



## Understanding Democratic Education Policy Queerly: Toward a Queer Democratic Framework

*Bethy Leonardi*



*Michele S. Moses*

University of Colorado Boulder  
United States

**Citation:** Leonardi, B., & Moses, M. S. (2021). Understanding democratic education policy queerly: Toward a queer democratic framework. *Education Policy Analysis Archives*, 29(90).  
<https://doi.org/10.14507/epaa.29.5600>

**Abstract:** The aim of this paper is to bring together concepts and commitments from both liberal and queer theories with the purpose of designing an integrated framework for equity-focused education policy analysis and implementation. In essence, we aim to build a conceptual bridge between queer and liberal democratic theories and to develop what we call a “queer democratic framework” for policy analysis and implementation. We use the case of the Fair Accurate Inclusive and Respectful Education Act (FAIR) throughout this paper as an exemplar of how queer policy analysis and implementation change the terms of the policy discussion. We argue that as an example of a policy that comes out of liberal democratic theory, FAIR can only go so far. It is symbolic and positive, but cannot reach emancipatory aims in practice without queer analysis and implementation.

**Keywords:** queer theory; democratic theory, policy; policy implementation; LGBTQ+

### **Comprender la política educativa democrática en una forma queer: Hacia un marco democrático queer**

**Resumen:** El objetivo de este artículo es integrar conceptos y compromisos de teorías tanto liberales como queer con el propósito de diseñar un marco integrado para el análisis e implementación de políticas educativas centradas en la equidad. En esencia, nuestro objetivo es construir un puente conceptual entre las teorías democráticas queer y liberales y desarrollar lo que llamamos un “marco democrático queer” para el análisis y la implementación de políticas. Usamos el caso de la Ley de Educación Justa, Inclusiva y Respetuosa (FAIR) a lo largo de este documento como un ejemplo de cómo el análisis y la implementación de políticas queer cambian los términos de la discusión de políticas. Sostenemos que, como ejemplo de una política que se origina en la teoría democrática liberal, FAIR solo puede llegar hasta cierto punto. Es simbólico y positivo, pero no puede alcanzar objetivos emancipatorios en la práctica sin un análisis e implementación queer.

**Keywords:** teoría queer; teoría democrática, política; implementación de políticas; LGBTQ+

### **Compreendendo a política educacional democrática em uma forma queer: Em direção a uma estrutura democrática queer**

**Resumo:** O objetivo deste artigo é integrar conceitos e compromissos das teorias liberais e queer com o propósito de projetar uma estrutura integrada para a análise e implementação de políticas educacionais com foco na equidade. Em essência, pretendemos construir uma ponte conceitual entre as teorias democráticas queer e liberais e desenvolver o que chamamos de “estrutura democrática queer” para a análise e implementação de políticas. Usamos o caso da Lei da Educação Justa, Inclusiva e Respeitosa (FAIR) ao longo deste artigo como um exemplo de como a análise e implementação de políticas queer mudam os termos da discussão política. Argumentamos que, como exemplo de política que se origina da teoria democrática liberal, o FAIR não pode ir mais longe. É simbólico e positivo, mas não pode alcançar objetivos emancipatórios na prática sem análise e implementação queer.

**Palavras-chave:** teoria queer; teoria democrática, política; política de implementação; LGBTQ +

## **Understanding Democratic Education Policy Queerly: Toward a Queer Democratic Framework**

Much has long been made of “identity politics” (Alcoff et al., 2007; Fukuyama, 2018; Lilla, 2016). Such debate notwithstanding, issues of identity often are central to normative discussions about equity-oriented education policies—as they should be. Who should policies serve? Whose voices should be included? Who gets to decide? Policies can serve as checked boxes, or even “distractions” (Farley & Leonardi, 2021) from underlying structural issues of oppression, and yet, policies affect *people*; therefore, centering issues of identity in policy conversations is consequential to lived experiences. As a queer theorist (Leonardi) and a contemporary liberal democratic theorist (Moses), in this article we try to make sense of the significant tensions that emerge from educational imperatives to “include” diverse perspectives within social contexts where “identity” is not a static category, inclusion is not enough, and indeed where these very notions need to be queered so that well-intentioned liberal policy initiatives actually can do more good than harm. Or so we argue.

In general, liberal democratic<sup>1</sup> education theorists argue that policies intended to increase educational opportunities for historically marginalized groups are critical for the promise of democracy; that is, they are critical for working toward more just and equitable schools, as well as for changing society for the better (Anderson, 1999; Howe, 1997; Moses, 2002, 2016; Young, 1990). Here we engage thinkers who have written across several decades because examining this span of work allows us to understand ideas that have and continue to ground education policy development and implementation. Equity-oriented policies are meant to ameliorate current social systems, which are often unequal and unjust; as such, they are framed by democratic purposes of education and egalitarian theories of justice (Anderson, 2010; Moses, 2016; Dworkin, 2002; Gutmann, 1999; Rawls, 1971). Because liberal theories can be lumped together without much nuance, it is important to explain that we characterize liberal democratic education theory in the contemporary tradition. Not like the classical liberalism of old, we think of liberal democratic theories as “radical” (Howe, 1997) or “contemporary” (Moses, 2002) because they go beyond classical liberalism’s reliance on the individual as the central unit of analysis, toward an understanding of the individual as inseparable from social context (Dewey, 1916, 1927, 1938; Gutmann, 1999; Kymlicka, 1991; Taylor, 1994; Watson & Hartley, 2018; Weithman, 2018). In addition, the liberalism we invoke here is distinguished from libertarian-influenced neoliberalism or abstract liberalism so prominent in market-based education policies such as school choice, charter schools, and high-stakes testing (Bonilla-Silva, 2003). Education policy scholars relying on democratic theories as lenses for analysis have argued that equity-focused policies signal some progress even if they are imperfect (Anderson, 2010; Moses, 2010; Gottlieb, 2020; Mayo, 2006; Sant, 2019). Desegregation or affirmative action policies are salient examples. By contrast, poststructural theorists in general and queer theorists<sup>2</sup> in particular tend to take a dimmer view of such policies as remedial at best, and insidious at worst. A chief concern is that in the name of broader social justice goals, they actually serve to perpetuate *inequality*, by masking the problem of systemic norms that marginalize and exclude certain groups to begin with (Bell, 2004; Cohen, 1999, 2005; Delgado, 1991; Gamson, 1995; Mayo, 2006; Piazza, 2014; Spade, 2015). Changing society for the better, according to queer theories, involves an explicit focus on intersecting axes of power and on normativity—on “interfering in the production of ‘normalcy’” (Bryson & de Castell, 1993, p. 285), and interrogating the status quo along multiple and intersecting lines of oppression and identity (e.g., Anzaldúa, 2001, Brockenbrough, 2015; Britzman, 1998; Darling-Hammond, 2019; Kumashiro, 2002, Luhmann, 1998).

Poststructural theorists contend, then, that policies are created by “imperfect people in a fragmented world,” and that policy initiatives are always power-laden, shaped by politics and ideologies, and furthering the interests of some while marginalizing others (Piazza, 2014, p. 7). Concerned about how power invariably functions, they call attention both to the ways that marginalized communities are silenced and excluded from policy development, and to the importance of challenging the foundations of flawed social systems (Lugg, 2014; Piazza, 2014), even the deliberative spaces that liberal theorists endorse. Further, policy can serve to “distract” stakeholders in education from systems and structures that perpetuate inequity (Farley & Leonardi,

---

<sup>1</sup> In using the term ‘liberal democratic,’ herein, we are referring to liberal democratic political theory, rather than the partisan political idea of ‘liberal’ or ‘democratic’ associated with the U.S. Democratic Party. Please note that in this article we use the terms ‘democratic’ and ‘liberal’ interchangeably to signify contemporary liberal democratic political theory. See Moses (2001) for a detailed discussion of the differences between types of liberal theory.

<sup>2</sup> Herein, we focus on education policy issues connected with gender and sexual diversity. As such, our focus within poststructural theories is queer theory.

2021), or worse, that enact administrative violence through regulatory standards that serve to punish vulnerable populations they purport to help (Spade, 2015). Importantly, as Spade (2011) contends, these insights require that we resist “taking what the law says about itself at face value” (p. 54) and that we question the limitations of laws and policies to advance liberatory change. How policy proposals are perceived, as well as, importantly, how they diverge on subsequent effects—unintended or otherwise—are key differences between liberal and queer theorists: is it best to work for change incrementally, within the system as many liberal theorists emphasize, or is it best to work for change by challenging power and normativity and upending the system, which queer theorists often emphasize? We argue that we have to do both. Although policies are imperfect and incomplete mechanisms to reach educational equity, they remain necessary steps in moving toward justice in educational contexts. We use the case of California’s Fair Accurate Inclusive and Respectful (FAIR) Education Act (which we introduce in the next section) throughout this paper as an exemplar of how queer policy analysis and implementation change the terms of policy discussion. We argue that as an example of an equity-focused policy that comes out of liberal theory, FAIR can only go so far. It is symbolic and positive but cannot move toward emancipatory aims without queer analysis and implementation. Of note: We use *queer* throughout as both an adjective and a verb. As an adjective, queer is meant to capture gender and sexual diversity broadly speaking and to resist normative categories. As a verb, queer is meant to challenge normalizing mechanisms of power, to disrupt what is considered “normal,” and to examine possibilities outside of normative discourses, even those that do not center gender or sexuality. To *queer* something—an identity, text, experience, policy—is to question its foundations, to explore its limits, and to imagine possibilities outside of the here and now (Eng et al., 2005; Glickman, 2012, Ruffalo, 2016).

