. *The landscape of qualitative research*. Denzin and Y.S. Lincoln, 279-301. Los Angeles, CA: Sage Publications.
- Lemke, T. & Moore, L. & Casper, M.(2010). *Biopolitics: An Advanced Introduction*. New York: NYU Press.
- Lipman, P. (2004). *High stakes education: Inequality, globalization, and urban school reform*. New York: Routledge Falmer.
- Lyon, R., Shaywitz , S. E., Shaywitz , B. A., & Chhabra , V. (2005). Evidence-Based

- Reading Policy in the United States: How Scientific Research Informs Instructional Practices [Electronic version]. *Brookings Papers on Education Policy*, 209-250. doi: 10.1353.
- Margonis, F. (2007). John Dewey, WEB Du Bois and Alain Locke: A Case study in white ignorance and intellectual segregation. *Race and epistemologies of ignorance*, 174-95.
- Marsh, J. (2011, September 20). *The debate over teacher merit pay: A freakonomics quorum*. Retrieved from <http://www.rand.org/blog/2011/09/the-debate-over-teacher-merit-pay-a-freakonomics-quorum.html>
- Mutua, M. (2001). Savages, victims, and saviors: the metaphor of human rights. *Harvard International Law Journal*, 42(1), 201-245.
- National Research Council. (2012). *Research universities and the future of america: Ten breakthrough actions vital to our nation's prosperity and security*. Washington, DC: National Academies Press.
- OECD. (2011), *Education at a glance 2012: OECD indicators*, OECD Publishing. Available online at: <http://dx.doi.org/10.1787/eag-2011-en>.
- OECD. (2012), *Education at a glance 2012: OECD indicators*, OECD Publishing. Available online at: <http://dx.doi.org/10.1787/eag-2012-en>.
- Parker, A. Department of Education, Division of Special Education. (2000). *Special education local plan area (selpa) and state-operated programs*. Retrieved from California Department of Education website: <http://www.cde.ca.gov/sp/cs/lr/spedmemo4csmay00.asp>.
- Peterson, P. E., & Llaudet, E. (2006). *On the public-private school achievement debate*.

- John F. Kennedy School of Government, Harvard University.
- Popkewitz, T. S. (1999). A social epistemology of educational research. *Critical theories in education: Changing terrains of knowledge and politics*, 17-44.
- Raymond, M., Fletcher, S., & Lague, J. Teach for america: an evaluation of teacher differences and student outcomes. (2001). *CREDO*, Retrieved from <http://ebookbrowse.com/raymond-fletcher-and-luque-2001-teach-for-america-pdf-d195800023>
- Rollock, N. (2012). The invisibility of race: Intersectional reflections on the liminal space of alterity. *Race Ethnicity and Education*, 15(1), 65-84.
- Rothstein, R., Jacobsen, R., & Wilder, T. (2008). *Grading education, getting accountability right*. (1st ed. ed.). New York: Teachers College Press.
- Rust, T., & Metts, R (2006).. Poverty and disability: Trapped in a web of causation.
- Samuels, E. (2002). Critical divides: Judith butler's body theory and the question of disability. *NWSA: Feminist Studies Journal*, 14(3), 58-76.
- Scahill, J. (2011 June 12). The CIA's Secret Sites in Somalia. *The Nation*. Retrieved from [www.thenation.com/article/161936/cias-secret-sites-somalia](http://www.thenation.com/article/161936/cias-secret-sites-somalia).
- Schwenkenberg, J., & VanderHoff, J. (n.d.). Why do charter schools fail? - An analysis of charter school survival in new jersey. (2013). New Brunswick: *Rutgers University Working Papers*.
- Sears, J. T. (2002). The institutional climate for lesbian, gay and bisexual education faculty: What is the pivotal frame of reference? *Journal of Homosexuality*, 43(1), 11-37.
- Shapiro, M. J. (1997). *Violent cartographies: Mapping cultures of war*. Minneapolis:

University of Minnesota Press.

Smith, K. B.(2003). The Commonwealth, the market, and America's school. *Journal of Ideology and Education*, 18-45 Albany: State University of New York Press.

Stiglitz, J. (2006), *[Making Globalization Work](#)*, J.E., W.W. Norton & Company.

United States Government Accountability Office -GAO, (2012). *Additional federal attention needed to help protect access for students with disabilities* (GAO-12-543). Retrieved from website: <http://www.gao.gov/assets/600/591435.pdf>.

Ware, L. (2002). A Moral Conversation on disability: Risking the personal in educational Contexts. *Hypatia*, 17(3), 143-172.

Zimmer, R., Buddin, R., Chau, D., Gill, B., Guriano, C., Hamilton, L., Crop, K., & McCaffrey, D. California Legislative Analyst's Office, (2003). *Charter school operations and performance*. 162-172. Santa Monica, CA: RAND.

Zimmer, R. W. (2009). *Charter schools in eight states: Effects on achievement, attainment, integration, and competition*. Santa Monica, CA: RAND.

## Appendix A Annotated Bibliography

Abernathy, S.(2005). *School Choice and the Future of American Democracy*. Ann Arbor: University of Michigan Press.

Challenging the assumption that public schools will improve when confronted with market-based reforms, Abernathy examines the possibility that public schools will become more disconnected and isolated as civic life is privatized. Abernathy contends that charter schools have alternately become sites where parents are flocking; through the privatization of education and the evolution of charter schools into bureaucracies designed to transform parents/families into customers.

This model of education has seen (through multiple case studies) a large footprint of parents descending on charter schools. This article provides a necessary basis for how to mobilize and capitalize on the agency of parents while maintaining a market driven approach of maximizing a student's experience. This methodology is not a direct application to special education populations, but rather a policy and agency based way to mobilize similar groups towards systemic based reform.

This book is intended for a both policy and educational analysts. Due to the historical and case study perspective, it will be best suited for a wide range of researchers.

Abernathy, S. (2007). *No Child Left Behind and the Public Schools*. Ann Arbor: University of Michigan Press.

The No Child Left Behind act has been one of the most politicized and controversial pieces of legislation since desegregation laws. While this book covers a scope of the issues in public school, the 4<sup>th</sup> chapter of the book deals specifically with the effect of accountability systems on the public-school partnership, and charter schools in general in terms of inequalities in schools. The charter school chapter truly emphasizes the disparity between what is valued and seen as good/quality education with a policymaking framework and provides context to how political discussions inform actual practices.

Specifically, we need to examine whether these two accountability regimes “see” quality in the same way. In other words, citizens may perceive schools with higher test scores as more desirable or may look instead for other qualities. In addition, it is important carefully to examine the incentive effects of top-down mandates. This chapter provides a very succinct discussion of the public-school partnership that analyzes both quantitative and historical events to appeal to many different types of educators and researchers.

Agamben, G. (1998). *Homo sacer: Sovereign power and bare life*. Stanford: Stanford University Press.

Giorgio Agamben presents his framework for dissecting sovereign power and its power to create homo sacer, or bare life. The merging of the political and natural life is described as a step towards modernity. Most of his work is directly related to international law and rights, specifically through the attribution of Nazi power over the Jews. His writing draws on several theoretical underpinnings from Foucault's (1979) work on biopolitics and its extension into contemporary political spaces. The application of this work is highly technical and foregrounded through an entire body of philosophy that may be difficult for many to grasp. However, there is specific application to his construction of the state of emergency and creation of sites of exception through actions of the sovereign. This work provides the framework for analyzing the site of exception analysis that grounds the problematization of charter schools in America. Considering the highly technical nature of the work, it is best served for philosophy, political, legal, and economic scholars that have familiarity with sovereign power analysis.

Agamben, G. (2000). *Means without end: notes on politics*. (1st ed.). Minneapolis: University of Minnesota Press.

Agamben draws on a prior discussion of sovereign power and makes more specific analysis to the use of political paradigms of experience. Using humanity as the center of a modern extension of sovereignty, this framework becomes the basis of control and the construction of identity. Applying these private-public distinctions sets up a criticism of space and how individuals occupying these zones of indistinction negotiate agency within the proper spheres of politics. The application of this work is seen in the construction of liberation politics and how political discourse influences the maintenance of life. The value of this resource is seen in the examination of the politics of space and how status is attributed within those spaces. Agamben wrote this work as a more specific political attribution of his philosophy for application to agency studies. His analysis is intended for political and international philosophers with a deep understanding of his perspectives.

