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Silencing, Erasure, and Stigma of Sexual Minority Identity:
Heteronormative Bias in Rural School Climate

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Education

by

Julie Adele Buchanan-Plaisance

2014

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2014

ABSTRACT OF THE DISSERTATION

Silencing, Erasure, and Stigma of Sexual Minority Identity:
Heteronormative Bias in Rural School Climate

by

Julie A. Buchanan-Plaisance

Doctor of Education

University of California, Los Angeles, 2014

Professor Patricia M. McDonough, Chair

The current study applied Hatzenbuehler et al.'s (2012) conceptual framework of stigmatization to understand community opposition to school climate interventions for sexual minority youth. This study addressed a gap in the literature on factors in the educational ecology which impact the implementation of LGBT-inclusive programs and curriculum. An analysis of the extensive public records surrounding a student suicide and subsequent federal civil rights investigation in a California district revealed heteronormative forces of silencing, erasure, and marginalization in the school and community environment.

As the primary socializing institutions in rural areas, schools contribute to the acceptance and well-being of sexual minority youth. The theoretical concepts of ecological systems and minority stress emphasize the importance of contextualizing risk factors associated with

heteronormative school climate. Elements of school ecology which produce stigmatization evolve over time and may not be perceived by educators as barriers in the lives of local youth.

The federal government's intervention template to address a hostile climate for sexual minority and gender-nonconforming youth incorporated research-based prescriptions, but failed to overcome significant barriers during implementation. An analysis of parent involvement, specifically the tactics of opponents and stakeholder advisory committees, indicated that district outreach occurred in the broader context of social stigmatization.

This qualitative case study analyzed the multiple challenges a rural K-12 district faced during the implementation of an LGBT-affirmative school climate intervention. Opposition to these programs increased when stakeholders conflated sexual orientation with sexual practice or perceived a violation of personal religious beliefs. The erasure of LGBT content from an anti-bullying curriculum and the emphasis on generic anti-bullying, or Golden Rule-based, lessons further marginalized sexual minority identity from classroom discourse. The findings suggest how the replication of heterosexually-biased social structures and the reassertion of community norms perpetuate the stigma associated with sexual orientation.

The dissertation of Julie Adele Buchanan-Plaisance is approved.

Stuart Biegel

Christina A. Christie

Mignon R. Moore

Patricia M. McDonough, Chair

University of California, Los Angeles

2014

Dedication

This dissertation is dedicated to my students, Colt and L'Oreal, who as sixth graders were the first students to courageously come out to me and share stories of heartache. Thank you for that trust. You challenged me to find LGBT literature that could comfort and inspire, to create lessons that were inclusive, and to become an out role model.

This dissertation is also dedicated to the memory of Seth Walsh. I never knew Seth, but seeing local schools through the eyes of Ashley, Mario, and Anthony taught me that we, as educators, can do so much more to make schools and communities welcoming and inclusive for all students.

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In the formative stages of this project, the research and instruction of my committee members inspired me. Dr. Howard gave me the freedom to explore a related topic in his course, which introduced me to the challenges of framing an argument around gaps and silences in the existing research. Professor Biegel's writing, with its clear and level tone, and his uncanny ability to parse complex issues, set a high standard for which to strive. The depth of qualitative inquiry and the richness of data in Dr. Moore's *Invisible Families* showed me the complexity of analyzing issues related to identity and community belonging.

I wish to acknowledge my committee chair, Dr. McDonough, as an extraordinary educator. She modeled how to create a safe classroom space for sensitive discussions. She also challenged me to find the conceptual framework that could transform my data from a cacophony into an opus. Even when our time was limited to five-minute, patchy conversations during drives through mountain canyons after long, exhausting days, I felt listened to and heard, which was the most precious gift of all.

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For Drs. Penelope Swenson and Christine Doyle, I was not just another name on their class roster. Their encouragement to pursue a doctorate meant a great deal. Early in my doctoral program, Dr. Diane Durkin generously mentored my writing skills, and Dr. Randy Schultz consistently encouraged me. I also have the deepest respect for Dr. Cindy Kratzer, who endured my lengthy descriptions of data as I tried to sort out what patterns I saw. For Dr. Todd Jennings, who allowed me talk through ideas, dilemmas, and questions, sometimes without me even knowing what I was trying to say, I am tremendously grateful. I am still surprised that he took my agonized deliberations—and me—seriously. I could not have stayed physically and mentally fit without the support of Cecil Pullum, Dr. Roy B. Del Rosario, and Deborah Rice-Lang, and for that I extend my deepest thanks.

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Chapter 1

I. Study Rationale

Gender and sexuality shape students' school experiences at all ages (Bryan, 2012; Chesir-Teran & Hughes, 2009; DePalma & Atkinson, 2010; Meyer, 2008, 2009, 2010; Poteat, Espelage, & Koenig, 2009; Robinson & Espelage, 2011, 2012; Russell, Ryan, Toomey, Diaz, & Sanchez, 2011; Smith, 1998; Tharinger, 2008; Toomey, McGuire, & Russell, 2012; Toomey, 2010). Public schools include an increasing number of students who self-disclose their sexual orientation at earlier ages, who are parented by one or more lesbian or gay adults, and who present a gender other than their biological sex (D'Augelli, 2008; D'Augelli et al., 2006; Grossman et al., 2009; Grov, Bimbi, Nanin, & Parsons, 2006; Perrin et al., 2004; Ryan, Huebner, Diaz, & Sanchez, 2009; Saewyc, 2011). Although many are resilient, some students remain vulnerable to social isolation from a lack of home, school, or community support.

The impact of negative school climate on the physical, mental, and emotional health of these students is well documented (Birkett, Espelage, & Koenig, 2009; Espelage, Aragon, Birkett, & Koenig, 2008; Griffin & Ouellett, 2003; Guasp, 2012; Hill & Kearl, 2011; Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2012; Kosciw, Greytak, & Diaz, 2009; Kosciw, Palmer, Kull, & Greytak, 2013; Palmer, Kosciw, & Bartkiewicz, 2012; Robinson & Espelage, 2011, 2012; Weis & Fine, 2005), and research has shifted from depictions of victimization to examine possible protective factors for sexual minority youth and gender variant youth (Anderson, 1998; Cohn & Hastings, 2010; Fraser, 1997; Grossman et al., 2009; Grossman, D'Augelli, & Frank, 2011; Harper, Brodsky, & Bruce, 2012; Mustanski, Newcomb, & Garofalo, 2011; Palmer et al., 2012; Rasmussen & Rofes, 2004; Russell & Richards, 2003; Russell, 2005; Scourfield, Roen, & McDermott, 2008).

California has passed a series of laws to address the harassment and discrimination of sexual minority youth at school (Biegel & Kuehl, 2010; Biegel, 2010; Russell, Kosciw, Horn, & Saewyc, 2010). However, some studies indicate these strategies are insufficient to protect lesbian, gay, bisexual and transgender (LGBT) youth from stigma. Broader social conditions may continue to contribute to the stressors sexual minority youth experience (Hatzenbuehler, 2009, 2010, 2011; Meyer & Bayer, 2013). Hatzenbuehler et al. (2013) argue that stigma is a pervasive public health concern which affects the well-being of LGBT Americans. They contend that stigmatization disrupts multiple ecological systems beyond individual health outcomes and social relationships, such as educational resources and institutional conditions (2013).

Hatzenbuehler theorizes a conceptual framework for this phenomenon that includes both psychological motivations and structural mechanisms which are reproduced over time as a way of enforcing social norms (2013). California laws have dismantled some socially-sanctioned discrimination, such as a ban on same-sex marriage. Within education, the School Success and Opportunity Act extended protections for transgender students through to equitable access to school facilities, and the F.A.I.R. Education Act prohibited negative stereotypes of LGBT Americans in curriculum (Burdge, Snapp, Laub, Russell, & Moody, 2013; Maisel & Fingerhut, 2011; Wight, LeBlanc, & Lee Badgett, 2013).

Researchers who study the experiences of rural LGBT residents characterize communities with more conservative social norms, ideological homogeneity, and greater influence of religious institutions (Boso, 2013; Cohn & Leake, 2012; Leedy & Connolly, 2008; Oswald & Culton, 2003; Puckett, Horne, Levitt, & Reeves, 2011; Rostosky, Owens, Zimmerman, & Riggle, 2003). In addition, rural sexual minority youth are challenged by the lack

of a visible community when seeking resources or deciding the contexts in which to disclose their sexual orientation (Boso, 2013; Leedy & Connolly, 2008; Oswald & Culton, 2003; Oswald, Cuthbertson, Lazarevic, & Goldberg, 2010; Poon & Saewyc, 2009). School is one of the few socializing institutions in geographically-dispersed areas, and has been shown to regulate gender and sexuality through enforcement of heterosexual norms (Cohn & Hastings, 2010; DePalma & Atkinson, 2010; O'Connell, Atlas, Saunders, & Philbrick, 2010; Pace, 2004; Palmer et al., 2012; Pascoe, 2007; Poon & Saewyc, 2009).

II. Problem Statement

Since the School Safety and Violence Prevention Act of 2000, nine additional California laws address school climate or protections for sexual minority youth. California has legislated the inclusion of LGBT-related curriculum and required that comprehensive school safety plans address school climate, specifically bullying. Districts are expected to provide professional development on bullying prevention and to respond to incidents of sex and gender-based harassment. Statewide implementation, though, has been uneven, as indicated by interventions of the U.S. Departments of Justice and Education. The 2008 shooting of Ventura middle schooler Lawrence King and the 2010 suicide of Tehachapi middle schooler Seth Walsh are two recent, high-profile incidents that reveal how the climate of California's smaller districts reflect the heterosexual norms of the local community.

Changes in school climate occur within broader social contexts, and educators are expected to be responsive to community concerns. Smaller suburban and rural districts across California, which reflect more conservative community values, face multiple challenges to implementing these policies, including financial constraints, a lack of resources, and public resistance. Educators charged with addressing the school climate for sexual minority youth may feel

challenged to address critics who believe these interventions impinge on First Amendment protections of speech and religious beliefs. Few studies examine the effectiveness of school climate interventions in a rural setting, and we lack an understanding of the complex interactions of how these ecologies influence each other. Furthermore, Meyer and Bayer (2013) note that despite the importance of navigating “[t]he opposing views of interventionists and critics ...central to the 2011 U.S. Commission on Civil Rights’ examination of peer-to-peer violence and bullying...[they] found not one paper in public health, social science, or education that addresses these issues.”

III. Purpose of the Study

The current study explores the applicability of a conceptual framework of stigmatization to understanding community opposition to school climate interventions for sexual minority youth. An examination of educators’ perspectives on the influence of rural community on school interventions can not only illuminate the broader ecological context affecting the risk and resilience of LGBT youth, but also can provide practical direction for future school climate reforms. This study seeks to address a gap in the literature on ecological factors which impact the implementation of LGBT-affirmative school-based interventions.

RQ: How have key stakeholders shaped the implementation process for a mandated LGBT-affirmative school climate intervention?

IV. Research Site: Tehachapi Unified School District

Tehachapi (pop. 14,630) is a small town located at 3,970 feet at the southernmost tip of the Sierra Nevada Mountains, between the Mojave Desert and the San Joaquin Valley in Kern County. Among households, only 18, or .6% were same-sex couples, while opposite-sex couples comprised 48.2% married and 6.2% unmarried. The population is shown as 65.4% white, 37.9%

Latino, 18.9% Pacific Islander, and 9% African-American. Interestingly, 58.9% of the population is listed as households, while 41% is institutionalized. In addition, there are nearly three men for every female over the age of 18. These last two descriptive statistics suggest that the local correctional facility accounts for a portion of the racial diversity and gender concentration in the area.

Tehachapi Unified School District (TUSD) has approximately 4,600 students. State test scores in the district have been relatively high compared to surrounding districts, and the sole comprehensive high school has been designated a California Distinguished School. Its 1,424 students are 69% white, 24% Latino, and 2% African-American. Although not all AYP criteria were met on the 2011 state test, the school is not in Program Improvement. The high school's graduation rate is 97%, but only 27% of students completed the A-G course requirements for entry into state university.

Since the 2010 student suicide from bullying and subsequent federal civil rights investigation, the district superintendent resigned. An internal candidate, Lisa Gilbert, was promoted to Superintendent, and has her own children enrolled in the district high school. The tragedy prompted AB 9, also known as Seth's Law, which required that California school districts adopt policies prohibiting discrimination, harassment, intimidation and bullying based on actual or perceived characteristics. It also required that district adhere to a specific timeline for investigation into alleged incidents. The Walsh family filed a wrongful death suit in July, 2011 for \$6 million, which was settled in April, 2014 for \$750,000.

In June 2011, trustees for the Tehachapi Unified School District (TUSD) approved the terms of a voluntary Resolution Agreement with the U.S. Department of Justice (DOJ) and the U.S. Department of Education's Office of Civil Rights (OCR). As a result, TUSD adopted a

multi-point school climate intervention, which included revised policies and procedures related to sex- and gender-based harassment, annual climate surveys, staff training, and an anti-bullying curriculum for all students in kindergarten through Grade 12. Several components of this federal intervention met with community resistance.

V. Methodology

This qualitative case study was designed to provide a richness of description to better understand how various stakeholders, particularly district leadership and parents, responded to an intervention to address a hostile climate for sexual minority and gender variant youth. My study analyzed public records, including board meeting transcripts, compliance reports submitted to the Office of Civil Rights, print and online news as well as extensive commentary by residents in the form of letters to the editor.

School climate survey data revealed significant findings of negative experiences for sexual minority youth, and a gap between student and staff perceptions of school climate remains. Through multiple methods and sources, I aimed to capture the divergent perspectives on the mandated intervention. Specifically, I examined challenges to the implementation of the most contentious piece, the anti-bullying curriculum.

VI. Research Significance

By the nature of the requirements OCR imposed on TUSD, this case study was a unique opportunity to document the introduction of comprehensive district reforms within an abbreviated time frame. Furthermore, the breadth of documentation which surrounded nearly every stage of the implementation of the federal intervention provided a valuable glimpse into stakeholder responses.

The school climate reforms were wide-ranging. The implementation included the adoption of an anti-bullying curriculum and ongoing training for every employee and student in the district, combined with mandated surveys of school climate and bi-annual statistical reports on incidents of bullying and harassment. The proposed curriculum was developed by a committee of educators and then reviewed—and revised—extensively by parents. Through these interactions, stakeholders evinced differing views on the purpose of public education and the nature of educational leadership.

Tasked with the implementation of an LGBT-affirmative school climate intervention, Tehachapi’s educational leaders attempted to both learn and lead on an issue which affected the health and well-being of students at higher risk for assault, harassment, and marginalization. Because levels of victimization for self-identified LGBT and gender non-conforming students in TUSD’s initial school climate survey were comparable to state and national averages, this case also displayed the potential for transferability to the experiences in other rural districts.

An analysis of stakeholder engagement suggested ways in which community norms shaped school climate. The transparent and intense public debate, combined with the insular nature of this small town and its single, unified district, presented implications for how the forces of democratic engagement shape discussions of diversity, equity and inclusion for sexual minority youth in suburban and rural school districts across the nation.

Chapter 2

I. Introduction

The current study explores the applicability of a conceptual framework of stigmatization to understanding community opposition to school climate interventions for sexual minority youth. An examination of educators' perspectives on the influence of rural community on school interventions can not only illuminate the broader ecological context affecting the risk and resilience of LGBT youth, but also can provide practical direction for future school climate reforms. This study seeks to address a gap in the literature on ecological factors which impact the implementation of LGBT-affirmative school-based interventions.

The purpose of this study is to examine how sources of stigmatization of sexual orientation and gender nonconformity in a rural community may affect the implementation process for a school climate intervention for sexual minority youth. Gender and sexuality shape students' school experiences at all grade levels (Bryan, 2012; Chesir-Teran & Hughes, 2009; DePalma & Atkinson, 2010; Meyer, 2008, 2009, 2010; Poteat, Espelage, & Koenig, 2009; Robinson & Espelage, 2011, 2012; Russell, Ryan, Toomey, Diaz, & Sanchez, 2011; Smith, 1998; Taylor & Peter, 2011; Tharinger, 2008; Toomey, McGuire, & Russell, 2012; Toomey, 2010).

Youth who are gender nonconforming or perceived as gay or lesbian are often disproportionately impacted by hostile school climates and curricula which lack positive role models and messages (Birkett, Espelage, & Koenig, 2009; Espelage, Aragon, Birkett, & Koenig, 2008; Griffin & Ouellett, 2003; Guasp, 2012; Hill & Kearl, 2011; Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2012; Kosciw, Greytak, & Diaz, 2009; Kosciw, Palmer, Kull, & Greytak, 2013; Palmer, Kosciw, & Bartkiewicz, 2012; Robinson & Espelage, 2011, 2012; Taylor & Peter, 2011; Weis & Fine, 2005). However, the development of a welcoming and inclusive school

climate requires more than an understanding of the risk factors faced by LGBT youth as victims of harassment. Educators need to also recognize both the resilience of some sexual minority youth and the unique perspectives of children raised by same-sex parents.

Since 2000, numerous California laws have addressed school climate or protections for LGBT youth, yet implementation has been uneven among districts. Educators who lack an understanding of how gender and sexuality shape students' school experiences are ill-prepared to navigate home-school relations or create safe learning environments that increase academic engagement. Administrators, who shape school climate primarily through symbolic leadership and disciplinary decisions, have less direct student contact compared to teachers, who play a critical role in operationalizing norms and expectations on a campus. Many educators, as a result of inadequate pre-service training, also enter the classroom unaware of the ways that heteronormative bias on campus can undermine a sense of student safety and connectedness.

Research on aspects of school climate which impact sexual minority students has progressed rapidly in the past decade. Studies generally agree that inclusive schools are created through multiple inputs: enumerated anti-bullying policies, professional development, age-appropriate curriculum, and student supports (Burdge, Snapp, Laub, Russell, & Moody, 2013; Kim, Sheridan, & Holcomb, 2009; Kosciw et al., 2012, 2013; Taylor & Peter, 2011). However, less attention has been paid to how these policy changes and interventions are perceived by the broader range of stakeholders in a school community. Indeed, Meyer and Bayer (2013) analyze the arguments of critics, who charge that these interventions restrict the freedom of speech and religion of others. Their pioneering article found no papers which examine how the friction between school reformers and critics of LGBT-affirmative policies is negotiated, nor how educators may perceive this tension (Meyer & Bayer, 2013).

My proposed study of a rural school system explores the interactions of school staff and community members during this process. To what extent do factors in the broader community climate impact the degree to which LGBTQ and gender variant youth feel safe and connected to their school and community? A better understanding of educators' perceptions of the influence of rural community climate on the school environment could also shape more effective ways to communicate LGBTQ issues in education to community stakeholders. Exploring the roles of district leaders, parents, and teachers in shaping school climate for sexual minority youth can also inform professional development specific to sexual orientation and gender expression.

In the first section of this literature review, I highlight pertinent changes in student demographics and family social structures, with particular attention to California over the past two decades. I also note a shift in our understanding of adolescent sexual identity development, and associated risk and protective factors for sexual minority youth. In the third section, I explore the limited research on LGBT rural experiences, with a focus on youth.

Then I examine key elements which shape school climate, with a look at how and why perceptions of school climate vary between adults and youth. Not only do sexual minority and questioning youth face unique challenges on some campuses, but a sizable body of emerging research uses school-level indicators to assess interventions which improve school climate for them.

The final section provides a theoretical and historical context for my examination of multiple stakeholder perspectives, beginning with an overview of systems perspectives and organizational change models in education. Finally, I summarize recent structural and legal reforms to accommodate sexual and gender diversity in California schools. From this

background, the next chapter will turn to my approach for studying these dynamics in a rural California school district.

II. Changing Social Forces

A. Gender and Sexual Identity Development

Students in California's K-12 public schools have long been racially and linguistically diverse, and our understanding of a school community's composition is changing in other ways as well. The earliest studies of sexual orientation and identity (Bell, Weinberg, Hammersmith, & Alfred C. Kinsey Institute for Sex Research, 1981; Savin-Williams, 1990), which focused on identification of feelings of difference among LGB youth in early adolescence, concluded that same-sex attraction¹ began among both boys and girls around ten years of age (Dube & Savin-Williams, 1999; Herdt & Boxer, 1993) with disclosure in their mid-twenties.

However, students are both identifying as well as disclosing their sexual orientation, attraction, and/or gender identity at increasingly younger ages (D'Augelli, 2008; D'Augelli et al., 2006; Grossman et al., 2009; Grov, Bimbi, Nanin, & Parsons, 2006; Perrin et al., 2004; Ryan, Huebner, Diaz, & Sanchez, 2009; Saewyc, 2011). In a four-year study of lesbian, gay, bisexual, and transgender (LGBT) adolescents in California, Ryan's Family Acceptance Project noted the average age of disclosure, or coming out, has dropped from mid-twenties a few decades prior to 13 years old today (Ryan et al., 2009).

Researchers have endeavored to both define and measure sexual orientation, which is most commonly focused on the concept of attraction toward one or more genders (Savin-Williams & Cohen, 2007). Saewyc notes a developing interdisciplinary consensus that sexual orientation be

¹ The mean age of self-awareness of same-sex attraction, however, occurs later, by age 10 or 11, whereas the mean age of nonheterosexual self-labeling ranges between 14 and 16 years (D'Augelli, 1998; D'Augelli & Hershberger, 1993; Herdt & Boxer, 1993; Rosario, Rotheram-Borus, & Reid, 1996; Savin-Williams & Diamond, 2000).

measured along the dimensions of attraction, behavior, and identity, and validation studies reveal a lack of uniform responses from adolescents across all three self-concepts (2011). Recent studies also challenge the long-held idea that sexual identity development is a linear process (Eliason & Schope, 2007; Institute of Medicine, 2011) which is marked by milestones such as the age of awareness of same-sex attraction; the age of self-identification; the age of disclosure of same-sex orientation; and the age of one's first sexual experience (Rosario, Schrimshaw, Hunter, and Braun, 2006; Savin-Williams & Diamond, 2000; Savin-Williams & Ream, 2007).