The primary aim of this article is to bring together concepts and commitments from liberal and queer theories with the purpose of designing an integrated framework for education policy analysis and implementation: a queer democratic framework. In keeping with related theory-building (Eng, 2010; Gamson, 1995; Mayo, 2006, 2007; Phelan, 2000), we aim toward a stronger conceptual bridge between queer and liberal theories. We hope to challenge Liston’s (2015) characterization of poststructural theories as fraught with “conceptual narrow-mindedness and a confused admixture of political and scholarly goals” (p. 240). Similarly, we hope to queer concepts central to liberal theory; using insights from queer theory, we attempt to provide a more actionable theoretical framework for developing and implementing equity-oriented education policies. As such, we follow Cohen’s (2005) thinking that “[a]t the intersections of oppression and resistance lies the radical potential for queerness to challenge and bring together all those deemed marginal and all those committed to liberatory politics” (p. 24). We hope to join in conversation with scholars who think about queer and liberal theories and to extend that conversation, as we imagine what queer policy implementation might look like on the ground. And, while our focus through FAIR is on the PK12 context of education, and curriculum specifically, our hope is that readers will be able to build upon this framework as they consider education policy contexts more broadly.

## Developing a Queer Democratic Framework

Developing a queer democratic framework (QDF) involves focusing on three key ideas. The first key idea is understanding identity as “a constellation of multiple and unstable positions” (Jagose, 1996), rather than as static or essential. Further, aspects of identity (e.g., race, gender, sexual orientation), are not discrete categories; rather, they intersect with one another to produce unique experiences and negotiations (Crenshaw, 1991). For this reason, group membership, while politically necessary, is only partial in its representation of who we are (becoming). Informed by these ideas and guided by the principle of equality of educational opportunity within democratic theory, the

second key idea involves upholding principles of liberty and equality, though moving beyond these as merely abstract philosophical principles in the process of policy implementation. We thus challenge liberal theorists to integrate queer ideas of identity into concepts of autonomy and recognition, which are central to liberty and equality-focused policies (Moses, 2002; Gutmann, 1999; Kymlicka, 1991; Mayo, 2006; Petrovic, 1999, 2002; Taylor, 1994). Doing so would compel these theorists to consider the nuances of how conventional identity categories and related group membership based (separately) on gender, race, ability, language, or sexuality ignore the dangers of essentialism and fail to capture intersections and margins; these oversights matter to how we understand *and position* students with multiply marginalized identities, their subsequent lived experiences (Annamma et al., 2013; Brockenbrough, 2013, 2015; Kumashiro, 2001; McCready, 2010; McRuer, 2006), and in policies intended to support them (Crenshaw, 1991; Gamson, 1995; Loutzenheiser, 2014; Rasmussen, 2003). The third key idea of the QDF emphasizes the relationship between theory, policy, and practice. Strands of queer theory have focused on discourse and textual analyses to consider the ways that power functions through social and political systems. In rejecting a “representational theory of ‘truth,’” however, they have been seen as “interesting theoretically” but, some argue, “[have remained] largely detached from the blood, bricks, and mortar of everyday life” (Browne & Nash, 2010, p. 6). Ultimately, we argue that attention to policy assumptions as they play out in practice is crucial for equity-oriented initiatives to have success. As such, even as we understand these policies as imperfect, we rely on queer thinking and theory as we move toward action *on the ground*. This third key idea is where the rubber meets the road; it is where democratic principles and queer notions of identity and group membership meet through the implementation of policy, and on a “double path” to changing both schools and society to be more equitable and just (Butler, 2004; Cohen, 1999, 2005; Gamson, 1995; Lugg, 2014; Mayo, 2006; Seidman, 1995; Spivak, 1988). We argue that equity-focused policies, while imperfect, can have significant impacts on disrupting dangerous normative systems if they are understood and implemented queerly in educational institutions (Johnson, 2014; Loutzenheiser, 2014).

In what follows, we first introduce the FAIR Education Act. We then articulate each key idea of the QDF, starting with key ideas one and two: (a) identity and group membership and (b) principle of equality of educational opportunity and queered conceptions of autonomy and recognition. We show how theories informing these key ideas might help us think about policy implementation and practice, specifically with regard to FAIR. We end with the third key idea as we bring theory, policy, and practice together to focus on queer policy analysis and implementation. Specifically, we apply the QDF as we bring FAIR into practice by offering curricular examples. We argue that attention to the relationship between theory, policy, and practice is crucial if educators are to disrupt unjust normative systems and successfully implement democratic education policies aiming to mitigate inequalities for marginalized students in general and LGBTQ+ students in particular.

### **The FAIR Education Act**

In 2011, California legislators passed Senate Bill 48, the FAIR Education Act (FAIR). FAIR amended the California Education Code to ensure that instruction in the social sciences, both elementary and secondary, include historically marginalized communities and their roles and contributions “to the economic, political, and social development of California and the United States of America and with a particular emphasis on portraying the role of these groups in contemporary society.” As stated in the bill, these communities include “both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans,

lesbian, gay, bisexual, and transgender Americans,<sup>3</sup> persons with disabilities, and members of other ethnic and cultural groups.”

FAIR also prohibits the adoption of discriminatory materials, as well as instruction or activity that might promote discriminatory bias on the basis of race, ethnicity, gender, religion, disability, nationality, or sexual orientation. Instead, FAIR requires that instructional materials “accurately portray the cultural and racial diversity of our society” and that attention be given to various roles in the development of California and the United States (e.g., entrepreneurial and labor). Instructional materials that reflect adversely on people on the basis of “race or ethnicity, gender, religion, disability, nationality, or sexual orientation, occupation” are further prohibited.

According to the “FAIR Fact Sheet” (SMCOE) FAIR aims to ensure that “fair and accurate portrayals of LGBT people are no longer excluded from classroom discussions” and instead, that LGBT Americans are “included and recognized for their important historical contributions to the economic, political, and social development of California.” Curricular inclusion, or “sharing accurate and inclusive information[,] is a vital to setting a climate of respect and keeping schools safe,” as studies show that including “accurate depictions” of LGBT people in curriculum decreases bullying and increases safety. FAIR’s rationale is that “schools that perpetuate silence or harmful stereotypes about LGBT people can be breeding grounds for the fear and ignorance that fuel bullying during the early grades and hate violence or even suicide by the time students reach high school.” Beyond a focus on bullying, FAIR provides for all students “the opportunity to learn about [LGBT] history and [to] gain respect for each other’s differences as a result.” This inclusion can make LGBT students feel less isolated, increasing their sense of belonging, ability to learn, and the likelihood that they will graduate. As a CA senate bill established within the democratic political system, FAIR aims to increase equality and shift school climates, especially for “youth who have been fighting for safe and inclusive schools”

## A Queer Democratic Framework

### Key Idea 1: Identity and Group Membership

#### *Identity*<sup>4</sup>

To prescribe an exclusive identification for a multiply constituted subject, as every subject is, is to enforce a reduction and a paralysis. (Butler, 1993, p. 116)

A QDF for policy analysis and implementation requires that “identity” be understood queerly. Several points are integral to this conceptualization. First, social and personal identities are not fixed or self-contained but are relational; in this sense, expressions and recognition of identity are contingent on time and place (Hall, 2000). Second, identity construction is a process heavily influenced by history and social context. In policy discussions, this is especially important when we consider identities that are multiply marginalized and the ways that the social world is constructed to impact “multiple grounds of identity” (Crenshaw, 1991, p. 1241; Marquez & Brockenbrough, 2015; Meyer & Quantz, 2021). Third, identities are discursively produced; that is, identity formation and social practices are a function of, and mediated by, discourse and discursive practices (Foucault,

---

<sup>3</sup> We focus on the strand of FAIR that addresses ‘LGBT’ people and history. We add Q throughout because Q, while left out of FAIR, importantly represents people, especially youth, who are questioning their gender and/or sexual identities and/or who identify as queer.

<sup>4</sup> We do not intend to add theoretical insight to notions of identity, but to situate our understanding of identities within queer and other poststructural theories.

1977, 1998). Last, categories of identity (e.g., based on race, sexuality, gender) are socially constructed through a process of identification by self and others; such categories often “conflate or ignore intragroup differences” (Crenshaw, 1991, p. 1242), leave out multiplicities and intersections (e.g., Butler, 1990; Cohen, 1995; Kumashiro, 2000; Mouffe, 2000; Phelan, 1995), and dismiss the embodied, lived experiences of those who are multiply marginalized and who experience marginalization more intensely (Brockenbrough, 2015; Crenshaw, 1991; Plemons, 2017; Prosser, 1998; Stryker, 2006). Situated in webs of power (Butler, 1990; Crenshaw, 1990; Foucault, 1977), identity construction, then, is a process; “it is simultaneously a being and a becoming, a positioning and a re-positioning, the continuous ‘play’ of history, culture and power” (Hall, 1989, p. 70). In this process, all subjects are situated in relation to the social, to others, and to particular norms (Butler, 2000; Hall, 1990). Normative standards along lines of race, ethnicity, ability, language, gender, and sexuality, and intersections of these, determine that positioning. As such, we are all recognized as degrees of “normal” or “deviant” depending on assumptions that are operating in particular—and always consequential, ways. It follows, then, that how and when people experience social and institutional oppression differs across contexts (Kumashiro, 2001; Wilchins, 1997).

