UNSETTLED RELATIONS: SCHOOLS, GAY MARRIAGE, AND EDUCATING FOR SEXUALITY
Cris Mayo

Department of Education Policy, Organization, and Leadership
University of Illinois at Urbana-Champaign

Abstract. In this article, Cris Mayo examines the relationship among anti-LGBTQ policies, gay marriage, and sexuality education. Her concern is that because gay marriage is insufficiently different from heterosexual marriage, adding it as an issue to curriculum or broader culture debate elides rather than addresses sexual difference. In other words, marriage may be an assimilative aspiration that closes down discussions of what sexuality is and can mean, that sidesteps other related social issues such as health care for all, and that reinforces sexuality and gender identity as privatized, not political, concerns. Mayo examines different strands of LGBTQ history that complicate the meanings of sexuality and that critique a variety of antigay or heterosexist policies for their exclusions. She concludes by suggesting that the possibilities of sexuality are not served by advocacy for one gay relationship formation and calling for a sexuality education that is instead directed at sexual diversity.

Introduction

Gay marriage has been voted into law in three states recently — Maine, Maryland, and Washington — and is now legal in California as well. In each state, as in others that have voted in recent years either for constitutional amendments against gay marriage or for expanding marriage rights, ads for anti–gay marriage organizations featured potential changes to public school curricula, hoping to convince voters that schools would be obligated to teach about gay marriage if it became legal. The ads featured the Parker family from Massachusetts who, in a case that wound up in federal court, unsuccessfully argued that when a teacher read aloud to an elementary class from *King and King*, a book about two princes who fall in love, she was indoctrinating children about gay marriage.1

Newspapers in Maine that support same-sex marriage have criticized the ads, claiming that since schools don’t “teach marriage,” changes in state law won’t affect curricula.2 In Washington state, where the elementary curriculum already includes lessons on diverse families, newspaper coverage of the ads points out that the “feared” change has already happened.3 These two different narratives about the relationship between gay marriage laws and public schools demonstrate the complex social context of sexuality in education and also show that marriage can make a difference or can make little difference at all. This essay adds a

1. See *Parker v. Hurley*, 514 F. 3d 87 (1st Cir. 2008); and Linda de Haan and Stern Nijland, *King and King* (Berkeley, California: Tricycle Press, 2002).


third possibility: because gay marriage is insufficiently different from heterosexual marriage, adding it as an issue to curriculum or broader culture debate elides rather than addresses sexual difference. Marriage, in other words, may be an assimilative aspiration, however financially and legally necessary, that closes down discussions of what sexuality is and can mean, that sidesteps other related social issues such as health care for all, and that reinforces sexuality and gender identity as privatized, not political, concerns. The opportunity to educate about sexuality may not be sufficiently expanded when gay marriage becomes part of the lessons. Given legal challenges to anti-gay marriage laws and policies, we need to be attentive to what such legal decisions will mean for sexuality education policy and take care to educate toward a fuller sense of sexual diversity.

Despite the newspaper claim that schools don’t “teach marriage,” schools do “teach” sexuality in ways that are obvious and pervasive as well as subtle and nuanced. Sexuality, especially heterosexuality, is infused throughout lessons, subject areas, extracurricular activities, and general assumptions about school community. The success of gay marriage referenda may mark a turning point in a U.S. context where thirty states currently prohibit gay marriage in their constitutions, and that progress is important for gay families and, to a certain extent, for lesbian, gay, bisexual, transgender, and queer and questioning (LGBTQ) youth. But in a national context so divided and as yet only recognizing minority forms of sexuality when they most closely resemble heterosexual marriage, these are still limited successes and perhaps will do little to change the tradition of narrow and inadequate versions of sexuality education.

Who Are These Gay People and Why Might They Not Want to Get Married?

