



#FreeGrace and the Racialized Surveillance State of COVID-19 Learning

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ABSTRACT

On July 14th, 2020, ProPublica published “A Teenager Didn’t Do Her Online Schoolwork. So a Judge Sent Her to Juvenile Detention”, a story about “Grace”, a fifteen-year-old who was sent to a detention center for remote learning infractions. While the larger story involves injustices of the legal system often experienced by minoritized students, there is also a smaller indictment. The surveillance technologies embedded in educational technology tools that allowed learning to continue during the onslaught of COVID-19 can have disproportionately negative effects for minoritized students. Using Grace’s story, I examine the connection between surveillance and racial capitalism in relation to remote learning during the COVID-19 pandemic. Additionally, implications of the converged state of pandemic learning and possible solutions are discussed.

Keywords: COVID-19, racial capitalism, remote learning, surveillance capitalism

INTRODUCTION

On July 14th, 2020, the website ProPublica published “A Teenager Didn’t Do Her Online Schoolwork. So a Judge Sent Her to Juvenile Detention”, a story about “Grace”, a fifteen-year-old who was sent to a detention center for violating the terms of her probation. As described in the article, Grace was raised by a single mother, Charisse, and their relationship

became contentious when Grace entered her preteen years. According to ProPublica “Charisse turned to the police for help several times when Grace yelled at or pushed her. She said she didn’t know about other social services to call instead” (Cohen, 2020a, para. 21). Grace participated in a court diversion program but was later involved in another altercation with her mother that resulted in an assault charge and then was charged with larceny for a school theft caught on surveillance cameras (Cohen, 2020a, para. 25). In May 2020 at the height of school shifts to remote learning due to COVID-19, Grace was sent to a detention center for violating the terms of probation. Due to the charges, she failed to complete her online coursework (Cohen, 2020a, para. 3). There are several factors that confounded experts and advocates about Grace’s case including the seeming disregard of evidence pointing to widespread student absenteeism (Goldstein et al., 2020); a disregard for “recommendations from the legal and education communities that have urged leniency and a prioritization of children’s health and safety amid the crisis” (Cohen, 2020a, para. 5); a disregard of Grace’s Attention Deficit Hyperactive Disorder (ADHD) diagnosis and the impact of suddenly switching to remote learning and finally a disregard that Grace’s residence was “in a predominantly white community and in a county where a disproportionate percentage of Black youth are involved with the juvenile justice system” (Cohen, 2020a, para. 5). Grace was found “guilty of failure to submit to any schoolwork and getting up for school” and was called “a threat to (the) community” (Cohen, 2020a, para. 10) due to her previous charges.

Grace’s story is a cautionary tale of the convergence of racial and surveillance capitalism in a neoliberal education, ushered in by the response to a global pandemic. Schools serve as sites of capitalist reproduction and are beholden to neoliberal market logics. In the same way marketing depends on personas to tailor user experiences, learning analytics in digital classrooms work to create student profiles under the guise of creating more robust user experiences. The pandemic provided the perfect opportunity for the convergence of racial and surveillance capitalism in a neoliberal education state. The surveillance technologies embedded in most remote and online tools that allowed learning to continue during the onslaught of the novel coronavirus (COVID-19) can have disproportionately negative effects for minoritized students. Using Grace’s story, I will examine the problematic connection between surveillance and racial capitalism as it relates to the COVID-19 pandemic remote learning. Then, I will discuss the implications of the converged state of pandemic learning and possible solutions.

LITERATURE REVIEW

The School-to-Prison Pipeline and Criminalization of Young, Black Girls

Grace's story fits into a larger narrative of the complex relationship between school discipline and the juvenile justice system. According to Skiba, Arredondo, & Williams (2014):

The school-to-prison pipeline (STPP) is a construct used to describe policies and practices, especially with respect to school discipline, in the public schools and juvenile justice system that decrease the probability of school success for children and youth, and increase the probability of negative life outcomes, particularly through involvement in the juvenile justice system. (p. 546)

An integral piece to the school-to-prison pipeline is this idea of "criminalization of school discipline" (Brent, 2016; Hirschfield 2008; Hirschfield & Celinska, 2011) which involves, as Brown et al. (2020) describes, "adopted approaches, such as security measures and punitive sanctions, that reflected an emphasis on punishment rather than education" (p. 406). Research has shown that students of color are disproportionately affected by school disciplinary actions (Leiber, 2002; Annamma et al., 2014; Archer, 2009; Dutil, 2020). Similar to Grace's experience, minoritized students who are involved in the school-to-prison pipeline find it difficult to exit. They rather they continue a cycle of school punishment and juvenile delinquency (Mendoza et al., 2020), which reinforces the criminalization of students of color.