The QDF appreciates that categories of identity are both constraining and enabling. The politicizing of identity makes it “politically necessary” to lay claim to terms that, as Butler (1993) argues, have “laid their claim on us prior to our full knowing” (p. 20). Therefore, while categories can be limiting, even oppressive, they continue to be necessary for survival, as they are in many ways the foundation of political power (Gamson, 1995). Not only do identity categories have legal and political implications, as in the case of FAIR, they also signify a level of stability that is critical, some argue, to the project of realizing a “livable life” (e.g., Butler, 2004; Seidman, 1995). This idea parallels what some liberal theorists say (e.g., Anderson, 2010; Gutmann, 1999; Howe, 1997; Moses, 2002), but with a crucial difference. Such theorists do not call for scrutinizing and reworking of these categories, processes central to the QDF. While there is political power in organizing around identity categories in the world in which we live, doing so without simultaneously interrogating those categories serves to maintain the status quo. Therefore, identity categories must be subject to a project of continuous scrutiny (Foucault, 1977; Rasmussen, 2003) and we must see this as a project aimed toward the “proliferation of opportunities for self-creation,” one that “does not lead to chaos but to new counterpoints that enrich the themes of liberty and justice” (Phelan, 1995, p. 441; Mouffe, 2000; Seidman, 1997). Nevertheless, this continual scrutiny does not preclude the need for the construction of collective identities, of group membership.

### ***Group Membership***

Liberal theorists agree that it is imperative that voices of historically marginalized groups be invited to participate in politics, as equals, and argue that their “distinct voices” must be represented and recognized (Young, 1990, p. 128). This is an important theoretical step; in the world as it is the QDF specifies a need to organize around group rights and to recognize that, historically, certain groups have been disadvantaged by systems and normative social practices. However, this step may only get us so far. First, it fails to consider identity as dynamic. Second, who is “identified,” who is invited, and whose voices are heard in deliberations are all contingent upon power (Lukes, 1974; Spade, 2011). Mayo (1996) argues that it is crucial to keep actual situations and nuanced discussions of the queer citizen in conversation (p. 471). The textured contradictions of queer citizenship cannot be overlooked; their effects are real. Through formal inclusion, “some of us get benefits, some of us are recognized, and hopefully more of us get rights,” but the ways that privilege and power function even within groups often leaves those on the margins excluded and the status quo left undisturbed (Cohen, 2005). As Spade (2011) argues, the “well-being of the most vulnerable [often is]

compromised for promises of legal... recognition” (p. 224) and the expectation is that social justice will “trickle down” when in fact, it “trickles up” (p. 223). Inviting the “LGBTQ community” to the table requires that we take Spade seriously by first recognizing that there is no “distinct voice” for particular groups of people. For example, while white, gay, cisgender men may prioritize marriage equality, transgender folks may prioritize rights to healthcare and safe, affordable transitions; transgender women of color may be most concerned about policies denying their right to exist at all. Liberal politics of inclusion can be quite exclusive (Cohen, 2005; Phelan, 1995), especially when interests of the most privileged within marginalized groups drive movements (e.g., Ferguson, 2005; Spade, 2011). And yet queer theory, in its move to deconstruct identity, does little to attend to, and resist, the concrete ways that institutions police, marginalize, and regulate what counts as normal on the basis of group membership, and to therefore make people’s lives more livable (Gamson, 1995; Mouffe, 2000; Seidman, 1995; Stryker, 2013). Through the QDF, we argue that, together, queer and liberal theories have the potential to speak back to this predicament.

The relationship between liberal and queer thinking is not new, nor are questions about how “identity” should be figured into conversations equity and justice. The concern around how (or if) to fight for rights (Brown, 1995; Cohen, 2005; Phelan, 1995), when to engage “the logic and political utility of deconstructing collective categories” (Gamson, 1995, p. 391), and when to focus on collective identities and their political usefulness (Butler, 2004; Crenshaw, 1990; Gamson, 1995; Mayo, 2006; Mouffe, 2000; Seidman, 1995; Spivak, 1988) is one that persists. In fact, this quandary, or “queer dilemma,” as Gamson (1995) calls it, is built into queer debates. Gamson (1995) argues that in U.S. politics, “clear identity categories are both necessary and dangerous distortions and moves to both fix and unfix them are reasonable” (p. 401). We see attention to this dilemma in Spivak’s (1988) “strategic essentialism” and in Cohen’s (1999, 2005) rationale that while important advancements have been made across political, social, and economic sectors, liberal accommodation via group identity is often predicated on normative standards. For, as Allen (2009) reminds us, these standards, or “careful social scripts,” as Halberstam calls them, “have wildly disparate meanings and consequences for subjects for whom access to the scripts—and to status as subject, citizen, person, or any normativity whatsoever—is always already troubled” (i.e., “the iconic sexualized Black body”) (p. 312).

Maintaining that intersectional analyses are nonnegotiable for transformative politics, Cohen (2005) further complicates the discussion. She notes that queer theorizing’s call to eliminate sexual identity as a fixed category “ignore[s] the ways in which some traditional social identities and communal ties can, in fact, be important for one’s survival” (p. 34). Cohen’s assertion is similar to what scholars of trans theories contend with regard to gender (Plemons, 2017, Prosser, 1998, Stryker, 2013) and follows Crenshaw’s (1994) claim that for minoritized groups, the “process of recognizing as social and systemic what was formerly perceived as isolated and individual... has been a source of strength, community, and intellectual development” (p. 93). Butler (2004) names this quandary an “interesting political predicament” and calls for a “double path” (p. 24) in politics. Along with these theorists, Butler (2004) argues that we need the language of collective identities to secure rights and protections but warns against using how we are defined legally to capture all of who we are. To make good on promises of equity and justice, liberal theorists must heed this warning. While liberal theorists do call attention to theoretical tensions with respect to identity and group membership (e.g., Howe, 1997; Moses, 2001; Taylor 1994; Young, 1990), they continue to employ group membership as relatively unproblematic in policy discussions. We see this throughout FAIR.



**Key Idea #1 in Practice: Queering Ideas of Identity and Group Membership in FAIR**

As we've pointed out, the QDF supports organizing around group rights. This is especially true in educational contexts. As a compulsory public institution in a democratic society, it is the responsibility of education to provide equitable educational opportunities for groups of students who have been historically marginalized by the education system. One way to make good on this promise is to radically rethink how members of groups whose voices and stories have been left out of formal curricula are included and understood. FAIR aims to do just this; however, it is how those groups, and those opportunities, are conceptualized that matters.

As stated in the FAIR Fact Sheet, including historically marginalized groups in curriculum, will work toward “setting a climate of respect and keeping schools safe.” In this way, as a policy that comes out of liberal theory, FAIR is more of a “principled intervention in problematic discrimination” (Mayo, 2006, p. 471). It does not, as queer theories might encourage, interrogate normative systems that could potentially *cause* unsafe schools. Instead, FAIR's focus is on “the Other” (Kumashiro, 2000) and on accepting differences (i.e., accepting groups/identities outside of the norm). Kumashiro (2000) maintains that while this focus might challenge harmful stereotypes about the Other, or develop students' empathy for the Other, it also works in harmful ways. First, a focus on the Other is often essentializing, lumping all queer folks together as a monolithic group and/or not acknowledging intragroup differences (e.g., all trans folks want to medically transition; all queer kids are depressed). Next, queer students in classrooms experiencing this type of curriculum can be positioned as the expert in the room, the spokesperson. A focus on the Other also leaves the norm in place. It solidifies an us/them binary and, rather than challenging students who identify with the norm to question their privilege, to own their roles in practices of oppression, it allows them to remain in positions of power, to remain comfortable in their learning, and to situate oppressive systems and structures “out there somewhere.”

With respect to providing opportunities for LGBTQ students to see themselves in the curriculum, FAIR's goals are grounded in the notion that recognition, by way of inclusion—and inclusion of *particular* LGBTQ people (i.e., those who have made contributions), will make schools safer and students more connected. In this way, the policy fails to acknowledge gender and sexuality as fluid constructs, therefore offering specific representations of what it means to be “LGBT” and limiting/simplifying ways that students might see themselves and others throughout curriculum (Johnson, 2014; Mayo, 2006; McDonough, 2007). Not only is this rationale built on assimilationist ideals that serve to maintain, or expand, the status quo, but it also reifies binary difference (Helton, 2020) and assumes that simple inclusion will heal, as Mayo (2006) puts it, a history “cultural animus” (p. 471) toward LGBTQ people. Simply adding “model” LGBT people to the list of what counts as normal is not enough to challenge racist, ableist, cis-heteronormative cultures that have largely oppressed LGBT people in different ways (Johnson, 2014; Romesburg et al., 2014). In fact, this move actually could harm those who do not fit into that liberal mold (Johnson, 2014; Mayo, 2006; Warner, 2000). Drawing on queer of color critique, Brockenbrough (2015) names curriculum as an area of concern when it comes to queer and trans youth of color in schools. Rather than merely including LGBTQ folks of color in curriculum, he encourages educators to “reach instead for deeper considerations of how various bodies of knowledge have produced queer of color invisibility and pathology” (p. 34) to begin with. Policies like FAIR that rely exclusively on inclusion and recognition “expand the definition of *normal*” to include LGBT people and history, “rather than attacking and undermining the very process by which (some) subjects become normalized and others marginalized” (Luhmann, 1998, p. 122; italics in original), a process queer theories demand. In Spades (2011) words, FAIR changes the system “just enough to stabilize things and preserve the status quo” (p. 57).