What gay marriage — either as a wedge that begins change or a change that marks conformity — does to public schooling and sexuality education remains to be seen. In some ways, “gay marriage” and “gay families” continue a conservative tradition of teaching sexuality by converting it to family relations, avoiding the more contentious and controversial aspects of desire, pleasure, sexual difference, and gender identity diversity. By focusing on gay marriage, rather than sexual and gender difference, schools may be aiming students toward what legal scholar Kathy Franke terms “domesticated liberty,” essentially an assimilation to heteronormative practice. In the wake of the Supreme Court’s Lawrence v. Texas decision, Franke cautions that the form of homosexuality described in the majority decision reflects the value of marriage, not an understanding of sexual difference.4

If sexuality education is broadened to include same-sex partnership as a goal for sexuality, it will continue this trend of substituting domesticated sexuality for sexuality as a whole. Such a concentration on sexuality as only legitimized through state-recognized relationships avoids the wider possibilities for critique of gender, sexual, relational, community, and political norms that a more robust sexuality education could engage. On the other hand, because marriage rights signal a shift in normative conceptions of sexuality, it is possible that the inclusion of gay marriage as an issue may provide a justification not only for broadening what is taught in sexuality education but also for widening the scope of representations of sexuality throughout the curriculum. This symposium contains some very reasonable arguments concerning how sexuality education, broadly writ, can be justified and conceived of using key concepts from liberal political, moral, and educational theory. My concern is not so much that these arguments are untenable but rather that they could benefit from a fuller contextualization of sexuality, gender, politics, and school policy. Advocacy for sexuality education, in addition, needs to problematize the conservative past of marriage. Further, to be truly educative, sexuality education needs to represent, as much as it can, the diversity of sexuality and gender, attending as well to what may come next in such formations.

Resources from other fields and deeper contextual study of particular policy settings can usefully augment what we do with philosophy and sexuality, pushing us to see the complexity behind and still within the sexualities that policy sketches briefly. LGBTQ youth, sexuality education, prohibitions on discussing nonnormative sexuality and gender, and gay marriage as a school-based topic are all grounded in complex pasts and presents. Thus, what appears to be a neutral policy or practice in one district may be rooted in longstanding political activity to restrict gay rights. And a change in law that appears only to affect private sexual activity or private marital status may have broader effects on other rights. Whether these changes in policy or law adequately address the diversity of LGBTQ people is yet another matter for debate.

LGBTQ people have come to organize and to demand rights in a variety of different ways, and from each of these different origins flow different responses to gay marriage and to school regulations around LGBTQ issues. There are compelling arguments to be made about the necessity for schools to be nondiscriminatory and to problematize discriminatory practices of other institutions. But the degree to which schools address sexual complexity and difference (if they do so at all) from a heteronormative viewpoint means that curricular and policy responses will tend to limit what sexuality is and can be. To show some of the complex histories of

---

5. In her contribution to this symposium, Dianne Gereluk makes just such an argument, calling for a curriculum that promotes antidiscrimination and equal access to marriage. Yet in defending an “antiperfectionist” framework for sexuality education, Gereluk makes a distinction between public and private morality, and stops short of suggesting that school-based sex education should challenge students’ private moral views about sexuality and difference. See Dianne Gereluk, “The Democratic Imperative to Address Sexual Equality Rights in Schools,” in this issue.
LGBTQ identities and politics, I examine a few different origin stories for LGBTQ identity, community, and activity. By looking at these historically different origin stories, I seek to resituate debates over how or why schools should be involved in both LGBTQ-related education and sexuality education, showing that gay marriage is only one way into these discussions. I then examine how school policies have taken adversarial positions to teaching about sexual orientation and gender identity, whether overt or subtle in their disapproval, and how schools have tried to be supportive of LGBTQ youth. In each of these situations, a different conception of what LGBTQ identity and community means is deployed. And in each, to a certain extent, I think the more associative, historical, and political aspects of sexual orientation and gender identity are missing, much to the detriment of how schools teach the next generations of queer, questioning, ally, and other straight youth.

**Who Are These Gay People and What Might They Want?**

LGBTQ history starts in many different places and follows as many diverse trajectories. One origin story or another may not settle any philosophical argument about sexuality and education, but these various histories do at least complicate the grounds of arguments about sexuality by resituting sexuality within critiques of social institutions, marriage as an institution, and race and gender relations, each of which intentionally challenges discourses of respectability. George Chauncey describes the beginnings of urban gay culture by tracing the spaces where men who identified as or were identified as fairies met with one another in working-class bars at the turn of the twentieth century.6 This early history signals a number of interconnected necessities for the arrival of what may have been gay culture: space, recognition, integration, and separateness. The nascent fairy culture that Chauncey researches shows a social group in formation, reworking not only norms of sexual attraction but also rethinking and reinhabiting gender through practices of gender inversion. Rights for people who are attracted to members of the same sex and rights for broader expression of gender identity were clearly linked in this early community. Fairies not only knew how to recognize one another, they also strategized to find ways of engaging with men who were interested in them. By adopting particular forms of dress and comportment, they marked the space they inhabited as theirs, but they also did so by remaining visible in spaces in which they were a minority.