Agamben, G. (2006). *State of exception*. Chicago. University Of Chicago Press.

The site of exception is deepened with more modern applications to the War on Terror as an example of a state of emergency in which rights were not merely suspended, but they were voided. The ability to wage war without explicit declarations is a dangerous aspect of a government's ability to suspend rights.

The concept of survivability is introduced in relation to a global prison critique. The concept of action against a state of exception is detailed in the discussion of ‘whatever being’ an indeterminate identity that is a point of resistance to sovereign power. Presenting a method for individuals to express identity within the site of exception is a powerful application on a micro political level. This source examines the ways in which modern interpretations of the state of exception can be created by a suspension of the rule of law and is a good starting point for theoretical permutations for individuals that are familiar with global prison critique analysis and political scholars that are interested in more nuanced criticisms of the War on Terror.

Baker, R., Hupfield, K., & Teske, P. (2013). *Turnarounds in colorado: Partnering for innovative reform in a local control state*. Denver: Buechner Institute for Governance.

This study conducted across charter schools in Colorado found that failing charter schools across the state are in situations where turnaround efforts are imminent. Proposing a number of recommendations for the state and the importance of reallocating efforts to traditional public schools, are some of the many solutions in terms of accountability and transparency. One of the main issues rests in Colorado’s system of accrediting schools and districts, which is the part and parcel of a federally approved regime. The state then oversees efforts conducted by schools through external management regimes. This study presents important

counter empirics of failing charter schools and state response to these failing schools, apart from a discussion of closure and is best suited for educational researchers interested in a case study analysis of different charter systems within a state.

Baker, B.D., Ramsey, M.J. (2010). What we don't know can't hurt us: Equity consequences of financing special education on the untested assumption of uniform needs. *Journal of Education Finance*, 35(3) 245-275.

Baker and Ramsey detail that a current methodology of special education funding in charter schools is based on the principle of census based financing of special education services, which assumes that flat base allocations of special education funding per pupil regardless of individual school populations is the best model for financing. The presentation of census based funding is an important consideration within the broader picture of educational funding and policy prioritization. Equity and the resulting implications on charter schools relationship with district schools is further problematized through resource allocation, and the transfer of populations to and from charter schools. This article is particularly important to analyzing the policy levers involved in the misallocation of funding/resources intended for exceptional populations. The article presents pragmatic analysis of funding metrics and is appropriate to educational policy researchers and individualized interested in more specialized discussions of budget prioritization.

Betts, J., & Hill, P.T. (2006). Key issues in studying charter schools and achievement: A review and suggestions for national guidelines. *The Charter School Achievement Consensus Panel*: National Charter School Research Project.

This study uses the evaluation of more than 40 of charter schools from 2000-2005. Isolating charter schools that ranked as fair or poor, reveals the discrepancies in levels of oversight. Additionally, the study discussed the importance of establishing national guidelines that are not overlapping and would improve accountability in states with conflicting regulations and limited resources for appropriate auditing/oversight. The study also found that the success of high performing charter schools studied has undergone rigorous study, but the results are mired despite isolated areas of success. Establishing national guidelines to link the management of these organizations will help increase accountability and the transparency of their success rates. Using this evidence to analyze achievement data demonstrates the governmental trend towards examining charter schools as the site for governmental reform. This study presents a longitudinal analysis of charter school rating systems and would be best suited for those interested in analyzing the impact of educational evaluation systems and their effect on measuring overall success.

Blume, H. (2011, January 11). Charter schools in LA unified to get more special education money. *Los Angeles Times*. Retrieved from [articles.latimes.com/2011/jan/05/local/la-me-special-ed-2011010](http://articles.latimes.com/2011/jan/05/local/la-me-special-ed-2011010).

Blume highlights funding formulas as a barrier to the provision of services for students with exceptionalities. Under new agreements in California, moneys have been released to charter schools so that an adequate provision of services can occur on these sites. The question of whether increased funding agreements and decreasing a certain level of accountability by allowing charters the revenue streams to provide services in-house is an interesting situation. Further, the article also presents the argument presented by several charters that it is impossible due to their small schools model to effectively provide the range of services to all students with exceptional needs. This source provides a good empirical example of how legal exceptionality is created through the desire for more funds and less external accountability and is overall a very accessible article on how different cities respond to the distribution of funds.

Berube, M. (2003). Citizenship and disability. *Dissent*, 50(2), 52-57.

Berube addresses several themes around the notion of disability and our understanding of citizens. When looking at our democracy, the passage of the *Americans with Disabilities Act (ADA)* and *Individuals with Disabilities Education Act (IDEA)* become central locations for the intersection between law

and ideology. Specifically discussed is the right to a *free and appropriate public education* in the *least restrictive environment*. Analyzing the impact of dehumanization of these groups further inscribes the discussion of sites of exception, as even more important to dissecting the larger issues of agency and voice for those with exceptionalities. This article provides context to the philosophical problematization of Agamben's (1998) work and is an important look at the pragmatic impact of this social exclusion and what it means for our democracy. Using the major federal government policies around exceptionality truly informs the discussion around how policy directly impacts citizenship. This article would be an excellent research starting point for individuals hoping to gain critical insight on democracy and disability studies, particularly with interest in how disability studies have evolved through legislative action.

Burkhauser, R. & Daly, M. (2001). United States disability policy in a Changing environment. FRB of San Francisco Working Paper No. 2002-21.

The debate over disability policy has intensified during periods of economic growth. The downturn of the economy reoriented the discussion of disability to an economic realm where reform becomes a cost saving measure rather than an issue of equity or rights. Examining historical case studies when economic distress becomes a key policy issue, disability services and their subsequent expansion often becomes a casualty of budget cuts and sequestration. This study provides an integral discussion in the accountability dialogue around policy prioritization for

exceptional populations and as servers as an important framing to mitigate future conflict. Qualitative researchers interested in an historical perspective of educational reform and the effects of economic factors on educational policy will find this article particularly pointed.

Butler, J. (1993). *Bodies that matter: On the discursive limits of "sex."* New York: Routledge.

Butler's main argument centers on the idea that predominant representations of the human body have been normalized into the public sphere, and a hyper-sexualized masculine form has risen to the surface of the public consciousness as the ideal or 'normal' political configuration. Butler's perspectives on the inclusion of a holistic "other" through the extension of gender and femininity, reveals several poignant arguments about a method of full academic and theoretical inclusion. Using a feminist lens, this article serves as entry point into normalization politics and foregrounds the justification of perpetual problematization. Considering the abstract nature of this application, this is a territory of research supplements larger exclusion policies. This article is best suited feminist and gender studies researchers that are interested in the theoretical and pragmatic inclusion of hyper-sexualized forms in politics.

Butler, J. (1999) *Gender trouble*. New York: Routledge.

Butler argues that the deconstruction of identity is not the deconstruction of politics; rather, it establishes as political the very term through which identity is articulated. This kind of critique brings into question the functionalist frame in which feminism as identity politics has been articulated. This short discussion of disability studies is specific to the politics of space and its treatment of the included body. This analysis becomes an important footnote in how identity issues are perpetuated by policies that limit transparency around issues of exceptionality; serving as an important correlation to the progression of homo sacer and its implicit ties to bare life. Butler finds application in her interrogative strategies unwrapping the fundamental assumptions embedded in political discourses and inclusive agency. The exclusion centric discussion of this article would appeal to both agency scholars and those interested in a feminist perspective on exclusion politics. This book provides a framework for unwrapping assumptions built into discourses of power and is best for researchers looking for more theoretical discussion.

Calarco, M. & DeCaroli, S. (2007). (Eds.). *Giorgio Agamben: Sovereignty and Life*. Stanford: Stanford University Press.

Calarco, Matthew, and Decaroli posit that there is an inherent conflict in liberal democratic theory between the innate and inalienable universal human rights of

the individual, and the technical and social mechanisms of citizenship and power necessary for one to *obtain* these rights. Fitting into a particular disciplined category in order to achieve the rights you are allowed, in order to exist is the underlying tension of citizenship. From politicization of identity, this becomes even more important when discussing citizens with exceptionalities existing in a constant state of infinite survivability. If the alternative to inclusion is social death, the fight for survival and the bringing together of bare life and power represents a transition into modernity in the charter movement. The remaining question is, what does this merging of identity mean for a world that is just beginning to recognize that individuals with exceptionalities exist as a subset of the fragmented multiplicity? This work presents an more academic and philosophical attribution linking liberal democratic theory and policy responses to crisis and is an appropriate article for advanced political scholars interested in how democracy can best approach issues of survivability.