We are not trying to downplay FAIR's significance. It is an important step, as it seeks to break a longstanding silence in education around LGBT people and history. We are, however, acknowledging the dilemma of organizing around group rights, and are walking into that dilemma, rather than naming it and staying put in a theoretical standoff. Informed by these ideas and guided by the principle of equality of educational opportunity, in the next section, we focus on upholding democratic principles of equality and justice, while challenging liberal theorists to move beyond these as abstract philosophical principles in the process of policy implementation.

### **Key Idea 2: Beyond Abstract Democratic Principles**

As various scholars have pointed out, liberal education policies historically have been grounded in theories of justice that interpret equality in ways that may perpetuate the status quo (Bonilla-Silva, 2003; Howe, 1997; Leonardo & Tran, 2013). Consider policies such as those related to bi/multilingualism, desegregation, compensatory education, or Head Start, which merely remove formal barriers or compensate for students' so-called individual deficiencies. Historically insensitive to how opportunities have been limited systematically for certain groups (e.g., based on gender, ethnicity, sexuality), traditional liberal theories have been complicit in legitimating domination. Current incarnations of "liberal" policies often are grounded in neoliberal or libertarian theories. These, such as high stakes testing and accountability, go beyond merely compensatory efforts to suggest punitive consequences for students and teachers who do not meet prescribed achievement goals. It is important to distinguish these neo-liberal "reform" efforts from contemporary liberal theorists who demand a more complex view of equality, suggesting it be defined, in part, by recognizing that to make use of opportunities *worth wanting*, consideration must be given to the interaction between individuals and their social contexts (Dennett, 1984; Dewey, 1938, Howe 1997, p. 69; Watson & Hartley, 2018; Weithman, 2018).

The QDF is grounded in equality of educational opportunity and aims to protect principles of equality, fairness, and justice, which, in the process of policy implementation, often remain as abstract philosophical principles (Anderson, 2010; Howe, 1992; Moses, 2016); that is to say, the QDF aims to protect these principles by exploring how they play out through related queered conceptions of autonomy and recognition.

### ***Equality of Educational Opportunity and Choices that are 'Worth Wanting'***

While the concept of equality of educational opportunity is one that has played a central role in education research and policy since *Brown v. Board of Education*, its meaning remains ambiguous and debates about its function have remained at the level of law and policy (Bell, 2005; Donnor, 2021, Howe, 1992). Still, the discourse of equal educational opportunity, by way of liberal theory, is one that occupies the thinking of many stakeholders in education and beyond (Howe, 1997; Mayo, 2006; Orfield & Jarvie, 2020) and therefore is important to the QDF. We want to clarify that "equality" as it is employed throughout the QDF, moves beyond equal access or a compensatory understanding, and into a queered conception of what democratic participation means in education. Central to this interpretation is its focus on attending to students' opportunities as those that should be *worth wanting* (Dworkin, 2000; Howe, 1993; Kymlicka, 1991, Petrovic, 1999). Opportunities worth wanting provide students meaningful choices from among good options, rather than empty choices that are limited by the unjust circumstances in which students may find themselves. Importantly, students must be able to take advantage of those choices without exacting opportunity costs or paying a price (Dennett, 1984; Howe, 1992; Tabron & Venzant Chambers, 2019; Venzant Chambers et al., 2014).

With respect to curriculum, voices of historically marginalized groups must, following Taylor's (1994) politics of recognition, be recognized as having equal worth. To liberal theorists, this move—publicly recognizing marginalized groups—satisfies a principle of nonoppression (Howe,

1997). Inclusion serves to diminish cultural imperialism, particularly for LGBTQ students. Expanding who students see and whose voices they hear will contribute to all students gaining a sense of our diverse society and will support them to examine, deconstruct, and work against oppression (Howe, 1997; Lynch et al., 2017; Nieto, 1992). Here, we focus on equal educational opportunities as they relate to curriculum—not only because FAIR is a curriculum policy, but also because curriculum typically is guided by dominant ideas about what counts as “normal.” As such, curriculum can serve as a form of cultural imperialism (Kumashiro, 2001b; Young, 1990) that not only forces assimilation, restricts recognition, and limits student autonomy, but also may serve to deny “protection, safety, nurturance, and acceptance because of fixed, yet fluid and moldable, structures of racism” (Love, 2013, p. 2), sexism, and transphobia. Scholars who foreground the principle of equal educational opportunity argue that every student should have a seat at the table, that each should be recognized, and that schools should be “favorable social contexts”—that is, students should have choices that are worth wanting so that they can be autonomous (Moses, 2002, p. 20; Neufeld, 2020). It is how we understand what “favorable” social contexts look like and what those contexts might lead to with regard to recognition and student autonomy that we argue needs to be queered.

### ***Queering Equal Educational Opportunity***

**Rethinking Recognition.** It is likely that queer scholars would agree that all students, by right, should have opportunities *worth wanting* within favorable social contexts. As Phelan (2000) notes, “even the most critical of queer theorists return to rights when needed” (p. 441). Joining liberal theorists, queer theorists agree that recognition and autonomy are central to conversations about equality and justice and point to the critical role that social contexts play (Brockenbrough, 2015; Butler, 1990; Cohen, 1991; Kumashiro, 2000; Mayo, 2006, 2013; Ruitenberg, 2010). Phelan (2000) argues that these concepts are often presented as twins, that “recognition as a member is premised on personal autonomy . . . , while the goal of recognition is the protection of one’s ability to pursue one’s goals.” Phelan continues, “[t]hat things aren’t so neat is evident from the history of the last century” (p. 112). There is no question that visibility and sayability matter (Butler et al., 2000). In order for LGBTQ students to believe themselves possible and to thrive, being recognized in the discourse of schools is vital (Johnson, 2014; Kumashiro, 2002; McDonough, 2007; Romesburg et al., 2014). But there are several ways that the concept of recognition needs to be (re)examined.

Receiving formal recognition via laws and policies certainly has served to advance historically marginalized communities. This is especially true in the case of “robust recognition” which views the need for recognition as connected to a history of oppression and inequitable distribution of resources (Feinberg, 1998, in Mayo, 2006, p. 476; Cohen, 1999). Butler (2004) puts it well, in our very ability to persist, we are dependent on what is outside of us . . . We come into the world on the condition that the social world is already there, laying the groundwork for us. This implies that I cannot persist without norms of recognition that support my persistence: the sense of possibility pertaining to me must first be imagined from somewhere else before I can begin to imagine myself. (p. 32)

Often ignored, however, in conversations about benefits of public recognition is that being recognized can also be dispossessing (Butler, 2004; Ruitenberg, 2010), constraining, even dangerous (Serrano, 2016). A “livable life” requires some form of recognition, but categories of recognition that make life constraining or unlivable (e.g., binary gender categories) are unviable alternatives. Similar to insights by Stewart & Nicolazzo (2018), Brockenbrough (2015) offers that a queer of color critique “casts insightful doubts on the liberatory effects of coming out for non-White queer subjects” (p. 37), and that agency

might be understood instead through performances of *invisibility*. As a matter of survival, remaining *unintelligible* is a viable alternative if in fact, “intelligibility is understood as that which is produced as a consequence of recognition according to prevailing social norms” (Butler, 2004, p. 3; Plemons, 2017; Serrano, 2016). Because racism (e.g., Tatum, 1997), ableism (e.g., Annamma & Handy, 2021), cis-heteronormativity (e.g., Blackburn & Smith, 2010) and other forms of oppression have been directly linked to school contexts, those whose identities and/or actions do not comply with normative standards become more vulnerable targets of violence—physical and otherwise.

Recognition based on group membership also implies that identity is fixed and representative. Liberal theorists admit that “what constitutes a social group is not internal to the attributes and self-understanding of its members” (Young, 1990, p. 391); yet they neglect to problematize adequately the tension between group and individual identities. Further, there is no acknowledgment that liberal accommodation is typically based on group members meeting normative standards of, for example, race, ability, sexuality, gender, and social class (Cohen, 1999). Inclusion of this kind is consequential to voices on the margins and to the lived experiences of students whose multiply marginalized identities challenge the very context of schools (Annamma & Handy, 2020; Brockenbrough, 2015; Burdge et al., 2014; Darling-Hammond, 2019). The QDF appreciates the need for recognition but asserts that a focus on recognition via group membership without attention to intragroup differences obscures deeper questions about autonomy and how political and social structures delimit who/what is visible and sayable to begin with (Brockenbrough, 2015; Butler et al., 2000).

