

## **Coming Out From the Shadows: A History of Gay and Lesbian Educators in the United States**

### **Brief Overview of the Project**

Over 3,700,000 full-time public school teachers were employed in the United States in 2011 (National Center for Education Statistics, 2012). However, there are no official statistics on how many of these teachers identify themselves as gay or lesbian. Drawing on information from four recent national and two state-level population-based surveys, the analyses suggest that there are more than eight million adults in the U.S. who are lesbian, gay, or bisexual, comprising 3.5% of the adult population. In total, the study suggests that approximately nine million Americans – roughly the population of New Jersey – identify themselves as lesbian, gay, bisexual, or transgender (LGBT) (Gates, 2011). The following policy analysis based on a review of the literature of the historical and legal landscape of gay and lesbian public school teachers is a direct result of the lack of current statistics on these teachers.

The following four questions are addressed in this policy analysis:

- What has been the history of gay and lesbian educators in public schools in the U.S.? In California?
- How have legal cases and state laws determined the safety of gay and lesbian educators to speak out about their lives?
- How have changing values in society benefitted or harmed gay and lesbian educators?
- What still needs to be done concerning educational policy to give full equal rights to gay and lesbian educators?

### **Significance to the Theme of the Conference and the Field of Teacher Education**

How can we as university faculty members, teacher educators, and teacher leaders best meet the needs of all our learners? What impact does a teacher's effectiveness in a traditional classroom play in relationship to other delivery modes? These are some of the questions we will be exploring at the Spring 2014 CTE Conference. If, as Parker Palmer (1998) writes, "good teaching comes from the identity and integrity of the teacher," then we need to start with the teacher in the learning paradigm (p. 10). If LGBT pre-service and current teachers feel safe to be open about their lives with their colleagues and supervisors, they will be better teachers because they will no longer have to hide from fear of rejection or reprisals. Ultimately, we hope that this openness would eventually include parents and students, and the adoption of appropriate curriculum, not necessarily for the teachers, but for the students so that they will receive accurate information in understanding their LGBT K-12 teachers and eventually, the LGBT population. In addition, LGBT teachers could serve as much-needed role models for LGBT students.

### **Systematic Strategy for a Historical Literature Review and Analysis**

This is a presentation on a comprehensive and historical literature review on gay and lesbian teachers in the United States. From colonial times up to the present day, it documents historical events, activities, and changes that impact the lives of LGBT teachers in the U.S. Data

sources for this literature review included *Educational Resources Information Clearinghouse (ERIC)*, *Academic Search Premier*, *Google Scholar and Dissertations & Theses*. The following terms were used in searches: *gay and lesbian public school teachers, gay teachers, lesbian teachers, gay educators, lesbian educators, and Gay, Straight and Lesbian Educators' Network (GLSEN)*.

Data concerning bisexual and/or transgender teachers was not researched as most historical research does not include these categories in their practices. Only recently has the cause of the bisexual and transgender community begun to be recognized for equal treatment in employment.

## **Development and Analysis of Policy**

### **United States History of Gay and Lesbian Teachers**

Throughout American history, teachers have always been construed to be *in loco parentis* in the eyes of legal, educational and social institutions. With our country's early strong emphasis on religious and moral education, teachers were expected to adhere to a virtuous lifestyle and be held to the highest standard of conduct (Harbeck, 1997). Although colonial constraints imposed on teachers seem dated and even humorous to today's readers, it is only during the past five decades that the courts have begun to scrutinize the efforts of school authorities to control a teacher's private life.

The anti-Communist zeal of the 1950s encouraged a strong movement to suppress "deviant" behavior that was viewed as a threat to traditional values. A series of local statutes were passed and enforced that prohibited lewd vagrancy, sodomy, extramarital sex and loitering. These statutes became an effective and legitimate mechanism for the harassment of gays and lesbians by police in the interest of national security. During this Cold War period, searching for Communists and searching for sexual perverts became an indistinguishable mission for government agents. Gay and lesbian teachers were viewed as the source of Communist recruitment efforts and sex was their means of enticement (Harbeck, 1997).

### **United States Legal Cases**

The 14<sup>th</sup> Amendment guarantees due process before being deprived of life, liberty or property as well as equal protection of the laws. As Bonauto (1994) points out, even though rights may exist, they are only real when judges are willing to uphold them.