Their identity, then, was both social and personal: they speculated about their particular attractions, and they could read other medically based speculations about themselves as well as attend meetings about the political and medical aspects of their difference from dominant gender and sexual identities. Fairies were also potentially drawn together by their shared class identities and drawn, too, into relationship with other sex workers (though not all of them were themselves sex workers). Thus, early gay culture had roots not only in a critique

---

of gender and sexual norms but also in a class-based solidarity based on the spaces in which fairies congregated and the relationship between class and sex they experienced. Along the same lines as Emma Goldman’s contemporaneous critique of marriage as an economic relationship characterized by exploitation, fairies, early gay and gender nonconforming communities, and sex worker cultures were themselves critiques of the middle-class propriety and respectability increasingly prominent in the late nineteenth and early twentieth century. Indeed, these communities of sexual dissidents arose at the same time that more public expressions of heterosexuality were also changing city streets and neighborhoods and causing their own disruption of middle-class, white, and nativist convention.

The same tension between a desire for respectability and a sense of critique of gender norms may have characterized the Boston marriages of the first generation of women in higher education at the turn of the twentieth century who formed intense relationships with one another rather than engaged in conventional heterosexual marriages. These relationships combined women’s independence with a reworking of coupledom in the service of that independence from traditional marriage, providing a support system (and also sex) to enable women to pursue careers without traditional heterosexual responsibilities and limitations. But even if such partnerships resembled marriage, they were constructed as alternatives to traditional heterosexual marriage that allowed women to have their own property and to pursue their own interests, as well as allowing them to live in sexual and romantic relationships with other women. In many ways, these women were as much marriage resisters as they were marriage innovators, disinterested in the traditional functions of marriage to preserve property, divide labor in the family, and provide a route to respectable domesticity.

Critiques of respectability were also evident in the black communities that function as another starting point of contemporary LGBTQ culture. The Harlem Renaissance of the 1920s and 1930s was an organized and spatialized time of creativity and consumption, like the nascent culture of fairies or any other minority culture, separation and crossover coexist. Because Harlem during this period was both the center of black creativity and a place for outside spectators, the gay cultures of Harlem were, on the one hand, prominent indications of black diversity and, on the other hand, linked by white audiences to their sense of Harlem as a place where a broad variety of nonnormative activity took place. The central writers of the Harlem Renaissance, including Langston Hughes, Countee Cullen, Alaine Locke, and Bruce Nugent, critiqued and reworked race, gender, and sexuality through artistic innovation, using vocabularies that pushed beyond

---


respectability, however mediated by markets and audiences they might have been.9

Even events that are now becoming recognized in public school history classes, such as the Stonewall Rebellion, can offset the link between gayness and normativity that is effected by new attention to gay marriage. It is hard, for instance, to make a claim about respectability and normativity when describing a riot of gender nonconforming drag queens and other bar patrons who, tired of police harassment, began smashing things. If histories, present experiences, and future possibilities of queerness exceed normative categories, making gay marriage the central feature of how schools “teach” LGBTQ issues misses too many key points.

Against these earlier histories of diverse sexuality and gender community and political organizing, gay marriage pales by comparison, and perhaps for that reason alone — that is, its relative respectability — it is not surprising that schools may sometimes find the topic easier to address than sexuality in general. In her discussion of the “domesticated liberty” created by the Supreme Court decision outlawing sodomy laws in Lawrence v. Texas, Kathy Franke analyzes the losses entailed by shifting gay rights into privatized domesticity. Linking the new relationship between a relatively normative gay couple and the state, she traces an earlier historical shift into normative marriage that entailed a variety of relationship-related sacrifices for freed slaves. When newly freed former slaves won the right to vote, restrictions on other forms of relationship besides marriage quickly followed. Families that had been defined through the complexity of slavery had to be dissolved or their members would face penalties, as would couples who chose not to marry. The respectable form of domesticity was not only narrowly defined, but it was also closely regulated by the state. Franke worries that Lawrence has not so much created a right to sexual freedom as a right to engage in sex with an intimate partner — as Justice Anthony Kennedy’s decision for the majority puts it, sex “can be but one part of a personal bond that is more enduring.”10 This shift from sex to domestic relations, Franke argues, shows that “Lawrence and the ethics from which it evolved do little to open up new forms of public and private sexual intelligibility that are not always already domesticnormative.”11 Not only does this shift toward domesticated sexuality affect LGBTQ relationships, it also affects heterosexual relationships disinterested in state regulation. When Illinois passed its civil union law, for instance, the state withdrew partner benefits from all couples who were not in a civil union or marriage, regardless of their sexual orientation. The reasoning behind this decision, one assumes, was that if people want insurance, they’ll form some kind of state-sanctioned union and that diversity of sexual relationships is not in itself something that needs support.