Caldwell, A. (2004). Bio-sovereignty and the emergence of humanity. *Theory and Event*, 7(2). Retrieved, from Project MUSE database.

Caldwell argues that sovereign law incorporates life by deciding what is permissible and what is forbidden. When life is in the sphere of law, it becomes indeterminate. Bare life, or homo sacer, is a mode of political subjectification created by the political decision of life and death. It is a precarious status because it depends on the sovereign to define it. Caldwell's analysis is particular to the

political construction of status using the law as the primary mechanism of the sovereign to extend into the biopolitics of a person's body. Additionally, Caldwell presents 'whatever being' as the indeterminate identity that is a representation of reclaiming agency. This work is difficult to understand without a deeper conceptualization of site of exception theory and has difficult attributions to pragmatic policy. Consider this text an extension of the philosophical problematization of Agamben's theories (1998, 2006). This article is highly readers should be weary that without a thorough understanding of Agamben (1998, 2006), they may find the highly technicalized language problematic.

Carnoy, R., & Rothstein, M. (2013). What do international tests really show about U.S. student performance?. *Economic Policy Institute*. Retrieved from <http://www.epi.org/publication/us-student-performance-testing/>.

According to new analysis of the OECD testing data, analysts have discovered that when you adjust the United States test scores to include factors such as sample size and socio-economic status, the United States performed in the top 7 nations. This evidence is demonstrated in contrast to the political characterization of United States' educational competitiveness. Consequently the data show that the poverty in the US was the highest percentage of the top developed OECD countries at ~20%. This report is important in its criticism of current educational systems call for more and more reform, despite scientific data indicating reform is necessary. This report is an excellent quantitative analysis of United States

international test scores and is applicable to a wide range of researchers, including both educational and political scholars.

Cetron, M. & Davies, O. (2010). Trends shaping tomorrow's world: Forces in the natural and institutional environments. *The Futurist*, 44(4), 38-53.

Cetron and Davies present a compelling discussion of how technology will drive the future of globalization. In their argument they specifically outline the need to develop technologically proficient citizens capable of accessing the global economy. While they do not really discuss the implications of adopting a technological centric curriculum, they do note that without this currency, United States competitiveness will be at great risk. The arguments in this work are less central to school reform, but are more about influencing factors on policymakers.

Cowen, J. M. & Winters, M. A.(2013). Choosing charters: Who leaves public school as an alternative sector expands? *Journal of Education Finance*, 38(3), 210-229. University of Illinois Press.

The number of charter schools across the United States has increased significantly over the past 5 years. The debate over the effectiveness of charter schools has been a focus of current educational reform, particularly through valuing cost mechanisms comparing achievement to/from the traditional sector. Consequently, the research in this study demonstrates students that are performing well in their

districts are less likely to leave their district schools. Minority populations are found to be more likely to transfer. Longitudinal data from this study indicates that special needs students are less likely to constitute a comparable population to charter schools. The question of creaming the best students is less the issue in this study; however the research suggests that while charter schools may not be a home for all, minority students are more likely to move into a charter school with similar populations. This study provides an important characterization of exceptional populations and their current levels of attrition and success in high performing charter schools, providing a key policy framing to the charter school debate. This longitudinal analysis is primarily geared toward policy researchers and those interested in deeper analysis of the educational debate.

Dalakoglou, D. (2012, 02 10). Universities in a state of exception. *Anthropology responds to the UK Crisis in HE*, DOI: [http://www.theasa.org/he\\_crisis\\_dalakoglu.shtml](http://www.theasa.org/he_crisis_dalakoglu.shtml).

Dalakoglou expands Agamben's site of exception framework using a contextual lens for how higher education is responding to economic and political conditions that are threatening its survival in the global economy. The work specifically challenges the notion of social advancement and the political and social ties to education as the vehicle to gauge not only the success of the developed world, but also the tension between capitalism and knowledge production. The argument is tied directly to the site of exception, because educational institutions serve a

dichotomous role, the provision of free education is seen a universal right, yet the role of that education in a democracy has not been necessarily implemented. This article has less direct applicability to the charter movement, but instead frames the educational bridge to post-secondary education and is best suited for educational researchers interested in a philosophical problematization.

Downey, A. (2009). Zones of indistinction: Giorgio Agamben's 'bare life' and the politics of aesthetics. *Third Text*, 23(2), 109-25.

Downey presents an argument furthering the concept of bare life and how zones of indistinction are created and represented through contemporary media and arts. His thesis contends that the very notion of 'bare life' is reaching critical mass as media and artistic representations have created a moment where political exceptionalism and the messages heralding this state of exception become intertwined. This application of the zones of indistinction can be applied in-kind, to the charter movement – particularly as representation is outlined as an area of problematization. The inclusion and/or absence of these discussions are difficult areas to negotiate, especially when exploring solutions providing context and space for the oppressed to reclaim lost notions of agency. This article would be appropriate to art, education, and philosophy scholars looking for a pragmatic application of Agamben's (1998, 2006).

Duncan, A. (2010). U.S. department of education. Retrieved from

<http://www.ed.gov/news/speeches/education-and-international-competition-win-win-game-secretary-duncans-remarks-council>.

Secretary of education, Arne Duncan delivered this speech to the Council of Foreign Relations in 2010, describing the current educational competitiveness gap facing American students in the coming years. The speech makes a direct link between our future economic competitiveness as a nation and the quality of our domestic education programs. The rhetorical framing of educational competitiveness is linked through economic qualifiers for gauging the effectiveness of education institutions, informing the background to the state of emergency description in Agamben's analysis. The difficulty of this artifact is that it represents a singular address, rather than a holistic rhetorical analysis of the different uses of competitiveness rhetoric by the Obama administration. This speech is best used as a reference for those interested in United States department of education policy.

Duncan, A. (Speaker) (2011). US Education Policy [Web series episode].

In *Congressional Chronicle*. Washington, DC: C-Span. Retrieved from <http://www.c-spanvideo.org/program/300964-2>.

Education Secretary, Arne Duncan addresses education policy framing the discussion around competitiveness and graduation rates. This speech also includes some answers by audience members, including some direct probing on the effectiveness of current reforms such as the Race to the Top legislation. Using this artifact as part of the overall framing of education policy in the United States presents an interesting characterization between the ways the public views the issues as opposed to the Obama Administration. This web series is intended for congressional policymakers and is used to bolster political capital and support. Researchers of administration education policy will find this web-series useful for political characterizations.

Duncan, A. (Speaker) (2012). Education reform [Web series episode]. In *Congressional Chronicle*. Washington, DC: C-Span. Retrieved from <http://www.c-spanvideo.org/program/EducationReform26&showFullAbstract=1>.

Educational Secretary Arne Duncan and several high ranking superintendents of Los Angeles, New York City and Chicago talk about school reform initiatives. They specifically talk about United States educational competitiveness. The majority of the conversation revolves around how states have taken the lead in the dissemination of innovative educational solutions, particularly charter school and alternative teaching programs to help close the achievement gap. The discussion draws a particularly important link to educational competitiveness characterization and how to design technologically proficient citizenry. This

speech is appropriate for any education or policy researcher interested in a cursory overview of President Obama's education plan.

*Education and U.S. Competitiveness*. (2011, Nov). Council of Foreign Relations.

Retrieved March, 2013.

The Council of Foreign Relations held a symposium discussing the connection between designing high quality educational programming and the connection to United States international competitiveness. The speakers were from top policy think tanks and international figures discussing the impact of linking education with national security issues. This text serves as an important exemplar of how political leaders frame the educational competitiveness discussion through a lens of preserving economic vitality vis a vis national security discussions. Reading this meeting transcript provides an important framework on how to categorize the discussion of competitiveness and the reform movements role in translating ideology to practice. This meeting transcript is best suited for policy researchers interested in how Washington think tanks view the current educational climate.