In Teen Vogue, Pressley, the study by Annamma, and Thompson (2020) cites data from the Department of Education on how Black girls are more likely to be suspended from school and arrested than their white counterparts, specifically stating that "Grace's story is part of a larger pattern of criminalizing Black girls for minor misbehavior at school" (para.1). Epstein and Vafa (2020) highlight "at least three patterns of discriminatory treatment that were in play in Grace's case" (para. 9): "First, girls are often classified as aggressors—even when they're defending themselves or responding to family chaos" (para. 10); "Second, judges typically fail to consider the trauma at the root of many girls' behavior" (para. 11); and "Third, judges often justify detention of girls 'for their own protection'" (para. 12). This phenomenon has been broadly attributed to how Black girls are socially constructed, normed to whiteness and the effect of intersecting raced and gendered identities (Annamma, 2015; Blake et al., 2010; DeBlase, 2003; Ladson-Billings, 1998) which oftentimes leads to "excessive surveillance and punishment" (Annamma et al., 2016, p. 5). While Grace's larger story involves the school to prison pipeline often experienced by minoritized

students and the injustices of the legal system as it relates particularly to Black female students, there is also a smaller indictment.

Racial Capitalism

In discussing the judge's decision to detain Grace, U.S. Representative Brenda Lawrence was quoted saying that she “wanted to ensure this case is not a glaring reminder of the disproportionate realities faced by minorities in the criminal justice system” (Cohen, 2020b, para. 18). In “Virtual suspensions. Mask rules. More trauma. Why some worry a student discipline crisis is on the horizon”, Belsha (2020) discusses the growing concern over student disciplinary policies related to pandemic remote learning and more specifically the racialized impact. Belsha (2020) states, the increased attention to student misbehavior has advocates and many parents very worried that students who were disproportionately removed from classrooms before the pandemic — namely Black and Native students, and students with disabilities — will bear the brunt of these new consequences, undermining schools’ promises to provide students from hard-hit communities with extra social and emotional support. (para. 4)

These concerns highlight the racial impact of COVID-19 learning plans and bring attention to the disparate impacts of crisis, education and racial capitalism. Gilmore (2017) states that “Capitalism requires inequality and racism enshrines it” (p. 240), a statement supported by extensive research regarding racial capitalism (Hartman, 2016; Hudson, 2017; Johnson 2013; Kelley 2015; Robinson, 2000 [1983]). Leong (2013) provides a useful summation of racial capitalism stating, “racial *capitalism* — the process of deriving social and economic value from the racial identity of another — occurs when racial capital is exchanged in the market” (p. 2190). Racial capitalism uses race to create value in economic systems. Pirtle (2020), in her discussion of racial capitalism as a “fundamental cause of pandemic inequities” (p. 504), suggests racial capitalism “influences”, “increases”, “restricts” and “shapes” health responses to COVID- 19 (p. 505, 506). Racial capitalism also influences, increases, restricts and shapes educational responses to COVID-19. The valuing of racial identity that is at work in racial capitalism is first recognized through social capital and then actualized in economic value. If the goal of a neoliberal capitalist education system is to create valuable future laborers, then all tools to create and reinforce value are utilized. These can be physical tools such as technology but also social tools such as stereotypes and reified racial norms. Race is a commodity as much as it constructs value. The more value is assigned to a racial identity, the more

measures are deployed to protect that value and ensure the best possible educational experience. Conversely, those students who have been assigned a lower value are controlled and surveilled not to disrupt the others.