For all her concern with “domestinormativity,” Franke understands that it is better not to be discriminated against and that decriminalizing sodomy and even legalizing gay marriage are linked to expansion of rights in other areas. Joseph Landau discusses the “ripple effect” of ending antisodomy laws, noting that such laws were rarely enforced directly but were used to limit child custody, as well as to justify discrimination in employment, housing, and access to public schools. When gay marriage became legal in Massachusetts, that state made a renewed effort to teach about the diversity of families. While Massachusetts had actually had school policies prohibiting discrimination against LGBTQ students prior to legalizing gay marriage, those antidiscrimination curricula had been withdrawn shortly after their development because they were deemed too controversial. But having a state law that sanctions same-sex marriage gave new weight to the necessity to be nondiscriminatory in schools, and so the policies were once again established, this time more permanently and effectively. In other words, what state educational policy could not sustain, the ripple effect from marriage equality could.

**What Is Neutrality and What Can It Do?**

Education about sexuality has grappled with how to represent diverse ethical ideas since it was first introduced and in many ways has not made much progress. Arguably, though, school policy has not been so interested in the more complex sexual diversity described earlier. Generally speaking, the policy approach to any contentious issue often rests on an oversimplified representation of the issue. In the specific case of sexuality education policy, what sexuality is or can be is defined by the majority and frequently neglects minority concerns. The question is often how to balance the moral teachings of a particular community with the need for education to provide information that can protect students from unwanted pregnancies, unethical relationships, and sexually transmitted diseases. These issues are too broad for a narrowly defined health curriculum to encompass, so I take sexuality education to mean not only health issues but also how curricula represent relationships, gender, attraction, care, and so on. Because issues around sexuality are still culturally contentious, school policy negotiates — or doesn’t — a very difficult line between helping to prepare young people and hoping not to offend adults. This attempt at balance or even neutrality seems not to work: the divisions between the moral and the scientific, or the needs of youth culture and the desires of adult conservatives, remain even if organizations are keenly interested in trying to find some way to address sexual complexity. Some organizations such as the Sexuality Information and Education Council of the United States (SIECUS) acknowledge the place of ethical and moral issues in sexuality, as well as the necessity for respect for rights, but even these groups emphasize the need for scientifically accurate information and stress the health-related aspects of sexuality. By stressing facts, they advocate 

---

for what they see as the undebatable part of sexuality, leaving the moral and ethical issues for communities to sort out in their own particular ways. Their approach is to teach the basic facts and let diverse communities decide how to combine their values with what those facts entail. Other groups such as Focus on the Family maintain that strict adherence to particular Christian values ought to define sexuality; for these groups, spiritual commitment creates a neutral zone where scientific ideas become grounded in a way of life that renders the potential disruption of passion neutral. Faith, then, becomes a constant touchstone by means of which scientific facts can either be negotiated or rejected.

Clearly, the current context in which some states pass or propose laws that are anything but neutral shows us that schools need to do something to counter the animus-based political decisions ruled unconstitutional in Romer v. Evans. To take one example, Tennessee’s “don’t say gay” bill is an attempt to make school policy pass over the issue of homosexuality in silence. A mistaken reading of this law might be that it keeps homophobic speech out of schools and keeps out any sort of lessons about homosexuality at all, presumably even those that would indicate disapproval of homosexuality. The intention of the bill’s sponsor, Representative John Ragan (who has just won “reformer of the year” from Michelle Rhee’s nonprofit, StudentsFirst), however, is to replace the prohibition of information on homosexuality with something more permanent: silence. This strategy might also be misconstrued as an improvement on prohibition because it could potentially silence the daily expressions of homophobia that it, in fact, means to enshrine in law. That outcome, however, seems unlikely. Other states remain much more overt about their reasons for teaching against gayness. For example, while Lawrence v. Texas has outlawed antisodomy laws that were the stated basis for sexuality curricula in Alabama and Texas, both states still mandate restrictions on curricular discussions of homosexuality. In each of these states, school lessons now must explain that homosexuality is an affront to community values. In that sort of context, the emptiness of Tennessee’s proposed law, at least theoretically, would stop a state institution from teaching a negative lesson on sexuality.