Elden, S. (2002). The War of races and the constitution of the state. *Foucault's« il faut défendre la société» and the Politics of Calculation boundary*, 29(1), 125-151.

Elden builds on Foucault's discussion of disability and representation, furthering the argument that the medicalization of life and the biological degradation of

certain segments of the species is the root cause of conflict. Wars are fought and life is exterminated not because of particular geopolitical interests, but because of the biopolitical commitment to eugenic violence. Examining the eugenics projects of the Nazi regime or the United States in the 1970s, disabled populations are often relegated to the fringes of society. The result has always been the categorical separation of these groups from the larger populations. Examining the intersection of policy and action is the first step in unwrapping the genealogy of oppression that otherwise remains invisible. This type of structural violence is the most pervasive because it largely remains missing from the prioritized concerns in the education reform movement, such as student outcomes and school evaluation systems. Starting from this locus point provides context to the way create new policies that challenge these invisible populations. This series of lectures is a very nuanced articulation of Foucault's work on power analysis and is not recommended for individuals that do not have a foundation in his prior work.

Ellermann, A. (2009). *Undocumented migrants and resistance in the state of exception* . Manuscript submitted for publication, Department of European Union Studies, University of British Columbia, British Columbia, Canada. Retrieved from [http://www.unc.edu/euce/eusa2009/papers/ellermann\\_02G.pdf](http://www.unc.edu/euce/eusa2009/papers/ellermann_02G.pdf).

Ellermann furthers what might be called the “reverse state of exception”; instances where migrants strip themselves of their legal identity in order to evade state control. Whereas Agamben treats legal status as the basis for individual rights, Ellermann, considers the circumstance where the possession of a legal

identity constitutes a liability to the illegal migrant. This direct application of the site of exception theory to migrant populations is a distinct conduit between policy action and the direct effects on the agency of marginalized populations seeking methods to express their identity. The application of Ellerman's analysis of the "reverse state of exception" has similar parallels to individuals with exceptionalities, which make a choice to strip away their legal protections in order to stay in their current education programming. Analyzing the context of this work best fits into the larger conversation of the manifestation of exceptional policies. This work on migrant populations is a very pragmatic application of site of exception theory and provides implications that are accessible by both policy and philosophy researchers.

Fassin, D. (2010). Ethics of survival. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 1(1), 81-95.

Fassin examines the way citizenship is divided between physical (biological) and politicized life. This distinction is an important theoretical foundation in how we view life and how sovereign powers create systems and technologies to control and manage this life. Understanding this connection between technology and power is implicit to the way we indoctrinate our citizens in a democracy, particularly through the educational apparatus. The distinction between survival and access to life is examined when looking at the way survival is articulated in a climate of educational urgency. This work is an excellent exposition on human

interaction with multiple permutations to international law and global survivability. This work does struggle with application to domestic issues, but it is an integral dissection of marginalization politics in a democracy and would be used by both democracy researchers and those interested in the theory behind power in international law.

Figlio, D., & Kenney, L. (2007). Individual teacher incentives and student performance. *Journal of Public Economics*, 91, 901-914.

Figlio and Kenney conducted a study in 2007 finding that incentives for teachers had positive effects on test scores than alternate school reforms. The movement to create merit based promotions is seen as contributing to establishing the teaching profession with more prestige. Consequently, this study provides an interesting correlation to the current political dialogue surrounding school based reforms around teacher evaluations and performance incentives offered by many charter schools. The impact of teaching practices is not analyzed on a micro-level, but the data are conclusive on the correlation between positive incentives and results. Researches interested in the quantitative data supporting teachers' incentives will find this article pertinent to the economic factors that affect merit based pay.

Foucault, M. (1974). Human nature: justice versus power. In E. Fons (Ed.), *Reflexive water: The basic concerns of mankind* (288-289). London: Souvenir Press.

Foucault flips our standard way of thinking about politics on its head: we shouldn't be blackmailed with the question 'what is to be done?' before we've confronted the question of 'how must we think?' It's not merely that 'things shouldn't be done thoughtlessly', but that sometimes thinking about things *is doing something*, and what's more, it's often doing something *more valuable* than imagining the enactment of cosmetic reforms. Foucault's analysis is an important application to the way sovereign power chooses to problematize situations and attempts to enact piecemeal reform polices rather than questioning the framing that guides policy action. This edited book of lectures is best for those interested in how to understand sovereign power through question. Considering the abstract nature of this book, it is best served to individuals with a philosophy interest.

Foucault, M. (1979a). *Discipline and Punish: the Birth of the Prison*. England: Penguin.

Through this "genealogy" of history, Foucault shows us how modern society has become penal and coercive in nature; and perhaps more importantly, that all of us now live in the midst of an abstract, authoritative public 'gaze.' Foucault presents multiple interpretations about the power of normalization in western society. By normalizing judgment, Foucault is referring to the power inherent in all social expectations. The last and perhaps most subtle power of normalization lies in the

use of examinations. Foucault's work provides the groundwork to the extension of biopolitics through modern institutions of power, vis a vis the state of educational emergency. While not a contemporary application of power analysis, it has strong correlations to the qualitative conclusions drawn from Agamben's (2006) site of exception analysis and would be best suited to individuals wanting an introduction to Foucault's central thesis.

Foucault, M. (1979b) *Power, truth, and strategy*. Sydney, Australia: Feral Publications/Prometheus Books.

Foucault asserts as long as the government protected its people and treated them decently, he did not believe that the polity could be accused of oppressing its citizen regardless of their status. Today, we take it as a matter of course that those who do not conform to laws are trucked off to sites of exclusion, because they stand in contrast to the truth. In this work, Foucault attempts to completely undermine our intuitive sense of what is right, what is coercive, what is rational, and ultimately what is true. Foucault shows us the subtle effects of Western institutional logic. Using this deconstruction of western institutions, presents a nuanced interpretation of agency and how it is exercised in the political sphere, which has direct applications to exceptional populations attempting to negotiate identity. This book is also an excellent primer to Foucault's work and appropriate for both political, historical, and philosophical scholars.

Frankenberg, E., Siegel-Hawley, G., Wang, J. (2010). Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA; [www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu).

Recognizing the negative effect charter schools have in the paradigm of equity and choice is a difficult aspect to consider, particularly in light of the policy pushes towards continued privatization. This study concludes that charter schools fail in areas that continue a practice of hyper segregation for underserved communities, and tend to underserve individuals living in extreme poverty or with exceptionalities. The study also highlights the difference between serving free and reduced lunch populations and community members that occupy the same federal government classifications. Using this paper to supplement the growing body of literature problematizing the charter movement, is an important step to developing policy responses that meet the needs of the communities where these schools reside. This study is appropriate for educational researchers interested in the charter school movement and issues of equality.

Friedman, T. L. (2005). *The world is flat: A brief history of the twenty-first century*. New York: Farrar, Straus and Giroux.

Economist Thomas Friedman presents his arguments about the flattening of the world through globalization tactics. He argues that the flow of people, information and transnational communications have essentially changed the way we view the nation state. Friedman presents an easy novel to read for a wide range of non-specialized audiences with limited application to special education populations, beyond a discussion of the transmission of values through educational systems. This book provides an introductory framework to globalization politics and is primarily a pop-culture read that discusses globalization from multiple contemporary perspectives.

Fuller, E. (2011). *Characteristics of students enrolling in high-performing charter high schools*. A "Fuller" Look at Education Issues. Retrieved from <http://fullerlook.wordpress.com/>.

The choice of a charter school creates a dynamic where student and family populations are dissimilar to community-based traditional public schools. The populations of charter schools are examined through the political characterization of 'high performing'. Fuller finds that the disparities among special needs students served, achievement characteristics among high-poverty students and at-risk students are significant. This commentary is intended for educational

scholars and provides a cursory look into the populations from a position of equity under the label of educational competitiveness, but lacks the depth of analysis of a quantitative exposition of those numbers and is mostly a perspective on framing education issues.

Gaddy, B. , McNulty, B., & Waters, T. (2002). The reauthorization of the individuals with disabilities education act: Moving towards more unified system. (Policy Brief). Aurora, CO: Mid-continent Research for Education and Learning.