For example, participants in the National Longitudinal Survey of Adolescent Health indicated fluid patterns of attraction and behavior through young adulthood (Savin-Williams & Ream, 2007) and some research suggests sexual minority youth of color may follow a similar trajectory, but delay public disclosure (Rosario et al., 2004). This study employs the term sexual minority, which refers broadly to non-exclusively heterosexually-identified individuals, as well as the widespread self-identification of youth as lesbian, gay, bisexual, and transgender (LGBT).

Adolescence is also the time in which youth begin to identify as gender variant or transgender (Möller, Schreier, Li, & Romer, 2009). In a recent study of several dozen youth, natal female adolescents first considered themselves male at 15, whereas biological males transitioned to female at 13 (Grossman, D'Augelli, Salter, & Hubbard, 2005; A. H. Grossman, D'Augelli, & Frank, 2011). Several studies of adolescent sexual orientation and identity development have examined data from the Dane County Youth Assessment (DCYA), a survey of 7,000 students in grades 7-12 across 14 school districts with a 90-95% participation rate at sites, representing 80% of all students in one Midwestern county. Using the data, Birkett, Espelage and Koenig (2009) observed that 15.1% of students identified as either questioning their sexual orientation or as LGB.

The earlier ages of self-disclosure of sexual orientation and visibility of gender variance impact our understanding of adolescent identity development. These changing social forces also have implications for how educators address students' safety and connectedness on campus. Birkett et al.'s study of school climate and homophobic victimization concluded, "When that much of the student body falls within a population that is experiencing negative outcomes, school administrators have a responsibility to take action" (2009).

B. Diverse Family Structures

School-age children are also coming from a wider array of blended and non-traditional families. The first data released from the 2010 Census noted that the self-identification of same-sex couple households increased by more than 80% from 358,390 in 2000 to 646,464 in 2010 and are found in all counties nationwide (U.S. Census, 2010; Perrin, Siegel, & Committee on Psychosocial Aspects of Child and Family Health, 2013). Furthermore, according to Census figures, the number of same-sex couples raising children has risen from 1 in 20 male same-sex couples and 1 in 5 female same sex couples in 1990 to 1 in 5 male same-sex couples and 1 in 3 female same-sex couples in one decade (Gates & Ost, 2004).

Studies estimate that 2 million children nationwide are currently being raised by one or more LGB adults (Gates, 2012; LaSala, 2013; E. C. Perrin et al., 2013) Movement Advancement Project Report, 2012). In addition, another study by Gates estimates that LGB parents have adopted or fostered upwards of 79,500 children (Gates, Badgett, Macomber, & Chambers, 2007). The percentage of adoptions by same-sex couples has nearly doubled from 10% to 19% between 2000 and 2009 (Gates, 2012). Several adoption websites, referring to the Adoption and Foster Care Analysis and Reporting System, state that California has finalized an estimated 16,000 adoptions by LGBT parents, the largest of any state. Changes in societal acceptance and

reproductive healthcare have also facilitated the increase in the number of children with a lesbian or gay birth parent (Perrin et al., 2004). Based on analysis of 2010 U.S. Census data, reports from both UCLA's Williams Institute and The Movement Advancement Project agree that same-sex families with children are more racially and ethnically diverse than those headed by heterosexual couples. Thus, the compilation of statistical data at the national level captures the changing identity of who is attending public school and how families in the community are comprised.

California, with a more accepting social and legal climate for same-sex couples with children and broader protections for LGBT students, is in some ways at the forefront of the changes in how we define the diversity of our student population. These families, however, are not always welcomed and supported in public schools (Bos, Gartrell, Peyser, & van Balen, 2008; Kosciw & Diaz, 2008; Kosciw et al., 2009; Morris & Balsam, 2003; Van Gelderen, Gartrell, Bos, & Hermanns, 2009). Two national surveys conducted a decade apart found that lesbian and gay parents report being harassed, discriminated against, or threatened at their child's school (Kosciw & Diaz, 2008; Morris & Balsam, 2003).

One survey of students with same-sex parents concluded that these families engage with their child's school at higher rates than national averages, yet 53% of these parents were excluded from full participation in their child's school community (Kosciw et al., 2009). Their experiences included mistreatment from other parents (26%), anti-gay comments from students (21%), and 22% reported that their children were actively discouraged from talking about their families at school by a teacher or administrator (Kosciw & Diaz, 2008). Less than one third of respondents (27% of students, 29% of parents) reported classroom activities and discussions which included representations of LGBT families (p. 18-9). The survey concludes,

To the extent that certain parents are excluded or...or are mistreated by school staff...they may feel that they...may not have the same rights to voice problems or concerns than (sic) other parents, which in turn, could have negative consequences for student academic performance....[R]esponsibility for maintaining a safe environment...extends beyond students, teachers and staff. The findings...remind us that school climate is much more than a safety issue; it is also an issue of a student's right to an education. (p. 21)

III. Theoretical Framework

A. Ecological Systems Theory

In examinations of broader school and community dynamics which influence adolescent risk and protective factors, researchers have frequently applied Bronfenbrenner's ecological systems theory (Barboza et al., 2008; Busseri, Willoughby, Chalmers, & Bogaert, 2008; Chesir-Teran & Hughes, 2009; Chesir-Teran, 2003; Espelage & Swearer, 2008; Galliher, 2004; Grossman et al., 2009; Hong & Garbarino, 2012; Hong & Espelage, 2012; Kosciw et al., 2009; Vieno, Santinello, Pastore, & Perkins, 2007). Bronfenbrenner postulated that four nested systems encapsulate human-environmental interactions: the micro-level of self and immediate relationships with family and peers; the meso-level, or connections between micro-level contexts; the exosystem of social contexts beyond an individual's direct contact; and the macro-level of a community's shared culture and values (1977, 1979).

As a theoretical lens, an ecological model may advance a conceptual understanding of the community factors which influence school climate for sexual minority youth in rural areas. This approach can accommodate the patterning of complex interactions among students and the adults who share connections with them as educators, parents, and neighbors (Grossman et al., 2009).

Although a socio-ecological framework distinguishes among proximal and distal influences, the extant research has drawn limited conclusions on whether school climate for sexual minority students is impacted by more distal programs, policies, or community climate (Chesir-Teran & Hughes, 2009).

However, this approach, which contextualizes the behaviors of students, parents, and educators, has been used to study homophobic bullying (Barboza et al., 2008; Espelage & Swearer, 2011); how LGBT students cope with hostile campuses (Grossman et al., 2009); sexual minority adolescents' psychosocial adjustment in urban and rural areas (Galliher, 2004); and the impact of LGBT-affirmative programs and policies on the school environment (Chesir-Teran & Hughes, 2009). For example, within a larger study of adolescent resilience, Busseri et al. (2008) applied an ecological framework to examine mediating factors in risk behavior among non-exclusively heterosexual youth. The study surmises, "six mediating factors [which] span multiple life domains (intrapersonal, interpersonal, environment), streams of influence (attitudes, beliefs, social networks), and ecologies (e.g., home, school, neighborhood)...stress the simultaneous role of multiple individuals, contexts, and systems of influence in shaping developmental outcomes" (Busseri et al., 2008).

In a review of empirical research on bullying and peer victimization using Bronfenbrenner's model, Hong and Espelage (2012) note that multiple meta-evaluations of anti-bullying interventions reveal the limited impact of these programs on school climate.

Furthermore, in a resounding critique, they state,

[r]egrettably, many of these programs have not considered other relevant ecological levels that have profound impact on school climate, such as neighborhood, cultural norms and beliefs, and religion...the disconnect between the empirical support for the social-

ecological model of bullying and the current prevention efforts is substantial and in many ways explains the lack of efficacy data in the bullying literature. (Hong & Espelage, 2012)

Hong also calls for studies to address a gap in the literature surrounding community-level factors, concluding “[b]ecause school climate is nested in the community environment, improving school climate necessitates an assessment of community-level factors and how they foster or mitigate school safety for sexual minority youth” (2012). As more studies demonstrate that students’ sense of safety and acceptance are shaped by the complex interaction of peer exchanges, the support or silence of educators, and the quality of family relationships, intervention strategies may incorporate more extensive collaboration between school and community resources.

B. Minority Stress Theory

Meyer’s (2003b) conceptual framework of minority stress theory posits that the individuals who are perceived to belong to stigmatized categories experience stress because they are excluded or alienated from social structures and institutions. Additionally, those subject to group categorization in conflict with dominant community values and norms may experience a hostile environment or lack of supports, which engenders negative health outcomes (Meyer, 2003a, 2003b). This model incorporates distal events, or those in the broader environment, as well as proximal stressors, or those with more direct, often personal impact.

The theory has been applied to examinations of LGBT-related workplace discrimination (Waldo, 1999); barriers to same-sex adoption in non-urban areas (Kinkler & Goldberg, 2011); factors in residential community attachment for rural lesbian mothers (Oswald & Lazarevic,

2011); and the struggle for a sense of social connectedness among multiethnic sexual minority youth (Craig, Austin, & McInroy, 2013).

Meyer also differentiates objective stressors, as observable phenomenon, from subjective stressors, which are generated from an individual's appraisal process of the surrounding environment.

From an ethical perspective, relying only on subjective perceptions may have the benefit of empowering the minority respondent's voice, but it also may imply that prejudice and racism are merely problems related to perception, thus indirectly and unintentionally undermining the notion that racism and other forms of prejudice are social rather than individual stressors. (Meyer, 2003a)

When applied to the experiences of those who identify as part of an LGBT community, minority stress theory incorporates both objective components in the environment, such as bigoted remarks, social exclusion, and vicarious victimization, or hearing of others who experience trauma, as well as subjective stressors, such as anticipation of rejection, hypervigilance, internalized homophobia, and anxiety around concealment or self-disclosure of sexual orientation, to explain LGBT health disparities (Balsam, Beadnell, & Molina, 2012).

Furthermore, studies have begun to distinguish the effects of minority stress among LGBT subpopulations (Balsam et al., 2012; Morris & Balsam, 2003; Oswald & Culton, 2003; Rosario, Schrimshaw, & Hunter, 2005; Swank, Fahs, & Frost, 2013). For example, a national, web-based survey of 827 self-identified LGBT participants noted several distinctions among proximal stressors. Gay men experienced more distress related to direct victimization, whereas bisexual men and women reported isolation as a significant stressor. In contrast, stigma

associated with gender conformity and parenting was reported most by lesbian women (Balsam et al., 2012).

Although both forms of stress affect mental and physical health outcomes, Meyer concludes that those stressors embedded in social structures, which are often hidden or undetectable at the individual level, necessitate measurement of group-level differences. Unlike subjective perceptions of stress, attention to objective stressors in the environment has implications for ethical, structural, and policy-related changes (Meyer, 2003b). Written well over a decade after minority stress theory debuted, Hatzenbuehler's model advances Meyer's theory through a closer look at stigma-related stress.

C. Minority Stigma as Fundamental Cause of Health Disparities

In 1995, Link and Phelan proposed fundamental cause theory, a sociological perspective on health inequalities among subpopulations, comprised of four elements. Now a cornerstone of research literature on social stigma, the theory states that social causes are (1) associated with numerous risk factors and (2) impede access to resources, such as knowledge, power and beneficial social connections, which (3) lead to multiple physical and mental health outcomes for a minority group and (4) are reproduced across time and place (Phelan, Link, & Tehranifar, 2010).

For example, discrimination in education or employment and loss of social status through stigma or stereotyping reduce both tangible resources, such as money, and less tangible assets of power and prestige. In a recent refinement of fundamental cause theory, Phelan et al. (2010) stress the importance of contextualizing risk factors in order to avoid interventions targeting individual behaviors while leaving environmental causes unaddressed in health or educational policies:

[I]nstitute[d] health interventions that automatically benefit individuals irrespective of their own resources or behaviors. Examples are the manufacture of automobiles with air bags as opposed to relying on the use of seatbelts; [and] providing health screenings in schools, workplaces, and other community settings rather than only through private physicians.

Crediting Link and Phelan with defining stigma as the co-occurrence of labeling, stereotyping, separation, status loss, and discrimination in a context in which power is exercised, Hatzenbuehler et al. argue that stigmatization fulfills the criteria of a fundamental social cause of health inequity (2013).

Phelan, Link and Dovidio (2008) profile stigma's functions: to exploit and dominate (keeping people down); to enforce norms (keeping people in); and to shun disease (keeping people away). Hatzenbuehler combines this characterization of stigma with an essential feature of fundamental social cause theory—that a minority group's health disparities are reproduced over time due to the replacement or evolution of intervening factors (Hatzenbuehler et al., 2013; Phelan et al., 2010). He illustrates how the strategies for treating a stigmatized group over time are adapted by those with privilege and power through a brief examination of racial discrimination.

This pattern is also illustrated by similarities in LGBT history, beginning with the prior criminalization of homosexuality, the characterization of homosexuality as a disease, and more recent court battles to force school district to recognize the rights of students to form Gay-Straight Alliances and attend school free from gender and sex-based harassment (Biegel, 2010; Maher et al., 2009; Russo, 2006).

Explanations for health disparities among sexual minority adolescents are primarily grounded in theories of stigma, rejection, and social exclusion (Bontempo & D'Augelli, 2002; Busseri et al., 2008; Goodenow, 2006; Russell, 2005; Ryan et al., 2009; Saewyc, 2011). Perrin et al. (2004) declare, "Although a youth's failure to identify with a stigmatized group might provide shelter from internal shame and external discrimination, it does not necessarily afford protection as long as others believe the individual is a member of that group."

Furthermore, stigmatization also affects school-age children of gay and lesbian parents (Bos et al., 2008; Kosciw & Diaz, 2008; Perrin et al., 2013; Van Gelderen et al., 2009). After synthesizing the interdisciplinary work documenting the effects of stigma on health outcomes for sexual minorities writ large, Hatzenbuehler (2013) acknowledges a growing body of literature on the lower academic success and higher school sanctions LGBT students experience, and concludes that the educational outcomes associated with the stigma of sexual orientation remain understudied.

IV. Risk and Resilience of Sexual Minority and Transgender Youth

A. Health Disparities and Stigmatization

Through meta-analyses of international, population-based, and longitudinal studies, both Coker, Austin, & Schuster (2010) and Saewyc (2011) document a pattern of health disparities for sexual minority youth, including elevated levels of victimization, injury, and substance abuse. Coker et al.'s examination of a sizable body of research on adolescent sexual orientation development and related health issues demonstrates that these youth experience physical and sexual violence as well as verbal, physical, and sexual harassment at higher rates than heterosexual peers (2010). Suicide has been the most commonly studied mental health disparity among sexual minority youth; however, the prevalence of depression, self-harm, emotional

distress, and substance use compared to the general adolescent population has also been well documented (Coker et al., 2010; Institute of Medicine, 2011; Saewyc, 2011). One review of international, population-based studies concluded that lesbian or bisexual women were twice as likely as heterosexual women to attempt suicide, and suicide attempts by gay or bisexual men were more than four times higher than for heterosexual men (King et al., 2008).

In fact, for three decades, studies with large probability samples have indicated that LGBT youth are at increased suicide risk, even after controlling for factors such as substance abuse and depression (Institute of Medicine, 2011). To further illustrate these disparities, the first longitudinal evidence of the effects of peer victimization found that gay and bisexual youth report higher relative rates of bullying and harassment (Robinson, Espelage, & Rivers, 2013).

Saewyc notes that improvements in study designs and methods have strengthened an understanding of the interplay between risk and protective factors for LGBT youth and their environment (2011). For example, some sexual minority youth experience unique challenges, such as self-identity and disclosure issues (D'Augelli et al., 2006; Scourfield, Roen, & McDermott, 2008), psychological distress associated with homophobic victimization (Mustanski, Newcomb, & Garofalo, 2011), and family rejection (Grossman et al., 2005; Rosario et al., 2005; Ryan et al., 2009; Saewyc, 2011). In addition, LGBT adolescent sexual risk behavior, which is often compounded by increased numbers of youth who are homeless, counter-intuitively includes higher rates of teen pregnancy (Saewyc, 2011).

More nuanced studies have uncovered heterogeneous educational and psychological outcomes among LGBT youth based, in part, on contextual factors (Birkett et al., 2009; Busseri et al., 2008; Espelage et al., 2008; Espelage & Swearer, 2008; Poteat et al., 2009; Robinson & Espelage, 2011, 2012; Rosario, Schrimshaw, & Hunter, 2009; Russell & Seif, 2001; Ryan et al.,

2009). For example, youth who identified as bisexual or sexually questioning reported higher negative outcomes and perceived their school climate as more hostile than even self-identified gay and lesbian students (Birkett et al., 2009; Espelage et al., 2008; Poteat et al., 2009). Another study found that students who experienced the highest frequency of homophobic teasing at school and low parent support engaged in frequent marijuana usage (Espelage et al., 2008). In a longitudinal study of sexual orientation disclosures and substance abuse, Rosario et al. (2009) found that the number of rejection reactions from family and peers was associated with higher alcohol, tobacco and marijuana consumption.

Children who demonstrate gender variance, defined as a “...pattern of intense, pervasive, and persistent interests and behaviors characterized as typical of the other gender,” or who are identified with gender identity disorder by healthcare professionals, also experience higher levels of isolation or more serious forms of peer victimization (Bryan, 2012; Egan & Perry, 2001; Johnson & Amella, 2013; Kosciw et al., 2013; Palmer et al., 2012; Perrin et al., 2004; Robinson & Espelage, 2011; Stieglitz, 2010; Toomey et al., 2012; Toomey, 2010; Younger, 2004).

Nonetheless, multiple researchers emphasize that not all LGBT youth experience negative outcomes. Rather, these adolescents experience higher risk factors in their environment compared to heterosexually-identified peers, and assert that the majority of LGBT adolescents are well-adjusted (Busseri et al., 2008; Coker et al., 2010; Mustanski et al., 2011; Robinson & Espelage, 2011; Saewyc, 2011; Savin-Williams & Cohen, 2007; Savin-Williams, 1990, 2005).

In addition, more recent research cautions against using a deficit-based focus on negative health outcomes, and calls for studies to examine social and ecological factors which mediate these outcomes (Chesir-Teran & Hughes, 2009; Hatzenbuehler, 2009, 2010, 2011). Some sexual minority youth “...liv[e] in heterosexist and oppressive environments. [S]tudies focused on

negative ...health outcomes should ...examine resiliency-based factors, which may offer insights into how some gay/bisexual youth ...thrive in the face of oppression” (Harper, Brodsky, & Bruce, 2012). Only in the past decade has research shifted from individual-level risk factors, a deficit perspective, to an examination of the resilience of sexual minorities, particularly youth (Cohn & Hastings, 2010; Grossman et al., 2011; Rofes, 2004; Russell & Richards, 2003; Russell, 2005; Savin-Williams, 2005; Van Gelderen et al., 2009).

B. Protective Factors and Resilience

Resiliency theory, as defined by Fergus and Zimmerman (2005), focuses on social and environmental influences that help adolescents avoid negative outcomes or cope with stressful or traumatic experiences. These promotive factors may include external resources, such as parental support, adult mentors, and community organizations; or individual, internal assets, such as self-efficacy, a positive self-image, and self-regulation (Fergus & Zimmerman, 2005). Studies focused on the identification of assets and resources frame resilience as a fluid process of interactions with the broader environment. In general, researchers find adolescent risk behavior is reduced when mediated by caring family, supportive friends, school belonging, and connections to educators.

However, sexual minority youths’ resilience may also be affected by other contextual factors, such as rurality, and these possible resources for sexual minority youth warrant closer examination (Fergus & Zimmerman, 2005; Saewyc, 2011). A resilience paradigm offers a new perspective on micro-, meso-, and macro-level interventions for positive adolescent development among sexual minority youth (Cohn & Hastings, 2010; Fergus & Zimmerman, 2005; Saewyc, 2011).

At the interpersonal, or meso-level, of an ecological framework, studies have examined the associations between health outcomes for sexual minority youth and family relationships (Espelage et al., 2008; LaSala, 2007, 2013; Mustanski et al., 2011; Ryan et al., 2009; Ryan, Russell, Huebner, Diaz, & Sanchez, 2010). Once considered in the literature as the source of dysfunction which engendered sexual orientation or the obstacle to personal happiness for lesbian and gay young adults (LaSala, 2013), family has become salient as a source of support, particularly for youth who self-disclose while still living at home (Garofalo, Mustanski, & Donenberg, 2008; Mustanski et al., 2011; Ryan et al., 2010).

Family acceptance serves as a protective factor against suicide, depression, substance abuse, and risky sexual behavior, as well as a predictor of higher levels of self-esteem (Espelage et al., 2008; Garofalo et al., 2008; Ryan et al., 2010). For children who experience victimization or stigma based on having a gay or lesbian parent, family connectedness buffered negative outcomes (Gartrell & Bos, 2010). However, family rejection associated with parents' ethnicity, immigration status, socioeconomic level, and religious affiliation has been linked to an increased likelihood of homelessness and riskier sexual behavior among sexual minority and transgender youth (LaSala, 2007; Rosario, Schrimshaw, & Hunter, 2012; Ryan et al., 2010). Researchers have also studied how social support from peers and other adults serves as a promotive factor for LGBT youth (Galliher, 2004; Grossman et al., 2011; Harper et al., 2012; Mustanski et al., 2011; Rosario et al., 2009; Scourfield et al., 2008; Toro-Alfonso, Díaz, Andújar-Bello, & Nieves-Rosa, 2006).

However, fewer studies document the influence of macro-level climate on institutional supports, such as inclusive curriculum or policies which protect LGBT students. In fact, the degree to which hostile factors in the broader ecology limit the emergence of supports for sexual

minority youth has not been closely examined. Nonetheless, emerging findings shed light on sexual minority and transgender youth who thrive despite harassment and discrimination, and who negotiate heteronormative pressures or stigmatizing environments (Anderson, 1998; Cohn & Hastings, 2010; Galliher, 2004; Gastic & Johnson, 2009; Grossman et al., 2009; Harper et al., 2012; Munoz-Plaza, Quinn, & Rounds, 2002; Mustanski et al., 2011; Rasmussen & Rofes, 2004; Russell & Richards, 2003; Russell, Muraco, Subramaniam, & Laub, 2009; Russell & Seif, 2001; Russell, 2005; Saewyc, 2011; Savin-Williams, 2005; Scourfield et al., 2008; Van Gelderen et al., 2009).