**Rethinking Autonomy.** Mayo (2006) suggests that autonomy is what most connects liberal and queer theories, but points out:

For a philosophy and political practice dedicated to interrogating traditions and opening possibilities for innovation, liberalism has been suspiciously unwilling to extend its analysis to sexual freedom, its embrace of autonomy to queer critique, its sense of progression toward new possibilities to queer futurities. (p. 471)

Personal autonomy, as conceptualized by liberal theorists, “leads people to be the authors of their own lives... and to pursue their own conceptions of the good life” (Moses, 2002, p. 18). This conceptualization suggests that autonomy is something achievable, that there are sets of choices that students might have that would allow them to find and maintain an authentic self. The QDF troubles this thinking. Following Butler (2004) who complicates ideas of autonomy, the QDF maintains that we are born into social worlds, with established norms that we did not choose, that we are constituted by these worlds, and that our agency is “riven with paradox” (p. 3). In order to exercise self-determination, we must rely on institutions of social support; “self-determination becomes a plausible concept only in the context of a social world that supports and enables that exercise of agency” (Butler, 2004a, p. 7). Considering contexts such as schools, where “student bodies, especially those that have been raced or don’t conform to cis-heterosexual norms, are heavily surveilled and controlled” Darling-Hammond (2019) asks, “what is autonomy? What is agency under such conditions?” (p. 430). The degree to which students’ intersectional identities challenge schools to acknowledge what they do not know, and therefore, what they may not be offering in terms of “choices” is of utmost importance. Determining which choices students should have, based on who they are (becoming) may work toward self-determination in some sense, but those choices are still predicated on what is known (i.e., recognizable)—and often what is known (and recognizable) is informed by what/who is worthy of knowing/recognition (e.g., respectable queers) (Warner, 2000, in Mayo, 2006; Spade, 2011). Therefore, as Phelan (2001) argues, autonomy is rarely feasible for subordinated groups; “instead, [they] must find a path that combines integration as equals with retention of pride in their distinctive lives” (p. 431). For example, through processes of what Muñoz

(1999) names “disidentification,” queer students of color are faced with negotiating “the opportunities and risks entailed in their academic encounters with dominant ideologies” (Brockenbrough, 2015, p. 34) which, of course, affects their agency. Naming schools as places that train students into compliance by way of “inflexible scripts” (Keenan, 2017) Keenan and Little Miss Hot Mess (2021) ask,

What happens when you don’t learn the lines of your assigned script? What if you decide to improv? What if it’s just not possible for you to adhere to a script you didn’t write? Simply put, you are punished.

They continue, “[t]he spectacle of these kinds of punishment, in turn, incentivizes conformity with a normative gender script” (p. 7). In their yearning to become intelligible—and as a matter of survival, queer subjects often “settle for intelligibility and perceptibility within the existing, dominant order and forget to question or attempt to change the structures that kept them unintelligible and imperceptible in the first place” (Ruitenbergh, 2010, p. 620). In fact, when they do exercise autonomy through forms of resistance to normativity, what Cruz and McLaren (2002) might call, “‘disorderly conduct’ that resists the social mores of its respective communities” (p. 188), they are met with discipline and control; this is especially true for queer and trans youth of color who are disproportionately targeted and pushed out of schools (Burdge et al., 2014; Darling-Hammond, 2019; Kosciw et al., 2014). To make good on the promise of equal educational opportunities, with autonomy as a primary goal, we have to think of schools—not as places in which all students should integrate into normative standards, but as places that seek to challenge and rework social and institutional standards, places that offer transformative, nurturing possibilities for students (Cohen, 2005; Keenan & Hot Mess, 2021; Love, 2013).

We have aimed to expose here that offering students opportunities worth wanting, so that they are recognized and can move toward autonomy, is quite complicated. The QDF posits that politically, recognizing groups based on cultural, racial, social, gender, sexual identities (among many more) is necessary, and especially so with respect to laws and policies. It also highlights Gamson’s (1995) idea that “queerness as a logic of action can force important revisions in approaches to collective identity formation and deployment and their relationship to political gains” (p. 402). We realize that these two logics may be hard to conceptualize in unison, and even more difficult to enact. However, we see the implementation of policies like FAIR as a moment when concepts and commitments of liberal theory, queered in the ways we have described, can further the goals of equity and justice.

### ***Key Idea #2 in Practice: Queering Equal Educational Opportunities, Autonomy, & Recognition in FAIR***

In order to bring classroom instruction into alignment with non-discrimination laws, recall that FAIR requires that contributions of LGBT Americans are included in curriculum. In (liberal) theory, FAIR satisfies requirements for providing equal educational opportunities; students are recognized, and therefore can exercise autonomy in contexts that are presumably more favorable, given that they have choices worth wanting. In fact, research suggests that when LGBTQ people are part of the curriculum, LGBTQ students feel more valued and experience safer, more positive education environments (Kosciw et al., 2014). Understanding students’ identities queerly, group membership as both enabling and constraining, and the social contexts of schools as racialized and largely cis-heteronormative (Blackburn & Smith, 2010), the QDF requires more.

To implement FAIR in a way that moves toward equity and justice, ideas of recognition and autonomy must be queered. The QDF, therefore, is a framework that encourages educators to ask queer questions in preparation for curricular inclusion. Examples of queer questions include, *How*

*might curricular inclusion: perpetuate, disrupt, complicate students' perceptions of LGBTQ people and history? be both constraining and enabling? support students to question who has counted as 'normal' throughout history, who as "different" or "other"? essentialize LGBTQ identities and therefore perpetuate status-quo understandings of group membership? support students to recognize how power and privilege function throughout history and in whose stories get told? whose voices matter? whose knowledge matters? invite students to question whose voices have been silenced and the consequences of those silences? challenge students to interrogate how social contexts have limited who is recognizable to begin with? encourage students to question binaries and oppositions throughout history?* When considering who and what and how to “include” educators might ask: *How do I provide representations of LGBTQ+ people that complicate and engage other aspects of identity (e.g., ethnicity, race, social class, immigration status)? How can I show LGBTQ lives as oppressed, and also as powerful? How can I (re)frame acts of resistance as powerful, as necessary? “refusal to acculturate”* (Cruz & McLaren, 2002, p. 188) *as life-saving?* Curricular inclusion has the “ability to change the underlying story of a curricular unit and its political effect” (Kumashiro, 2001b, p. 6); however, to change racist, ableist, cis-heteronormative cultures of schools, there must be on-going critique of social and cultural norms—disruption, alongside of inclusion.

In implementing FAIR, the QDF takes seriously Mayo's (2006) call for liberal theorists to expose autonomy to queer critique. This means that autonomy is not once and for all, full inclusion is not possible, and curriculum should expand understandings of identities and offer students queer futures, or as Muñoz (2009) describes, a queerness that is “a structuring and educated mode of desiring that allows us to see beyond the quagmire of the present” (p. 1). When considering how inclusion might influence students' abilities to take advantage of meaningful choices, the QDF encourages educators to, again, ask questions. And these questions are not only meant to consider LGBTQ+ students, but all students in learning communities. Curricular inclusion with respect to autonomy has as much (or more) to do with students who do not identify as LGBTQ as it does with students who do, and pedagogical considerations are essential. Queer theory, when it meets pedagogy, considers what knowledge *does* to students (Britzman, 1998; Kumashiro, 2000; Luhmann, 1998). When it comes to learning about gender and sexual diversity and LGBTQ+ identities, for many students, this is “difficult knowledge” (Britzman, 1998, 2000; Staley & Leonardi, 2020) and their learning processes are fraught with emotion, resistance, and moments of what Kumashiro (2000) calls *crisis*, wherein learners are challenged to rethink themselves, who they know themselves to be. Attending to the possibilities of what knowledge will *do* to students, how they might position themselves in conversations and in the content, is critical for educators to create favorable contexts of choice, as well as, to create contexts *for learning* (Britzman, 1998). Some questions might include: *What might conversations about LGBTQ+ people and history bring up for each of my students? How might intelligibility and sayability of LGBTQ people and history change/complicate/challenge classroom discourse? How might the curriculum land on the bodies of the most vulnerable students?* FAIR is an attempt to make classrooms more “favorable” contexts, though dropping FAIR into soil not tilled (Leonardi, 2014) can actually do harm.

The QDF maintains that liberal and queer theories must speak in solidarity. In arguing for “legal protections and entitlements,” implementing policies that recognize groups is essential. But legal categories do not “[keep] our notion of the human open to a future articulation,” which is also essential (Butler, 2004b, p. 24). We see the implementation of FAIR as an opportunity to explore the inescapable predicament of needing collective identities and needing to deconstruct them. As we argue below, this can be done by moving forward on Butler's (2004) “double path.”

### **Key Idea #3: Bringing Theory, Policy, and Practice together on a Double Path**

Public schools, governed by democratic bodies, rely on laws and policies to function and to provide students equal educational opportunities. As a liberal policy, FAIR is progressive and was the first of its kind in the United States. Many would argue that FAIR is key to educational equity

and justice. Still others would find fault with FAIR. It “expand[s] the definition of *normal*” to include LGBT people and history, “rather than attacking and undermining the very process by which (some) subjects become normalized and others marginalized” (Luhmann, 1998, p. 122; italics in original). In this “interesting political predicament,” we follow Butler’s (2004) “double path in politics” (p. 38) as a way to navigate the “queer dilemma,” (Gamson, 1995) of both working within the system, and upending it.

Butler (2004) explains:

We have an interesting political predicament, ...most of the time when we hear about ‘rights,’ we understand them as pertaining to individuals, or when we argue for protection..., we argue as a group or class....we have to present ourselves as bounded beings,...recognizable,... before the law.... Indeed, we had better be able to use that language to secure legal protections and entitlements. But perhaps we make a mistake if we take the definitions of who we are, legally, to be adequate descriptions of what we are about.... (p. 20)

Being part of a marginalized group means that we depend on legal sanctions for protection, and also to affirm and sustain our “viability as humans.” FAIR is important to the project of visibility for LGBTQ people; it is important symbolically as it enables silenced voices to be heard. But, as we’ve argued throughout, gaining recognition can also be constraining.