Surveillance Capitalism

In discussing Grace's case, Michigan lawmakers stated, "While Grace has faced many personal challenges in her young life, it was her lack of completion in online coursework that the judge cited as the definitive reason for sentencing Grace to juvenile detention" (Cohen, 2020d, para. 9). After the initial pandemic onslaught, a rapid shift to remote learning was necessary in order to ensure that the United States student population by and large continue learning with the least amount of disruption possible. In doing so, school systems relied heavily on technology to facilitate this transition, bringing to the forefront not only issues of digital access but also issues of surveillance, monitoring, and control. Surveillance capitalism, a phrase recently popularized by Zuboff (2015, 2019) describes surveilling, controlling and capitalizing on individual data for profit. As Barassi (2020) notes, "every little detail of everyday life is captured, archived and turned into a data point. One of the big changes brought by surveillance capitalism is the introduction of the cultural belief that data offer us a deeper form of knowledge" (p. 1549). Surveillance capitalism offers the same social reward of racial capitalism in that it has the ability to assign value that can then be transformed into economic capital. The data that is captured through surveillance works to construct a value persona that is then utilized for economic gain. Zuboff (2019) further elucidates:

Now in the first decades of the twenty-first century the distinct social, political, and economic interests of "users" have yet to be carefully distinguished from the de facto conditions of experiential dispossession, datafication, control, and commodification introduced by surveillance capitalism, reified in its behavioral futures markets, and enforced by its unique and ever-widening instrumentarian power. Unless this latency is evoked into new forms of collective action, the trajectory of the digital future will be left to the new hegemon: surveillance capitalism and its unprecedented asymmetries of knowledge and power. (p.25)

Hegemonic forces are not neutralized under a surveillance capitalistic regime, rather the power differentials are increased further stratifying "those who 'watch' and those who are being watched" (Sangiovanni, 2019, p.214). Further, Foucauldian notions of panopticism, micromanagement and

surveillance to train the body work to maintain and produce value that can then be used as capital (Lewis, 2006). Fuchs (2013), further explains:

Surveillance has become a ubiquitous phenomenon. Capitalist society is based on the instrumental and competitive logic of accumulation that stratifies society and, as a result, creates economic, political, cultural, social and ecological problems. Surveillance is connected to these ongoing stratification processes. It is the collection of data on individuals or groups to control and discipline their behavior. (p. 684)

The emphasis in this quote brings us to a series of questions regarding these surveillance technologies and their deployment in schools. First, how does the pandemic shift to remote learning shape educational technology deployment? Second, what disparate impacts are occurring as these surveillance tools work to create value profiles based on both digital data and informed by racial norms? And finally, as Lewis (2006) asks us to consider, “How do surveillance technologies act as instruments of disciplinary power, and how do the resulting social relations replicate and challenge norms and behaviors beneficent to sustaining capitalism?” (p.267). Teräs, Suoranta, Teräs and Curcher (2020) suggest: “An urgent task in the COVID-19 pandemic is to actively engage people, networks, projects, research, and public discussions to promote critically and reflectively informed praxis” (p.874), which means deconstructing the convergence of racial and surveillance capitalism.

THE CONVERGENCE OF RACIAL AND SURVEILLANCE CAPITALISM IN COVID-19 LEARNING

In Grace’s case, two key points were instrumental in her punishment: 1) she was found “guilty on failure to submit to any schoolwork and getting up for school” and 2) she was called a “threat to (the) community” (Cohen, 2020b, para. 23). Those indictments point to the convergence of racial and surveillance capitalism due to the COVID-19 learning environments. In an April 2020 New York Times article reporting on pandemic learning and chronic absenteeism, the authors stated, “with the vast majority of the nation’s school buildings closed and lessons being conducted remotely, more students than ever are missing class — not logging on, not checking in or not completing assignments” (Goldstein et al., 2020, para.1). To address this issue, school districts escalated their existing policies to control for truant behaviors. Oftentimes, this includes using technology tools as tracking devices to ensure compliance. This highlights the frustration that researchers have expressed with educational technology processes failing to deliver (Cuban et al. 2001; Selwyn 2010; Teräs et al., 2020). The conclusion is often

made that more technology and by default more data is needed. In a surveillance capitalist framework, where does educational technology fit into? Widespread and mandatory deployment of educational technology works to scale personalized conditioning technologies of behavior. By using surveillance mechanisms embedded in learning analytics to create profiles, educational technologies reinforce racial capitalism and assign value to learners through data. These profiles are then used to adjudicate school disciplinary proceedings as well as to either monitor student progress towards becoming a more valuable laborer in a neoliberal marketplace. Or they can be used to mitigate the influence of those students whom the data deems less valuable through enforcing policies that remove the student from the learning environment. This phenomenon is larger than just the convergence of race and surveillance in a capitalist society. The crossroads where racial and surveillance capitalism meet is a site of reinscription of racial stereotypes, and norms through tracked data to assign value. Reidenberg and Schaub (2018) state:

While certain learning analytics applications, such as learner-oriented dashboards, may primarily aid self-assessment or provide personalized recommendations, others depend on the creation of information profiles or stereotypes from student data and on matching students to those profiles, for example, to enable early warnings about at-risk students. These stereotypes are inherently predictive and are not necessarily descriptive of the particular students who will be affected by the profile. (p. 270)

What is most egregious in this scenario is that in global pandemic moments such as COVID-19, digital and technological agency is stripped from students and their only path to continued learning is through the doors of racial and surveillance capitalism via educational technology. Reporting on pandemic learning, Fox (2020) cited experts' warnings: "Racial and economic inequities have long existed in America's school systems, and it's about to get worse." (Fox, 2020, para.1). She also cited a June 2020 report from McKinsey and Company that details not only the significant potential learning loss for Black students if remote instruction continues into 2021, but also potential earning power losses across racial categories. The report highlighted that Black students are forecasted to have an earning reduction almost double their counterparts (Fox, 2020, para.12). This analysis of future economic impact supports the notion that the dual pandemics of COVID-19 and racism work to devalue minoritized students. Unfortunately, once devaluation has occurred, the same technologies that promised freedom through education, become a carceral state and "culture of surveillance-spectacle" (Kress, 2011,

p.17). In summary, the consequences of being devalued in a converged racial and surveillance capitalistic state are longstanding.

While not the focus of this article, it is important to mention the effect that disability has on minoritized students who are caught in the trap of a racial and surveillance capitalist system. In Grace's case, it was noted that her diagnosed ADHD caused a lack of motivation to participate in her remote schooling during the pandemic. Further, her normal resources that were available in physical school settings were discontinued in the pandemic learning environment. However, because of her prior criminal activities and the logics of racial and surveillance capitalism, her value profile was lowered, which paved the way for her re-entry into the school-to-prison pipeline via a juvenile delinquent center. Pressley et al. (2020) reiterate this idea stating "This is a systemic issue. Anti-Blackness and white supremacy are dependent on ableism and suggest that the behavior and thinking of Black disabled girls are so damaged that they can only be fixed by physical coercion or jail" (para. 8). The social tools of racial capitalism and the technological tools of surveillance capitalism against the backdrop of decreased resources because of a global pandemic seem to work almost perfectly to construct a perpetual pipeline of devaluation which is almost impossible to escape from. In light of this, how can underrepresented and vulnerable student populations withstand Big Data's algorithmic profiling and racism's disposability?

FREEING GRACE

It seems fitting to conclude this paper with a conclusion of Grace's story and use it as a way to elucidate possible ways to combat the negative effects of converged racial and surveillance capitalism in the midst of COVID-19. Once the ProPublica article was published, it brought intense media attention and support for Grace's case. ProPublica published another article the following day discussing the widespread call to #FREEGRACE (Cohen, 2020b). A third article was subsequently published with the headline "The Michigan Supreme Court is reviewing the case of a teenager incarcerated after not doing online schoolwork during the pandemic" (Cohen & Khan, 2020). The visibility of Grace's story sets forth a rallying cry seeking justice not just for Grace, but for others who were and could be imprisoned by the pandemic-convergence of racial and surveillance capitalism. Even though experts, advocates and research pointed to the injustices of Grace's situation, on July 20th 2020, ProPublica published yet another follow-up story: "Judge won't free Michigan teenager sent to juvenile detention after not doing online schoolwork" (Cohen, 2020c). The presiding Judge, Mary Ellen Brennan, is quoted, stating "I think you are exactly where you are