Interviews have identified assets, such as a positive self-image (Savin-Williams, 2005), acceptance of an authentic self (Harper et al., 2012), and power to negotiate multiple subject positions of identity (Blackburn, 2007). Intermixed with these individual-level assets are also responses to broader societal messages, including an ambivalence about identity in the face of heterosexual privilege (Scourfield et al., 2008), a rejection of masculine norms (Harper et al., 2012), and emotion-oriented coping (Grossman et al., 2011). Scourfield et al. conclude, “[D]eveloping a positive LGB or T identity requires them to construct themselves against the overwhelming pressure of the heterosexual norm...and it is a major task for LGBT young people to find the spaces for constructing genuinely unashamed sexual identities” (2008).

V. Heterosexism & Heteronormativity

Although change to societal norms and personal attitudes comes slowly, national trends suggest this decade could prove a watershed in LGBT civil rights. In a series of June 2013 rulings, the U.S. Supreme Court overturned the federal Defense of Marriage Act (DOMA) and denied supporters of Proposition 8 standing to appeal the federal appeal court’s ruling of the amendment, paving the way for resumption of same-sex marriage in California. A majority of

Americans surveyed in Gallup News Service polls favor marriage equality and would endorse national legislation legalizing gay marriage (Gallup News Service, 2013). In November 2013, the U.S. Senate passed the Employment Non-Discrimination Act (ENDA), which would outlaw workplace discrimination on the basis of sexual orientation or gender identity in the remaining 29 states without protections for LGBT individuals.

Heterosexism has replaced the term homophobia, defined as the unreasoning fear or antipathy toward gays or lesbians (Merriam-Webster, 2008), in much of the research literature. However, definitions of this broader term range from discriminatory attitudes and practices toward homosexuals (Merriam-Webster, 2008) to the description of the structural stigma in an ideological system that denies or denigrates any non-heterosexual behavior, identity, relationship, or community (Herek, 1998, 2010). Although some studies have found that heterosexist attitudes are more prevalent in men than women (Waldo, 1999), and decrease in younger cohorts (Montgomery & Stewart, 2012), the more widely-accepted intent behind usage of the term is to frame experiences of stigma and discrimination as part of prevalent and oppressive social, cultural, and institutional practices which attack, silence, and erase identity (Herek, 1998, 2010; Jackson, 2006).

Herek attributes heterosexism in contemporary policy debates, in part, to the lingering residue of the differences-as-deficit model renounced by the field of psychology (2010). He laments, “When behavioral scientists publicly discuss research [on same-sex parenting], we can easily find ourselves implicitly endorsing the proposition that heterosexual parenting is the gold standard to which other family forms must measure up, thereby validating the equating of sexual differences with deficits.” Chesir-Teran argues that heterosexism is not a setting-level static trait, but rather should be viewed as systematic process which “...privileges heterosexuality

relative to homosexuality, based on the assumption that heterosexuality, as well as heterosexual power and privilege are the norm and the ideal” (2003).

He calls for further study of manifestations of institutional heterosexism, or the extent to which schools support or suppress sexual minority identities, through an examination of a school’s policies, programs, physical environment, and evidence of adult willingness to intervene in harassment or to support sexual minority youth (2003). Chesir-Teran maintains that an analysis of institutional heterosexism will not only provide richer detail of the school ecology beyond surveys and individual level indicators, but also offer insights into how schools shape and are shaped by the broader community’s sociopolitical climate (2003).

Others frame a challenge to heteronormativity, the institutional, cultural, and legal norms which “reify and entrench” heterosexuality (Chambers, 2007) and which regulate performances of gender and sexuality (DePalma, 2013). Influenced by Butler’s heterosexual matrix (1990), critics of heterosexism (Athanases & Larrabee, 2003; Jackson, 2006; Robinson & Ferfolja, 2002) and heteronormativity (DePalma & Atkinson, 2010; Toomey et al., 2012) in education seek to dismantle social structures which engender social inequalities.

A primary effect of heterosexism in schools is stigmatization, or the marginalization of youth who self-identify or are perceived as LGBT or gender variant (Chesir-Teran & Hughes, 2009). Elizabeth Meyer (2010) argues that just as educators need to learn to interrupt racial bias or stereotyping and to develop an awareness of white privilege, they need to learn the language and skills to combat harassment based on gender or sexual orientation. She updates critical pedagogy to incorporate queer theory and anti-oppressive education, as advocated by Kumashiro. In *Troubling Education*, Kumashiro states, “education involves learning something that disrupts our commonsense view of the world” (2002, p. 63). Meyer applies a queer

pedagogical lens to examine how educators reinforce gendered practice in schools and how this inadvertent privileging of traditional heterosexuality can be a force of oppression (2010, p. 22). Meyer ‘troubles’ educator perspectives by examining their personal beliefs and misperceptions which create barriers to transforming school climate.

In summary, all levels of K-12 schooling contain aspects of gender and sexuality, whether as invisible heterosexual norms or the disruptive visibility of gender variant and out queer youth. California’s public schools include sexual minority and gender non-conforming youth, as well as those with diverse family structures. Administrators have a responsibility to respond to changing community demographics and student needs in order to create safe and welcoming campuses. Tensions which arise from these changing social dynamics are mirrored in the small towns and rural communities which surround these schools.

VI. Rural Community Climate for Sexual Minority Youth²

No concise definition of rural exists among federal agencies and social scientists. A variety of descriptors may include low population density, distance from large metropolitan areas, or degree of geographic isolation, depending on who employs the definition and for what purpose. The research site in this study is located in a community which, according to 2010 Census data, has a population of 14,414; however, when 5,921 prison inmates are subtracted, the number of residents is 8,493. The Census Bureau identifies the research site in this study as an urban cluster, defined as an area with 2,500 to 50,000 people at a minimum density of 1,000 people per square mile (<http://www.census.gov/geo/www/tiger/glossary.html>). This same small

² According to the U.S. Department of Education, the definition of "small rural schools" are those schools eligible to participate in the [Small Rural School Achievement \(SRSA\) program](#). SRSA includes districts with average daily attendance of fewer than 600 students, or districts in which all schools are located in counties with a population density of fewer than 10 persons per square mile AND all schools served by the districts are located in a rural area with a school locale code of 7 or 8 <http://www.raconline.org/topics/schools/schoolsfaq.php#definition>. The research site does not meet this particular criteria.

town is delineated as a micropolitan area, with an urban core of 10,000 to 50,000 people, by the Office of Management and Budget (<http://www.census.gov/population/metro/>).

Although the Census Bureau defines urban and non-urban areas on the basis of population density, court decisions and researchers generally accept a socially constructed, pluralistic concept of rurality as a fluid place identity (Boso, 2013). In Boso's examination of the lived experiences of sexual minorities in rural areas (2013), the emphasis is less on a quantifiable designation of sparsely populated areas and more on how these community members perceive and negotiate their identity based on social, cultural, and economic factors. He argues,

Where a person lives and works drastically affects the calculus of sexual identity negotiation and sexual behavior, as well as the degree and kind of marginalization they experience. Geographic norms and their embedded economic dimensions dictate appropriate sexuality, which in turn can stifle willingness to claim a lesbian, gay, or bisexual identity or even act on same-sex desires.

In a widely-cited early study, Bell and Valentine (1995) identify three primary stressors for sexual minorities in rural areas: a hostile or unsupportive social environment, a dearth of LGBT-specific services and resources, and the absence of a permanent, physical space in which to gather as a visible LGBT community.

A. Rural norms – the pressure to fit in

Scholars of rural studies note that the social organization of these more isolated areas is characterized by reliance on a support network of family and friends and a greater influence of religious institutions (Boso, 2013; Cohn & Leake, 2012; Leedy & Connolly, 2008; Oswald & Culton, 2003). Rural norms, such as community solidarity and a sense of belonging, develop from the importance placed on the nuclear family and the social currency received from

participation in a faith community, but may also lead to less tolerance of sexual differences (Boso, 2013; Cohn & Leake, 2012; Leedy & Connolly, 2008; Oswald & Culton, 2003; Rostosky, Owens, Zimmerman, & Riggle, 2003). With more cultural and ideological homogeneity than urban areas, rural locales transmit acceptance through community interaction, reinforcing elements of rural life, such as loss of anonymity, which directly affects sexual minorities (Leedy & Connolly, 2008; Oswald & Culton, 2003; Puckett, Horne, Levitt, & Reeves, 2011).

In an examination of the self-affirmed relevance of LGBT parents' sexual orientation to public, private, and organizational interactions, Holman and Oswald (2011) found that in 55% of rural community interactions, their sexual orientation did matter. However, the process of sexual identity development can be more complex and fraught with implications for rural youth, who if not readily supported by family and friends, "...often have to choose between maintaining important attachments to family and peers and claiming a stigmatized identity" (Rostosky et al., 2003).

B. Changing rural LGBT experiences

Since D'Augelli's entreaty for more research into the experiences of LGBT rural inhabitants in 1989, studies have primarily focused on differences in beliefs between urban and rural areas and the lives of LGB adults (Boso, 2013; Holman & Oswald, 2011; Leedy & Connolly, 2008; Oswald & Culton, 2003; Poon & Saewyc, 2009; Puckett et al., 2011). Sexual minority youth and same-sex families with children in non-urban areas remain largely understudied in social science research (Cohn & Leake, 2012; Gray, 2007; Kazyak, 2012; Poon & Saewyc, 2009; Rostosky et al., 2003; Wysocki, 2000; Yarbrough, 2004) Yet, in contrast to a national trend of urbanization, an increasing number of same-sex households, particularly those with school-age children, are relocating to non-urban areas (Gates, 2012; Holman & Oswald,

2011; Gates & Ost, 2004). Boso (2013) notes a “grossly underinclusive” estimation that 64,000 same-sex couples, or roughly 10% of same-sex couples nationwide, live in rural areas across America.

Furthermore, a surprising number of recent studies also indicate that LGBT rural residents do not subscribe to a singular interpretation of these communities as hostile (Gray, 2007; Holman & Oswald, 2011; Kazyak, 2012; Leedy & Connolly, 2008; Oswald & Culton, 2003; Puckett et al., 2011). In a study of 414 mothers of school-age children in same-sex relationships living in geographically dispersed locales, Puckett et al. (2011) noted that rural and urban mothers reported similarly high rates of sexual identity disclosure in their social circles and no difference in the levels of internalized homophobia and stigma consciousness. With only slightly higher rates of discrimination and lower levels of outness within some of the children’s social contexts, the study concluded, “...rural mothers appeared to be resilient in the face of the heterosexism. It is also possible that rural areas are becoming more accepting environments for LGB people.”

Boso (2013) criticizes a persistent urban bias in studies of LGBT issues, noting that cultural, occupational, and family ties are often the primary facets of identity for rural LGBT individuals, not sexuality. Research with an urban bias may focus on norms which privilege sexual orientation and visibility, while ignoring the values of family connection or religious affiliation, conflating the vulnerability of those who fail to subscribe to urbanized norms with community intolerance for diversity.

Demonstrating the nuances of identity and belonging in rural settings, Holman and Oswald (2011) compared types of community interactions to the salience of sexual orientation. They found that insider status, or growing up in the area, trumped sexual orientation status or

racial differences, but social stigma or barriers were nonetheless primarily encountered in organizational settings, such as healthcare, education, employment, and family services (Holman & Oswald, 2011). Based on their findings, Holman and Oswald hypothesized that this downplay of sexual differences "...may be a contributing factor to the lack of resources for the GLBTQ community in nonmetropolitan areas...people may tend to ignore the differences that set them apart (i.e., tolerate rather than acknowledge and support the differences)" (2011). They concluded by asking, "Specifically, how do you strengthen community infrastructure for a stigmatized minority group when members of that group do not always feel stigmatized or always want their sexuality to be at the forefront?" (2011).

C. Continued social isolation in resource-poor areas

Sexual minority youth in geographically dispersed areas face unique social, financial, and logistical barriers to experiencing a sense of community which includes all aspects of their identity (Cohn & Leake, 2012; Leedy & Connolly, 2008; Oswald & Culton, 2003; Poon & Saewyc, 2009; Yarbrough, 2004). Not all researchers agree that social media has offset the challenges of social isolation and lack of access to resources (Boso, 2013; Gray, 2007; Holman & Oswald, 2011; Leedy & Connolly, 2008). The ACLU has prevailed in court cases in which rural social institutions discriminated against LGBT youth, including against a rural Mississippi school district for violations of LGBT students' first amendment rights and against rural Pennsylvania law enforcement when the threat to disclose a high school football player's sexual orientation led to his suicide (<https://www.aclu.org/blog/lgbt-rights/protecting-lgbt-youth-putting-them-harms-way>).

Rural youth may have limited to no opportunities to identify with a sexual minority peer group or express same gender affection publicly, and may seek information from school

counselors or town librarians in order to avoid disclosure (Poon & Saewyc, 2009). “Despite widespread availability of the internet...many rural sexual minorities grow up with no or few positive gay role models, and some youth may not even know that gay people exist. Socially conservative families and churches in rural areas wield enormous control over the information to which youth have access” (Boso, 2013). In addition to the absence of physical gathering places (Leedy & Connolly, 2008; Oswald & Culton, 2003; Oswald & Connelly, 2011), additional social barriers include greater parental controls, fewer transportation options, pervasive internet filters at school, limited internet or mobile phones connectivity, and lack of opportunities to earn an income after school (Boso, 2013).

In fact, several population-based studies have found that a majority of sexual minority youth in rural areas identify as bisexual (Poon & Saewyc, 2009). Thus, school may be one of the few—if not the only—enduring rural social institution with the potential to provide a safe and supportive environment to offset challenges sexual minority and questioning youth face, including a lack of access to resources, and a largely invisible or organizationally unstable LGBT support network (Galliher, 2004; Oswald & Culton, 2003; Rostosky et al., 2003).

Current research indicates higher rates of depressive symptoms, suicide, and substance abuse for rural LGBT youth (Galliher, 2004; Kosciw et al., 2009; Poon & Saewyc, 2009; Rostosky et al., 2003), compared to urban counterparts. GLSEN’s National School Climate Survey reported a higher prevalence of anti-LGBT language (53.8% rural to 39% urban) and higher levels of victimization (Kosciw et al., 2012). Students in rural areas were the least likely to report LGBT-related resources and supportive staff on their campuses (Kosciw et al., 2012; Leedy & Connolly, 2008). The prevalence of biased language, harassment, and assault, as well as lower school engagement and education outcomes, is associated with isolation, limited access

to social support networks and role models, and lack of school connectedness (Cohn & Leake, 2012; Kosciw et al., 2012; Yarbrough, 2004).

In contrast, a sizable body of research indicates that building a positive school climate increases student engagement and academic achievement, and promotes healthy adolescent development, as well as effective risk prevention (Cohen, McCabe, Michelli, & Pickeral, 2009; Espelage et al., 2008; Griffin & Ouellett, 2003; McGuire, Anderson, Toomey, & Russell, 2010; Preble & Gordon, 2011; Russell & McGuire, 2008; Russell, Kosciw, Horn, & Saewyc, 2010; Thapa, Cohen, Guffey, & Higgins-D'Alessandro, 2013; Toomey et al., 2012). Schools are a primary socializing factor in adolescent development and, through explicit rules and hidden curriculum, communicate a climate which includes cultural norms surrounding gender and sexuality.

VII. School Climate

A. Focus on Safety Narrows to Anti-bullying

Although no universal definition of school climate exists, the National School Climate Center (NSCC) relies on the work of Cohen, who describes it as the quality and character of school life and the patterns of group experiences which reflect shared norms, values, and expectations (Cohen et al., 2009; Thapa et al., 2013). Policy makers and researchers generally acknowledge that school climate encompasses dimensions of safety, relationships, teaching and learning practices, and organizational structures (Thapa et al., 2013). Shaped by complex internal and external factors, school climate includes both implicit expectations and explicit rules, all of which contribute to the degree that people feel socially, emotionally, and physically safe on campus (Cohen et al., 2009). The National Center for Education Statistics (NCES) publishes Indicators of School Crime and Safety, in conjunction with the Department of Justice's

Bureau of Justice Statistics. These indicators draw from multiple independent sources to provide a broad perspective on school safety, a central component of school climate.

In a desire to address the American public's concerns about school safety after the Columbine High School shooting in 1999, states accelerated passage of anti-bullying legislation and amended education policies. In a criticism of this shift in education policy, Stein states

...“bullying” became the euphemism for other behaviors that school officials did not want to name, like racism, homophobia, sexism, or hate crimes...twenty plus years of a discourse of rights was moving to the personal and more psychological discourse of bullying. Equally troubling was that...anti-bullying laws often...embraced zero tolerance, with its punitive, vague, and elastic language. (Stein, 2003)

Griffin and Ouellett (2003) are critical of this shift from silence to safety on issues affecting the educational experiences of sexual minority youth. In their view, the disproportionate focus on school-based harassment, bullying, and peer victimization of LGB youth must be placed “...in the context of larger social conflicts about normative gender and sexuality and the role of schools in this conflict...” (2003, p. 158).

In fact, Hansen argues, “...only a fraction of youth struggling with sexual identity...eventually identify as gay or lesbian (others experiencing attraction...but identifying as primarily heterosexual) it is clear that school-based support must attend to the broader climate in addition to providing direct support for those who require it” (2007). In a three-year action research project with 26 primary teachers across Britain, DePalma and Atkinson (2010) examined the cultural and institutional factors which contribute to heterosexism in school. They found that post-hoc, reactionary punishments under anti-bullying policies and zero tolerance approaches placed an emphasis on safety protections for stigmatized students rather than

addressing the institutional factors which contribute to systematic inequity (DePalma & Atkinson, 2010).

In 2010, the U.S. Department of Education (DOE) Office of Civil Rights (OCR) issued a Dear Colleague Letter (DCL) to all school districts nationwide to clarify the definitions of, and relationship between, bullying and discriminatory harassment under federal law. In particular, OCR emphasized that schools may apply anti-bullying policies to student misconduct, but they are also responsible for determining whether a student's civil rights had been violated. The 2010 DCL reiterated that the duty of school officials was to not only address student harassment, but also remediate any hostile climate which was a contributing factor, whether or not a complaint was filed ("Dear Colleague Letter," 2010). Thus, as a result of changing legislation and policy as well as emerging research, educators' understanding of their responsibility to improve school climate for LGBT and gender non-conforming youth is in flux.

B. Divergent Perceptions of School Climate

Although no research fully accounts for the discrepancies between educators' and students' perceptions of school climate, there are several possible explanations. First, victimization on campus is frequently reported in areas without adult supervision. From the first comprehensive report of human rights violations for American LGBT students (Human Rights Watch, 2001), to subsequent studies of school climate for LGBT youth in the United States (Kosciw et al., 2012) and Canada (Taylor & Peter, 2011), students report that hallways and physical education areas on campus are particularly unsafe (Taylor & Peter, 2011). In the School Crime Supplement, students report victimization took place outside of direct adult supervision in hallways and stairwells (48%), outside on school grounds (24%), in bathrooms

and locker rooms (9%), in the cafeteria (7%) and on the school bus (6%) (Institute of Medicine, 2011).

A higher percentage of students from rural schools (56%) reported being bullied or harassed in hallways or stairwells than students from urban (47%) and suburban sites (46%) (2011). Second, studies also note that relationally aggressive expressions of sexual prejudice, such as rumor spreading, homophobic comments, and verbal harassment, may be less noticeable to educators, yet still have significant implications for peer relationships and school climate for sexual minority and sexually questioning youth (Espelage et al., 2008; Poteat et al., 2009).

Studies which focus on harassment of students who are gay, perceived to be gay, or who are gender non-conforming reveal significant findings at the state and national levels (Birkett et al., 2009; Espelage et al., 2008; Kosciw et al., 2012; O'Shaughnessy, Russell, Heck, Calhoun, & Laub, 2004; Pascoe, 2007; Robinson & Espelage, 2011; Russell et al., 2011; Taylor & Peter, 2011; Toomey et al., 2012). In GLSEN'S 2011 National School Climate Survey (NSCS) of 8,584 students, respondents reported victimization because of perceived sexual orientation or gender expression in the following ways: 81.9% experience verbal harassment, 38.3% experience physical harassment (pushing or shoving), and 18.3% report physical assault leading to injury (Kosciw et al., 2012, p. 3).

The California Healthy Kids Survey (CHKS) included 230,000 student respondents, the largest statewide study of harassment based on actual or perceived sexual orientation (O'Shaughnessy et al., 2004). The study found that nearly eight percent (7.5%) of California students reported being bullied in the previous year because they were "gay or lesbian or someone thought they were" (2004, p. 1).

Furthermore, in a pattern repeated at national, state, and school site levels, students experienced incidents of sex and gender-based victimization at higher rates than adults observed and reported on campuses (Cohen et al., 2009; Hill & Kearl, 2011; Kosciw et al., 2012; Robers, Zhang, & Truman, 2012; Taylor & Peter, 2011). In the School Survey on Crime and Safety, principals at *only three percent of sites* acknowledged sexual harassment of students based on sexual orientation or gender identity (2012, p. 52).

Yet, the American Association of University Women's report, *Crossing the Line*, surveyed a nationally representative student sample from seventh through twelfth during the 2010-11 school year. The organization found nearly half of respondents (48%) experienced sexual harassment, and 87% of those said it had a negative effect on them (Hill & Kearl, 2011). A disconnect between adult and student perceptions of school climate can be found in California-specific data as well. The California School Climate Survey (CSCS), administered to 94,000 educators between 2008 and 2010, measures staff perceptions of the degree to which schools are safe, supportive, positive learning environments and promote norms and standards which promote the academic success of all students (WestEd, 2011). Statewide, 63% of educators report bullying to be insignificant or a mild problem (2011, p. 46).