But this is an unrealistically utopian reading of the Tennessee law. Silence may appear to be neutrality or at least a cessation of derogation; however, the prevailing social context in which “not saying gay” happens is one in which the gayness is devalued. So avoiding a topic, despite what some philosophers


14. Romer v. Evans, 517 U.S. 620 [1996]. This decision outlawed prohibitions on nondiscrimination policies that included sexual orientation, finding such prohibitions were based on nothing other than animus.

may argue,\textsuperscript{16} is not neutrality but rather an indication that the topic is inappropriate or should be avoided for some reason other than its developmental appropriateness. The examples I've just given make it clear that purportedly neutral laws, school policies, and classroom practices are not exactly neutral in their effects.

If schools dodge difficult topics and claim to do so because they want to remain neutral, they become unresponsive at the surface level to key issues facing not only their students but also others in the community. Worse still, below the surface, they cede the educational space to interests that are institutionally less concerned with diversity. On a more accurate reading, laws and policies such as the “don’t say gay” bill represent a conscious decision on the part of policymakers and school officials to prevent schools from becoming involved in the fuller life of a diverse community. Further, the public and legislative debate over such nonresponses shows the disapproval of the topic under consideration. The public effect of the political debate makes clear that the prohibition of a topic is not meant to keep schools out of difficult or “unsettled” issues, but rather to mark some topics as so settled that they should not be taught. As David Archard shows, even principled attempts at neutrality will lead to oversimplification of sex education by avoiding the diverse justifications that lurk behind widely agreed upon moral positions.\textsuperscript{17} Archard argues that liberal neutrality — the agreement to respect diverse viewpoints as long as they are based in reason; an understanding that others may have different, equally reasonable viewpoints; and a willingness to compromise with others — does not solve the difficulties of diversity of opinion regarding sexuality and sexual morality. How people justify their various commitments, and whether certain topics and issues are allowed into the conversation or not, have an effect on decisions that are made in school and reverberate through the broader community. By limiting discussions of sexuality to forms of diversity that are recognized by law — that is, “teaching” gay marriage in states in which it is legal — school policy overlooks the sexual diversity in its midst as well as missing some of the more exasperated responses LGBTQ youth have to the topic of gay marriage. Not only are some LGBTQ youth fed up with school “debates” on whether gay marriage should be legal, they are also disinterested in an institution that generates so much hostility on the national level. It hardly seems worth pursuing marriage, at least to some young people who may envision a reaction of family disapproval more than celebration. If one’s


\textsuperscript{17} David Archard, “How Should We Teach Sex?” \textit{Journal of Philosophy of Education} 32, no. 2 [1998]: 437–449.
ultimate commitment or intimate ties are the stuff of so much rancor (not that any wedding is free of stresses), the festivity is somewhat diminished anyway.

**Diverse Sexuality and Civic Ties**

Young LGBTQ marriage resisters are not the only critics of the thin version of sexuality education in schools, of course. As in other areas of sexuality education, where studies indicate that the majority of parents want comprehensive sexuality education but have been largely unable to match the organizing strategies and successes of advocates for abstinence, schools have ceded educational territory to partisan voices while attempting to avoid controversies. Students see both the limitations of sexuality education and the political process that generates those limitations. As Nancy Kendall has argued in the context of sexuality education, schools are not only sites for examining how adults think students should learn about sexuality; school issues are also sites for learning about political responsibilities and processes.\(^{18}\) On the one hand, Kendall is concerned that adults are retreating from youth sexuality and leaving students without adequate information and critical engagement with sexuality education. On the other hand, she is concerned that adults are demonstrating a very limited and narrow sense of what political community is in debates over sexuality education.