This means,

that we must follow a double path in politics: we must use this language [of identity categories] to assert an entitlement to conditions of life in ways that affirm the constitutive role of sexuality and gender in political life, and we must also subject our very categories to critical scrutiny. We must find out the limits of their inclusivity and translatability, the presuppositions they include, the ways in which they must be expanded, destroyed, reworked both to encompass and open up what it is to be human and gendered. (p. 38)

Theoretically, Butler’s “double path” brings key liberal and queer commitments together. Along with theorists who we’ve engaged herein, Butler (1999) maintains that fighting for recognition via laws, policies, and language is necessary for survival; she also pushes us to recognize the limitations of categories, which requires that we “submit ourselves to a process of cultural translation,” to the “process of yielding our most fundamental categories, that is, seeing how and why they break up, require resignification when they encounter the limits of an available episteme: what is unknown or not yet known” (Butler, 2004, p. 38). As a theory, this double path makes good sense. How, though, does Butler’s guidance work with respect to policy and implementation? As Spade (2011) assures us, we must continue to question what laws and policies say about themselves. We must also consider ways that policy solutions might act as “distractions... that divert attention from root causes, structural forces, and historical/contextual circumstances (Bell, 2003; Giroux, 2013, 2017; Spade, 2011, 2013, 2015)” (Farley & Leonardi, 2021). And so, viewed through the QDF, this double path is situated in praxis (Freire, 1970), in how a policy like FAIR, for example, is understood and enacted, queerly. It is through queer implementation that FAIR will support Butler’s (2004) ideas of cultural translation and change both schools and society to be more just and more equitable; this, in turn, will push on policy development and analysis.

### **Queering Policy Analysis and Implementation by Applying the QDF: FAIR in Action**

Implementing FAIR through the QDF requires that educators move beyond inclusion in ways that not only complicate LGBTQ people as a static, essential group, but also that call attention to sites of oppression, marginalization, and resistance throughout history and to how complex identities function(ed) throughout those sites. Guided by the theory-informed educator reflection questions shared above, in what follows, we provide ideas for how engaging the QDF might look in a high school United States history course and a unit focused on civil rights.

Important to U.S. history and often dismissed in conversations about movements for civil rights are the Compton Cafeteria Riots and Stonewall. To not extract LGBTQ history from U.S. history, this particular unit would be part of a larger inquiry into civil rights movements throughout the U.S. The larger unit would be organized around the following essential questions: *What's worth fighting for? How have human and civil rights been determined over time? What/who determines who counts as human and therefore deserves rights? What were different perceptions about these movements? Were they necessary, justified? Did they "work"? How are these movements addressed in our textbook, news media, archives? Whose voices most commonly narrate our past? Present? With respect to insiders' views, those who participated in these movements, what were these movements all about? How might explanations shift, change, complicate one another based on intersectional identities? How were leaders chosen? How did race, ethnicity, whiteness, dis/ability, social class, sexuality, gender function throughout the movement? Intersections of these? What key patterns, themes, tensions exist across and within movements?*

In this student-led, research-based inquiry, these guiding questions would be augmented by student insights. The textbook would be one resource, but a critique of the text would guide us to alternative texts, such as Bayard Ruston's speech "From Montgomery to Stonewall," the documentary *Screaming Queens: The Riot at Compton's Cafeteria*, and speeches and reflections by Marsha P. Johnson, Miss Major, and Sylvia Rivera. A central text would be Rivera's speech, "Y'all Better Quiet Down," which she gave at the 1973 Pride Parade in New York City to a jeering audience. In our engagement with this text, we would dig into how multiply marginalized identities are often on the fringe of movements for civil rights and we would wonder together about how social justice might trickle up, as Spade (2011) might say, if we center our most vulnerable communities. We would also focus on current events and narratives (e.g., the Pulse nightclub tragedy, queer youth movements, safety of transgender women of color, rural queer communities, undocuqueer and Latinx movements). In studying the lived histories of LGBTQ people taking action toward civil rights, we could look at how organizing by group membership has been both constraining and enabling, how assimilation can both privilege and dispossess, and how power functions between and within groups. By learning about the ways that the LGBTQ+ community has been policed over time (e.g., from formalized police raids on queer bars to social policing and harassment of queer visibility in our local communities), we would think together about ideas of formal recognition and the paradox of autonomy when choices "worth wanting" come at a cost, especially for folks who are multiply marginalized.

A key component of queer pedagogy is a focus on the self, therefore, in all aspects of learning, students would engage in critical self-reflection. Through personal writing, critical conversations (e.g., fishbowls, dyads), silent reflective activities (e.g., chalk talks), and creative responses (e.g., artwork, video, skits, social actions), students would consider what this learning is doing to them. Critical self-reflection would be informed by queer perspectives, insights from queer of color critique, and theories of the flesh (Cruz, 2013; Moraga & Anzaldúa, 1981), all of which acknowledge ways that the physical realities of our lives with respect to skin color, performances of gender, our sexualities, and the social and physical spaces in which we exist, matter to how we story ourselves, and to the stories that we tell. These reflections would not only support students to



understand the effects of normativity and how and when they might be implicated in oppression, they would, importantly, honor queer of color critique's insistence that knowledge production must come from the embodied experiences of queer students, queer/students of color, students who are immigrants, who are poor: students in the classrooms whose identities are "marked by crisis-oriented discourses" and considered "*at-risk*" (Brockenbrough, 2015, p. 28). Engaging queer pedagogy, in this way, would support students to develop what Cruz and McLaren (2002) call "the construction of a critical queered consciousness" that would support students to think beyond the self, beyond group membership, to move toward intersectional movement building and "radical social transformations" (p. 196).

A possible fulcrum text might be *Covering: The Hidden Assault on Our Civil Rights* (2007), in which Yoshino exposes how society's demands on aspects of identity, 'gayness' in particular, forces conversion, passing, and covering. Students would reflect on ways in which they feel a need to *cover* in their own lives but would also consider the demands they put on others, and how those demands, for many marginalized identities, are consequential both personally and institutionally. Supporting texts might include Anzaldúa's "La Prieta," in which she embraces her "borderland" identity and its complicated history or Andrea Gibson's *Your Life*, in which they center the process of becoming with respect to gender identity, the policing of those who trouble the binary, and importantly, the "holy blinking stars" we all are in our effort to live our lives. One goal of this inquiry would be to look into ourselves, to the ways in which our actions, inaction, silence, ignorance—perpetuate the very systems that this unit is meant to expose. Guiding questions might include: *What's your initial response to this text? What is it that you are responding to? Where are your 'no's' (e.g., resistances, defenses) and 'yes's' (e.g., openness, willingness to engage) as you read/engaged? How did you know? What did you feel? Where do those come from? What does this text say about you, personally? In other words, where are you in this text? How do you see, identify, or recognize yourself? How does engaging with this text affect your ideas of what counts as normal? Different? Did you notice binaries and oppositions coming up (e.g., us/them; good/bad; oppressed/oppressor; normal/abnormal; tolerant/tolerated)? What might those teach you about your "reading" practices? What does this learning do to you? to your sense of self? What does it ask you to reconsider about yourself?*

## Conclusion

The passage of FAIR marked a milestone for LGBTQ people and history, for public schools—and to be honest, for cisgender, straight people as well. Mandating inclusive curriculum is critical to shifting the dangerous paradigm of silence that has pervaded education. But without attention to implementation, the policy is not enough. Establishing a line of communication between liberal and queer theories is necessary to address this quandary and to take Butler's (2004) "double path"; this is central to move toward educational equity and justice. The QDF acknowledges that at this point in time, we need democratic policies, as fighting for group rights is a necessary political strategy. It also requires that we complicate the categories and identities that policies aim to recognize. The QDF calls attention to the intersections, margins, and nuances of identity and how these are consequential to the lived experiences of students. It necessitates seeing identity as personal, relational, and political—and identity categories as politically necessary (for now), but in which "human' is not captured once and for all' (Butler, 2004, p. 13). The QDF is responsive and attentive to contexts and people. It challenges those who are responsible for implementation to complicate notions of "normal" and "Other," and calls attention to the ways in which power and privilege function. We argue that liberal and queer theories—*working together*—provide an approach to policy analysis and implementation that centers educational opportunities for students that are actually worth wanting. Used together, they help us attend to our nonideal

society as it is; yet they importantly recognize the need to push society to grow, to be more expansive, and to move toward eradicating oppression in all of its forms.

