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Skipping Away from Inanity: Towards a Whimsical Queering of Educational Policy

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Skipping Away from Inanity: Towards a Whimsical Queering of Educational Policy

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...it is always a queer time in the United States. (Quinn & Meiners, 2012, p. 1)

A cursory review of the contemporary educational policy literature shows that researchers and policy makers remain deeply concerned with “accountability,” whether this accountability is for students, teachers, principals, and/or superintendents. Failing to meet increasingly stringent “achievement targets” can trigger all manner of nasty penalties: students can be retained (Penfield, 2010), teachers and principals can be dismissed (Cohen-Vogel, 2011; Long & Wong, 2010), and superintendents are threatened with being replaced (Kirp, 2013). These punitive actions are part of a supposed quest to improve the overall accountability of public education to produce high-flying, academically competent students, and hopefully, economically productive future adults. Largely absent from these deliberations and anxiety-driven policy prognostications¹ is any serious discussion of educating children to become happy even joyous citizens who participate in a democratic republic.

Yet there are endless conceptual holes within the accountability movement. First, the knowledge base is typically limited to the tested areas of mathematics, reading, and in some states science – though testing public school students on their knowledge of evolutionary theory is probably a tough political sell in some states. Furthermore, teachers are increasingly evaluated on the basis of student test data – a curious violation of

the traditional norms of assessment: validity and reliability. These student assessments were not designed to evaluate teachers' pedagogical competencies, but, thanks to bludgeoning by the Obama administration in many states, public school teachers are now held accountable in ways that are neither valid nor reliable.² Of course, not all teachers can be evaluated using student test data (and the art and music teachers heave sighs of relief). But given the high-risk nature of testing, non-tested areas are rapidly losing space in the school day. This includes, in many New Jersey urban public elementary schools, the loss of recess. For those who care about the welfare of children and the adults who learn, play and work in our public schools, much of the current policy environment is flatly inane. School policy reforms that intensely focus on measuring students' test performances run counter to much of what we know about child development, healthy work environments for adults, and school reform (Darling-Hammond, 2010; Lipman, 2004; Rogoff, 2003; Wenger, 1998).

We briefly present a much different way of looking at educational politics and policies. By advocating that researchers use different analytic lenses, specifically Queer Theory and Queer Legal Theory, to examine current and proposed educational policies and the politics involved with both, we suggest that accountable educational reform need not be so dehumanizing (soul sucking?) and counter-productive to providing schools with tools they can use to make real educative improvement (Lipman, 2011). In fact, the critical lenses afforded by Queer Theory and Queer Legal Theory provide analysts with important vistas for thinking about educational policy and politics in ways that do justice to the people students are, and to the happy, empathetic citizens we would like them to one day become.

A Very Brief Overview of Queer Theory and Queer Legal Theory

“Queer theory is oppositional.” (Turner, 2000, p. 10)

Arising during the late 1980s and early 1990s by self-identified “queer activists,” Queer Theory, unlike other social science based theories, is firmly rooted in the humanities. Part of this theoretical grounding was due to the long-standing erasure of queer identity in U.S. culture. To be blunt, there were very few data to be found on lesbian, gay, bisexual, and trans people, and so researchers turned to unconventional data sources: literature, diaries, oral histories, arrest records, certification hearings (for queer educators who had their licenses revoked for “homosexuality”), and the like (Graves, 2009). Since queer identity was stigmatized (queers were considered criminals, mentally ill and heretical – Sullivan, 2003), there was and remains little traditional evidence on queer life – including school experiences – prior to the 1960s.

Consequently, as queer theorist J. Jack Halberstam observed, “A queer methodology, in a way, is a scavenger methodology that uses different methods to collect and produce information on subjects who have been deliberately or accidentally excluded from traditional studies of human behavior. The queer methodology attempts to combine methods that are often cast as being at odds with each other, and it refutes the academic compulsion toward disciplinary coherence” (1998, p. 13). Given the historic stigma attached to queer identity, coupled with the supposed cultural need to erase it, Queer Theory and queer theorists take oppositional stances (see Turner, 2000) towards non-queer political culture (that is, straight, white, heterosexist, Protestant, majoritarian America). Queer theorists

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pay particular attention to ongoing issues of stigmatization, identity erasure, and sexual and gender liberation (Sullivan, 2003; Wilchins, 2004).

By the mid-1990s, Queer Theory had found its way into the law review literature. Legal and policy scholars now had new lenses for examining U.S. law, educational policy, social policies including health insurance, marriage, reproductive/bodily integrity, criminal law and licensure, and the like. In particular, the work of Francisco Valdez (1995, 1998) opened the door to a new generation of “critical legal scholars” willing to look at the ways various facets of queer identity were both rewarded and punished through the U.S. legal system (for example, male to female transsexuals are the most likely queer subgroup to suffer random violence for their very identities, including violence inflicted by police officers – see: National Coalition of Anti-Violence Programs, 2013).