Retrieved from

[http://www.mcrel.org/PDF/PolicyBriefs/5022PI\\_PBReauthorizationIDEA.pdf](http://www.mcrel.org/PDF/PolicyBriefs/5022PI_PBReauthorizationIDEA.pdf)

In the movement towards the reauthorization of the *Individuals with Disabilities Education Act*, several policy makers discussed how to increase accountability, while also making sure that special education was a valued profession in education. The idea that educators are less interested to stay in the special education profession is discussed from the intentions of IDEA and how we can move to create more incentives across the nation for special education teachers and service providers. Several other issues were discussed in terms of negotiating No Child Left Behind and other policies, such as funding and external accountability systems to make sure resources were being allocated correctly. This article is a policy briefing meant for researchers interested in how policymakers discuss flaws in educational policy and the areas needing immediate attention.

Ghemawat, P. (2007, March 1). Why the world isn't flat. *Foreign Policy*. Growth Strategies. Retrieved from

[http://www.foreignpolicy.com/articles/2007/02/14/why\\_the\\_world\\_isnt\\_flat](http://www.foreignpolicy.com/articles/2007/02/14/why_the_world_isnt_flat).

Ghemawat presents multiple counterarguments to why Friedman's metaphor of a flat world is a gross mischaracterization of globalization. He argues that 90 percent of the world's web traffic, phone calls, and investments are local which indicates why the world is not becoming smaller. This work is included primarily because of the globalization critique it exposes, rather than the application to the United States educational system and has a wide audience from scholars to pop-political readers. Ghemawat provides the counter critique to Friedman's globalization characterization and is a qualitative analysis of how globalization of economics to inform policy decisions.

Gilligan, J. (1999). *Violence, reflections on a national epidemic*. (1st ed.). 191. New York: Vintage.

Gilligan presents an encompassing work on the way that our society views violence. The book uses a very personal analysis of his own family history, and his work as a prison psychiatrist and literatures to discuss the motivations of violence and the people that commit terrible crimes. The work articulates the extreme measures individuals will go to destroy themselves rather than lose self-respect. Also exploring the notion of structural violence, Gilligan discusses how society views violence in communities that are plagued with poverty. The idea that this violence occurs daily, is ongoing and part of a loop of shame and a loss

of self-respect, Gilligan further that as a society we must look at the violence that is traditionally deemed invisible, as the effect is far greater than any war. This work is contains a power theory on violence that connects larger to the experiences of many populations charter schools seek to serve. Understanding the material conditions of their experiences is an important part of educating scholars in the communities they live. Primarily designed for individuals wanting broader picture of violence in under and misrepresented communities this book has a wide audience from policymakers, to educators, to administrators working in these communities.

Giroux, H. (2009). *Youth in a suspect society: Democracy or disposibility?*. New York, NY: Palgrave Macmillan.

The subtle differences between neoliberalism and capitalism are presented in Giroux's analysis of the effect of market dynamics on the intersections of identity and youth. He specifically is concerned with the extension of market forces as driving forces of commodification and manufactured replication. Additionally, he talks about the increased militarization of schools and other public spheres. These perspectives are imperative to contrast to the possibilities of resistance that exist within a liberal democracy. Further, Giroux talks specifically about how neoliberalism seeks to transfer control of the economy from the public to the private sector, which has been seen in the educational reform movement, under the belief that it will produce a more efficient, innovative, and accountable

government that will ultimately improve the economic health of our nation. The quality of this work is seen in the problematization of the current educational process through specific examples and philosophical analysis and is intended for both political and philosophical study.

Giroux, H. (2010). *Politics after hope: Obama and the crisis of youth, race and democracy*. St. Paul: Paradigm Publishers.

The discussion of politics foregrounding the first term of the Obama administration is explored from the perspective of how political rhetoric and practice has paralyzed youth under the umbrella of democracy engagement. Giroux specifically talks about the tension created when corporations and other non-governmental institutions begin influencing educational institutions. He also discusses the power of hope in mobilizing action towards dismantling sites of power within a democracy. A very accessible work for both political and educational researchers that discusses Giroux overall perspective on education and has multiple applications across disciplines, including bridging theory with praxis.

Giroux, H. (2012, June). Beyond the politics of the big lie: The education deficit and the new authoritarianism. *Truthout*, Retrieved from <http://truthout.org/opinion/item/9865-beyond-the-politics-of-the-big-lie-the-education-deficit-and-the-new-authoritarianism>.

Giroux provides critical analysis about the politics of education, discussing some of the philosophical problems embedded within educational systems that are caught up in economic thinking and reform efforts. He is especially concerned with the methods of commodification and replication present in the education and what that does to the creation of knowledge systems. All of these technologies are discussed through the lens of authoritarianism, and the desire for governments to control the output of democracy. Giroux warns that with a movement toward questioning these systems of thought, the fabric of global society and further spaces to think in new and radical ways will be foreclosed. This article is well suited for any individual wanting to explore a criticism of progressive movements in education and is accessible to a wide range of both education and policy academics.

Godwin, R. K. & Kemerer, F. R.(2002). School choice tradeoffs: Liberty, equity, and diversity. Austin: University of Texas Press, 195-224.

Educational policy situated within the context of a liberal democracy presents a number of problems, particularly when couched against global educational competitiveness; notably the preparation for post-industrial jobs: equality of

opportunity, diversity, democratic citizenship training, development of student autonomy/agency, and regulatory accountability. Godwin's analysis of School Choice Regulation, presents the legal and regulatory framework that goes into the cost benefit analysis between school regulation and autonomy. Additionally, the article furthers that the existing legal framework has created a natural condition for tension between the privatization of school choice and the mandate to provide a free and appropriate public education for all students. This study is designed for legal and historical educational scholars interested in the legal framework to discuss citizenship and agency in the school setting.

Gregory, D. (2006). The black flag: Guantánamo bay and the space of exception.

*Geografiska Annaler: Series B, Human Geography*, 88, 405–427.

The trope of the Guantanamo Bay metaphor as an extension of the war on terror is thoroughly analyzed from a politics of space and spatiality perspective, particularly the overlapping externalities of sovereign power, international law, and violence. The nature of these interlocking spatialities in both legal and political practices demonstrates the contrast to the sometimes political pessimistic and negative description locked perspective of Agamben's (1998, 2006) 'site of exception' theory. Gregory concludes that the recognition of these "invisible spaces" is a necessary step in breaking down the complex political and sociological conditions that necessitated their existence. The utility of this text is not so much in the application of Gregory's analysis, but rather the manner in

which the criticism utilizes Agamben's theoretical concepts to form a foundation for a politics of resistance, to combat pessimism and negativism that is counterproductive to creating a base of agency based discussions. This article is intended for international political researchers interested in a philosophical discussion on the War on Terror and the resulting effect on rights suppression.

Hallahan, D., Kauffman, J., & Pullen, P. (2009). *Exceptional learners: An introduction to special education* (11th ed.), 19-20. Boston: Allyn & Bacon Pearson Press.

Exceptional Learners is a textbook introducing special education concepts and terminology. The main benefit of this source is in the discussion about the concept "suspicion of self," which is the ability to question identity as constructed by external factors, such as the biomedical community. This characterization and reliance on outside professional sources has created a relationship between exceptionality and individual pathology. The value of this text is purely referential and outlining major issues around the biomedical characterization of exceptionality.

Halperin, R. H.(2006). *Whose school is it? Women, children, memory, and practice in the city*. Austin: University of Texas Press.

Halperin's narrative is an urban anthropological deconstruction of the formation of a charter school in Cincinnati, Ohio. Using a feminist theory of borderlands,

Halperin outlines the intersection between race, gender, socio-economic status, and market forces in a national climate that was increasingly unfavorable towards charter schools. Borderlands are spaces in a state of flux that are microcosms of global cities. The battle over space and the co-location of the charter school in a building occupied by a traditional school was a major point of tension. The primary validity of this analysis is for political and educational researchers interested in the presentation of the politics of space. Recognizing that space is both a physical and ideological realm brings deeper analysis to the charter movement. Connecting Halperin's arguments to the philosophical treatise of Agamben (2006) presents more of a challenge. Rather the impact of the battle over space is representative of how the physical and political have become so intertwined in a system of biopolitics.

Hardt, M., & Negri, A. (2001). *Empire*. Cambridge: Harvard University Press.