Current research suggests that the prevalence of sexual harassment and gender-based victimization on school campuses is also contrasted by a lack of student reporting (Taylor & Peter, 2011). The percent of students who experience harassment or victimization and do not report the incidents range from one in ten (Hill & Kearl, 2011) to more than half (60.4%) of students (Kosciw et al., 2012). Youth perceive school staff inaction and report outright discrimination by educators (Advocates for Children of New York, 2005; Chesir-Teran, 2003; Grossman et al., 2009; Kosciw & Diaz, 2008; Stein, 2003; Zerillo & Osterman, 2011). Over one-

third of NSCS respondents (36.7%) stated educators did nothing in response to incidents of victimization (2012, p. 3). A survey of New York city sexual minority students revealed that among the 70% who experienced bias-based harassment, 59% reported that educators were present and did not intervene (Advocates for Children of New York, 2005).

Another explanation for underreporting is student victimization from educators themselves. For example, a national survey of LGBT parents and their school-age children reported that half of respondents heard sexist remarks and 39% heard homophobic remarks from teachers and school staff on campus (2008, p. 16). The survey also found that 17% of students heard specific derogatory comments about their families and having a same-sex parent (2008, p. 16). A national survey on homophobia and transphobia in Canadian high schools found that children of LGBTQ parents experienced more physical and verbal assault as well as sexual harassment compared to children of heterosexual parents (Taylor & Peter, 2011). Among a national sample of sexual minority students of color, researchers found African-American, Latino/a, Asian-Pacific Islander, and multiracial students experienced harassment and assault on campuses not only for sexual orientation and gender expression, but because of their minority racial status on campus (Diaz & Kosciw, 2009). Perhaps more disturbing, over half of all respondents reported biased remarks from school personnel in the past year (Diaz & Kosciw, 2009).

C. Evolving Strategies to Improve School Climate

Three decades ago, the earliest efforts to break the silence on factors attributed to school safety for LGBT youth began in response to literature which positioned these students as an at-risk population (Bell et al., 1981; Fraser, 1997; Griffin & Ouellett, 2003; Herdt & Boxer, 1993; Savin-Williams, 1990; Smith, 1998). In the mid-1980s, the first school-based programs to

address these students' educational, psychological, and emotional needs were the Harvey Milk School in New York and Project 10, based at Fairfax High School in Los Angeles Unified School District. These programs "provide[d] safety, counseling, and education...either by removing [students] from an abusive school environment or providing counseling and support services in the school setting...[T]hese interventions were historically groundbreaking, [but] not designed to change schools nor address heterosexism and gender oppression as reflections of larger social justice issues" (Griffin & Ouellett, 2003).

In the 1990s, articles went beyond advocacy of health education and counseling to include calls for educational policy changes. A new focus on the legal responsibilities of administrators and school boards stemmed, in part, from a million dollar settlement in the 1996 landmark legal case of Jamie Nabozny and the widely-publicized murder of Matthew Shepard two years later (Biegel, 2010; Griffin & Ouellett, 2003). The formation of the Safe Schools Coalition in Washington State and GLSEN (Gay, Lesbian & Straight Education Network; formerly the Gay Lesbian Straight Teachers Network) in 1993 also signaled the emergence of a Safe Schools movement (Griffin & Ouellett, 2003).

For the past decade, researchers have examined correlations between student perceptions of safety and implementation of strategies to improve school climate for LGBT and gender non-conforming students (Burdge et al., 2013; Goodenow, 2006; Griffin, Lee, Waugh, & Beyer, 2003; Griffin & Ouellett, 2003; O'Shaughnessy et al., 2004; Russell & McGuire, 2008; Szalacha, 2003). Massachusetts, the first state to systemically address school climate for LGBT students, launched a Safer Schools Program (SSP), comprised of four strategies (Szalacha, 2003). The central components were policies to protect LGBT students from harassment and discrimination;

educator training; school-based support, such as Gay Straight Alliance (GSA) clubs; and school-based counseling for families (Szalacha, 2003).

Years of school-level data from the Youth Risk Behavior Survey (YRBS) in Massachusetts confirm that students from schools with GSAs and higher perceived staff support are at decreased risk for victimization and suicide (Goodenow, 2006). Studies also found a significant association between educator training on issues faced by LGBT youth and an improvement in school climate (Payne & Smith, 2011; Szalacha, 2003).

For the first time, GLSEN's 2011 NSCS report found both a modest increase in LGBT-related school supports and a slight decrease in biased remarks. Since the national survey's inception in 1999, more respondents report the presence of a GSA on campus, access to LGBTQ-related library material, and positive inclusion of LGBT-related content in lessons. However, although 95% of respondents identified at least one supportive staff member, only half (53.1%) reported six or more supportive staff (Kosciw et al., 2012). Students who could identify higher numbers of supportive staff felt safer on campus, missed fewer school days, obtained higher grade point averages, and expressed higher aspiration and sense of belonging to their school community. Increasing the number of educators willing to intervene in harassment and strengthening their competencies remains a critical component of improving school climate.

In addition, researchers criticize studies on school safety which associate individual-level factors with student well-being, arguing this approach limits the focus to a change in individuals' perceptions and behaviors or an improvement in students' skills and resources (DePalma & Atkinson, 2010; Russell & McGuire, 2008). Using data from the Dane County Youth Assessment of 7,376 seventh and eighth grade participants, Birkett et al. assessed the relationship between contextual factors, such as student perceptions of school climate and homophobic

teasing, and negative outcomes (2009). Both heterosexual and LGB youth who reported a positive school climate and lack of homophobic teasing reported less truancy and depression, as well as lower alcohol/marijuana use (2009).

Moreover, a systemic view looks at the responsibility of the educational institution to ensure the safety of all. In a study which examined two data sets to determine school-level predictors of LGBTQ student safety, Russell argues that "...aggregated student perception of LGBT student safety is a marker of the adoption, implementation, and maintenance of LGBT school safety policies and practices...disentangl[ing] factors that may influence individual safety perceptions from factors that contribute to safe school climates as indicated by student consensus" (2008, p. 136). Beyond a focus on the personal experiences of adolescents, research has yet to fully explore the influence of institutional characteristics, such as a positive school climate and community supports, on interpersonal factors—e.g., the development of support from family, educators, and peers for self-disclosure of sexual orientation.

VIII. Transforming Institutional Culture³

A. Organizational Change

California schools have faced significant reform pressures over the past two decades in the form of federal and state mandates related to the expansion of charter schools, the instruction of English language learners, and standards-based accountability under the 2001 No Child Left Behind legislation. Some change initiatives, such as the parent-trigger law for charter schools and merit pay for teachers, have met with degrees of resistance from educators. Leadership and organizational change literature is rich with examinations of educator willingness or unwillingness to accept imposed reforms or change practice (Hargreaves et al, 2010;

³ After the classroom teacher, the building leader is the most important "force" that shapes student learning (Wallace Foundation, 2006).

Zimmerman, 2004). Themes of trust building (Kouzes & Posner, 2010; Kouzes & Posner, 2011; Marzano, Waters, McNulty, 2005) and a culture of shared decision making (Fullan, 2005) are also central to change efforts. Leadership theorists emphasize the importance of developing a shared vision and goals in order to involve all stakeholders in implementing change (Bohlman & Deal, 2008; DuFour, Eaker, & DeFour, 2005; Goleman, 2011; Senge, Kleiner, Roberts, Ross, Roth, & Smith, 1999; Schmoker, 2012; Marzano et al., 2005).

Dominant research themes for the reform of educational organizations include the promotion of change readiness through a culture of shared decision making (Fullan, 2005) and increased teacher self-efficacy (Danielson, 2007). Other key change strategies include the minimization of resistance through recognition of short-term successes (Schmoker, 2012), support of early implementation, and the cultivation of professional learning communities (DuFour et al., 2005). Administrators are particularly pressed to develop their own competencies and build a culture of change readiness in response to legislative mandates and court decisions.

A systems perspective of organizational change highlights the importance of embedding educator responses within the social norms of the school's culture and climate and broader community values (Kennedy & Kennedy, 1996). "Any strategy for adaptation and improvement...must therefore address...complex, ongoing interactions – between the impact of schools' performance on the capabilities of the communities they serve and on schools' changes to the ...social, demographic and technological context in which they operate" (Bentley, 2010).

Heifetz and Linsky (2002) argue that the capacity for change comes from the emergence of adaptive strategies—the ability of an educational leader to mobilize teachers to solve problems and address challenges that are initially beyond their capabilities or known solutions. In addition, scholars recognize that teachers' self-efficacy may fall during the initial phase of

implementation (Fullan, 2007), and that leadership support becomes paramount during this time. Hoy and Miskel (2012) note that teacher confidence will subsequently increase after experiencing success.

Public schools are expected to both narrow the achievement gap between the highest and lowest-performing student groups and to respond to changing social and economic dynamics, including evolving gender roles and family formation, across all communities regardless of size (Hargreaves, Lieberman, Fullan, Hopkins, 2010). California's 1,043 school districts range in student population from seven with fewer than 10 students to Los Angeles Unified with 662,140 enrolled. Although only 383, or 36.7% of California districts are designated small rural schools by the U.S. Department of Education, they fall under the same federal and state laws, education code, and policies designed to provide equal access to a public education for sexual minority students and children of same-sex couples.

The implementation of these mandates within rural districts may face unique challenges, as educational leaders seek to build a positive school climate for all students. Griffin and Ouellett (2003) observe, "school-based initiatives must focus on organizational or systemic change principles that address the larger interrelated nature of systems of injustice and oppression... A social justice approach to educational policy and research also examines the intersections and complexities of race, class, and other identity categories in relationship to gender oppression and heterosexism." This study's examination of the role of multiple stakeholders in a district intervention in school climate blends the current thinking on organizational change from a systems perspective with prevailing theories on the impact of stigmatization in the school climate.

B. Legislative reforms provide partial solution

Laws that protect students against bias and discrimination in schools include the U.S. Constitution, federal and state statutes, case law, and the California Education Code. The National Education Association's 2009 report on the status of LGBT people in education noted that plaintiffs have brought litigation on related issues into both state and federal courts through several means. Students subjected to severe anti-gay harassment have sued school officials and districts under both Title IX and the Equal Protection Clause of the U.S. Constitution, and LGBT school personnel have sued employers under Title VII and Title IX.

The U.S. Department of Justice (DOJ) is responsible for enforcing Title IV, which prohibits discrimination in public schools against students based on sex, race, color, religion, and national origin, and the U.S. Department of Education's (DOE) Office of Civil Rights (OCR) fields Title IX complaints. Whether in pursuit of injunctive relief or administrative enforcement, the DOJ and DOE apply the same standard to allegations of sex-based harassment when conducting legal analysis to reach findings of fact. Because public school districts receive federal funds, they are subject to the requirements of both Title IV and Title IX. The DOJ and DOE, as well as plaintiffs represented by the American Civil Liberties Union (ACLU), the Southern Poverty Law Center (SPLC), and the National Center for Lesbian Rights (NCLR), have brought numerous cases alleging anti-gay discrimination and harassment of students against school districts across the country in recent years.

Within the Golden State, California Penal Code 422.6 includes actual or perceived gender and sexual orientation as protected from hate crimes, and California Education Code 200-234.3 prohibits discrimination and harassment based on actual or perceived gender identity and sexual orientation among other categories. This portion of the Education Code was amended in 2000 by

AB537, the School Safety Violence and Prevention Act. The Association of California School Administrators' (ACSA) Guide to AB537 notes,

Schools cannot ignore harassment on the basis that LGBT students should expect to be harassed, or have brought the harassment upon themselves by being open about their sexual orientation or gender identity. Also, students have constitutional rights (sic) to freedom of expression, including the right to be open about their sexual orientation and gender identity. (p. 2)

C. Civil rights investigations bring added scrutiny

Despite what appeared to be a solid legal foundation for protection of California students from bullying and harassment, Ramirez et al. v. Los Angeles Unified School District was filed in October 2004 by the American Civil Liberties Union (ACLU) and the National Center for Lesbian Rights (NCLR). The plaintiffs charged that educators at Washington Prep High School in South Los Angeles not only failed to protect students from homophobic assaults, but also directly engaged in anti-gay comments and threats to “out” the students to their families. The LAUSD Board agreed to pay \$98,000 and signed off on a June 2005 settlement which included a series of mandatory trainings for staff and students of Washington Prep and its three feeder middle schools over three subsequent years.

Section V of the settlement, rather unusual and forward-thinking for its time, noted that LAUSD would make curriculum related to “LGBT history and tolerance” (p. 20) available through the district website, including links to outside supplemental materials. The settlement also established complaint procedures, assigned an individual to investigate complaints, and mandated a statistical compilation of incident reports on the Washington Prep campus.

In 2007, another attempt was made to address unsafe school environments through passage of The Safe Place to Learn Act (AB 394, Levine) and the Student Civil Rights Act (SB 777, Kuehl), which required school districts to update prohibited classes of discrimination in their anti-harassment policies and complaint procedures under monitoring by the California Department of Education (CA DOE). In practice, few school districts actively implemented the law, and many students and parents remained unaware of their rights, with little proactive protection from school administrators.

Following the 2010 suicide of middle schooler Seth Walsh, the U.S. Department of Justice's Office of Civil Rights and the U.S. Department of Education brought suit against Tehachapi Unified School District (TUSD) in Kern County, California. In July 2011, the parties signed a Resolution Agreement which determined that the district's inactions permitted severe, pervasive, *and* persistent harassment of the student, requiring both administrative enforcement action and injunctive relief.

This was not the first time that a California school district was found in violation of federal and state law, and ordered into compliance. The Resolution required the district to update board policies and uniform complaint procedures to include both sexual harassment as well as gender-based harassment. It also mandated annual trainings for staff and students until 2017. Similar to an earlier settlement reached with Los Angeles Unified School District (LAUSD), the trainings were to be followed by staff and student evaluations and surveys of school climate. TUSD's Agreement detailed staff training focused on the identification of examples of sexual and gender-based harassment and the impact of such incidents on school climate.

TUSD's Resolution was more comprehensive than the Ramirez Settlement in several aspects. It relied more heavily on continuous staff development in its steps to create a nondiscriminatory environment. It also appeared to more rigorously apply survey results to inform ongoing school climate trainings. The Resolution covered an entire K-12 district, and included plans for age-appropriate, anti-bullying training for student as young as kindergarten, as well as annual school climate surveys for 5th through 12th grade. It also mandated the annual evaluation of the necessity for a safe space on upper grade campuses. Additionally, it required school personnel to actively monitor locker rooms and changing areas and to provide an alternative location upon student request.

In 2011, California took several other significant steps to create more inclusive learning environments for LGBT students. Governor Brown signed SB48, AB1156, and AB9, or Seth's Law. SB48, the Fair, Accurate, Inclusive, and Respectful (F.A.I.R.) Education Act, which went into effect January 2012, amended California's Education Code to require schools "...to integrate factual information about social movements, current events and history of people with disabilities and LGBT people..." into K-12 curriculum (Equality California, 2010). Sponsored by California State PTA, AB1156 amended several sections of California Education Code to expand the definition of bullying and link to its effects on student academic achievement. Effective July 1, 2012, it requires schools to amend their comprehensive safety plans to address bullying, train site personnel in the prevention of bullying, and allow victims inter-district transfers to pursue educational opportunities in safer environments.

In summary, the forward progress by California school districts has been uneven, as seen by the recent interventions by the DOJ and DOE. California has legislated inclusive curriculum and required that comprehensive school safety plans begin to address school climate, specifically

bullying. The challenge of legislating a change in school climate is difficult, but not impossible, and several themes in federal compliance emerge. First, the period of district monitoring and evaluation has grown from three to five years, which allows any middle or high school campus to matriculate an entire cohort of students who have received consistent anti-bullying messages throughout their time in school. In the federal agreement, the stated goals of training sessions have also been more clearly enunciated to utilize structured dialogue and opportunities for teachers to apply information to their own classroom context. The sessions address all staff and are repeated and adjusted over time. Are these positive initial signs that organizational leaders can create, or be compelled to create, accountability systems which effectively assess school climate for sexual minority youth?

IX. Conclusion

Research indicates that students are self-disclosing their sexual orientation at younger ages, and that there is heterogeneity among the school experiences of LGBT and questioning youth. In addition to the disproportionate victimization of sexual minority students at school, families with same-sex parents have experienced harassment or stigmatization on school campuses. As studies coalesce around an understanding of the vulnerabilities and resilience of LGBTQ youth, an awareness of the impact of broader social forces on the physical and emotional health of sexual minority students emerges. This case study of rural community climate combines these strands of research with related findings in public health, community psychology, and educational policy. A deeper understanding of the forces shaping school climate for rural sexual minority youth arises from contextualizing their lived experiences within a school's institutional culture and community norms.

A social ecology framework of positive school climate for LGBT students encompasses micro-level assets, such as a positive self-image and acceptance of an authentic self, and meso-level resources, including supportive relationships with parents, teachers, and peers. However, much less is understood about the possible influence of more distal macro-level characteristics, such as community climate and resources, on campus supports. What may have been viewed as heterosexual norms in rural school culture has potentially been repositioned as heteronormative and marginalizing for some students.

Hatzenbuehler argues that stigma, viewed as originating in a community's heterosexual norms, is a cause of fundamental health disparities for sexual minority students. Within a larger body of literature on school reform and organizational change, school climate interventions have been approached through a social justice lens. Yet, no studies adequately explain the interactions between school and community climate. From a systems theory standpoint, how do educators perceive community climate's impact on the degree to which LGBTQ and gender variant youth feel safe and connected to school? Do educators face constraints or encouragement from community stakeholders? Are the accepted interventions to improve school experiences for sexual minority youth impacted by characteristics within community climate?

In the next chapter, I will outline my particular approach to these questions and detail my method for gathering and evaluating evidence which may further reveal the relationship between rural school and community climate. Then Chapter 4 contains a chronological presentation and historical analysis of major developments related to the first three years of the federal intervention. Through thematic analysis, Chapter 5 examines the distinct contributions of key stakeholder groups and outlines preliminary findings of the case study. The final chapter discusses implications for future federal school climate interventions and notes a pattern of

evidence which suggests three ways that a community's heteronormative forces shaped school climate for sexual minority youth.

Chapter 3

I. Research Design

This study used a socio-ecological framework to focus on context—the institutional culture and social norms of Tehachapi Unified School District (TUSD)—as well as the broader community conditions that shaped the implementation of a mandated school climate intervention. The description and analysis of interactions between key stakeholders in a small, non-urban K-12 school district and the surrounding community has the potential to highlight how educators perceive and respond to discourse and actions which stigmatize sexual minority youth. Through qualitative inquiry, I will probe the context and situations in which community climate, school climate, and stakeholder perceptions are mutually influenced. Thus, the rationale for a single critical case design stems from its potential usefulness for illuminating the propositions contained in Hatzenbuehler’s model of stigmatization (Yin, 2014). How does heteronormative bias manifest in a rural community and influence the school ecology?

Previous studies have documented risk and protective factors for sexual minority youth, including macro-level factors in health disparities (Hatzenbuehler et al., 2012; Saewyc, 2011). Although all California districts must incorporate similar school climate interventions as new laws become effective, TUSD is a unique case. Because of a middle school student’s suicide from bullying, federal authorities have required a rapid districtwide implementation of a comprehensive anti-bullying curriculum. This abbreviated curriculum adoption presents an opportunity to capture how various participants make meaning of the intervention. Thus, the deviation from everyday practices can offer insights into existing norms and processes which may be challenged to change (Yin, 2014).

II. Site Selection

An analysis of the roles of various stakeholders as possible catalysts or barriers for a successful intervention to improve rural school climate for sexual minority youth has the potential to inform the work of other small districts across California. I became personally invested in this issue when two of my 6th grade students self-disclosed their orientation to me, and I realized the lack of capacity to address the needs of sexual minority students among fellow educators in my district. I chose to focus on this nearby district for several reasons, including my perception of possible similarities in its political climate and stakeholder opposition to LGBT-affirmative practices.

The high-profile nature of the initial tragedy, which received international press coverage, led directly to changes in state legislation and federal education policies. It also spurred a first-ever national conference on bullying prevention at the White House. After a 2011 federal investigation into harassment of students based on actual or perceived sexual orientation in Anoka-Hennepin School District in Minnesota, the subsequent consent decree included many of the same mandates applied to TUSD. Thus, it is plausible that for federal authorities, TUSD served as a template of an LGBT-affirmative school climate intervention for districts across the nation.

This site is notable for the scope and scale of federal intervention as well as the extent of stakeholder engagement. TUSD was the first district serving grades kindergarten through 12 in the nation in which the federal government mandated implementation of extensive reforms to address sex- and gender-based harassment across all grade levels. These terms included specific age-appropriate training and employee professional development, as well as detailed reporting of investigated complaints. Unlike previous Resolution Agreements, the period of monitoring

extended five years. In addition to the extraordinary specificity of reforms, educators and parents engaged to a remarkable degree with various aspects of the implementation over eighteen months. The transparent manner in which district leadership gathered input from key stakeholders and the tenor of public debate surrounding the Resolution Agreement provided extensive data on the public record.

III. Data Collection

My data collection unfolded in four stages. First, I reviewed local and regional news publications for articles, guest columns, editorials, and letters. From Seth's death in September 2010 through January 2013, the *Tehachapi News*, the community's weekly newspaper, published 298 items which addressed some aspect of TUSD's climate, including the investigations, lawsuit, and progressive implementation of the Resolution Agreement's terms. Among the 69 articles which headlined the first three pages of a weekly issue, 37 were front page news, and over half of those continued on one or more additional pages. The *Tehachapi News* served as a virtual venue for debate, with district actions, board proceedings, or the articles themselves provoking 118 published responses from readers. Forty three of those were published as guest columns, with separate, higher profile headlines, often featured under the title "Hometown Forum" and the other 75 were letters addressed to the editor.