## References

- Alcoff, L. M., Hames-Garcia, M., Mohanty, S., & Paula Moya, P. (Eds.). (2007). *Identity politics reconsidered*. Palgrave Macmillan.
- Allen, J. S. (2009). For “the children” dancing the beloved community. *Souls*, 11(3), 311-326.
- Anderson, E. (2010). *The imperative of integration*. Princeton University Press.
- Annamma, S. A., Connor, D., & Ferri, B. (2013). Dis/ability critical race studies (DisCrit): Theorizing at the intersections of race and dis/ability. *Race Ethnicity and Education*, 16(1), 1-31.
- Annamma, S. A., & Handy, T. (2020). Sharpening justice through DisCrit: A contrapuntal analysis of education. *Educational Researcher*, 50(1), 41-50.  
<https://doi.org/10.3102%2F0013189X20953838>
- Anzaldúa, G., Castillo, A., & Alarcón, N. (2001). La prieta. *Debate feminista*, 24, 129-141.
- Bell, D. (2005). *Silent covenants: Brown v. Board of Education and the unfulfilled hopes for racial reform*. Oxford University Press.
- Bishop, R. S. (1992). Multicultural literature for children: Making informed choices. In V. Harris (Ed.), *Teaching Multicultural Literature in Grades K–8* (pp. 37–54). Christopher Gordon.
- Bonilla-Silva, E. (2003). *Racism without racists: Color-blind racism and the persistence of racial inequality in the United States*. Rowman & Littlefield.
- Brockenbrough, E. (2013). Introduction to the special issue: Queers of color and anti-oppressive knowledge production. *Curriculum Inquiry*, 43(4), 426-440.  
<https://doi.org/10.1111/curi.12023>
- Brockenbrough, E. (2015). Queer of color agency in educational contexts: Analytic frameworks from a queer of color critique. *Educational Studies*, 51(1), 28-44.
- Brown, W. (1995). *States of injury: Power and freedom in late modernity*. Princeton University Press.
- Browne, K., & Nash, C. J. (2010). *Queer methods and methodologies: Intersecting queer theories and social science research*. Taylor & Francis.
- Burdge, H., Licona, A. C., & Hyemingway, Z. T. (2014). *LGBTQ youth of color: Discipline disparities, school push-out, and the school-to-prison pipeline*. Gay-Straight Alliance Network and Tucson, AZ: Crossroads Collaborative at the University of Arizona.
- Butler, J. (1990). *Gender trouble: Feminism and the subversion of identity*. Routledge.
- Butler, J. (1993). Critically queer. *GLQ: A Journal of Lesbian and Gay Studies*, 1(1), 17-32.
- Butler, J. (2004). *Undoing gender*. Routledge. <https://doi.org/10.4324/9780203499627>
- Butler, J., Olson, G. A. & Worsham, L. (2000). Changing the subject: Judith Butler’s politics of radical resignification. *JAC: A Journal of Composition Theory*, 20(4), 727–765.
- Cohen, C. (1999). “What is this movement doing to my politics?” *Social Text* 61, 17(4), 111-118.
- Cohen, C. (2005). Punks, bulldaggers, and welfare queens: The radical potential of queer politics? In E. P. Johnson, & M. G. Henderson (Eds.), *Black queer studies: A critical anthology*. Duke University Press.
- Crenshaw, K. W. (1994). Mapping the margins. In M. Fineman & R. Mykitiuk (Eds.), *The public nature of private violence* (pp. 93-118). Routledge.
- Cruz, C. (2013). LGBTQ youth of color video making as radical curriculum: A brother mourning his brother and a theory in the flesh. *Curriculum Inquiry*, 43(4), 441-460.
- Cruz, C., & McLaren, P. (2002). Queer bodies and configurations: Towards a critical pedagogy of the body. In S. B. Shapiro & H. S. Shapiro (Eds.), *Body movements: Pedagogy, politics and social*

- change (pp. 187-207). Hampton Press.
- Darling-Hammond, K. (2019). Queeruptions and the question of QTPOC thriving in schools - An excavation. *Equity & Excellence in Education*, 52(4), 424-434.
- Dennett, D. (1984). *Elbow room: The varieties of free will worth wanting*. MIT Press.
- Dewey, J. (1916). *Democracy and education: An introduction to the philosophy of education*. MacMillan.
- Dewey, J. (1927). The role of philosophy in the history of civilization. *The Philosophical Review*, 36(1), 1-9.
- Dewey, J. (1938). *Education and experience*. Continuum.
- Donnor, J. K. (2021). White fear, White flight, the rules of racial standing and whiteness as property: Why two critical race theory constructs are better than one. *Educational Policy*, 35(2), 259-273.
- Dworkin, R. (2002). *Sovereign virtue: The theory and practice of equality*. Harvard University Press.
- Eng, D. (2010). *The feeling of kinship: Queer liberalism and the racialization of intimacy*. Duke University Press.
- Eng, D. L., Halberstam, J., & Muñoz, E. (2005). What's queer about queer studies now? *Social Text*, 23(3/4), 1-17.
- FAIR Fact Sheet. (n.d).  
[http://www.centralcoastinclusiveschools.org/uploads/5/1/8/5/51853173/fair\\_education\\_fact\\_sheet.pdf](http://www.centralcoastinclusiveschools.org/uploads/5/1/8/5/51853173/fair_education_fact_sheet.pdf)
- Farley, A. N., & Leonardi, B. (2021). Beyond bathroom bills and the gender identity debate: Complicating the policy conversation about supporting trans students in schools. *Educational Policy*, 35(2), 274-303.
- Ferguson, R. A. (2005). Race-ing homonormativity: Citizenship, sociology, and gay identity. In E. Johnson (Ed.), *Black queer studies: A critical anthology* (pp. 52-67). Duke University Press.  
<https://doi.org/10.1215/9780822387220>
- Foucault, M. (1977). *Discipline and punish: The birth of the prison* (A. Sheridan, Trans.). Allen Lane.
- Fukuyama, F. (2018). Against identity politics: The new tribalism and the crisis of democracy. *Foreign Affairs*, 97(5), 90-115.
- Gamson, J. (1995). Must identity movements self-destruct? A queer dilemma. *Social Problems*, 42(3), 390-407.
- Glickman, C. (2012). Queer is a verb. <http://charlieglickman.com/queer-is-a-verb/>
- Gottlieb, D. (2020). *A democratic theory of accountability: From test-based assessment to interpersonal responsibility*. Routledge.
- Gutmann, A., & Thompson, D. (2004). *Why deliberative democracy?* The Belknap Press of Harvard University Press.
- Hall, S. (1989). Cultural identity and cinematic representation. *Framework* 36, 68-81.
- Hall, S. (2000) 'Who needs 'identity'?' In du Guy, P., Evans, J. & Redman, P (Eds.), *Identity: A reader* (pp. 15-30). Sage.
- Helton, L. (2020). Topographies of disruption: Queer(ed) literacy pedagogies beyond the binary. *Journal of Curriculum Theorizing*, 35(1).
- Howe, K. R. (1992). Liberal democracy, equal educational opportunity, and the challenge of multiculturalism. *American Educational Research Journal*, 29(3), 455-470.
- Howe, K. R. (1993). Equality of educational opportunity and the criterion of equal educational worth. *Studies in Philosophy and Education*, 11(4), 329-337.
- Howe, K. R. (1997). *Understanding equal educational opportunity. Social justice, democracy, and schooling*. Teachers College Press.
- Jagose, A. (1996). *Queer theory: An introduction*. New York University Press.

- Johnson, C. E. (2014). *Queer youth in a liberal society: The FAIR Education Act and beyond* (Doctoral dissertation). Retrieved from <https://arminda.whitman.edu/theses/213>
- Keenan, H. B. (2017). Unscripting curriculum: Toward a critical trans pedagogy. *Harvard Educational Review*, 87(4), 538-556.
- Keenan, H., & Hot Mess, L. M. (2020). Drag pedagogy: The playful practice of queer imagination in early childhood. *Curriculum Inquiry*, 50(5), 440-461.
- Kumashiro, K. K. (2000). Toward a theory of anti-oppressive education. *Review of Educational Research*, 70, 25-53.
- Kumashiro, K. K. (2001). 'Posts' perspectives on anti-oppressive education in social studies, English, mathematics, and science classrooms. *Educational Researcher*, 30(3), 3-12.
- Kumashiro, K. K. (2002). *Troubling education: Queer activism and anti-oppressive pedagogy*. Routledge Falmer.
- Kosciw, J. G., Greytak, E. A., Giga, N. M., Villenas, C. & Danischewski, D. J. (2016). *The 2015 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools*. GLSEN.
- Kymlicka, W. (1991). *Liberalism, community, and culture*. Clarendon Press.
- Leonardi, B. (2014). *Tilling the soil for LGBTQ inclusive policies: A case study of one school's attempt to bring policy into practice*. [Unpublished doctoral dissertation]. University of Colorado, Boulder, Colorado.
- Leonardo Z., & Tran H. (2013.) What is so liberal about neo-liberalism? Schooling, law and limitations of race-neutral reforms. In R. Brooks, M. McCormack, & K. Bhopal (Eds.), *Contemporary debates in the sociology of education*. Palgrave Macmillan. [https://doi.org/10.1057/9781137269881\\_10](https://doi.org/10.1057/9781137269881_10)
- Lilla, M. (2016, November 18). The end of identity liberalism. *The New York Times*. [https://www.nytimes.com/2016/11/20/opinion/sunday/the-end-of-identity-liberalism.html?\\_r=0](https://www.nytimes.com/2016/11/20/opinion/sunday/the-end-of-identity-liberalism.html?_r=0)
- Liston, D. P. (2015). Neo-Marxism and schooling. *Educational Theory*, 65(3), 239-243.
- Loutzenheiser, L. W. (2015). 'Who are you calling a problem?': Addressing transphobia and homophobia through school policy. *Critical Studies in Education*, 56(1), 99-115.
- Love, B. L. (2016). Anti-Black state violence, classroom edition: The spirit murdering of Black children. *Journal of Curriculum and Pedagogy*, 13(1), 22-25.
- Lugg, C. A. (2014). Can you be out at school? A review of *The right to be out: Sexual orientation and gender identity in America's public schools*. *Journal of LGBT Youth*, 11(3), 341-345.
- Lukes, S. (1974). *Power: A radical view*. London and New York: Macmillan.
- Lynch, I., Swartz, S., & Isaacs, D. (2017). Anti-racist moral education: A review of approaches, impact and theoretical underpinnings from 2000 to 2015. *Journal of Moral Education*, 46, 129-144. <https://doi.org/10.1080/03057240.2016.1273825>
- Marquez, R., & Brockenbrough, E. (2013). Queer youth v. the state of California: Interrogating legal discourses on the rights of queer students of color. *Curriculum Inquiry*, 43(4), 461-482.
- Mayo, C. (2006). Pushing the limits of liberalism: Queerness, children, and the future. *Educational Theory*, 56(4), 469-487.
- Mayo, C. (2013). Unsettled relations: Schools, gay marriage, and educating for sexuality. *Educational Theory*, 63(5), 543-558.
- Mayo, C. (2017). Queer and trans youth, relational subjectivity, and uncertain possibilities: Challenging research in complicated contexts. *Educational Researcher*, 46(9), 530-538.
- McCready, L. T. (2010). *Making space for diverse masculinities: Difference, intersectionality, and engagement in an urban high school*. Peter Lang.
- McRuer, R. (2006). *Crip theory: Cultural signs of queerness and disability*. New York University Press.