The presentation of empire is an important concept in sites of exceptional analysis. This characterization of sovereign power is discussed within a framework of neoliberal market practices and the withdrawal of the sovereign for the public sphere. Translating this experience to deregulation politics is an important link between critical and pragmatic manifestations of power analysis. While this book is nonspecific to the methods in which individuals can truly reclaim agency, it does provide a strong theoretical framework for the impact of neoliberalism on individual expressions of agency. Examining this source for specific political mechanisms of resistance is less relevant.

Heilig, J.V. & Jez, S.J. (2010). Teach for America: A review of the evidence. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved from <http://epicpolicy.org/publication/teach-for-america>.

The research surrounding the effectiveness of Teach for America teachers is mixed and inconclusive at best. The impact of human capital centric programs is analyzed beyond the immediate impact in the classroom. The report suggests also that there are alumni are addressing educational inequity from a leadership and policy perspective. However, other studies have concluded that over time interest in pro social activities lessens for TFA alumni. Considering that TFA is a partially publically funded organization, it is important to understand the costs associated with the programs, which extend beyond fiscal elements. The report suggests the psychological impact on districts is often felt when corps members leave their placement schools. The strength of this study is the characterization of reform through alternate policy responses for both policy researcher and educational analysts.

Hero, R. S. M. C. S. F. L. E. B. A. (2006). *Multiethnic moments: The politics of urban education reform*, 143-169. Philadelphia: Temple University Press.

The primary argument in the book centers on court action in the 1990s which left desegregation orders in America's public schools – essentially marking a unique moment since the beginning of the school desegregation movement, where minorities were declared implicitly as having met a universal criterion for integration in school systems. Using the politics of race and ethnicity to foreground the research, the authors argue for further intersection of interests, ideas, and institutions with the differing political implications for agency based politics. The book does have much to say about the role of institutions in creating spaces for agency for different minority populations. The analysis is non-specific to both market based educational politics and special education populations; however, there is much to be gained from for education researchers about the institutional analysis on the pragmatic and philosophical implications of institution action on how different populations can enter into larger educational reform discussion.

hooks, B. (1990). Choosing the margin as a space of radical openness. *Yearning: Race, gender, and cultural politics*, 145-53.

hooks presents her argument that on radical openness as the first step in taking steps against sovereign power and carving out a space for political recognition. Her work is primarily focused on how we chose to frame our perspective either

from the standpoint of the marginalizer or from the standpoint of the oppressed. This type of analysis is rooted in how we choose to interact through politics and whether a radical envision of change is first limited by our perspective. She posits that instead of speaking to the dominant power it is imperative for oppressed groups to speak from the margins, that their social location and experience is the only way to disrupt the power that seeks to dominate and control other. This article is an important step for those interested in standpoint theory and its place within carving out a space for oppressed groups to find spaces for political recognition.

Iannuzzi, R. (Speaker) (2013). Obama administration and teachers unions are in sync with better learning. *New York State United Teachers*. [Video podcast]. Retrieved from [http://www.youtube.com/watch?v=yPVqsd4WK\\_E](http://www.youtube.com/watch?v=yPVqsd4WK_E).

The president of the New York State United Teachers addresses the National Representative Assembly concerning issues of teacher evaluation systems and establishing new modes of accountability such as performance pay. This speech is intended to bolster support teachers and constituents and is important discussion about the transition to incentive based policy reforms. The efficacy of this speech is its temporal placement in the education reform debates and how to be maximize human capital while also serving the needs of our students for policy and educational researchers.

Ladson-Billings, G. (2006). From the achievement gap to the education debt:

Understanding achievement in U.S. schools. *Educational Researcher*, 35(7), 3-12.

The achievement gap has long been a fixture in educational policy discussions. Ladson-Billings takes an alternative approach to addressing issues with education for underserved populations. She instead argues that the rhetoric of “gap” displaces responsibility for achievement onto the communities. Characterizing underserved communities as “defective and lacking” creates a perspective we fault is not owned by society. Reframing the conversation towards educational debt provides a way to shift to collective accountability. Ladson-Billings’s discussion of rhetorical representations provides context to the issue of race and exceptionality and is a power depiction suitable for educational researchers, teachers, and policymakers.

Ladson-Billings, G. & Donnor, J. (2008). The moral activist role of critical race theory scholarship. *The landscape of qualitative research*. Denzin and Y.S. Lincoln, 279-301. Los Angeles, CA: Sage Publications.

Ladson-Billings and Donnor present their perspective of liminal alterity, arguing that in a discussion on marginalization that racialized *others* exist in a space of liminal alterity. This realm at the edge of society is directly correlative to Agamben’s (1998) *site of exception* analysis furthered in this work as applicable to exceptional populations in charter schools. A perspective advantage can occur from this positioning as marginalized groups are continually confronted with

reminders that he/she regardless of achievement, or change in status, the intersection of race, socio-economic status and exceptionality is deeply embedded in hierarchical political structures. Specifically using the framework of resource availability and support available within a chartered *site of exception* presents some empowering possibilities for restoring agency and voice. This work is important to scholars interested in critical race theory and its implications for a democracy.

Lemke, T. & Moore, L. & Casper, M.(2010). *Biopolitics: An Advanced Introduction*. New York: NYU Press.

Lemke, Moore, and Casper offer a nuanced argument about the differences between Agamben's (1996, 2006) use of sites of exception and the derivative extension to the biopolitics that is described by Foucault (1979). The analysis of biopolitics cannot be limited to those without legal rights, such as the refugee or the asylum seeker, but must encompass all those who are confronted with social processes of exclusion (even if they may formally enjoy full political rights), namely, the "useless," the "unnecessary," or the "redundant." Whereas in the past these figures inhabited only peripheral spaces, today in a global economy these forms of exclusion can also be found in the industrialized centers in which social questions are newly posed because of the dismantling of the welfare state and the crisis of the labor economy, which has direct application to modern sites of exception. This article is a strong dissection of the way we apply the terms

biopolitics and marginalization, but is crucial for philosophical researchers already familiar with the works of Agamben and Foucault.

Lipman, P. (2004). *High stakes education: Inequality, globalization, and urban school reform*. New York: Routledge Falmer.

The issue of globalization and education reform is clearly discussed through the lens of urban schools. Lipman analyzes the effect of the competitiveness philosophy on minority populations and draws some startling conclusions about how the rhetoric of inclusion did not match the policy of accountability in Chicago, particularly when looking at how schools on a micro level can engage in practices that transfer, counsel out, and further isolate minority populations. The characterization of a failing education system is presented from the impact on minorities. Lipman also provides some context to the influence of class and wealth on communities of color. This book is an important work in understanding how the school reform movement pragmatically affects the lives of urban minorities and informs both educators and policy researchers about the history of urban minority policy reform.

Lyon, R., Shaywitz , S. E., Shaywitz , B. A., & Chhabra , V. (2005). Evidence-Based Reading Policy in the United States: How Scientific Research Informs Instructional Practices [Electronic version]. *Brookings Papers on Education Policy*, 209-250. doi: 10.1353.

This article articulates that over the past decade, the root of certain education policies in the United States has shifted from philosophical and ideological foundations to the application of converging scientific evidence to forge policy directions and initiatives. Specially, the study examines using the large-scale implementation of the whole-language approach, as a way that science can influence best practices in education policy decision-making. The article serves as an important entry point into how policy approaches have often sought to find silver bullets, rather than finding research based approaches, demonstrating a disconnect between policy makers and educational practitioners. While there is not a strong correlation to the charter movement, it does provide a link to policymaking decisions for educational researchers and those interested in education al policy events.

Margonis, F. (2007). John Dewey, WEB Du Bois and Alain Locke: A Case study in white Ignorance and Intellectual Segregation. *Race and epistemologies of ignorance*, 174-95.

Margonis presents an interesting perspective on educational and academic scholars treatment of the issue of race in United States schooling system. He argues that the lack of direct discussion of the implications of white privilege has devastating consequences for individuals wishing to conduct a genealogical analysis of how to empower communities towards change. The dismissal of racial violence and its effects on underrepresented populations is even more startling

when we begin to examine the contextual impact of this type of this historical framing. The position of disempowerment becomes the locus of this type of study and further complicates the way we view schooling. This article is a strong discussion of how we can develop systems of counter hegemony/narratives to the realized norms that have pervaded policymaking. This case study is an important read for anyone interested in a criticism of the contemporary progressive approach to current education and is best for education historians and those interested in pragmatic bridges between education and philosophy.