Second, I recreated a timeline of 238 events related to the federal intervention to chronicle how community support or opposition evolved after the initial tragedy. There were two specific periods of time in which key stakeholder engagement peaked. First, directly after the thirteen-year-old's suicide, neighbors attended a memorial and vigil, organized community outreach, and attended school board meetings to call for district leadership to specifically address a hostile environment for sexual minority youth. However, beginning in May 2012, parents

reacted negatively to several aspects of the federal school climate intervention, including the school climate survey and proposed curriculum. Various small town residents attended board meetings every subsequent month until the final vote to approve the lessons in January 2013. During this second and more prolonged wave of engagement, only nine mountain neighbors came forward in person to vocalize support for the federal intervention.

Third, I reviewed all TUSD board agendas, minutes, and addendums from March 2010 through March 2014 to identify relevant audio recordings of meetings. A typical year contained approximately twenty-two regular monthly board meetings, or two per month with the exception of July and December. However, TUSD scheduled additional closed sessions and special meetings during this period due to the federal intervention as well as the statewide financial crisis, which imposed severe budget shortfalls on all districts. The calendar indicated trustees met 40 times in 2010; 28 times in 2011; 35 times in 2012; and, 28 times in 2013. To be precise, I reviewed publicly available documentation for the period of October 2010 to January 2014, during which trustees met at least 107 times, including regularly scheduled open sessions, closed sessions, governance workshops, and some special meeting dates.

For the purposes of my analysis, I listened to audio records of 44 sessions which handled business related to the Walsh litigation as well the Resolution Agreement terms and their implementation. Transcripts were only available for open sessions, and among those, it was difficult to quantify the total number of minutes which directly addressed the mandated intervention; however, a rough estimate of the number of minutes for public comments, superintendent reports, and board discussion prior to votes is 2,386 minutes, or just under 40 hours of remarks. Proportionally, the majority of these are minutes that trustees spent listening to community sentiments and district updates more than sharing verbal deliberations.

Fourth, my data collection focused on documentation contained in the six biannual compliance reports submitted by the district to OCR in December and June of each year, beginning in 2011 through 2014. These binders, 500-700 pages in length, covered detailed investigations of any reported on-campus harassment and subsequent disciplinary determinations, the content of related staff professional development as well as agendas and minutes of three separate committees of stakeholders involved in the school climate intervention. Other pertinent district materials assembled for the federal authorities included evidence of community outreach which advised of new policies and procedures to report on-campus harassment and to support an inclusive student body, such as school newsletters, website updates, and informational flyers.

At the center of this intervention was the implementation of a federally-mandated, multi-themed, anti-bullying curriculum. The relevant documents that I collected were comprised of the source material, draft curriculum, final (or, amended) curriculum, and feedback from key stakeholders. To be precise, the district utilized resources from GLSEN the Anti-Defamation League, and Olweus' *Class Meetings that Matter*. The draft curriculum initially listed nine lessons each for kindergarten, and second through fifth grades. First grade had 10 lessons. Grades 6 and 7 had 21 lessons, and Grade 8 had the most lessons—23. At the high school level, the number of lessons varied. Ninth and eleventh grades had 10 lessons; tenth grade had 9 lessons; and, twelfth grade had only 8.

Intensive deliberations ultimately reduced the final curriculum to only six lessons per elementary grade; nine lessons per middle school grade; and, six lessons for each high school grade. TUSD received written feedback from three main sources. First, 60 teachers returned evaluations of lessons piloted for kindergarten through eighth grades. Second, 26 community

members—parents, grandparents, and retired educators—submitted 55 comments on the draft curriculum in May 2012. A month later, 17 residents reviewed the revised curriculum and contributed another 46 comments.

Public records, transcripts, and compliance reports were supplemented by field notes from conversations with district officials and my time as a participant-observer of seven meetings of TUSD’s Safe and Inclusive Schools (S&IS) Task Force from February to August 2013. The S&IS Task Force was an advisory committee of community stakeholders mandated by the Resolution.

Before beginning data collection, I attended one PFLAG meeting, a single school board meeting, and interacted with several community members. To gather background information about which stakeholders were involved in various components of the federal intervention, I spoke to the Lisa Gilbert, the current superintendent; Dr. Richard Swanson, the former superintendent; Traci Minjares, the Title IX designee; Dennie Wagon, a curriculum specialist; and Dr. Joetta Gonzalez, the former Equity Assistance Center consultant who launched the initial implementation.

To provide further context to the public dialogue among community members, I kept notes of my communication with the following: Adrian Maaskant, a retired TUSD teacher; Ria Maaskant, a retired TUSD administrator; Whitney Weddell, an LGBT activist-cum-educator; Police Chief Kermode, who conducted the investigation into Seth’s death; Jorge Barrientos, a former journalist for the *Bakersfield Californian* who covered TUSD news; and Claudia Elliott, the Editor-in Chief of the local newspaper. Field notes of these conversations were generated prior to my analysis of board meeting transcripts.

I also joined a members-only Facebook page created by opponents of the Resolution Agreement to review social media posts. My final data came from observations of a student listening circle and subsequent stakeholder discussions on student engagement coordinated by current equity consultant, WestEd, in February 2014.

Lastly, although three years of school climate survey data existed, several factors limited the utility of this information. For example, the method of survey administration changed between the first and second year, and a low participation rate precluded representativeness across the student body. One-third of students across all grade levels reported never seeing or hearing teachers intervene in any form of bias-based harassment. This contrasted with the 100% positive response rate from teachers asked whether the school climate shows respect for all, inclusive of sexual orientation and gender expression. Thus, climate survey data served to indicate the presence of divergent perspectives from various stakeholders, which I explored using qualitative methods.

IV. Data Analysis

First, I integrated the multiple data sources in order to document the chronology of decision points during implementation and placed these within a broader social context. Periodicals and district artifacts enabled me to recreate the sequence of events which followed the student suicide in September 2010, beginning with the initial community reaction, the investigation by the ACLU, and the district's response through the early months of 2011. A timeline of key events is found in Appendix II on page 393.

Through this documentation, I identified stakeholders who sought to influence district actions and who contributed to community debate over the school's responsibility for Seth's death. I examined these materials for the range of sentiments expressed by residents and

possible indicators that shaped the decisions of TUSD leadership. To assess sources of support for sexual minority youth and to identify the steps TUSD used to re-evaluate school climate, I compared the tone and content of editorial pieces and news articles to contemporaneous board meetings.

Once TUSD agreed to the terms of the Resolution Agreement in June 2011, the early stage of the implementation process focused on the development of internal capacity and resources. I used OCR compliance reports, board meeting transcripts, and field notes to reconstruct the mandated professional development teachers and administrators received and how these educators faced the issues which arose during this interim period. In an analysis of the evidence of district outreach to community stakeholders, I found board meeting transcripts, district artifacts, and curriculum feedback forms which detailed the opposition to anti-bullying lessons that addressed sex- and gender-based harassment. Public comments to trustees and social media posts revealed multiple strategies that residents used to curtail the terms of the Resolution Agreement or advocate for its renegotiation. The biannual reports to federal authorities contained examples of how parent engagement dramatically reshaped the school climate intervention in various ways.

The Resolution Agreement guided my identification of key stakeholder groups, including district personnel and students, elected trustees, the designated Equity Assistance Center, parents, and community organizations. The primary stakeholder groups whose voices were present through much of the public dialogue were the superintendents, board trustees, parents, and other local residents. Other parties less visible on the public record who impacted the implementation of the school climate intervention were OCR, the designated Equity Assistance Center consultants, and teachers. A very small number of allies and parents of LGBT youth, as

well as openly gay residents and faith leaders, published their views, and only two engaged publicly with district leadership. A matrix of key stakeholders and a summary of their involvement is compiled in Appendix I on page 386.

After I analyzed the extensive data in the public record and ascertained the fluctuating degrees of stakeholder participation, I identified themes which emerged from the interactions of these groups during the implementation process. The primary topics included views on the purpose(s) of public education, the connection(s) between community and school climate, federal involvement in school district policy, the demarcation of “age-appropriate instruction” to address sex-based harassment, and the balance between civil rights protections and expressions of free speech and religious belief.

In fact, not all community members saw this as a federal intervention to create an inclusive school climate for sexual minority students. Many questioned the district responsibility for Seth’s suicide and framed this as an issue of peer-to-peer harassment which needed individual disciplinary remedies. Thus, a secondary analysis yielded factors to suggest elements of heteronormative bias in the community ecology further constrained the implementation process. For example, parents on the Safe and Inclusive Schools (S&IS) Task Force opposed an overt focus on sexual minority victimization in the strategic framework for implementation of the intervention and only one teacher publicly stated that the anti-bullying curriculum did not go far enough to address the needs of sexual minority youth.

V. Validity

Yin (2014) notes the most important reason for employing multiple methods of evidence collection is the creation of converging lines of inquiry, or the potential for findings based on a triangulation of sources. This case study analyzed the perspectives of multiple stakeholders and

found limited initial consensus regarding the issue at hand, and even less agreement on the proposed resolution. Nonetheless, the extent to which educators and community members refer to one or more of the same macro-level conditions which influence school climate would validate an ecological systems lens when viewing this case. Following Hatzenbuehler's model (2011), which incorporates objective measures of the social environment, I analyzed more than one possible measure of the phenomenon to further the possibility of construct validity (Yin, 2014).

Following this approach, I created a composite of the social ecology, identifying the proportion of heterosexual married couples, the number of registered Republicans and evangelical religious congregations, the percentage of the population without college education, and the number of charter, parochial, and home school options available in the community. In addition to the compilation of census and descriptive demographic data for the community, I compiled artifacts which characterized its rural social norms. This encompassed evidence of proximal factors, such as the direct impact of parent statements in support or opposition to the school climate surveys and curriculum, as well as more distal considerations. Examples were community members' interpretations of national news and events, such as the end of Don't Ask, Don't Tell and an alleged rape by Steubenville, Ohio varsity football players. The combined historical and thematic analyses also exposed a thread of community remarks on the impact of California-specific legislation and headlines, such as the Proposition 8 campaign and a shooting at Taft High School in Kern County by a student allegedly subjected to repeated bullying.

Moreover, the discovery of how individuals identified with more than one stakeholder group (e.g., TUSD employees who were also parents or community activists who were educators) and how some changed positions regarding the anti-bullying curriculum provided

further evidence of the complex interplay of micro- and macro-level factors in the school ecology. For example, within the S&IS Task Force meetings, the opening of another charter school in the community, the discipline of local high school football players, and the passage of the School Success and Opportunity Act (AB1266) were discussed through the lens of the school climate intervention.

In short, I looked for evidence to triangulate observations obtained at my research site that demonstrated environment factors perpetuated institutional stigmatization of sexual minority identity. To understand how rural community climate influences educators' role in shaping school climate is a complicated and fraught process. My goal was to validate the theory that objective measures of stigmatizing events in the social environment influence mental and emotional health disparities for sexual minority youth as evidenced by the manner in which key stakeholders shaped the implementation of an LGBT-affirmative school climate intervention.

Next, Chapter Four analyzes a narrative of the implementation process, with particular attention to how participants alternately initiated and responded to key developments. In contrast to the detailed chronology of the following chapter, Chapter Five represents a thematic approach which assesses the role of each stakeholder group and proposes the major findings of this case study.

Chapter 4

I. Introduction

This descriptive case study of a rural school system explored the differences of perception among town residents, trustees, educators, and parents around a school climate intervention resulting from a student suicide. Public records, specifically school board meeting audio recordings, district documentation, and compliance reports submitted to the U.S. Department of Education's Office of Civil Rights, as well as field notes from the 2012-2013 school year in which I observed the Tehachapi Unified School District's Safe and Inclusive Schools Task Force, were the data sources used to analyze how key stakeholders shaped the implementation of the federally-mandated intervention.

TUSD's school climate survey data included findings of negative student experiences as well as a gap between student and staff perceptions of campus safety. However, survey data neither fully explained why staff reported more positive school climate and safety than students nor revealed how community climate created friction or possible barriers during the implementation process. Furthermore, anemic participation rates and inconsistent methods of surveying prevented quantitative exploration of climate conditions in this school district.

My first goal was to provide a narrative of events external to the school campus which characterized the community climate for sexual minority youth. I analyzed two and one half years of activities, beginning shortly before the tragedy in 2010 and continuing through the board vote to adopt the final component of the federal school climate intervention in January 2013. During this time period, key stakeholders expressed divergent perspectives on the mandates and some parties took active steps to prevent their progress. As a second goal, I explored how educational leaders navigated federal compliance in the wake of the community forces which

attempted to destabilize the most contentious piece of the implementation—the anti-bullying curriculum.

As a historical analysis, the chronological organization of this chapter falls into four periods. In the first section, I examined how various community groups responded to the initial tragedy and ensuing media coverage. After a brief period of engagement by LGBT residents, the momentum for school climate reform slowed. Signals from district leadership ranged from ambivalence to defensiveness. The eventual federal investigation and findings ultimately compelled TUSD to act. At the end of the first section, I reviewed the terms of the Resolution Agreement the district accepted and the first steps of implementation, including parent outreach, the development of student school climate surveys, and teacher training. A summary of the terms outlined in the Resolution Agreement are found in Appendix III on page 397.

The most detailed portions of the school climate intervention, namely the curriculum to address sex- and gender-based harassment across the K-12 grade span, the student surveys, and educator professional development, are analyzed in further detail in the second section. However, section three dissected the contentious curriculum development process, marked by parent antagonism, and the organizing strategies employed to impede it. The final section looked at counterproposals various opponents pursued and efforts to reassert community norms. An ecological profile of social actors and institutions in this community revealed existing interrelationships and changing patterns of engagement, but also presented a chaotic cast of characters. The 55 stakeholders with the most prominent, influential, or emblematic roles in the implementation of this school climate intervention, who are discussed by name in Chapters Four and Five, are listed in Appendix I on page 397.

II. Response to Tragedy

A. Spotlight on Tehachapi

A student's suicide in a small California town would rapidly become part of a larger conversation in America about safe schools and communities for sexual minority youth. Various parties would offer differing accounts of what contributed to the death of the thirteen-year-old, and many residents resented how their community was portrayed. Some also disputed to what extent the school district should be held accountable for an incident in a park on a Sunday afternoon. Although no criminal charges were filed, an investigation by the U.S. Department of Education's Office of Civil Rights (OCR) would lead to a ground-breaking settlement over gender-based harassment. Whether the U.S. Department of Justice (DOJ) presented compelling evidence or the school district sought to avoid costly litigation, the trustees voted to accept a Resolution Agreement which mandated the implementation of reforms. Although the mandates were designed to improve campus climate for sexual minority and gender non-conforming youth in particular, assorted community members—parents, grandparents, district staff, board members, and some students—spent many hours focused on opposing the various components of the federal intervention. What prevailed was a modified implementation of climate surveys, educator trainings, and an anti-bullying curriculum shaped, in part, by the predominantly conservative views and Christian values of the community majority. How the federal mandates were adapted called into question how key stakeholders influence the school and community climate for sexual minority youth.

i. Media coverage – Viral, International

Several high-profile student suicides from bullying provoked a national media conversation during the 2009-2010 school year, and surfaced in exchanges between Tehachapi

administrators and trustees as early as April 2010. At a school board meeting five months prior to the suicide of Seth Walsh, Susan Ortega, the principal of his middle school, commented, “With the recent rise in publicity of bullying, it has ...our attention...in the last three weeks, we asked how many had been bullied...at least three-fourths of the kids raised their hands...” (Tehachapi Unified School District, 2011). Principal Ortega stated her intention to include it in an end-of-year survey for both students and parents. During the same board meeting, one trustee requested copies of any survey results on bullying, and noted “...that young girl from Ireland who committed suicide from bullying...It was not an isolated incident” (Tehachapi Unified School District, 2011). This was likely in reference to the January 2010 suicide of 15-year-old Irish immigrant Phoebe Prince in South Hadley, Massachusetts, which generated international headlines, and was the impetus for a statewide anti-bullying task force which ultimately led to new legislation signed into law in Massachusetts in May 2010.

Seth Walsh attempted suicide in his Tehachapi backyard on the afternoon of Sunday, September 19, 2010. Parents with students in the district were notified via an automated system, Teleparent, about the initial tragedy. After nine days, Seth was removed from life support and declared dead on September 28, 2010. The front-page headline of the *Tehachapi News* on September 29, 2010 declared, “The Family Asks for Privacy,” and the lead-in began with a statement from Tehachapi Police Chief Jeff Kermode (Forde, 2010). “The youngsters who interacted with a 13-year-old boy prior to his suicide attempt are remorseful...” (Forde, 2010). With no details on what led to the initial incident, the *Tehachapi News* article added, “The family pleads for kindness toward those who might be experiencing community wrath as a result of the situation. Police are looking into allegations that the boy was the target of bullying at school” (Forde, 2010). Editor-in-Chief Claudia Elliott noted that well-read articles garnered 1,000 to

1,500 views on the newspaper's website, but through a link to the *San Francisco Examiner*, the story had received over 100,000 views in less than 24 hours.

As the circumstances surrounding Seth's death became public, media organizations ranging from Sacramento's KTXL (Keys, 2010) to the *New York Times* (Schwartz, 2010) and South Africa's *Sunday Independent* ("Tolerance call in wake of gay suicide," 2010) began to report on a pattern, linking his death to those of Rutgers University freshman Tyler Clementi, 15-year-old Billy Lucas in Indiana, middle schooler Asher Brown in Texas, as well as Raymond Chase, a college student in Providence. National and international news outlets shaped a narrative of a spate of gay youth across America who had all committed suicide in September 2010 due to bullying and the associated stigma of their actual or perceived sexual orientation (Alexander, 2010; Bragg, 2010; Keys, 2010; Khadaroo, 2010; McKinley, 2010; Schwartz, 2010; "Student jumps to death after being filmed with man," 2010; "Tolerance call in wake of gay suicide," 2010). Despite the initial plea for privacy, the Walsh family sat for interviews with *60 Minutes*, *MSNBC*, *The Ellen DeGeneres Show* and *Dr. Phil*. A few days after the memorial, all three Bakersfield television stations sent reporters to the first organized action in Tehachapi, a meeting of concerned parents.

ii. Conflicting Narratives Emerge After Investigation

Meanwhile, in initial statements to the *Bakersfield Californian*, then-Superintendent Dr. Richard Swanson declared, "Walsh was a well-respected student and was liked by staff" (Kotowski, 2010) and noted that Seth had been "in and out of Tehachapi schools, having attended a charter school for a while and most recently was on independent study" (Elliott & Kotowski, 2010). Swanson's statements imply a student with positive connections to the local middle school, but who had a less-than-stable enrollment record. In findings a year later, DOJ

would reprimand TUSD for a statement posted to its website in response to Seth's death replete with inaccuracies. The posting portrayed Seth's 7th grade attendance as brief, with a pattern of transferring in and out of the middle school, a misrepresentation which, according to government attorneys, implied "staff did not know the Student well and were unaware of any harassment" (Office of Civil Rights & U.S. Department of Justice, 2011a). Furthermore, the report faulted the district's public statements for failure to acknowledge that the student was placed on independent study precisely to avoid continued victimization at school.

Within days of district statements, the Walsh family would provide a starkly different characterization of Seth's school experiences to *TIME Magazine* and the *Los Angeles Times*. Curwen's article (2010) revealed, "Jacobson Middle School became unbearable for Seth. For a few months in 7th grade, he switched to a charter school. Last August [2010] he returned...and after just a week in 8th grade, the harassment started up again. He decided to stay at home on independent study." Quoting family members and friends, *TIME*'s article "The Bullying of Seth Walsh – Requiem for a Small Town Boy," reported, "Even before Seth came out as gay...he was perpetually picked on for his mannerisms and his style of dressing...he was teased enough that he was homeschooled on two separate occasions" (Alexander, 2010). Some of the seventy-five students deposed during the Department of Justice investigation less than three months after his death were not only aware of Seth's sexual orientation, but many described a pattern of relentless and cruel name calling, as well as recurring physical harassment throughout the school day and at various on-campus locations (2011a).

After seven months of investigation by the OCR and DOJ, the published Findings of Fact detailed educators' lapses in disciplinary action, insufficient remediation of the climate, misrepresentation of facts about Seth, and statements contradicted by students. Students

described dozens of peers, often in social cliques, who perpetrated years of ongoing physical harassment, including shoving; throwing food, water, and other objects at him; hitting items out of Seth's hands; and obstructing his path as he walked by. However, with the exception of a school resource officer, no educator admitted to personally witnessing peer victimization. According to the OCR Findings, school climate directly impacted educational access for Seth. For example, a Physical Education (P.E.) teacher notified Seth's mother that he had stopped changing into P.E. clothes. Wendy Walsh informed the teacher that Seth remained concerned for his personal safety in the locker room; however, the Findings indicated that the teacher alerted the boy's coach, and did not track the complaint further. Seth's P.E. teacher told OCR that he "had no recollection of the reported conversation with the other P.E. teacher, was not aware of the Student having any problems in the locker room, and never inquired into the matter" (Office of Civil Rights & U.S. Department of Justice, 2011a). More than one student who witnessed locker room harassment disputed that the staff was unaware and that adults had, in fact, alternately ignored the incidents or told offenders to cease.