As she puts it,

> If we reframe the sex education debate from one of official policies to one of sociopolitical consequences, then rather than [abstinence-only-until-marriage education] and [comprehensive sexuality education] supporters sparring over how to best decrease pregnancy and [sexually transmitted infection] rates through formal programming interventions, we could focus on how students, teachers, parents, schools, and communities interact around these issues.\(^ {19}\)

Kendall suggests that “students and parents learn about themselves as sexual and social beings, about how we as a country make decisions and talk about sex in public institutions, about critical thinking, about broader school and social mores and values, and about appropriate forms of civic engagement with public institutions.”\(^ {20}\) The ability to engage in this kind of deliberation does entail a sort of neutrality that allows one to put personal interest on hold in order to consider other people’s interests and to think critically about the context and purpose of sex education. In this process of democratic deliberation, neutrality provides the conceptual space to represent and acknowledge the diversity of people who share social and political worlds. Neutrality, in this view, is not about disengagement but connection.

Kendall’s research shows that disagreements over sexuality curricula can bring diverse parents into conversation with one another and that in their process of deliberation they begin to recognize and respect diverse interests. Her work also


\(^ {19}\) Ibid., 3.

\(^ {20}\) Ibid., 4.
shows that such local moments of democratic deliberation and compromise are disrupted when nationally funded abstinence groups step in at the state level.\(^{21}\)

**Avoiding Disagreement by Avoiding Difference**

In the Anoka-Hennepin district of suburban Minneapolis, school policy required that teachers maintain neutrality on the topic of homosexuality.\(^{22}\) Purportedly out of concern that teacher authority can be coercive on sensitive topics, the district developed a policy that would require teachers not to respond to questions about sexual orientation or offer their own opinions on LGBTQ issues. The number of suicides committed by LGBTQ students who had been bullied in schools using this policy led parents and students to organize and challenge it. But the key issue for the purposes of this essay is that teachers were positioned as authority figures who ought not to express their own position on the issue. In this example, policy aimed at ensuring teacher neutrality while students could continue to shape the school environment in ways that let at least some opinions on homosexuality circulate freely. According to some parents, including the mothers of two students whose experiences of homophobic harassment contributed to their suicides (two of four suicides related to sexuality or perceived sexuality), the school itself was not neutral; indeed, it became more hostile toward their children.\(^{23}\) The dominant message on LGBTQ issues that came from the students, unchecked by teacher authority, was hostility. Parents and LGBTQ and ally students argued that by making authority figures in schools retreat from contentious issues, students with strong — and mostly negative — opinions filled the gaps.

Part of the difficulty with the policy was the assumption that if teachers were neutral, the school experience would reflect that neutrality. The message to students who see that teachers do not intervene in homophobic harassment may be that such acts are acceptable not only in the school but in the broader community and that no authority figure will provide LGBTQ students and their allies with support. According to the most recent study of school environment by the Gay, Lesbian, and Straight Education Network (GLSEN), 33.8 percent of school personnel did nothing in response to students who reported anti-LGBTQ incidents to them. (Close to a quarter of the faculty or staff confronted the student[s] accused of anti-LGBTQ bullying and harassment, and a fifth of them punished the accused student[s].)\(^{24}\) Not surprisingly, students who attend schools that intervene in anti-LGBTQ harassment and who also have supportive faculty report better attendance

\(^{21}\) Ibid.

\(^{22}\) In 2011, this policy was revised in light of a successful court challenge.


rates and school success. Teachers in the Anoka-Hennepin district themselves recognized the problem with the policy, not only in terms of its intent to keep them neutral, but also because the extent of their imposed neutrality was unclear. This lack of clarity meant that many teachers were overly cautious in taking any action against homophobic bullying, as the following quotations from teachers in the district demonstrate:

What is “neutral”? Teachers are constantly asking, “Do you think I could get in trouble for this? Could I get fired for that?” So a lot of teachers sidestep it. They don’t want to deal with district backlash.25

They’re made to feel ashamed of who they are. They’re bullied. And there’s no one to stand up for them, because teachers are afraid of being fired.26

If you can’t talk about it in any context, which is how teachers interpret district policies, kids internalize that to mean that being gay must be so shameful and wrong…. And that has created a climate of fear and repression and harassment.27

By restricting teachers to neutrality, the policy actually created a hostile environment in the school.