Marsh, J. (2011, September 20). *The debate over teacher merit pay: A freakonomics quorum*. Retrieved from <http://www.rand.org/blog/2011/09/the-debate-over-teacher-merit-pay-a-freakonomics-quorum.html>

Marsh briefly outlines the major points in the debate over teacher merit pay. She posits that the larger political discussion, the issue of collective participating buy-in has not been accurately vetted. In New York City, this analysis is applied as research and has demonstrated that performance pay does little to raise test scores when the teachers do not feel motivated by the positive incentive approach. Additionally, the notion that these policy initiatives were not external motivators, but rather a reward for work that should have already been recognized, is addressed. This article is an excellent discussion over merit pay for educators and policymakers assessing teacher reform.

Mutua, M. (2001). Savages, victims, and saviors: the metaphor of human rights. *Harvard International Law Journal*, 42(1), 201-245.

The introduction of the savage-victim-savior (SVS) metaphor is a discussion of how human rights projects use a multi-tiered perspective that exposes a grand narrative of recreating marginalization. The SVS metaphorical construction pits groups of individuals as needing saviors to help the so-called uneducated and dilapidated victim/savages in communities. The argument in his work is that in order to truly effectuate change in both human rights and to empower communities to overcome systemic poverty, there needs to be a radical redefinition of this relationship. This work directly informs the analysis of charter schools that often are caught in the vice grip of a similar metaphor and that this multi-tiered perspective is often more detrimental to the work done in traditionally underserved communities. The notion that charter schools are also must work to dissect the corpus of their own missions to account for the multicultural and deeply political process of their mission, is an integral step in placing exceptionality studies centric to the larger discussion of inclusion and inclusiveness. This article is primarily meant for international law/politics scholars, but the construction of the metaphor will also interest any social justice researcher.

National Research Council. (2012). Research universities and the future of america: Ten breakthrough actions vital to our nation's prosperity and security. Washington, DC: National Academies Press.

America's economic, cultural, and social and nation security interests have been tied to the future of well-educated populations. This report by the National Research council examines the national and state level policies that have had an impact on this mission towards economic and technological competitiveness. While there is limited attribution of this article to the secondary schools, there is a specific discussion of how institutionalized mechanisms such as test scores have been related to international discussion of competition. This article has more application to post-secondary researchers examining the future vitality of higher education internationally.

OECD. (2011), Education at a glance 2012: OECD indicators, OECD Publishing.

Available online at: <http://dx.doi.org/10.1787/eag-2011-en>.

The Organization for Economic Cooperation and Development (OECD) is a collection of nations currently producing almost two-thirds of all the world's goods and services. They release a periodic report that has become the authoritative guide for the state of education around the world. It provides data on the structures, finances, and performance of education systems in OECD countries. This report is the primary report used in US competitiveness studies to

frame the conversation around international comparisons between the US and other nations.

OECD. (2012), *Education at a glance 2012: OECD indicators*, OECD Publishing.

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Parker, A. Department of Education, Division of Special Education. (2000). *Special education local plan area (selpa) and state-operated programs*. Retrieved from

California Department of Education website:

<http://www.cde.ca.gov/sp/cs/lr/spedmemo4csmay00.asp>

The California Department of Education released a memo in 2000, which clarified the provision of special education services in charter schools in California, as having the same legal mandates as identified by IDEA/Title II. The memo also

articulated that services and funding would be allocated similarly to both charter and traditional public schools. Additionally, charters were given autonomy under the state statute to participate in the shared public special education programming or to opt out depending on their needs. This memo provides more insight into the policymaking implications that occurred at both the state and federal levels to inform the current approach to special education from a legal framework.

Utilizing this source will provide some insight to the state practices of special education in charter schools and the funding, accountability, and regulatory measures that specifically deal with individuals with exceptionalities as recognized by law.

Peterson, P. E., & Llaudet, E. (2006). *On the public-private school achievement debate*.

John F. Kennedy School of Government, Harvard University.

Using the US Department of Education's National Center for Education Statistics (NCES), a comparison is made between public and private schools, for middle schools students in 4<sup>th</sup>-8<sup>th</sup> grade. The achievement debate found in this research that gains were better found in reading than in math. Applying this study to charter schools, the argument is furthered through a discussion of what conditions might make public schools more competitive. While the study is more applicable to the traditional private school versus public school, the conclusions provide insight on the structural conditions that have allowed statistically significant gains to emerge for both policy and educational researchers.

Popkewitz, T. S. (1999). A social epistemology of educational research. *Critical theories in education: Changing terrains of knowledge and politics*, 17-44.

Understanding that there has been a marketed shift in the way modernity has responded to the changing educational climate forms the basis to Popkewitz's work on the changing mode of knowledge production in education and the social sciences. This work is particularly focused on the methods by which human agents develop through the inclusion of social histories into new methods of engaging history. Additionally, as school sites are in a tension to create economically viable citizenry the story of education is replaying itself in contemporary policy making. Popkewitz's does an excellent job in challenging notion of disciplinary knowledge production and attempts to find intersections on how to empower citizenry in a liberal democracy. This work should be read by democracy scholars and educational researchers interested in problematizing the genealogy of education reform and its concurrent effects on school systems.

Raymond, M., Fletcher, S., & Lague, J. Teach for america: an evaluation of teacher differences and student outcomes. (2001). *CREDO*, Retrieved from <http://ebookbrowse.com/raymond-fletcher-and-luque-2001-teach-for-america-pdf-d195800023>.

Teach for America is a national teacher corps that trains teachers to server underserved communities across the country. Human capital centric programs

have been found to have a statistically significant impact of student achievement as evidenced by test score results comparisons in Teach for America districts.

The article deals primarily with a statistical analysis of student achievement. One issue that provides merit to the conversation is the metrics used to gauge impact on underserved communities are also comparative to the number of special needs populations and students living in poverty. This comparison provides an important intersection for further analysis. This study informs policymakers and educational reform critics about alternative certification programs and their possible influence on charter schools.

Rollock, N. (2012). The invisibility of race: Intersectional reflections on the liminal space of alterity. *Race Ethnicity and Education*, 15(1), 65-84.

Rollock examines the notion of Billings-Donnor's (2008) presentation of liminal alterity, arguing that it is important to understand the context off undergirds the power and level of perspective advantage possible from marginalized spaces.

This article makes very specific applications to the way the black middle class can experience both advantage and disadvantage depending on the situation. The idea that this space can be recapitulated as a site of empowerment comes from the notion that experience and identity may be constructed in the margins, yet there is inherent value to this positioning. The article provides an important tie to work on agency theory, as understanding how to use perspective to empower action is a key element discussed in this work. Using personal narratives and an examination of gender, class, and race this work provides an important link for

critical race theorists to apply their perspectives to the modern educational system.

Rothstein, R., Jacobsen, R., & Wilder, T. (2008). *Grading education, getting accountability right*. (1st ed. ed.). New York: Teachers College Press.

The No Child Left Behind Act is used as a focal point to discuss the history of evaluation metrics in American public schools. The central argument is not that NCLB can be fixed, but that the current system of accountability via local school boards is an ineffective and poor method to gauge educational progress. The authors argue that instead, there needs to be more democratic accountability beyond a narrow focus on math and reading—which are incongruent with how Americans view education and the acquisition of knowledge. Setting obtainable goals through policy making is also a primary focus of the work, especially as we embark on educational reform yet again. This dialogue is important within the larger discussion of accountability. This book provides a strong basis to policy recommendations of reform in a democracy.

Rust, T., & Metts, R (2006).. Poverty and disability: Trapped in a web of causation.

Rust and Metts further that inclusion programs can act as a catalyst that changes the entire socio-economic system of disability. Policy responses that articulate the necessity of inclusions serves as the springboard for sweeping changes in the way that society looks at disability. The connections between poverty and disability suggest social factors like prejudice and discrimination are more significant in the fight against poverty and disability than so called economic factors. The evidence from their research methodology (qualitative survey) and the structure of the aggregate system model suggest that exclusion is the main link between impairment and disability, and between disability and poverty. Rust and Metts provide a strong problematization of the pedagogy of delivery models and the resultant effects on poverty and exceptionality. Framing these two issues for policymakers and educational analysts is an important consideration when problematizing exceptional populations within charter schools and is invariably linked to such research.