In addition to conflicting accounts by stakeholders on what educators knew, administrators did not articulate a clear understanding of their responsibility to improve climate for all students, regardless of perceived sexual orientation or gender expression. Then-Vice Principal Kaminski did recall Wendy Walsh's concerns about locker room harassment and, according to the Finding, responded that, "...in a perfect world, the Student would be treated equally, but that the students were at a difficult age and he could not change *attitudes originating in the students' homes* [emphasis added]" (Office of Civil Rights & U.S. Department of Justice, 2011a). Ms. Walsh requested independent study for Seth from Vice Principal Kaminski because of ongoing harassment, but did not provide the administrator with the specific names of students

involved. While she and Seth gathered his books, she witnessed a campus incident in which a student yelled “queer” at her son, and she brought the offending student to the office, where he received lunch detention. In response to Ms. Walsh’s plea that the school create a safer environment, the Vice Principal typed a notice for the November 19, 2009 parent newsletter. The following excerpt shows a less than enthusiastic request for tolerance of differences, no clear call for acceptance, and excluded mention of sexual orientation:

The student body is not only diversified by gender, race, and ethnicity, but also by dress style, hair style, likes, dislikes, maturity, and ambition. Some are tolerant of this diversity, others are not....A few make life miserable for those that appear different than “normal”....The only thing they’ve done is wear their bleached hair...covering half their face with black fingernail polish on, along with clothes that don’t match and shoes that should’ve been discarded long ago. Please discuss with your child that while they may find some students different and “odd,” everyone deserves...an education without being harassed or bullied because of...fashion sense or their mannerisms...you get the picture. While we aren’t going to hold hands in a giant circle and sing “Kumbaya” we do need to respect each other. (Office of Civil Rights & U.S. Department of Justice, 2011a)

Within 24 hours of his return to campus, both Seth and his mother provided Principal Ortega with additional grievances: that he was subjected to “anti-gay slurs and sexually suggestive language” (Office of Civil Rights & U.S. Department of Justice, 2011a). One accused student admitted to the behavior and received a three-day suspension. However, the Principal did not pursue an investigation of other students implicated as part of the harassment. According to statements made to OCR, Principal Ortega placed responsibility for follow-up action with a victimized student, stating “...unless a student reports back to her that a problem is ongoing, she

assumes it has been resolved, and that the Student did not indicate to her that the problems had continued” (Office of Civil Rights & U.S. Department of Justice, 2011a). Within a week of the 2010-2011 school year commencing, persecution of Seth on the middle school campus resumed. Principal Ortega again responded to Walsh’s complaints of harassment with approval of another independent study request. “According to the Vice Principal, although the Principal told him the Student was being placed on Independent Study because the Student was being harassed, and the Vice Principal did not doubt that the harassment was happening, additional investigation was not needed because the Student was no longer attending the School” (Office of Civil Rights & U.S. Department of Justice, 2011a).

In public reports, Superintendent Richard Swanson would also distance TUSD from the tragedy, assuring “the district's role ended...[after it]...conducted an investigation to determine that the events leading up to Walsh's death did not happen on school property and weren't part of any school project or activity“ (Kotowski, 2010). Guarding the district’s public image, Dr. Swanson added, “The school...immediately investigates reports of bullying, but a complaint was never filed in Walsh's case” (Kotowski, 2010). The next day, the Tehachapi Superintendent was back in the news, informing the same journalist “...the district has reviewed Seth's records and...found...bullying of Seth was reported and investigated...[T]he student involved was suspended.” The same piece quotes Swanson saying, “There was a mention of bullying when he left school earlier this month, but there wasn't a specific incident or issue that we could follow up with” (Elliott & Kotowski, 2010). Although the release of this information is a possible violation of the Federal Educational Rights and Privacy Act (FERPA), what would lead to trouble down the road would be Swanson’s added comments. “We have a policy to investigate. We get as many witnesses as we can and follow up with some very specific steps, from

counseling to suspension...[Sometimes] with middle school kids you get reports of bullying, but no specific names. We need to have a name and a date. If it doesn't happen, we can't respond” (Elliott & Kotowski, 2010).

During the weeklong news cycle, and what would be his last comments to the media on the issue, Dr. Swanson described programs and procedures already in place to address bullying. These included security cameras, peer mediation, and a submission box for students to request a meeting with a counselor, as well as an annual field trip to the Tolerance Museum (Elliott & Kotowski, 2010) The comprehensive school site plans also noted that TUSD schools held quarterly discipline assemblies aimed at teaching respect, tolerance, and character, often with a visiting speaker. At first glance, this list includes tools more likely to be utilized for investigation and intervention after an incident (security cameras and mediation) as well as a resource which places the burden on individual students to come forward for support—without necessarily guaranteeing recourse (counseling). The limited documentation available describes some assemblies with a disability-rights advocate, a motivational speaker, and a teen singer-songwriter with an anti-bullying message in her music, leaving unclear the degree to which these single-day events could impact school climate beyond a feel-good moment.

Whitney Weddell, a Bakersfield teacher and board member of the non-profit Bakersfield LGBTQ, reached out to Swanson in early October and offered her assistance. The *Los Angeles Times* referred to these informal conversations as meetings “...with a representative from a Kern County gay and lesbian group to assess the campus programs designed to encourage tolerance” and accepted at face value the conclusion that “...the district's measures were fairly thorough...though they didn't prevent Seth's death” (Curwen, 2010). Explanations from both middle school site administrators to OCR provide some insight into why they believe their

disciplinary decisions were sufficient. These included Seth's inability or reluctance to identify specific aggressors by name and the time lag between an incident's occurrence and report. Moreover, district administrators neglected to educate site staff on their responsibilities to intervene in and report incidents affecting student safety on campus. Although TUSD had resolved a prior sexual harassment complaint by instituting administrator training from the district's legal counsel, Principal Ortega told OCR that the guidance "related primarily to employment." The OCR interviews uncovered that teachers had neither received copies of the newly adopted sexual harassment policies and regulations, nor had trained on how to "recognize or respond to student sex-based harassment or hate-motivated behavior."

iii. Initial Community Reaction

International reporting on this student's death stoked public outcry on the stigma LGBTQ youth face in their schools and neighborhoods, and would continue to feature prominently in *CNN* news segments throughout October. However, sentiments expressed in local media would soon change. On Friday, October 1, 2010, over 600 community members poured into First Baptist Church for his memorial, sitting in the aisles and spilling out onto the sidewalk. Images projected onto the white wall behind the altar included Seth, smiling in faux tiara, followed by the word bullying with a red slash through it. However, Pastor Ron Barker told one reporter that the service would not focus on bullying, nor homosexuality (Alexander, 2010). Four separate items appeared in the October 6th, 2010 edition of the *Tehachapi News*, the first weekly issue after the funeral and accompanying media storm. The paper's front-page headline affirmed "Hundreds mourn teen's death," while a separate article detailed the town's national exposure. Editor-in-Chief Elliott also published a column which reflected both the defensive posture of

some community members and a broader ambiguous response to the (visibility of sexual orientation) around her

...Why is it that people with just a tiny bit of information and no relationship with our community feel entitled somehow to judge and attack?...When I attended Tehachapi High School many years ago, I had a friend who was gay. Times were different then....[He] played football....He was deeply religious...married...divorced...death from AIDS. Perhaps we will never understand. I have to wonder if it is not the changes in our society that are to blame. Human sexuality is a complex subject. (2010a)

Finally, a letter to the editor was the first of a handful of public self-disclosures of sexual orientation that would surface during October. Former Tehachapi resident Donal Welch recalled being called "...fag and sissy in TUSD..." and closed his missive with "...as a gay man, I am proud of Seth and I mourn the loss" (Welch, 2010).

On October 9th, 2010, approximately 100 people gathered in Philip Marx Park for a candlelight vigil intended to draw attention to the negative consequences of bullying. One retired administrator, a 36-year resident, observed only three teachers among the large crowd. Educators would continue to remain silent in the public discourse throughout the following yearlong upheaval, which would see the launch of inquiries from the ACLU, a federal investigation, a civil lawsuit, and the resignation of a superintendent. The turbulence in October 2010 was reflected in the local press and official school board meetings.

While some community members mourned and others organized a call to action, commentary continued in the October 13th issue of the local paper. One letter to the editor stressed acceptance of gays and lesbians as "our sons and daughters, our brothers and sisters, our cousins, our neighbors, our colleagues" (Maskaant, 2010), while another rebuked police inaction.

“I’ll feel relieved when the bullies are finally charged with something instead of getting a pat on the back for being ‘contrite and cooperative’” (Solange, 2010). The editor herself was not spared opprobrium from a reader, who wrote,

...we as a community are responsible for the wrongdoings....The role we played in this is not imagined....our words are powerful...and yes, Madame Editor, even as editors of news media. When we speak, the children of our community listen. If we discuss homosexuality as an abomination, be it in church, at home...children have the ability to make some very severe judgment calls....We stood by silently while community members and leaders got up onto their pulpits and preached about the corruption of our society, about homosexuality in schools, gay marriage and....Now we are reaping the terrible consequences. Let us not make the same mistakes again. Let us not have any more editorials covering our shame with anesthetics of “gay friends who played football” but died of AIDS or pointing the finger back at the outside media....This abomination happened here. Period. Our community is getting media attention because something horrific was allowed to happen here. We brought this on ourselves... (Bandy Musick, 2010)

All three writers referenced the role of Christian faith in shaping community values, with two noting that local evangelical and Mormon faith leaders had previously expressed vocal, “aggressive” opposition to ‘gay rights’ (Bandy Musick, 2010; Maskaant, 2010; Solange, 2010).

Community reaction continued to evolve. New voices arose on the issue of visibility and acceptance of LGBT Americans, in a week where school-related topics dominated local news. The front page juxtaposed a description of the homecoming parade through downtown, replete with a Queen’s court in cowboy boots escorted in “ranch-size pick-up trucks,” with coverage of

the candlelight vigil (“Seth Remembered,” 2010, “THS celebrates homecoming,” 2010). Among the three letters published, one called upon school board candidates to state their respective plans for addressing a culture of bullying in the district (Guthrie, 2010). In published profiles of six school board candidates running for three seats in the November elections, only one, Steven Vogel, stressed the importance of an anti-bullying message. One of the founders of the short-lived Anti-Bullying Coalition, Vogel would go on to lose his bid, and ultimately was convicted for engaging in acts with juvenile males and registered as a sex offender. The sentiments and beliefs expressed through letters by two other residents, Drucker and Kokoski, would soon be echoed over the next three years in comments by parents who opposed the federal intervention. Although nothing is known about these two specific writers, their comments are suggestive of the underlying conservative political and religious beliefs woven into public testimony opposing the implementation of an LGBT-affirmative school climate intervention I analyze in a later section.

In Kokoski’s letter to the editor, he called the repeal of the “Don’t Ask, Don’t Tell” military policy “a ploy” to compel “reluctant acceptance” of homosexual activity (2010). He declared, “Homosexuality is not about ‘rights.’ It’s about redefining truth” and went on to cite “scientific studies” from Dr. Richard Fitzgibbons which “have proven that homosexuality is linked to pedophilia” (Kokoski, 2010). Referring to Dr. Michelle Cretella’s “multiple studies” on the gender confusion and elevated risk of sexually transmitted diseases for children of same-sex parents, Kokoski concluded that “[H]omosexual behavior is abnormal, immoral and anti-life” (2010). Kokoski continued, “[W]e are dealing here not with 'human rights' but with...the destruction of the family unit—the fundamental cell of society” (2010). Drucker also saw this “push for tolerance” as an assault on “religious freedom,” and asserted that “the homosexual

agenda says that anyone like me must be silenced....Homosexuality is not a race of people; it is a chosen lifestyle” (Drucker, 2010). He propounded, “I happen to be a Christian, and...believe that any sexual acts...outside of a committed marriage between a husband and wife are wrong,” and added, “I do not hate adulterous heterosexuals nor do I hate homosexuals” (Drucker, 2010). A moral teaching of St. Augustine’s which was later popularized in Gandhi’s 1929 autobiography, this sentiment of ‘hate the sin, not the sinner’ would surface in the comments of opponents of the Safe and Inclusive Schools’ curriculum.

Both writers characterized an omnipotent “homosexual agenda” which went beyond forcing tolerance of a “chosen lifestyle.” Their letters warned that “militant homosexuals” wanted to silence critics. And, as Drucker’s “Fear for the future” rhapsodized patriotically about the nation’s founding principles and Judeo-Christian heritage, he positioned himself as a martyr for his faith. Although mildly entitled “Reluctance acceptance,” Kokoski’s writing was a more dangerous diatribe, complete with references to a therapist and a pediatrician on the board of the National Association for Research and Therapy of Homosexuality (NARTH), an organization which espouses reparative, or gay conversion, therapy. The Southern Poverty Law Center derided NARTH as the “main source of anti-gay junk science” (Lenz, 2012).

Thus, less than one month after harassment based on gender nonconformity and perceived sexual orientation led one middle school student to take his own life, and shortly after the media vans packed up and drove off, the tone of the public conversation had changed dramatically. By the November 3rd edition, letters began to express resentment at the way some in the media had appropriated Seth’s death as a meme tied to gay rights, accusing them of “carrying the torch for cultural elites whose agenda includes promoting a post Christian sexual ethic” (Ratzlaff, 2010a). Some seethed at the profane charge that local churches had “moral

culpability,” while others complained, “Suicides are happening all over the world for various reasons and all you can focus on is ‘gay suicides?’ How divisive is this?” (Hobin, 2010).

To what extent are these assertions reflective of a broad community climate hostile to sexual minorities? Do these types of views, when openly expressed, impact educators tasked with addressing sex- and gender-based harassment on campus—or students themselves? In what ways do these public pronouncements shape, reflect, or impede a town’s ability to create a safe and inclusive environment for all youth? The fact is that these external signs may have only marginal influence when compared to internal bias or personal fear of stigmatization. It may not be possible to measure whether an educator’s reluctance to model inclusive behaviors stems from internal or external pressures.

Nonetheless, minority stress theory acknowledges that both objective and subjective measures in the environment shape an individual’s sense of belonging and willingness to engage with social institutions. From October 2010 through January 2011, 19 letters called for acceptance of diversity and a more civil dialogue. Those who framed the issue as a community responsibility pointed to the open condemnation of LGBT neighbors as a contributing factor in school climate for sexual minority youth.

Adults like Mr. Kokoski set the examples that our children follow, including the children that bullied Seth and those that continue to believe it is acceptable to bully anyone who they think is different....[W]hen we publically express opinions that marginalize any group of people, whether it be homosexuals, people of color, or religious minorities, we send a message to our children that bullying these groups of people is acceptable. (Brown Hepner, 2010)

These voices appeared less frequently in weekly newsprint over the ensuing three years and even fewer speakers delivered similar monologues during public comments at school board meetings. Conversely, residents who held contrary opinions would go on to stridently express them beyond the confines of the paper, taking their cause to social media, family gatherings at baseball games in the park, and numerous school board meetings. Parents who perceived that government agencies, cowed by progressive elites, were infringing on their religious beliefs would remain antagonistic, maintaining regular, personal communications with trustees and the newly-appointed superintendent throughout the implementation of the school climate intervention.

The heated local debate continued to play out on the pages of the *Tehachapi News*. Three submissions (Brown Hepner, 2010; Campbell Montana, 2010; C. Davids, 2010) published October 27th censured local intolerance against gays and lesbians, including an admonishment of the newspaper's editor for printing what was viewed as an attack on the gay community, particularly same-sex parents:

I am particularly disappointed that the *Tehachapi News* chose to publish such a hateful rant only weeks after 13-year-old Seth Walsh was bullied to death because of his perceived homosexuality....There is a fine line between free speech and hate speech....I hope the *Tehachapi News* will take this responsibility into consideration when deciding which letters to publish. (Brown Hepner, 2010)

Meanwhile, although trustees remained tight-lipped, school board meetings became an additional venue for the public to express their positions. With no mention of survey results on middle school bullying from the prior spring, the September 14, 2010 board meeting proceeded smoothly. The approved consent agenda contained the middle school's annual *Site Plan for Achievement*. Under "Barriers and challenges to student achievement," the document noted,

“Poor performing students receive positive recognition from peers for inappropriate behaviors,” and allocated \$250 for anti-bullying posters (Tehachapi Unified School District, 2011). Apart from a tense exchange between trustees surrounding the language communicating TUSD’s goals, the September 28th, 2010 meeting was void of references to the Walsh family’s situation and no expression of sympathy for students and staff affected by the tragic event was offered. Revised during the meeting, the district goals added a phrase which asserted the civil rights of students.

The district will have a quality learning environment by having high quality facilities, safe orderly and secure schools, and ~~a caring, respectful culture~~. the district will also assure a caring, respectful culture that promotes civil rights.

Ostensibly, this statement would indicate a district which valued the equality of all students and embraced the rights of all youth, inclusive of sex and gender. However, as the discussion unfolded in the months ahead, many residents, trustees included, sought ways to avoid or minimize the acknowledgement of student sexual orientation, often under the guise of protecting the religious freedoms of others.

Board meeting attendance skyrocketed on October 12, 2010. At this first session since Seth’s memorial, eight adults spoke during public comments, several holding back tears as they disclosed personal experiences with stigma and harassment. In a softly modulated, almost sing-song voice, a young man stepped up to the microphone and began, “Hello. For those of you who don’t know me, I am Daniel Franco and, yes, it’s ‘Mister.’ I am a nursing student...Being an openly gay teenager was really hard in Tehachapi School District” (Tehachapi Unified School District, 2011). Franco recounted experiences in elementary school, saying “I didn’t know what gay was...but they were calling me...faggot and...gay...saying [I] must be related to RuPaul. I didn’t know who RuPaul was...I thought well, they just don’t like me” (Tehachapi Unified

School District, 2011). He recalled his time at THS as so “horrible” that it led to a suicide attempt on campus. During months away recovering, Franco experienced acceptance for being himself. “I learned it there. I didn’t learn it here,” he stated with a brittle edge to his voice. Returning to Tehachapi with increased confidence and a desire for self-expression, he continued, “I had a sense of power, of my own individualism that I started to wear make-up to school and...false eyelashes. The teachers would tell me to go and sit in the back row, because I was...just too much to look at. I don’t think that’s right....I was in dress code. I could do it if I wanted to. I tried to be a symbol...that you can be yourself, no matter what, and that you’ll be accepted.” Becoming emotional, he summed up his K-12 school experiences with, “...I wish I could turn back the time and learn that here, because I love this town. I don’t know why it’s been so mean. But I love it.” Explaining what moved him to attend the meeting, Franco added,

After hearing about Seth’s death—I mean, I have my own battle scars...That’s why I wear long sleeves—I implore the board to do something about this....As an adult now, I still find it hard to live in Tehachapi. They’re not very accepting here. But I still trudge through, hoping I can be a beacon for those...if I’m loud and outlandish that maybe somebody will benefit from MY (emphasis) misery. (Tehachapi Unified School District, 2011)

Al Stuart, a retired educator who lived 80 miles away in another small Sierra Nevada Mountain community, shared the decision he and his partner of 26 years made to get married in 2008 and to allow the *Kern Valley Sun* to publish their photo, saying “We chose to be public.” Stuart held up a copy of a *New York Times*’ article on Seth. After a long pause, Stuart apologized and said, “...I get emotional....(voice cracking) every time I even think of a thirteen-year-old hanging himself (choking)...in his backyard because of what happened in his community...and I

just...I don't understand that" (Tehachapi Unified School District, 2011). Standing before a silent group of strangers, the elderly visitor referred to his "conservative religious upbringing" in which he "...never heard anything about gays except the words faggot and queers in the schools," and disclosed intimate autobiographical details about having two children from a heterosexual marriage before coming out in his thirties. Once bullied at school for her cleft palate, a doctor drove from Kernville 90 miles away in the Sierra Nevadas to share that she had been hurt as much from adults who stood by and watched as from the words of other children. These mountain neighbors, moved to attend based on engaging with messages in the national media, cited available resources—It Gets Better videos, Gay-Straight Alliance clubs (GSAs), and Olweus anti-bullying materials.

Weddell, an openly gay Bakersfield teacher who met several times with Dr. Swanson, shared her observations with the board. After noting that most in the (local) gay and lesbian community have endured harassment and discrimination, she called Seth's death "devastating." Weddell remarked on Dr. Swanson's sensitivity, and credited him with making "...a tremendous difference in just the past few weeks on moving in a direction of prevention," listing anti-bullying policies and procedures and the launch of a Rainbow Alliance on the high school campus (Tehachapi Unified School District, 2011). She broadly labeled the school climate as a "very good one," and called for additional steps. She emphasized the need to open a GSA at the continuation school and for more "gay positive references" to address the pejorative usage of "That's so gay." She elaborated, "...that we don't hesitate when we say...that we love and support our gay, lesbian, bisexual and transgendered kids," and that a discussion of Shakespeare's biography might include the comment "Oh by the way, he might have been gay. Isn't that interesting?" She explained the dual purpose of inclusive lessons as "a way of

letting...your gay kids understand that you have love and respect for gay people throughout history...[and] it sends a message...That it's perfectly okay for there to be gay people in the world. It's no reason to beat them up. No reason to call them names." Taking the perspective of a sexual minority youth, Weddell asserted, "We want to be welcomed. We want to be celebrated. And we don't want to be made to feel like we're in an environment where even our teachers are against us" (Tehachapi Unified School District, 2011).

B. Initial district responses

i. Hearing a call to action

The seven-member board of trustees had seen several consecutive years of instability prior to the federal investigation and intervention. The termination of a popular middle school principal had led to a failed attempt at recalling some board members in the spring of 2009. After unexpected resignations in March and August of 2010, one of which was Judy Walsh, Seth's grandmother, two board seats were filled by appointments. Five of seven members were present for the October 12th, 2010 meeting. That evening, both Stuart and Weddell, gay educators, noted the reluctance of administrators to engage in addressing the needs of sexual minority youth. Stuart remarked that his offer to launch a Gay-Straight Alliance at the high school in Kernville was met with silence, and that he was continuing to reach out. Weddell pre-emptively addressed two forms of resistance. She observed that her advocacy might be "...accused of bringing in a homosexual agenda," and that her suggestion of LGBT-affirmative curriculum "...doesn't have to be a 45-minute lesson. It's not teaching about sex" (Tehachapi Unified School District, 2011). In acknowledgement of the challenge to improve school climate for sexual minority youth, Weddell concluded, "I'd like to say we could give you an incredible curriculum and you can

have this solved by next week. That's just not the reality... It's an ongoing process" (Tehachapi Unified School District, 2011).