As national media attention became focused on the policy, the board decided to replace it with a policy that would have required teachers to remain neutral not only on issues of sexual orientation, but on all “controversial” issues. Yet the impending lawsuit and eventual settlement squashed that even broader attempt at defining neutrality in terms of teacher disengagement.28

Given the history of the Anoka-Hennepin “neutrality” policy, reinforcing the outsider status of LGBTQ students may have been at least part of the intention. As Andy Birkey recounts, like many such policies, the one in Anoka-Hennepin was situated in a longer history of push and pull between calls for more religiously based teachings and calls for a more secular, diverse curriculum. In 1992, conservative Christians wanting “equal time” moved for district schools to teach that the earth was created in six days. After that controversy, the school board held that district schools would continue to teach evolution but highlighted the need for teachers to “be sensitive to Christian students.”29 The state of Minnesota passed a human rights law in 1993 prohibiting discrimination on the basis of sexual orientation and gender identity, one of the few laws at that time to extend


27. Merrick-Lockett, quoted in Erdely, “One Town’s War on Gay Teens.”


protections to transgender people. In 1995, in an earlier version of the Anoka-Hennepin neutrality policy, the district stipulated that “while respect [must] be maintained toward all people, homosexuality [should] not be taught/addressed as a normal, valid lifestyle and that the district staff and their resources [may] not advocate the homosexual lifestyle.” As Anoka-Hennepin school board member Mark Temke put it, “we are not interested in putting anybody down. But we want to recommend marriage and a healthy lifestyle.” The people who supported the neutrality stance in those earlier policy debates continued to be involved in school issues, founding the Parents Action League (PAL) in 2009. PAL organized to oppose gay-straight alliances and school-based diversity trainings, advocating instead for “ex-gay” therapy in schools. In addition, a related group pushed for the firing of a transgender teacher, and another statewide offshoot of PAL later complained about a poster in one of the high schools that advertised a counseling service for LGBTQ youth.

The longer history of conservative activism in and around the Anoka-Hennepin district shows that the move toward neutrality was meant to put a new spin on prohibition of sexual diversity. The district has since settled a lawsuit brought by students in the district, the Southern Poverty Law Center, and the National Center for Lesbian Rights. In agreeing to the consent decree, the district has replaced its “neutrality” policy with a multi-tiered approach to addressing harassment based on sexual orientation and gender identity. According to the consent decree negotiated between the U.S. Office of Civil Rights, the students, and the district, the district now must take proactive steps to ensure that students’ rights under Title IX and the Fourteenth Amendment, as well as Minnesota’s human rights law, are protected. Moreover, the consent decree specifically prohibits “all harassment, including that based on nonconformity to gender stereotypes and/or gender identity and expression,” as well as any “sex-based or sexual orientation–based” harassment. All school personnel receiving a report of such harassment are required to “investigate, address, and respond” to such reports following all relevant laws and regulations.

My point here is that schools should not become inaccessible to diverse students as a result of policy decisions that intentionally disconnect those students from representation and respect. This point raises a second problem: the question of what becomes represented and respectable. On the one hand, the argument that schools should not try to represent sexual diversity because they do it so badly anyway seems reasonable given the specter of intergenerational communication

30. Anoka-Hennepin district policy, quoted in Birkey, “Anoka-Hennepin Schools’ Long History in the Culture Wars.”
31. Temke, quoted in Birkey, “Anoka-Hennepin Schools’ Long History in the Culture Wars.”
33. Ibid., 9.
about sexual difference. On the other hand, when adults cede their responsibility for facilitating young people’s access to information and associations that are aimed toward their present and futures, what fills the void is too often hostility.

Back to Domestinormativity

In contrast, according to Massachusetts state law, elementary schools should find ways to teach young children respect for LGBTQ people and diverse families. A challenge to this policy was raised by the Parker case, mentioned at the outset of this essay, and the decision in that case parses the tension between a school’s responsibility to be neutral about religion and its duty to protect all students from bias. Because Massachusetts law already allows gay marriage and because that law is supported by a court ruling that determined there is no legitimate state interest in preventing children from being raised in gay or lesbian households, the state of Massachusetts already sees sexual orientation as an issue that in some sense does not matter — that is, the state is neutral with respect to the identity of families. As a result, schools are tasked with encouraging children to develop the value of sexuality-neutrality. David Parker — the parent of a child enrolled in public school in Lexington, Massachusetts — argued that as a result of this policy of teaching respect for sexual minorities, his religion was no longer respected by the school. The United States Court of Appeals for the First Circuit, however, found that the school did not impede his religious practice nor did the lessons taught about respecting gay people challenge his children’s religious beliefs.34 The court’s decision suggested that teachers could and should separate the task of teaching respect from that of advocating for a particular identity. The court found the Massachusetts policy to be neutral on the question of religion and on the question of sexuality, but it affirmed that lessons from teachers are necessary for generating the kind of respect a diverse society requires.