supposed to be” You are blooming there, but there is more work to be done” (Cohen, 2020c, para. 2). This ruling prompted a fifth ProPublica story: “Prosecutors say they support releasing girl who was detained for not doing her schoolwork”, discussing the prosecutor’s statement in support of Grace’s release, as well as the plea to the Department of Education and Department of Justice by lawmakers on Grace’s behalf (Cohen, 2020d). Finally, On July 31st 2020, ProPublica published “Grace, Black teen jailed for not doing her online coursework, is released”, which stated that, after spending 78 days in a juvenile facility, Grace was allowed to return home (Cohen, 2020e). ProPublica wrapped its reporting on this story with an article, “Case closed: Michigan judge removes Grace, Black teen jailed for not doing online schoolwork, from probation”, published on August 11th 2020 (Cohen, 2020f), thus, signaling the end of Grace’s juvenile detention journey, but the beginning of moving forward. ProPublica provided an update to readers on October 31st 2020, “Out of jail and back in school, Grace finds her voice” (Cohen, 2020g) she not only survived her experience, but is thriving academically and socially, showcasing how with community support from her teachers, counselors, lawmakers and community.

Grace’s story highlights the importance of “a whole child approach to education” (Gaícra & Weiss, 2020) which is the ultimate consideration that freed Grace. Grace’s teachers and counselors urged the court to consider “the full range of skills that matter for and define a child’s development and education” (Gaícra & Weiss, 2020, p. 30). Grace’s freedom was also in part due to lawmakers’ willingness to “acknowledge and address the impacts of poverty and of racial and economic segregation on students’ capacity to learn and on teachers’ abilities to do their jobs” (Gaícra and Weiss, 2020, p. 30). Gaícra and Weiss (2020) suggest “School systems and their community partners must also establish a flexible set of strategies to offer wraparound supports—such as health clinics, community gardens, and parenting classes” (p. 30). Finally, the hashtag #FREEGRACE on social media, which galvanized a national response, showed the power of digital collective action in rallying the educators, lawmakers, and the community on Grace’s behalf.

FUTURE IMPLICATIONS

In discussing zero-tolerance policies and school social control tactics, Sellers and Arrigo (2018) suggest that “a primary outcome of neoliberal economic policies is the removal of social safety nets and the adoption of more conservative and punitive responses to social ills” (p. 61). O’Connor (2010) questions how neoliberalism can function as “ideology, policy and a form of governance” (p. 692) and the U.S school system provides an answer.

The political ideology that informed increased school disciplinary measures was a reaction to the demand for schools to function as sites of neoliberal capitalist reproduction. Surveillance and control were increased to shape students into valuable participants in the neoliberal economy (Sellers & Arrigo, 2018). Mendoza et al. (2020) note that increased surveillance and control exposed inequity and difference across class divides by categorizing, preparing, and socializing students into their expected role in the postindustrial labor market” (p. 526). COVID-19 then exacerbates these inequalities as a “pandemic-stricken world is especially vulnerable to capitalist market mechanisms” (Teräs et al., 2020, p.6). As the pandemic shuttered schools around the country, school-districts increasingly turned to technological solutions to keep learning in motion. However, research has shown that technology is not neutral (Benjamin, 2019; Nakamura & Chow-White, 2013; Noble, 2018). While the use of technology-mediated instruction can serve as a bridge for the digital divide in efforts to achieve learning continuance, it also can serve as a bridge for students to enter into the neoliberal labor market. However, COVID-19 responses to learning have shown that as more technology is provided to bridge digital divides, more surveillance and control measures are needed to ensure that students are adhering to the attendance, grading, academic honesty standards and policies, with impacts exacerbated across racial and class lines.

Using Grace's story as background, the main focus of the paper involved deconstructing the smaller indictment of how racial and surveillance capitalism converged in the pandemic shift to remote and online instruction and the disparate effects for minoritized and underrepresented populations. In a neoliberal education state, racial capitalism and surveillance capitalism work in tandem to extract, accumulate and stratify value from students in preparation for the postindustrial workforce. More specifically, the surveillance technologies embedded in educational technology work with racial capitalist logics to create profiles that are then used to control and even adjudicate students who are considered to have “no market value and [are] identified as flawed consumers because of their associations with crime and poverty” (Sellers & Arrigo 2018, p. 66). Grace’s story reminds us that we, as educators, leaders, and community members, must actively seek justice for students trapped in the converged racialized surveillance state of the COVID-19 learning. As Annamma (2018) writes, “This expansive notion of justice is built around interdependence; relationships with each other resist neoliberal principles of placing the value of people based on what they produce” (p. 18).

#FREEGRACE was not only a call for justice for Grace but is a call for justice for all underrepresented and vulnerable students.

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