As the only trustee to engage these speakers, Holly Hart probed for how a district might be expected to address an incident which occurred on a weekend and asking what the 'Q' in the phrase LGBTQ meant. Stuart replied that, in contrast to his personal journey, students were questioning their sexual orientation as early as high school. Hart made two assertions which would strike a chord looping throughout the orchestration of community reflection and resistance for the next several years. First, she personalized the issue, referring to her own experiences of being bullied for "ask[ing] too many questions" and contended "...it's not just gay kids" (Tehachapi Unified School District, 2011). Second, she conveyed sincere concern for limits on how as a board they might change climate:

...that code of silence is a problem...as I listen to the language...[it] has gone from "I will get you at school" to "I will get you at the park...in the alley...by the tracks." And so as we push it out of the schools, it seem we're pushing it underground and into the community. Can you speak to that in any way? (Tehachapi Unified School District, 2011)

Weddell's reply was swift, "... we can do a great deal to offset the negative images...that gay people are targets. That's what the schools can do. You can take the target off our backs" (Tehachapi Unified School District, 2011).

Stuart echoed the sentiment that changes were needed beyond the schoolyard, saying "the school board is looked towards as a leader...[E]xtend your anti-bullying program to community education programs. It's the same thing we're fighting for in the Kern River Valley" (Tehachapi Unified School District, 2011). Identifying herself as a mother of a bullied kindergartener and an organizer of the candlelight vigil, Yvette Benton reiterated the role of the school in shaping

community climate, adding, “whatever we implement...we need to start teaching them young, so they grow up with this...it’s very hard to change them once they’ve become a teenager” (Tehachapi Unified School District, 2011). Quoted in the *Bakersfield Californian*, Seth’s grandfather, Jim Walsh, also a former educator, emphasized the role parents in the community play. "Adults need to take responsibility for what we're teaching our children. *Behaviors are learned at home, directly and indirectly* [emphasis added]. Parents are role models; kids are picking it up" (Elliott & Kotowski, 2010).

In one of only two board meeting appearances by members of Tehachapi’s Anti-bullying Coalition (ABC), Vogel proposed a “No Bullying Zone” throughout the downtown business district. Much like Benton and Hart, Vogel framed the issue of bullying as a far-reaching social problem to be addressed “both in the schools and on a broader scale in the community....business owners...will have signs in their windows and if someone’s being bullied ...they can run into this business and feel protected. They can call the police. They can call their parents, or ...wait it out until the bully goes away” (Tehachapi Unified School District, 2011). Lacking in detail, this plan assumed businesses would submit applications to be screened by the community group; however, the criteria to qualify, the degree of support, and the exact expectations for participating storefronts remained unclear. Ambitious in scope, there is no indication the concept was pursued through further outreach. Trustee Hart and Superintendent Swanson also saw a link between school and community climate; however, Swanson’s views, published by two national news outlets, depicted a degree of deflection. Despite campus programs to promote tolerance and discipline procedures that respond to bullying, “these things didn't prevent Seth's tragedy,” he wrote, “Maybe they couldn't have....The incident occurred off-campus, on a Sunday, and is *part of a larger community issue* [emphasis added]" (Curwen, 2010; Schwartz, 2010). The only

teacher who spoke publicly that night appeared caught off guard by the outpouring of anguish and appeals for proactive intervention. After a brief platitude, “It’s a societal problem and I don’t have all the answers, but it’s really, really sad,” she went on to voice frustration with budget cuts and supply shortages (Tehachapi Unified School District, 2011). At the end of nearly an hour of public comments, Superintendent Swanson extended personal thanks for Weddell’s help during a “deep, troubled time” which had “impacted [him] personally very deeply.” Mary Graham, the Board President, with a reserved pithiness, responded, “...We appreciate you coming tonight, voicing your concerns,...and we did hear...there’s a problem.... There’s a problem nationwide in bullying.... Thank you for...sharing with us” (Tehachapi Unified School District, 2011).

ii. Ambivalence, defensiveness, and “mustering on”

Two representatives from the high school’s Associated Student Body kicked off the second part of the agenda, reporting on a Homecoming Week complete with a Spotlight Day when “You wear red if you have a girlfriend or boyfriend...yellow if you think you might [have one]...green if you’re single” (Tehachapi Unified School District, 2011). As student speech and activities privileged expressions of heterosexual affection, district officials, students, and local residents also avoided the terms “LGBT,” “gay,” and “sexual orientation” in public comments at the meetings, suggesting another way in which social stigma endured. For example, when Trustee Hart pressed for information “on [generic] *bullying* [emphasis added] at the high school,” one senior replied, “a couple of weeks ago...we voted on the Rainbow Alliance club. That was a big step to help get *everyone* to stop bullying *everyone* [emphasis added].... We have been trying to get everyone to stop using slurs of any kind...not saying “That’s so gay”...trying to be less abrasive, less rude, better human beings overall” (Tehachapi Unified School District, 2011). This pattern, present in the superintendent’s published statements and the Safe and

Inclusive Schools curriculum, is analyzed in more detail in a later section. When prompted by Trustee Hart, the second senior summed up her views on Seth's suicide:

This kind of tragedy didn't have to happen. It starts with...little tiny habits that add up into what you believe....[I]t's especially difficult coming from such a small town. It's so conservative....[S]ome people aren't so open-minded....Even if you don't agree with it—different people, the way they live—hating a person has never answered anything...I think some people were just ignorant towards him. (Tehachapi Unified School District, 2011)

Hart acknowledged that the ambivalence in Tehachapi reflected changes within the broader American populace, stating, “The problem in a small town is ...we're as divided over all of the cultural issues in our nation as anywhere else” (Tehachapi Unified School District, 2011). Not shying away from the topic, she attempted to frame the issue for both Swanson and her colleagues.

The school board leads on behalf of the community....as a school board we have to [decide] whether...to remain isolated to only the school district or...provide some moral stewardship in the community on behalf of these children, because...there are no safe places for these students to go,...I think after the election the board is going to have to take a look at this and decide whether or not they have this moral courage necessary to stand up for the children....who else would provide that leadership. (Tehachapi Unified School District, 2011)

When the superintendent suggested a discussion with the Common Interest Group, an informal coalition of local government service agencies, Hart replied, “I don't think the (sanitation district)..., for example, is in a position to provide leadership [on bullying]...so I think it has to

come from the school district, which means that if it's going to come from you, the school board is going to have to give you that directive" (Tehachapi Unified School District, 2011).

Dr. Swanson opened his formal report to the board by stating the "school district family" was grieving and in shock over the loss of a child. He followed with the announcement of a task force "to seriously address ...issues from top to bottom to see what we can do to create a more supportive environment where a kid does not have the kind of despair that drives somebody to do what Seth has done" (Tehachapi Unified School District, 2011). Next, he briefed trustees on plans for grief counseling and vigilance for any signs of post-traumatic stress disorder among students by noting "we're going to be allocating resources...to actually restructure the school so that it is a more friendly place for everybody." However, in an incongruous turn, Dr. Swanson echoed the student representative's characterization of "little things...that add up." And, like Hart, he referred to his personal experiences. "[A]n awful lot of us remember [being bullied]. I was an asthmatic and every time I sniffled in class my best friends would all sniffle after me...we're going to see if we can create an environment where those little things don't happen" (Tehachapi Unified School District, 2011). Reiterating that the issue was one of peer victimization, he added, "We're looking at what we can do to help kids get past the code of silence so that they have trusted adults." The superintendent ended with a representation of his staff as victims. He insisted that employees "have taken a lot of abuse...there has been a lot of bullying over bullying...staff and administrators have their lives threatened, their sons' and daughters' and their families' lives threatened,...the secretaries who took all the guff [from callers]...all of the lies and the hatred that were expressed for people that didn't even know the people they were talking to...[Yet] the staff musters on" (Tehachapi Unified School District, 2011).

Whether the superintendent's words intentionally diminished the type of harassment to which Seth was subjected, or indicate a lack of understanding of the potential stigma faced by sexual minority students contemplating self-disclosure, his remarks on school climate just weeks after a student suicide are jarring. "I think the schools are some of the *safest* places in this town and I think our staffs and our students *should be thanked* [emphasis added]... We do have a selective group of kids that are bullies... [but] there are more caring adults per capita in... these schools than... anywhere else in this town" (Tehachapi Unified School District, 2011). In contrast, the *Tehachapi News* summarized the tone of the evening with "What emerged from all the comments is a picture of Tehachapi that has made strides in the schools but is still not a safe and welcoming place for those children perceived as different by their classmates" ("TUSD Board of Trustees meeting," 2010).

C. Limits to district action

i. Gauging support and expectations

Although community voices called for district action at the second meeting in October, Hart's loss in the November election meant an end to possible advocacy for addressing climate for sexual minority youth within the board. At the October 26th meeting, three parents identified themselves as Tehachapi ABC and urged TUSD to make use of their roster of 60 volunteers to research effective programs, such as *Safe School Ambassadors*, and to fundraise to purchase materials. Dr. Swanson responded positively to the "phenomenal" potential assistance and said the Ambassadors program had been in place for four years, with a recent training of 20 youth. He did not spell out that *Safe Schools Ambassadors* and the newly-launched GSA, however, were only on the comprehensive high school campus. An 8th grade class representative's letter to the board, read by an ABC member, outlined a student's perception of how adults shape school

climate and what new steps were needed to create a safer, more inclusive campus. Playing down existing efforts as ineffectual, the student's position was clear and direct:

Bullying can't be viewed as something small or meaningless like gum chewing or being tardy. There needs to be a much stricter consequence...not just detention lunch. ...the teachers and staff have been trying to stop the bullying ...A few signs posted around the school are not doing anything. We need something more powerful...an 800 hotline or something anonymous for kids to text to if they're being bullied or witness bullying.

Also, if an incident is reported, both kids need to be involved in counseling to see what may be causing that kid to bully. (Tehachapi Unified School District, 2011)

At the October 26th, 2010 board meeting, Jamie Phillips, the father of Seth's closest friend, insisted that bullying is a behavior "learned by children from other children and...by adults' actions and words" (Tehachapi Unified School District, 2011). He held both parents and teachers accountable for educating children about tolerance of "those who might seem different than themselves" and implored the school board to "take the lead" on a school programs as well as a community-based anti-bullying campaign. Parents who sought to work with the schools repeatedly struck a conciliatory tone; for example, one said "we are not placing fault with our schools...where most kids spend the majority of their time....Bullying ...also happens on school buses, football games, parks, churches, clubs...neighborhoods, everywhere in our community." These stakeholders were more likely to blur the lines of responsibility for shaping school and community climate than those who believed in a more limited role for school leaders.

Although the newspaper mentioned the adoption of the anti-bullying curriculum only briefly, by mid-December, published letters to the editor began to question whether these campus reforms ran counter to community norms. One asked, "Why are kids at nine years old discussing

any kind of sexuality at school?...We adults are putting inappropriate physical and sexual thoughts into our children's heads...Stop exposing kids to bullying and inappropriate sexual behavior and maybe our children can start acting like children again" (Williams, 2010).

In late October 2010, Dr. Swanson approved the middle school principal's request to attend Olweus Bullying Prevention Program (OBPP) training and there was some evidence of local efforts to remain engaged in school climate reform. Tehachapi ABC members attended a "Solutions to Bullying" workshop sponsored by the Kern County Office of Education, and community activist Steven Vogel penned a guest column in the paper listing existing programs in schools: "evidence-based programs" like Olweus, Safe School Ambassadors, and Character Counts; suicide prevention education for "high risk students"; quarterly discipline assemblies; and a "security presence" in locker rooms at the middle school (Vogel, 2010). Trustees continued to monitor community engagement through social gatherings, Facebook, and in the press, as revealed in an on-record exchange at the December 14th, 2010 board meeting.

Perhaps the decrease in attendees and the absence of any public comments provided a more intimate setting. In an evenhanded tone, one trustee broached organizing efforts underway in town: "I really want to point out, so that it's on the record, we didn't speak to the bullying issue [at a previous meeting] when we had the people here" (Tehachapi Unified School District, 2011). Commenting with surprise that his presence at a Tehachapi ABC meeting was made into "a big deal," the trustee shared his intention to continue attending, noting that some in the room "said things [about us] that weren't quite pleasant" and pointed to a "future school board member" in their midst, suggesting a competitive election was in store. The trustee profiled the thirty people he estimated in attendance: psychologists, teachers from Rosamond and Bakersfield, and the school resource officer. Going into further detail, he recounted that Jacobsen

Middle School's principal provided an update on her programming and that the group probed for information on "timeframe—when the high school and elementary teachers would be taught." Even though he concluded, "It didn't teach us anything about bullying," he recommended that "we should address that and make sure we stay active and positive on this issue, because it's going to be ongoing for a long time" (Tehachapi Unified School District, 2011). He was correct that federal agencies were beginning to look more closely at school climate, particularly for sexual minority and gender nonconforming youth.

On October 26, 2011, OCR issued a Dear Colleague Letter (DCL) which outlined the relationship between bullying and discriminatory harassment for school districts. This legal recommendation clarified that school leaders have a duty to investigate misconduct on campus and determine whether a violation of a student's civil rights occurred. The guidance document set forth various scenarios in which a school was required to investigate and systematically address climates deemed hostile to students based on their race, religion, gender, sexual orientation, and disability. The gender-based harassment hypothetical was illustrated by a gay student subjected to anti-gay slurs, threats, and ridicule which led him to curtail his educational activities. The supposed school was faulted for disciplining individual students under an anti-bullying policy and not recognizing a pattern of sex discrimination against a student who did not conform to a gender stereotype. OCR's seminal document advised weighing the effects of such misconduct on the individual student as well as the school environment and taking action in cases where harassment is severe, persistent, or pervasive.

Under these directives, a "comprehensive response" entailed directions for staff to monitor locations of reported harassment as well as the targeted student. The missive's full range of measures included the mandate that district and site administrators publicize anti-

discrimination policies and inform the school community about reporting procedures and counseling resources available. These progressive disciplinary steps and educator training were to be implemented with “expectations of tolerance, *specifically as they apply to gender stereotypes*” (“Dear Colleague Letter,” 2010, p. 7). Through this document, OCR underscored that once a district or school “knows or reasonably should know of possible student-on-student harassment,” the school has an obligation to take effective preventative measures, underscoring the duty to act “regardless of whether the student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination.” In short, no longer could an administrator place the burden to report on a student (“Dear Colleague Letter,” 2010).

In a December 16th, 2010 letter, ACLU attorneys, Elizabeth Gill and James Gilliam acknowledged the district’s modest corrective steps, such as the multi-day training for Principal Ortega and the addition of “generic anti-bullying posters” on campus. Nonetheless, the ACLU charged TUSD with “the failure to investigate adequately or take appropriate action” (Gill, Gilliam, & Keenan, 2010, p. 5). From December interviews, OCR also noted that students still did not feel safe to report bullying or harassment due a fear of retaliation (Office of Civil Rights & U.S. Department of Justice, 2011a). The Findings of Fact six months later used Principal Ortega’s own characterization of OBPP, as a curriculum which “...did not address sex-based harassment specifically” (Office of Civil Rights & U.S. Department of Justice, 2011a). Both investigations concluded TUSD’s efforts were inadequate to address bullying and ineffective to tackle a climate hostile to gender non-conforming or sexual minority youth. The ACLU letter made the case that the “dire anti-gay climate” needed systemic redress, and listed eleven short-term and ten long-term steps to “ensure the physical and emotional safety of LGBTQ youth,”

complete with an offer of unidentified “experts who might be able to help the district develop such a program” (Gill et al., 2010, pp. 5–6).

ii. Digging into (Fortifying) position, dueling views, disputing data

As expectations for change from outside entities increased, the editor’s column reflected the swirling debate around town, raised questions about media influence and local accountability, and scapegoated one of these interlopers.

Where the responsibility of a family ends and the responsibility of...the local school district begins is not something everyone agrees upon...I do not believe that the Tehachapi schools are responsible for Seth Walsh's death. But...a number of gay teenagers...took their lives this year and this has put our district in the crosshairs of activists. Numerous community efforts...should have time to...work instead of a deadline imposed by an outside organization...if the ACLU hadn't ...rid our public institutions of any reference to religion or faith, we would be better off. (Elliott, 2010b)

News editor Elliott’s disparagement of the non-profit legal rights group and a subsequent steady drip of opinion letters published in consecutive issues from December 29, 2010 to February 2, 2011 criticized the “heavy-handed intimidation” of ACLU “busybodies” (Ratzlaff, 2010b). To respond, litigator James Gilliam authored an editorial, entitled “A Community Responsibility,” published on January 5, 2011. With a reasoned tone, he wrote, “Helping teachers and staff as well as students to intervene effectively to stem anti-gay harassment need not be a difficult or contentious undertaking...Our goal is to work with the school district to ensure that anti-gay harassment is taken seriously and that no other family or community has to endure another tragedy like that of Seth Walsh” (Gilliam, 2011).

Local media also facilitated an exchange of views among the town's inhabitants, those in the outlying mountainous region, and regional players. Culpability was a frequent discussion topic, and letters indicated that many did not uniformly lay blame for the tragedy at TUSD's doorstep. "No single cause or factor could ever be the whole explanation of why Seth took his own life, nor can a school district ever succeed completely at making all its students into model citizens. But that doesn't mean that the District has no responsibility" (Hartman, 2011). Like Jamie Phillips, who made an emotional appearance before the school board as a parent, a letter from Dr. Catherine Solange embraced the need to take a more LGBT-affirmative position with her own child. She wrote "our school district...shares responsibility [for Seth's death] with parents, me included, who don't immediately require children to choose another adjective each time they use 'gay' pejoratively" (Solange, 2011a). Dr. Solange worked at a residential treatment center for adolescents in Los Angeles "with a frightening percentage...of gay teens from Christian and Orthodox Jewish homes" who had attempted suicide, whom she described as "unvisited, unwanted, and unaccepted" (Solange, 2011b). Her letter, which described standing at the most-trafficked intersection of Valley Boulevard and Tucker Road, with "gay teens and their supporters" campaigning against Proposition 8 as counterdemonstrators on the opposite corner were "misusing Scripture" suggests that she was a vocal and supportive community member (Solange, 2011a). Despite Solange's clear stance in the newspaper, though, she never spoke during a school board meeting, nor submitted written feedback on the curriculum.

In addition to sharing her personal experiences as an observer of community intolerance, several of Solange's six letters directly engaged with the arguments of other residents. Under the headline "Welcome the outsiders," she was one of two writers who pointed to the role of local church leaders who had promoted Proposition 8 and "showed tolerance of anti-gay prejudice"

(Sheridan Lee, 2011; Solange, 2011a). Gilliam (2011) defined a community's responsibility shared by "parents, churches, teachers, community members and non-profit organizations like the ACLU and others who advocate on behalf of youth." As a parent and ally, Solange was ready to discuss community influence on school climate.

[O]ur school district is being held accountable for systematically correcting a pervasive, backward, homophobic culture. I only wish our fundamentalist so-called Christian churches and the Mormon Church could be held similarly accountable because the damage they've done is far-reaching. I heard local pulpit spewing intended to rally support for Prop 8 that made me ill. This from poorly educated pastors so afraid of science they think same-sex preference is a life-style choice rather than a genetic trait like baldness or green eyes. (Solange, 2011b)

Interestingly, even those outraged by these openly profane statements did not dispute the depiction of a town intolerant of gays, but focused, rather, on refuting the assertion that a "pastor's opposition to gay marriage is in some way connected to Seth Walsh's tragic death...[as] an attitude that...contribute[s] to a prevailing climate of prejudice and hate in Tehachapi" (Fisher, 2011). In prototypical manner, another writer scorned the idea of assigning blame—or responsibility—to the entire community, including parents and churches, "for the actions of a few" (Webber, 2011). This attempt to deflect from the role of community attitudes in shaping the beliefs students brought to campus attempted to reframe the issue as a clash between equally valid, but competing beliefs:

What kinds of support would that be, given that parents or churches might believe that homosexual behavior has detrimental consequences?...the issue has come a long way from trying to address bullying, harassing or teasing by children and youth....Others are

now trying to use the suicide of a 13 year old boy to silence those who disagree with them and legitimize a witch hunt against those who do not believe in homosexual marriage. (Webber, 2011)

It is not possible to gauge the degree to which the spirited debate affected school officials, but many of the views expressed in print would later surface repeatedly in public comments at board meetings.

With temperatures still running high, a series of public comments in December and January also captured an increasingly defensive tone from Superintendent Swanson. For example, he justified his decision to not hold an assembly which directly addressed Seth's death, having been advised that it might lead to "copycats and mass hysteria" and referred to established quarterly "anti-bullying" assemblies by grade level. Multiple news outlets reported that Swanson rejected the ACLU's characterization of "persistent harassment" by highlighting his comment, "I find it difficult to believe that our middle school students threw sandwiches and water bottles at Seth, that he was allowed to be continually threatened in the locker room, or that any student was able to call him a derogatory name in a public setting on school grounds without a consequence" (Forde, 2011). Both the superintendent and civil liberties' attorney Gill continued to respond to each other through the media. Dr. Swanson declared his intention to hire investigators to get to the root of possible "egregious" actions, with an insistent, "Tell us names." Gill countered that these efforts "fell short of the goal," because "widespread climate of anti-gay bias simply cannot be addressed by punishing individual students" (Forde, 2011).

In a December 17th interview with the *Bakersfield Californian*, the Tehachapi superintendent described four steps underway to address bullying, but he also admitted nothing directly addressed sexual orientation-related bullying; "I don't think we've addressed Seth's issue

in terms of sexuality directly," Swanson conceded. (Mayer, 2010). Despite acknowledgement of Seth's sexual orientation, one wonders whether this small town superintendent saw a connection between the school environment for minority students and the suicide of a gay youth. The absences in his comments were conspicuous. He never indicated he interacted with the high school's Gay-Straight Alliance club members, nor reached out to openly gay or lesbian employees, students, or parents. His understanding of the concerns of the local LGBT community appeared to be through repeated contact with a single LGBTQ activist who lived and taught 40 miles away in Bakersfield, to whom he showed a stack of policies and had over to his house for dinner. Six months later, the superintendent's own remarks would show that TUSD continued to avoid openly supporting a safe and inclusive school environment for sexual minority or gender non-conforming youth in any substantial way.