- Meyer, E., & Pride, B. (2014). *Initiating and sustaining educational change: Seth's law and the FAIR Education Act*. Research report completed for the American Educational Research Association and the San Luis Obispo County Office of Education. California Polytechnic State University School of Education.  
[https://www.academia.edu/7507999/Initiating\\_and\\_Sustaining\\_Educational\\_Change\\_The\\_FAIR\\_Education\\_Act\\_and\\_Seths\\_Law\\_Project\\_Final\\_Report\\_prepared\\_by](https://www.academia.edu/7507999/Initiating_and_Sustaining_Educational_Change_The_FAIR_Education_Act_and_Seths_Law_Project_Final_Report_prepared_by)
- Meyer, E. J., & Quantz, M. (2021). Who is (not) protected by Title IX? A critical review of 45 years of research. *Teachers College Record*, 123(2).
- Moraga, C., & Anzaldúa, G. (Eds.). (1981). *This bridge called my back: Writings by radical women of color*. Kitchen Press.
- Moses, M. S. (2001). Affirmative action and the creation of more favorable contexts of choice. *American Educational Research Journal*, 38(1), 3-36.
- Moses, M. S. (2002). *Embracing race: Why we need race-conscious education policy*. Teachers College Press.
- Moses, M. S. (2010). Moral and instrumental rationales for affirmative action in five national contexts. *Educational Researcher*, 39(3), 211-228.
- Moses, M. S. (2016). *Living with moral disagreement: The enduring controversy about affirmative action*. The University of Chicago Press.
- Mouffe, C. (1996). Democracy, power, and the “political.” In S. Benhabib (Ed.), *Democracy and difference*. (pp. 245-256). Princeton University Press.
- Neufeld, B. (2020). Political liberalism autonomy, and education. In A. Peterson, G. Stahl & H. Soong (Eds.), *The Palgrave handbook on citizenship and education*. Palgrave Macmillan.  
[https://doi.org/10.1007/978-3-319-67828-3\\_12](https://doi.org/10.1007/978-3-319-67828-3_12)
- Nieto, S. (1992). *Affirming diversity: The sociopolitical context of multicultural education*. Longman.
- Orfield, G. & Jarvie, D. (2020, October 28). *Unequal public schools makes affirmative action essential for equal opportunity: A policy brief from the UCLA Civil Rights Project*. UCLA.
- Penan, H. (2013). The FAIR Education Act. <http://thenoticeca.com/2013/06/03/fair-education-act/>.
- Phelan, S. (2000). Queer liberalism? *American Political Science Review*, 94(02), 431-442.
- Phelan, S. (2010). *Sexual strangers: Gays, lesbians, and dilemmas of citizenship*. Temple University Press.
- Piazza, P. (2014). Toward a theory of democratic post-structuralism. *Learning for Democracy*, 5(3), 1 - 19.
- Plemons, E. (2017). *The look of a woman: Facial feminization surgery and the aims of trans-medicine*. Duke University Press.
- Prosser, J. (1998). *Second skins: The body narratives of transsexuality*. Columbia University Press.
- Rasmussen, M. L. (2003). Queer trepidations and the art of inclusion. *Critical Studies in Education*, 44(1), 87-107.
- Romesburg, D., Rupp, L. J., & Donahue, D. M. (2014). *Making the framework FAIR: California history-social science framework proposed LGBT revisions related to the FAIR Education Act*. Committee on Lesbian, Gay, Bisexual, and Transgender History.
- Ruffolo, D. V. (2016). *Post-queer politics*. Routledge.
- Sant, E. (2019). Democratic education: A theoretical review (2006–2017). *Review of Educational Research*, 89(5), 655–696. <https://doi.org/10.3102/0034654319862493>
- Serano, J. (2016). *Whipping girl: A transsexual woman on sexism and the scapegoating of femininity* (2nd ed.). Seal Press.
- Spade, D. (2011). Law as tactics. *Columbia Journal of Gender and Law*, 21(2), 40–71.
- Spade, D. (2013). Intersectional resistance and law reform. *Signs: Journal of Women in Culture and Society*, 38(4), 1031–1055.

- Spade, D. (2015). *Normal life: Administrative violence, critical trans politics, and the limits of law*. Duke University Press.
- Spivak, G. C. (1988). Can the subaltern speak? In *Marxism and the interpretation of culture* (pp. 271-313). Macmillan Education UK.
- Staley, S., & Leonardi, B. (2020). A pretty queer thing: Thinking queerly about teachers' gender and sexual diversity-focused professional learning. *Journal of Teacher Education*, 0022487120971588.
- Stewart, D. L., & Nicolazzo, Z. (2018). High impact of [whiteness] on trans\* students in postsecondary education. *Equity & Excellence in Education*, 51(2), 132-145.
- Stryker, S. (2013). (De)subjugated knowledges: An introduction to transgender studies. In S. Stryker & S. Whittle (Eds.), *The transgender studies reader* (pp. 17–34). Routledge.
- Tabron, L. A., & Chambers, T. T. V. (2019). What is being Black and high achieving going to cost me in your school? Students speak out about their educational experiences through a racial opportunity cost lens. *High School Journal*, 102(2), 118-138.
- Taylor, C. (1994). The politics of recognition. In A. Gutmann (Ed.), *Multiculturalism: Examining the politics of recognition*. Princeton University Press.
- Teaching LGBTQ History. (n.d.) About the Fair Education Act.  
<http://www.lgbtqhistory.org/about-fair-education-act/>
- Venzant Chambers, T., Huggins, K. S., Locke, L. A., & Fowler, R. M. (2014). Between a “ROC” and a school place: The role of racial opportunity cost in the educational experiences of academically successful students of color. *Educational Studies*, 50(5), 464–497.
- Warner, M. (2000). *The trouble with normal: Sex, politics, and the ethics of queer life*. Harvard University Press.
- Watson, C., & Hartley, C. (2018). *Equal citizenship and public reason: A feminist political liberalism*. Oxford University Press.
- Weithman, P. (2018). In defense of a political liberalism. *Philosophy & Public Affairs*, 45, 397–412.
- Wilchins, R.A. (1997) *Read my lips: Sexual subversion and the end of gender*. Firebrand Books.
- Young, I. M. (1990). *Justice and the politics of difference*. Princeton University Press.

=

## About the Authors

### Bethy Leonardi

University of Colorado Boulder

[Bethy.leonardi@colorado.edu](mailto:Bethy.leonardi@colorado.edu)

<https://orcid.org/0000-0002-4052-2765>

Bethy Leonardi, PhD is codirector of A Queer Endeavor ([aqueerendeavor.org](http://aqueerendeavor.org)) and an assistant professor of Educational Foundations, Policy & Practice at the University of Colorado Boulder School of Education. In her research she focuses on the complex relationship between policy and practice, and specifically, policies that rub up against the status quo.

### Michele S. Moses

University of Colorado Boulder

[Michele.Moses@colorado.edu](mailto:Michele.Moses@colorado.edu)

<https://orcid.org/0000-0003-3428-6927>

Michele S. Moses is a professor of Educational Foundations, Policy & Practice at the University of Colorado Boulder School of Education. She is a philosopher specializing in education policy studies, with particular expertise in policy disagreements that involve moral and political values and democracy.

---

# education policy analysis archives

Volume 29 Number 90

June 28, 2021

ISSN 1068-2341

---



Readers are free to copy, display, distribute, and adapt this article, as long as the work is attributed to the author(s) and **Education Policy Analysis Archives**, the changes are identified, and the same license applies to the derivative work. More details of this Creative Commons license are available at <https://creativecommons.org/licenses/by-sa/4.0/>. **EPAA** is published by the Mary Lou Fulton Teachers College at Arizona State University. Articles are indexed in CIRC (Clasificación Integrada de Revistas Científicas, Spain), DIALNET (Spain), [Directory of Open Access Journals](#), EBSCO Education Research Complete, ERIC, Education Full Text (H.W. Wilson), QUALIS A1 (Brazil), SCImago Journal Rank, SCOPUS, Socolar (China).

About the EPAA/AAPE Editorial Team: <https://epaa.asu.edu/ojs/about/editorialTeam>

Please send errata notes to Audrey Amrein-Beardsley at [audrey.beardsley@asu.edu](mailto:audrey.beardsley@asu.edu)

Join EPAA's Facebook community at <https://www.facebook.com/EPAAAPE> and Twitter feed @epaa\_aape.