Samuels, E. (2002). Critical divides: Judith butler's body theory and the question of disability. *NWSA: Feminist Studies Journal*, 14(3), 58-76.

Samuels suggests educators need to be mindful of these identities which we attach to politics – particularly as charter schools highly politicized process; because inadvertently we could be excluding and creating an 'other'. This process

culminates with political decisions continuing to categorize the *other or disabled* into risk groups where identity merely comes from government mandates and policy labeling. Framing the political sphere in these terms locks us into a cycle of role-playing where we forget what it would even mean to create change. Samuels further suggests negotiating conflicting ideological perspectives and ‘disability itself ‘is performative’ in the sense that it constitutes as in effect, the very subject that it appears to express. This conclusion has a strong correlation the application of exceptionalism emergence of agency within political spaces.

Scahill, J. (2011 June 12). The CIA's Secret Sites in Somalia. The Nation.

Retrieved from [www.thenation.com/article/161936/cias-secret-sites-somalia](http://www.thenation.com/article/161936/cias-secret-sites-somalia).

Scahill details the United States use of CIA secret ‘black sites’. These locations around the world have been used to torture individuals to get vital national security information. Breaking down the story on the US involvement in outsourcing torture provides an exemplar of policies to subvert rights. This article provides an exemplar of what can happen when the state of emergency and the sovereign power suspend rights. Written for the traditional citizen, this article gives context to policies that occur during times of crisis.

Schwenkenberg, J., & VanderHoff, J. (n.d.). Why do charter schools fail? - An analysis of charter school survival in new jersey. (2013). New Brunswick: *Rutgers University Working Papers*.

Charter schools are examined in terms of the factors contributing to the probability of school failure. This study examines the opportunity cost of higher expenditures versus the comparison of success rates for underserved populations. Considering everything from classroom sizes, total enrollment, to services offered for individuals with exceptionalities, the study examines how failure manifests itself in the charter environment. Juxtaposed against an educational climate that values test scores, school culture is dissected from a policy level. This working paper is an excellent exposition for educational researchers and policymakers into the nature of charter failure and the responses enacted by government to remedy these solutions, such as revamping leadership training and parental engagement.

Sears, J. T. (2002). The institutional climate for lesbian, gay and bisexual education faculty: What is the pivotal frame of reference? *Journal of Homosexuality*, 43(1), 11-37.

In an examination of the current best practices literature for specialized minority groups with disabilities, reveals the legal context for protection under the 14<sup>th</sup> amendment. Sears in his article notes, the rights of students with disabilities are

clearly outlined in such laws as the Individuals with Disabilities Act of 1975 and Section 504. The provision of these protections has been interpreted to extend to individuals with alternate sexual identity and orientation. The argument in this article has similar applicability for the labeling of any individual with exceptionalities, when analyzing the curricular responses that educational institutions use to help that person negotiate their identity. The relative weakness of the article is the direct correlation to the charter movement, as there are only implicit references to “deregulation” in this overall analysis. The normalization process of these individuals into the larger population provides excellent ground on how to treat out-groups and how we as educators respond to these situations. This article provides great context of gender studies and identity researchers exploring the expression of sexuality in schools.

Shapiro, M. J. (1997). *Violent cartographies: Mapping cultures of war*. Minneapolis: University of Minnesota Press.

Shapiro discusses the dissolution of the nation state through globalization mechanisms. He discusses the use of borders as a political tool to separate and categorize groups of people via borders. Starting from the point of globalization, Shapiro examines the way borders have been used to justify governmental violence and the waging of wars on the behalf of ideological struggles. These discussions serve as the basis for the criticism of globalization and how competitiveness rhetoric frames questions of survivability. This book is an excellent international political discussion about security politics, but is not

specifically germane to educational discussion, albeit abstractly applied through cultural mapping.

Smith, K. B.(2003). The Commonwealth, the market, and America's school. *Journal of Ideology and Education*, 18-45 Albany: State University of New York Press.

The central thesis of Smith's argument is a question on whether market based educational reforms, such as the charter movement, are more likely to produce positive, utilitarian change. Higher levels of human capital and the equitable distribution of social and economic opportunity, or cultural change are discussed in the face of an indoctrination system that the coming generation with the basic outlooks and values of the political order are pushing in these varied settings. The value of these chapters in Smith's analysis is the direct correlation to the influence of the market as a factor contributing to the states of exception that have fragmented the charter system. Many of these reforms are positive in terms of pushing change and addressing the issues of equitable and disparate segmentation of social and economic opportunity.

Stiglitz, J. (2006), *Making Globalization Work*, J.E., W.W. Norton & Company.

Economist Stiglitz argues that current methods of globalization are in dire need of reassessment and reform. He contends that in a world of limited resources we need to dramatically reconceptualize how we approach other nations. This work is

included primarily because of the globalization critique it exposes, but has limited application to the United State's educational system, beyond the globalization of the United States' school system.

United States Government Accountability Office -GAO, (2012). *Additional federal attention needed to help protect access for students with disabilities* (GAO-12-543). Retrieved from website: <http://www.gao.gov/assets/600/591435.pdf>.

The Government Accountability Office conducted this study because the proliferation of charter schools across the country has increased significantly over the past decade. With the increase in charter schools receiving public funding, the question has risen on whether appropriate criticism can be leveraged against charter schools and their treatment of populations with exceptional needs. The study found that the national enrollment numbers of students with exceptionalities between charter schools and traditional public schools was about a difference of three percent. The differences in these percentages was examined from multiple perspectives including factors that may or not make charter school conducive to populations with exceptional needs, such as the delivery of services. Additionally, the report found that several charter school networks openly expressed difficulty serving exceptional populations due to lack of resources and limited space. This report is best suited for educational researches and policymakers interested in how to design appropriate measures to ensure students with exceptionalities are being served in the United States school system.

Ware, L. (2002). A Moral Conversation on disability: Risking the personal in educational Contexts. *Hypatia*, 17(3), 143-172.

Ware interprets the prevailing dialogue between proponents and opponents of “full inclusion” as a broader manifestation of bureaucratic institutions’ framing of “disabilities” using a biomedical superstructure. Understanding the counter-narratives to the disability master narrative, reveals an academic response to the tropes of disability that exist in current film, print, and online media depictions of special education. Ware presents a strong article about the moral implications surrounding a discussion of disability that is an important access point into a larger discussion of ethics. This article is best for audiences desiring to study the philosophical implication of discussion of disability.

Zimmer, R., Buddin, R., Chau, D., Gill, B., Guriano, C., Hamilton, L., Crop, K., & McCaffrey, D. California Legislative Analyst's Office, (2003). *Charter school operations and performance*. 162-172. Santa Monica, CA: RAND.

The RAND Corporation conducted a study on charter school operation and performance in 2003 that analyzed a number of questions including: what populations of students attend charter schools, and what oversight and support do the chartering authorities provide? RAND found strong evidence that charter and matched conventional public schools relied on different service delivery modes for special education. Charter schools mainstreamed far larger percentages of

their special needs' students, whereas the matched conventional public schools served the majority of their special needs students through pullout programs. Differences in service delivery patterns also emerged within the group of charter schools, with start-up schools mainstreaming larger percentages of their special needs students and conversion schools placing larger percentages of their special needs students in separate classrooms. The differences in services delivery considerations are important signifiers of how policy priority affects individual populations and provides a solid framework for policy makers and researchers to understand the operations of charter schools across individual states.

Zimmer, R. W. (2009). *Charter schools in eight states: Effects on achievement, attainment, integration, and competition*. Santa Monica, CA: RAND.

This study is an important examination of student achievement over six years in a comparison to traditional public schools. Researchers also found that creaming of the best students were not consistent in data, and that traditional schools were not left with lower-achieving students. The researchers in this study also found that the reserve resource drain to public school districts was not statistically significant. Additionally, the study found that students attending these charter schools were more likely to attend college than comparable traditional public schools peers. This study is less specific to special education populations but provides context to the growing body of evidence on achievement that frames the characterization of charter schools as a solution to the status quo. Educational

researchers, historical, and political analysts will find this article beneficial in their assessment of charter school achievement and competition.