Queer Legal Theory also acknowledges that there are multiple ways “to be.” One is not merely queer. Individuals have ethnic, racial, class, and possible religious identities, as well as other critical aspects. All are at play upon the policy and political stage, and, given how dynamic any political culture can be, all are continuously up for grabs (Connell, 2005; Seidman, 2003; Wilchins, 2004). We now turn for a very brief meditation on how educational policy and politics might be reframed using queer theories.

Towards a Whimsical Queering of Educational Policy and Politics

“Don’t be a drag, just be a queen.” Lady Gaga (in Halberstam, 2012, p. 148)

There are three areas that QT and QLT analyses of education are typically concerned with: stigmatization, erasure and liberation (see Johnson & Lugg, 2011). However, for the most part, the vast majority of queer analyses have been primarily concerned with stigmatization and erasure – particularly given the high rates of victimization LGBT students and staff experience in U.S. public schools (for example: Kosciw et al., 2012). That said, we would like to focus our discussion on the third prong of analysis: liberation.

Much of what passes for educational politics and policy in the U.S. tends to focus on punishing the supposedly less-than-desirable-to-aberrant behavior of individuals and schools within the institution of American schooling. To be blunt, this policy focus seems to be rooted in “no, no, bad dog” understandings of reforming toward educational excellence. Policies mandate that students, teachers, principals and superintendents must all meet some predetermined standard of behavior or pay the consequences. The federal *No Child Left Behind Act*, for instance, has oriented state and local authorities toward disciplining students and schools who’s test scores don’t meet adequate yearly progress (AYP). Consequently, discourse about schools (and districts) envisions “good” schools as schools with high test scores and “failing” schools as those with scores below the AYP proscribed by *No Child Left Behind* (see Kirp, 2013). Thus, a school must improve its tests scores “at all costs” to qualify as a “good” school. The result is that many schools develop cultures centered on test performance, where success and failure are seen as individual accomplishments (Lipman, 2004). Under this accountability perspective, individual schools are said to fail because the persons within them (teachers and students) are slacking in some regard. One result is that qualified teachers

leave public schools (for examples, see O’Leary, 2012; Strauss, 2013a; Strauss, 2013b).

Viewing “failing” as an individual accomplishment also absolves historical inequities and oppressive structures, such as no promo homo policies at the state and/or district levels (for an example, see: Texas Penal Code 21.06, 2005), of responsibility for schooling outcomes (Lipman, 2004). Few, if any, of the policy reforms suggested by accountability-driven policies redress structural inequalities regarding race, class, ethnicity, gender, or sexual orientation which all can contribute to students’ and schools’ outcomes (for alternatives, see: Arriola, 1998; Blackburn & Smith, 2011; Brown, 2005; Ladson-Billings, 2011). In short, accountability-centric reforms have baited policy makers with a vocabulary of crisis in American schooling, and then switched liberatory reform measures for policy structures best suited for surveillance and punishment.

Besides having more than a whiff of “beating people into compliance,” standards like these are increasingly focused on controlling what the persons who live and work in schools do during the day once their school(s) are deemed inadequate. The result is that many schools condense their resources into only those areas of school life which policies use to define what constitutes a “good” school and a “failing” school (Kirp, 2013). To take one example, in many urban public school systems, we have seen the death of recess (see Sofield, 2013). Administrators and board members fret that the public school system is failing to meet test-driven standards for students. So, by dint of the ignorance by our policy makers at the federal, state and local levels, *many of our most needy public school students lose the right to skip at school*. Similarly, other non-curricular and curricular areas, especially in the arts and humanities, are reduced to provide even more time on the tested subjects (Crocco &

Costigan, 2007). These reductions further restrict the possible space where queer identity, history and liberation might be explored in public school settings--vital information that all children need, both queer and non-queer (Lugg, 2003). While arguing that children have a right to skip in school might seem absurd to some, we argue that many currently do not (see Kirp, 2013), which is even more absurd. Furthermore, there are state and local policies that are downright pathological when it comes to their consideration of queer public school students. For example, the State of Texas currently maintains a “no promo homo law,” which states:

Course materials and instruction relating to sexual education or sexually transmitted diseases should include: emphasis, provided in a factual manner and from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under Section 21.06, Penal Code. (2005, 163.002)

That the Penal Code is patently unconstitutional when it comes to “homosexual conduct,” and has been since 2003 when the U.S. Supreme Court threw out all laws banning consensual sodomy (via *Lawrence v Texas*), completely escapes mention in this 2005 law. Instead, Texas is mandating that queer identity must only be mentioned as an undesirable identity in public schools. This stigmatizes young queers as unacceptable *and* criminal and silences them if they *dare* to speak up. Additionally, this message frames the erasure and stigmatization of queer students through the mandatory use of scientific language – which carries an air of “truth” for many students. And finally, this message legitimates anti-queer bias held by other students, public school employees, and the general public. Clearly, this is a very easy QT (or QLT) analysis.

But moving to a liberatory analysis, the Texas code regarding public schools should be rewritten to provide state monies to districts that offer a queer-positive public school curriculum--especially in the area of sexuality education. For example, Burdge and colleagues found that public school climates in California are improving vis-a-vis student safety and sense of belonging as queer-inclusive curricula are being implemented (see Burdge, Sinclair, Laub, & Russell, 2012). Like California, the state of Texas should provide money for queer-positive curriculum materials across *all* curricular areas, as well as providing the means to pay for educators' professional development in these areas. This must be a long-standing commitment -- at least for as long as the state of Texas has continued to willfully teach a profound constitutional error (which is eight years at present).