The book the Parkers objected to, King and King, has not received rave reviews; moreover, asking one little children’s book to do as much work as it has been asked to do in this case may be unfair. The plot is simple: the prince’s mother, the queen, wants to retire, and in order for this to happen, the prince must get married.35 He seems to have no choice — a king needs to be married. The book disrupts the usual fairy tale by having the young prince, who has never much liked princesses, fall in love with another young prince. Their love is immediate and their marriage is a necessary and happy occasion. While one might be inclined to argue that the seat of the American Revolution ought not to be celebrating kings — even same-sex interested ones — the narrative at least opens new possibilities for rethinking not only marriage but how such narratives work. Luckily, the young prince immediately finds another young prince who likes him, and luckily, his dislike of princesses doesn’t leave him open to any parental disapproval. It does all work out in the end, since marriage itself isn’t

34. Parker v. Hurley.
35. De Haan and Nijland, King and King.
open for debate (it is a children's book). And even though the book occasioned a challenge to school policy while Massachusetts's gay marriage law was also being challenged, all ended well in both cases. In Massachusetts, then, as in other states, school policy is closely aligned with protections and responsibilities that derive from law. But if sexuality education (in the broadest sense of educating) could provide for possibilities beyond what is currently known or represented, we are left wanting more.

**Educating Toward Sexualities**

In his study of school law and sexual minority students and teachers, Stuart Biegel advocates for the right to be out in schools. He argues for the need to be specific in school law, examining how districts have tried to dodge protecting LGBTQ youth by linking the abstinence-only-until-marriage curriculum to their standards for student sexual identity. Biegel argues that specified protections are necessary to shield youth against community and parental disapproval. Like others working in queer theory, though, he is concerned that such enumerated and specified protections must be crafted carefully in order to avoid limiting those formations of identity that are yet to be realized.36

My brief discussion of the histories of LGBTQ identities also points to the need for more capacious thinking and educating about pleasure, perversity, and community in the context of new formations of gender, sexuality, and other things that draw people together. In addition, these complex histories and present experiences point to limitations in key concepts by which sexuality educational policy is discussed. Issues around sexuality may push against common understandings of parental and youth rights, prompting us to rethink normative bodies and relationships in much more detail than even comprehensive sexuality education can currently cover. The urgency to do so is apparent not only in the need to provide transgender youth with the space and time to carefully consider the relationship between their bodies and their gender (provided now by hormone blockers and connections with transgender community), but also in the need to have all young people rethink gender together. As Claudia Ruitenberg describes, when young transgender and intersex people decide not to check boxes specifying gender as they fill out forms, this decision names not a new gender but "a dispute."37 Shifting to productive and educative disputes that open articulations of difference, rather than closing them down, is all the more important as new forms of gender and sexuality emerge. The urgency of rethinking and better educating about sexuality comes, too, from the recent history of unnecessary adolescent and young adult deaths from HIV/AIDS that have resulted, in part, from the retreat to simplistic versions


of sexuality in school curricula. This retreat added unconscionable obstacles in a time of crisis — that these obstacles still remain decades later is all the more unconscionable.

Deborah Britzman and Jen Gilbert push educators to think beyond where we are into what will become of sexuality.38 Like other forms of education, sexuality education ought to be aimed at moving into such newer possibilities, helping students, teachers, and community members negotiate relationships in new constellations of gender and sexuality. With more LGB youth coming out earlier and more transgender youth reworking gender earlier, it becomes all the more necessary that sexuality education be aimed not only at youth but also at adults who need to be responsive to youth identities and concerns. Taken together, these cautions about ensuring a tentative but committed sense of possibility change the standard for how sexuality might be understood in relation to education. What would it mean for policy, curricula, and pedagogy if the concern for students focuses not only on who is gay and who is harassed but on who might possibly be gay or what comes after sexualities as they are currently constituted? In other words, sexuality education needs to help create conditions for the potentiality rather than responding only to the presence of certain ways of recognizing students. This means schools need a more robust sexuality education — one that cares for difference as it is currently understood and aims as well for what comes next.