Legal cases (Morrison v. State Board of Education, 1969; Ancafoa v. Board of Education, 1974; Van Ooteghem v. Gray, 1980; National Gay Task Force v. Board of Education of City of Oklahoma City, 1984) have covered the following areas concerning gay and lesbian teachers: first amendment rights, the teacher's right to associate, the teacher's right to participate in the political process, and the right to "come out" at school, but not always to the teacher's advantage. In addition, there exists a patchwork of federal, state and local anti-discrimination laws which are constantly subject to voter referendum (Bonauto, 1994). The Employment Non-Discrimination Act (ENDA), which would prohibit discrimination in hiring on the basis of sexual orientation or gender identity by civilian and nonreligious employers with at least 15 employees, has been introduced in every U.S. Congress since 1994, but it is still not signed into law.

## California History of Gay and Lesbian Teachers

California became the most active state in dismissing gay and lesbian teachers in the 1950s, due to California Penal Code, Sections 291 and 12756 which required the chief of police to immediately notify the state licensing board and local superintendent of schools upon the arrest of a teacher for violating local statutes concerning “immoral” or “deviant” behavior *whether or not s/he was found guilty*. All constitutional criminal procedure protections were waived, and the teacher was immediately dismissed (Harbeck, 1997). No other occupation or profession in California received a legislative mandate to purge homosexuals from its work force except teaching.

California continued its anti-gay stance towards teachers when State Senator John Briggs introduced Proposition 6 (known as the Briggs Initiative) in June 1977. Prop 6 was to amend the California State Education Code by refusing to employ and/or by terminating the employment of a teacher, teacher’s aide, administrator or counselor who engaged in public homosexual activity and/or public homosexual conduct directed at, or likely to come to the attention of, school children or other school employees. In August 1978, polls showed the initiative passing, 61% to 31%. Thanks to the opposition of public figures and political leaders (the most persuasive being former Governor Ronald Reagan), Prop 6 was defeated by a two to one margin.

Despite the legal and social changes in society and the enactment of formal mandates to provide union assistance, the isolation and invisibility that many gay and lesbian educators still feel prevent them from knowing they have certain rights. More importantly, school administrators have been misinformed on laws concerning these educators (Harbeck, 1997). Although dismissing a public school teacher because of sexual orientation may prove difficult in 2013, harassing one because of opposition from parents or the community is still a continuing reality for millions of gay and lesbian public school teachers and for gay and lesbians who are in the process of considering teaching as a career choice.

## Conclusion and Implications for Teacher Educators

The Gay, Lesbian and Straight Education Network (GLSEN) is an advocacy and support group for gay and lesbian educators. In its 2011 School Climate Survey, it found that 56.9% of students reported hearing homophobic or negative remarks about gender (e.g., not acting “masculine” or “feminine” enough) from their teachers or other school staff. Teachers and administrators must create a safe environment for all students to learn and LGBT educators to teach. In order to do this, it is essential that students and staff learn to become more accepting of all people through integration of gay and lesbian topics into the curriculum, enforcement against harassment, the establishment of gay-straight student alliances and the use of positive role models (Jackson, 2007).

As teacher educators, we have a responsibility to prepare the next generation of teachers how to effectively empower themselves and their students to examine their own assumptions and challenge stereotypes about sexual orientation and gender. Hopefully then, as gay and lesbian educators find that they feel safe to come forward and be open about their identities and lives, they will enter the teaching profession without the past fears of others, and gay and lesbian

teachers will be able to conduct their teaching careers in an open, inclusive manner that acknowledges who they are.

## References

- Bonauto, M.L. (1994). A legal overview of the rights of gay, lesbian, and bisexual teachers. In K. Jennings (Ed.), *One teacher in 10: Gay and lesbian educators tell their stories* (pp. 257-276). Los Angeles: Alyson Publications.
- Gates, G. J. (2011). How Many People Are Lesbian, Gay, Bisexual and Transgender? *The Williams Institute*.  
<http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>
- Gay, Lesbian, and Straight Educators Network (GLSEN) (2012). Executive Summary. *National School Climate Survey* (p. 3).  
<http://glsen.org/sites/default/files/2011%20National%20School%20Climate%20Survey%20Executive%20Summary.pdf>
- Harbeck, K.M. (1997). *Gay and lesbian educators: Personal freedoms, public constraints*. Malden: Amethyst Press.
- Jackson, J.M. (2007). *Unmasking identities: An exploration of the lives of gay and lesbian teachers*. Lanham: Lexington Books.
- Palmer, P.J. (1998). *The courage to teach: Exploring the inner landscape of a teacher's life*. San Francisco: Jossey-Bass.