Conclusion: The Power of Whimsy

It is my contention that, unfortunately, the world will not be safe for women in frilly pink dresses – they will not, for example, generally be as respected as either men or women in gray flannel suits – unless and until it is made safe for men in dresses as well. (Case, 1995, p. 7)

The quote from Case, which highlights the intersection between gender and sexuality, also underscores the power that whimsy can provide policy analysts. Much of contemporary educational policy is wildly punitive. In particular, accountability mandates employ threats of “bad dog” to monitor (bully?) all public school students, teachers and principals, and even punish them (Johnson, 2013), although the performance targets are, quite

frankly, inane (Linn, 2003). But given the very real anxieties over punishment, districts and the educators they employ have responded by narrowing the curriculum, focusing educators' efforts on test preparation, and making public schools increasingly joyless and soul-less, much less whimsical, venues where all students can explore, embrace their creativity and even skip (Carini, 2001; see also: Himley & Carini, 2000).

Using a decidedly queer lens, we can now suggest important directions policy reform can take to move away from authoritative controls and towards liberation and social justice. First and foremost, laws, public school codes, and policies deemed unconstitutional should be removed from the books (as with Texas' "no promo homo" Penal Code: 21.06, 2005). Furthermore, the continued efforts to stigmatize queer identity and silence queer people have no rational basis in public school policy, but are typically embraced to uphold religious dogma (see Lugg & Murphy, under revision). These also should be filed in the dustbin of history.

But removing unconstitutional mandates and practices is not the same as promoting liberation (Lugg, 2003). Districts and educators would also be rewarded for developing better curricular materials and pedagogical practices acknowledging and celebrating queer identity and individuals, while educating all students about the contributions queer people have made to the United States. Additionally, a liberatory approach would reward districts/schools that build on these reforms, creating curricular and political spaces for queer-positive social justice practices (Ruitenberg, 2010). Examples of queering for liberation can be found in some New Jersey public schools, where student-led school climate clubs (sometimes called Peace Ambassadors) have teamed up with the schools' gay-straight alliances. Together, students from both of these groups are provided time and

resources to organize queer-positive liberatory movements (such as Safe Zones) with, and for, their peers, teachers and administrators. Safe Zones label school spaces as “safe” from the harassment, intimidation, and bullying which contribute to erasure and stigma of all aspects of identity.³ Social justice work like this sees students explicitly challenging the heteronormativities embedded in how they (and their teachers) live, study, and play in schools on an ongoing basis.

And importantly, using QT and QLT in policy analyses should encourage policy researchers to step back and look for what is missing from or diminished within public school practices – including the arts, humanities, physical education, and of course, recess – while becoming more critical of punitive policy approaches which run counter to best pedagogical and workplace practices. To be blunt, we must empower ourselves to skip away from inane educational policies and instead promote those policies which encourage all children and educators to embrace their creativities, whimsies and joy, within a public school setting.

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Notes

1. Much of the current policy environment is dominated by a sense of crisis: that we must “do something RIGHT NOW” to fix our supposedly failing public schools. Of course, human beings tend to make rather poor decisions if in a crisis. Since this rhetoric has been an on-going theme of educational reform since 1983, one wonders. In particular, the relationship between the health of a given economy and public schools is very tenuous, regardless of popular thinking (see Perkinson, 1995; Tyack & Cuban, 1997).

2. Using assessments in ways the designers never intended for them to be used violates both statistical norms of “validity” (this test measures what it was designed to measure) and reliability (this test consistently measures what it was designed to measure). Consequently, one of the authors views these teacher evaluation policies as an employment bonanza for lawyers, since any tenured public educator who is dismissed based on these assessments will have abundant grounds to sue his/her school district. A similar misapplication of standardized testing measures recently saw pushback from teachers at Garfield High School in Seattle, Washington (Shaw, 2013) – a school U.S. News ranks in the top 10 of Washington State’s schools – as well as other schools in the state. Teachers at Garfield refused to deliver MAP standardized tests to their students citing, in part, the Northwest Evaluation Association’s (the group which markets the MAP test) admission that the MAP is not designed to evaluate teachers (Ravitch, 2013).

3. Although one of the authors find them promising, Safe Zones initiatives are far from immune to erasure and stigma in district-level policy. As recently as the summer of 2013, a School Board in Tennessee ordered the removal of Safe Zone posters from the walls of one of its magnet schools. The Board claimed the posters should be removed as they explicitly mentioned “lesbian, gay, bisexual, and transgender” and are therefore too sexual (taboo?) for school walls (Castelli & Goad, 2013; Geoffrey, 2013; Haggard, 2013) – a policy stance that clearly requires the erasure of queer identity from this district’s school. Such erasure, both 1st Amendment and 14th Amendment violations, should fail legal scrutiny (see Biegel, 2010).