Perhaps Dr. Swanson's greatest misstep was a premature decision to publish a guest commentary in the *Tehachapi News'* Hometown Forum section on January 26, 2011, endorsing the safety of local school campuses months before the OCR published its findings. In an unusual move, the school superintendent took to the pages of the weekly to argue the news that the middle school was a "hotbed of bullying" was "negative" and "inaccurate" (Swanson, 2011a). He heralded the proof evidenced by "smiling faces" and California's Healthy Kid's Survey results from 2007-2009. Without mentioning that the exceedingly low participation rate made the results non-representative, he listed select responses from 2007 results as corroboration that Jacobsen Middle School was "as civil and supportive a school as any...and on most factors it exceeds the results from California [schools] in general." He noted,

Students who feel that they have been harassed for sexual orientation 6% (Strongly agree) 6% (Agree)

Students who feel unsafe at school 6% (Strongly agree) 10% (agree)

Two community members took on the challenge of examining the data. The first writer questioned why Swanson reported 2007 results and only provided a web link for more recent 2009 data. Bulloch focused on different data points, such as “13% of 7th grade girls and 12% of 7th grade boys responded affirmatively to the query ‘Have you been harassed for being gay/lesbian or someone thought you were?’” He also contested the superintendent’s pairing of TUSD and state averages, arguing that a more effective comparison would be the results of 7th graders from similar districts. His rebuke closed with a call for TUSD leadership to search for solutions “based on results of the survey,” unknowingly preempting the first stipulation in the Resolution Agreement yet to come. Not to be outdone, a retired educator further picked apart Swanson’s presentation of data, calling it “misrepresentative, manipulative and inconsistent with the 2007-09 survey” (Walled, 2011). In particular, Walled singled out that for the survey question “Have you been harassed for sexual orientation in past 12 months?” Swanson chose the response rate of 6% for “2 or more times” rather than the higher rate of 13%, a cumulative total for one or more times.

The superintendent chose—or was given a directive—to remain silent and would not give press statements again for five months. The community, school district, and superintendent had been surrounded by a whirlwind of controversy and emotion, to varying degrees, for six months. Local anti-bullying advocates and allies of sexual minority youth who sought solutions had looked to the local educational institutions to lead the way. Community-based efforts remained anemic, though elected officials kept a watchful eye. Some residents criticized outside pressures that curtailed open expressions of Christianity; for them, this was an issue of personal responsibility, a problem best solved between parents and children. News reports of federal

attorneys in town and “ACLU demands;” editorialized comments from readers; and public statements by Superintendent Swanson were evidence that that some stakeholders were inclined to circle the wagons against meddling outsiders, despite continued turmoil on the home front.

iii. Attempt to Return to Business as Usual, Reforms Introduced

Although the small town and its schools seemed to return to a business as usual pace, national developments would again bring the issue of hostile school climate front and center. Trustees approved the Jacobsen Middle School Comprehensive Site Safety Plan in January 2011. Required annually by California’s Department of Education, site safety plans outline policies to address a wide range of issues, including student mental health, disaster preparedness, and bullying. District administrators often direct site leaders to include boilerplate language, and most principals view these documents more as a compliance task than a tool which informs day-to-day operations. For example, plans for all three TUSD secondary campuses included a required section entitled “School Social Environment,” which began:

Leadership is a shared process. All stakeholders are afforded a proactive role in all phases of the school operation. We are committed to developing [insert school name] towards excellence in the areas of academic and social behavior. The principal sets a positive tone for the school and guides the staff, working closely with them on curriculum and safety issues. The school site’s organizational structure is open and flexible, contributing to sensitivity concerning school safety issues and promoting a safe, orderly school environment conducive to learning. (Jacobsen Middle School Site Council, 2012; Monroe High School Site Council, 2012; Tehachapi High School Site Council, 2012)

Although sections entitled “School’s Cultural Environment” and “Additional School and Safety Concerns” in the middle school plan remained unchanged from 2009, the introduction’s School

Profile included updated language. It noted that the seven local schools have “traditions dating back to the turn of the twentieth century” and feigned proactive engagement to address campus climate. “In the past, Jacobsen Middle School has faced some challenges in maintaining a ...school climate with a safe physical, social and cultural environment; however,...Campus Pride and Anti-Bullying promotions have *already proven effective in alleviating those problems* [emphasis added]” (Jacobsen Middle School Site Council, 2010, p. 5).

Seth’s mother Wendy moved her advocacy for safer schools further afield, as she became the face of a campaign to address school bullying and the harassment of LGBT students. State and federal legislators introduced bills “inspired by Seth Walsh’s death” aimed at addressing increased protections for sexual minority students. On March 10, 2011, Walsh spoke of her son’s death at a Washington DC press conference to reintroduce the Student Non-Discrimination Act (SNDA) in Congress and attended the inaugural White House Conference on Bullying Prevention. The same month, openly gay California Assembly Member Tom Ammiano sponsored AB9, or Seth’s Law, which required districts to update anti-bullying policies to address harassment for actual or perceived sexual orientation. Walsh testified in front of the California Assembly committee which approved the bill in April. The *Tehachapi News* announced both pieces of legislation which “paid homage to Seth Walsh” by featuring co-sponsors of the California legislation in the introduction: the American Civil Liberties Union, Equality California, National Center for Lesbian Rights, and the Gay-Straight Alliance Network.

Meanwhile, in Tehachapi, the superintendent’s records show the middle school had completed the initial step of OBPP implementation, an online student survey on school climate and sought a grant to cover grief counseling expenses. Board records reveal that trustees gathered for numerous closed sessions on anticipated litigation and retained an additional law

firm. In a unanimous vote on April 7th, the board rejected Wendy Walsh's claim of wrongful death against TUSD dated February 28, 2011, in which she sought relief "for emotional distress, for harassment of Seth Walsh; for failing to respond appropriately to [her] complaints...for lost wages and other costs incurred" on the technicality that it was not presented within the time allowed by law (Tehachapi Unified School District, 2011). On April 19th, local news juxtaposed the claim's rejection with the advancement of state legislation in Seth's name. Throughout the spring of 2011, though, there were few additional indicators that district leadership was addressing the need for inclusive climate at the middle school. During these months, calendared open sessions were filled with teachers anxious about layoffs and students pleading to save the high school drama program from the chopping block.

At the May 10, 2011 TUSD board meeting, Dr. Swanson made a brief statement that the anti-bullying survey results were "relatively positive" and with a note of relief in his voice, reported, "I am pleased to say the ACLU has dropped the case and is no longer representing Wendy Walsh. Given their propensity for publicity, it's probably a good thing" (Tehachapi Unified School District, 2011). Any perceived respite was short lived. On June 14th, he commented that "the whole OCR thing" had superseded other district initiatives, and that the "biggest issue will be compliance with the DOJ" (Tehachapi Unified School District, 2011). An indication that settlement talks were well-advanced, though not finalized, was his reference to discussions with the Equity Alliance of Arizona State University, concluding he felt "pretty strongly that there's no agenda there." The Equity Alliance was the designated Equity Assistance Center (EAC) for the southwestern region of the United States. The Arizona non-profit was one of ten grant recipients across the country selected by the U.S. Department of Education to provide training and technical assistance to any local educational agency (LEA) at the request of

any stakeholder, whether administrator, teacher, parent, or community member (“Training and Advisory Services - Equity Assistance Centers,” 2013).

D. Federal Resolution Agreement

i. Settlement but no closure

Upon the call to order at the June 28, 2011 board meeting, trustees immediately moved into closed session with attorneys to discuss the first agenda item, “Significant exposure to litigation.” The meeting minutes summarize the session as “settlement negotiations and the provisions of an offer by the District, via a proposed Resolution Agreement” for cases opened by both the OCR and DOJ which claimed “inadequate investigation and response by school officials to alleged severe / pervasive peer-on-peer sexual / gender based harassment of a JMS student” (Tehachapi Unified School District, 2011). With the full board in attendance, the trustees adjourned to open session for a roll call confirmation vote on the Resolution Agreement. Board President Graham and Trustee Patti Snyder, a retired educator active with the THS Booster club, both voted no. Trustees Traynham, Brown, Wood, and Evansic voted yes. Trustee Austin, having joined the board after winning election in November 2010, abstained.

With no further commentary, the board moved on to discuss the ratification of a one-year contract extension for the district superintendent. Trustee Traynham expounded the reasoning behind what he called “the most difficult and important decision we will make as board members.” He described “sleepless nights” contemplating TUSD’s future direction and a “difficult” vote neither taken lightly nor “without some reservation.” He summarized the four years under Dr. Swanson as including both “admirable accomplishments” and “ugly ones.” He added, “...I don’t hold Dr. Swanson personally responsible for the failures of others but I do hold him responsible for the overall direction of the district.” The trustee characterized “turbulent

times ahead,” because “outside agencies are going to dictate...what we teach our children.” Nonetheless, he expressed an expectation that TUSD staff “be willing to make these changes...with a positive attitude...growing and learning from it.” Calling the board’s role one of proactive leadership, he articulated a responsibility to communicate to all staff “...where this district is headed and how we intend to get to our final destination.” In support of a hands-on approach, he added,

As an elected representative of this community I have been bestowed the responsibility of making decisions which I feel are best for this district and thus our children. We are making decisions which will affect the future of this community and this community’s future generations. There is no greater responsibility and privilege than to teach and influence children. We give them the foundation to be successful in their future lives.

(Tehachapi Unified School District, 2011)

He concluded by stressing that each board member must vote for what he or she believed to be in the best interest of Tehachapi’s students, staff, and community. The motion to extend Swanson’s contract failed two to five, with only Trustees Evansic and Brown in support.

With no comments from the public, the agenda proceeded apace to approval of the middle school’s Single Plan for Student Achievement (SPSA), a proviso of No Child Left Behind legislation, whose purpose is to “create a cycle of continuous improvement of student performance” (“California Department of Education,” 2014). The California Department of Education described an SPSA plan as one which “requires collection and analysis of student performance data, setting priorities for program improvements, rigorous use of effective solution strategies, and ongoing monitoring of results” (“California Department of Education,” 2014). In the JMS document, the section “Overall Conclusions” stated a need for “motivational strategies

...which will expand and promote school pride, culture and unify the student body.” The plan called for a reinforcement of the Character Counts program with unspecified “appropriate rewards and consequences” and conceded, “Bullying is still a concern at JMS and will be addressed to a deeper level with the implementation of the Olweus Bullying Prevention Program Classroom Meetings in homeroom” without further elaboration.

Like the Comprehensive Site Safety Plan, principals view these documents as a compliance task and often write the minimum requirements at district direction. However, after a semester implementing OBPP practices, the site administrator’s lack of reference to school climate survey results and goals for improvement was remarkable. Furthermore, considering the federal scrutiny from the previous six months, the absence of language which referred to anti-gay bullying or gender-based harassment was also surprising. This elision of protected classes or specific discriminatory actions permeated spoken and written references to the student suicide and subsequent need for district programs by both educators and community activists.

The Finding of Fact, released June 30, 2011, summarized Wendy Walsh’s initial complaints and laid out the legal analysis used to determine whether a hostile school environment existed. The bulk of the 20 pages were dedicated to detailing the factual findings, under subsections titled “Harassment of Student, District Conduct;” and “District Policies and Procedures, Measures to Prevent Harassment.” The section “Analysis” evaluated the evidence of hostile climate, notice of harassment, and district response. The DOJ case concluded,

...the Student was subject to persistent, pervasive, and often severe sex-based harassment that resulted in a hostile educational environment of which the District had notice, and that the District failed to take steps sufficient to stop the harassment, to prevent its recurrence, or to eliminate the hostile environment. Although the District’s Sexual

Harassment Policy and Regulation are consistent with the law with respect to sexual harassment, the District did not adhere to its own policy in addressing the multiple forms of notice...[about] the treatment of the Student. (Office of Civil Rights & U.S. Department of Justice, 2011a, p. 19)

ii. Resolving to comply

The DOJ and OCR issued the 18-page Resolution Agreement concurrently. In the first section, “Background and Jurisdiction,” the document outlined TUSD’s violation of Title IX prohibitions against sexual harassment, specifying that the harassment limited the student’s access to educational opportunities. However, the statement which immediately followed showed TUSD’s position on the matter. Although the district disagreed with and disputed the findings, it also declared a desire “to clearly communicate its commitment to ensuring an educational environment free from harassment” (Office of Civil Rights & U.S. Department of Justice, 2011b). The school district agreed to “research, develop, and implement policies, procedures, and practices designed to: (i) educate students and staff ...and (iii) monitor the educational climate at its schools in order to regularly assess and appropriately address...peer-on-peer harassment” (Office of Civil Rights & U.S. Department of Justice, 2011b, p. 2).

The Agreement contained seven sections as follows: Revised Policies and Regulations; Implementation of Policies and Regulations; Training and Professional Development; Educational Climate; Correction of Previously Released Information; Reporting; and Enforcement. The first section addressed revision and approval of board policies and administrative regulations. Section I.A directed TUSD to expand the scope of its Sexual Harassment Policy to include gender-based harassment and to shift to using sex-based harassment as a collective term for both types of discrimination. It also highlighted new guidance

for the investigative process following a complaint. Specific aspects of the district's implementation of this guidance will be discussed in more detail with Section II of the Resolution. Sections I.B through I.D set a tight timetable for TUSD to submit revised policies by mid-July, with OCR comments due August 1st. The Agreement imposed an August 31, 2011 deadline for providing written notice of these revisions to all parents and staff, including changes to Student and Employee handbooks. Student information packets were mailed out on August 4th, and schools opened August 17th.

Not only was this timeline unrealistic, I will later show that attorneys on both sides continued to negotiate the revised language through August. Subsection I.E gave TUSD 45 days after the start of school to hold a community meeting with all district administrators in attendance in order to explain these new policies and procedures and provide information about two components: the age-appropriate instruction stipulated in the Resolution and "additional District, local, state, federal, and nongovernmental resources for students and parents concerning all forms of discrimination and harassment, including sex-based harassment, bullying, and suicide prevention" (Office of Civil Rights & U.S. Department of Justice, 2011b, p. 6).

Section II focused on the implementation of policy by mandating a districtwide system for review of site-level investigations. This section placed the burden of accountability for the actions of principals and vice principals on the shoulders of district supervisors. Specifically, this system tasked TUSD's Title IX designee with reviewing "each incident report, discipline referral, informal complaint, and formal complaint involving possible sex-based harassment," including quarterly compliance reports for the superintendent. In a district with two secondary schools and only three chief administrators in the district office, the procedural setup and reports fell to Lisa Gilbert, Chief Administrator of Instructional Services, who was also the Title IX

designee. Gilbert continued these duties after stepping into the role of superintendent two months later. By December, 2011, administrator-turned-superintendent Lisa Gilbert found errors in how reports were filed and recorded. After feedback from principals, a one-page document provided clarification on OCR requirements. This “Investigation Reporting Checklist” included 22 steps for incident reporting, a seven-point checklist for data input, and five required items for each investigation file compiled and sent to the Title IX Coordinator for review. Although the minutiae did create an additional burden of work for site staff, in reality, the cumulative total of possible sex-based harassment reports across all school sites for August through November 2011 was thirteen.

Many elements of the recommended investigative process came from a Dear Colleague Letter issued in April 2011 on Title IX obligations of education institutions to address sexual violence and harassment of students. The DCL, for example, clarified the “preponderance of the evidence” standard and outlined specific types of corrective actions, including the offer of counseling for both the complainant and alleged perpetrator. Progressive disciplinary actions ranged from in-school suspension in an alternative academic setting, to off-campus, multi-day suspensions or recommendations for expulsion. The district continued its previously established practice of approving “suspended expulsions,” in which students were given a final chance to remain enrolled, and any single additional incident would trigger his or her removal.

TUSD administrators regularly extended an offer of counseling to all parties involved; these were frequently declined. For a handful of minor to moderate offenses, some complainants accepted optional mediation, though this was most often between high school youth. In a few cases at both secondary campuses, the incident reports noted that parents of students who perpetrated harassment were “required to seek outside counseling at their own expense.” More

often, all parties agreed to sign a form created by the school resource officer called a No Contact Contract (NCC). The form began, “The students named in this contract agree not to look at each other, talk about each other, write notes to, write notes about, or post messages on social network site [sic] such as Facebook or MySpace. In the event that any of the parties involved violate this agreement, they will face disciplinary consequences as stated in the 2011-2012 Student Planner.” “Offenses,” or punishments, included a loss of 5-20 merits, 1-5 days of suspension, a parent conference, and/or recommendation for expulsion. Although it was unclear to what extent the agreement was enforceable, there were few records of recurring complaints involving the same students, and the NCC is presently in use on secondary campuses.

Training and Professional Development, the third and most controversial section for many community members, outlined mandatory trainings on harassment for every student as well as district employees who interacted with students, from the principal to the bus drivers and cafeteria workers (Office of Civil Rights & U.S. Department of Justice, 2011b, p. 8). Section III.A required TUSD to work with the Region 9 EAC from Arizona State University to develop the lessons. However, the district retained its right to adopt curriculum and materials under its existing procedures of convening a curriculum committee comprised of educators and allowing a 30-day period of public review.

Section III.C directed TUSD to begin all “age-appropriate” instruction in the 2011-2012 school year, an aggressive timeline for selection, adoption, and implementation of any curriculum. For Grades 6 through 12, the lessons were to promote “sensitivity to and tolerance of the diversity of the student body” (2011b, p. 8). This included the explication of harassment issues related to “sex, gender, and nonconformity with gender stereotypes” (2011b, p. 8). The lessons were to specifically include identification of conduct which constituted sex-based

harassment and how such conduct negatively impacted the educational environment. Finally, students were to receive clear guidelines for responding to any harassment they experience and the knowledge of various ways to report issues.

The Resolution initially designated the Equity Alliance's Dr. Gonzalez to provide students in kindergarten through 5th grade with training that promoted "an inclusive and safe educational environment for all students, which will include, but is not limited to, anti-bullying training" (2011b). Overall, the Resolution's language articulated a wide range of steps for prevention of and intervention in incidents which create a hostile climate, to ensure equal access to educational opportunities for all students. Although framed in protective terms, the Resolution's specificity in addressing sex- and gender-based harassment would cross a boundary for many parents. Some would see it as an intrusion into discussions of sex with their children.

Several subsections of Training and Professional Development contained meticulous terms for fulfillment of the Agreement. For example, in Section III.E, OCR directed the district, working with the Equity Alliance, to submit a plan to train the 26 specific school staff who had been identified in the Walsh investigation on Title IX compliance by mid-August. This awkwardly-named two-day seminar, "Connect, Respect, Protect: District and School Leadership for Creating and Sustaining Safe, Bully- & Harassment-Free Schools," had to be completed within two weeks of the school year's start. I will discuss how the material asked targeted stakeholders to engage in issues of sexuality and gender in a later section. Second, all district staff also attended a half-day presentation entitled "Bullying, Harassment & Title IX." Lastly, the Resolution mandated that administrators receive training by OCR on the method to identify, investigate, and respond to complaints of gender- or sex-based harassment.

Thus, by mid-October, each principal had attended four days of professional development to address school climate for sexual minority youth. The district also incurred the cost of paying all per-hour employees to attend related workshops. Section III.G, which provided for the Equity Consultant's services at no charge, required TUSD to cover the EAC's miscellaneous costs and stated:

In the event that, through no fault of the District, the Equity Alliance at Arizona State University becomes unable to provide the services specified in this Agreement, or becomes unable to provide the services at low or no cost, the United States will agree to a reasonable period of time to allow the District to secure a mutually-agreeable alternative consultant to provide the services specified in this Agreement. (Office of Civil Rights & U.S. Department of Justice, 2011b)

Shortly after beginning to provide support, the Equity Alliance lost out on the competitively bid grant to fund a renewal of their contract as a DOE service provider. California-based WestEd became the newly-designated Region IX EAC. This led to both financial and logistical difficulties for the district later in the process.

Section IV, Educational Climate, obligated TUSD to develop and administer school climate surveys beginning in October 2011, and repeated every April for the next five years. Both staff and students were expected to participate, and the district was given the option to dispense surveys with differentiated language for middle school and high school youth. The intent was to "assess the presence and effect of harassment, including sex-based harassment, at each school in the District" (Office of Civil Rights & U.S. Department of Justice, 2011b, p. 11). For elementary students, TUSD was directed to work with the Equity Consultant "to develop a separate, age-appropriate school climate survey...to assess the inclusiveness and safety of

the...environment for all students.” Several months into the planning, teachers expressed concerns about how lower elementary student would access the surveys. During a board meeting, more than one educators tried to deduce an oral reading of questions could be combined with pictorial representations of smiling and frowning faces to elicit responses.

Section IV.B notified TUSD that, based on the Equity Consultant’s analysis of survey results, a recommendation may be to create a “safe space” location. In another example of the Resolution’s methodical recommendations, this subsection included four exhaustive sub-paragraphs in which OCR requested receipt of a list of all trained staff supervising the safe space location and an annual evaluation of its effectiveness in improving school climate as well as the following:

verify in a written statement to the United States that the designated locations have been created; the date and hours the locations will be operational; the location and description of the space;...the date that each individual was trained on the District’s revised policies and regulations; and the manner in which notice of the staffed location was provided to students, parents, and employees. (2011b, p. 12)

Potentially the most participatory aspect was Section IV C’s establishment of a committee composed of educators, students, parents and “other individuals...such as representatives from relevant community-based organizations, to advise the District” on ways to develop a more positive school climate, “free of sexual and gender-based harassment” (2011b, p. 12). Named the Safe and Inclusive Schools Task Force, or SI&S Task Force, this group would reflect the gaps between the letter and spirit of the Resolution Agreement.

Gilbert began coordinating the development of K-12 lessons. Meanwhile, Dr. Swanson, under Section V, Correction of Previously Released Information, was given 30 days to set the

public record straight. OCR ordered Dr. Swanson to submit a statement of inclusion for the United States' approval "designed to promote tolerance of diversity at school, specifically regarding sex and nonconformity with gender stereotypes" (Office of Civil Rights & U.S. Department of Justice, 2011b, p. 14). At the August 9, 2011 board meeting, the superintendent read the following statement:

The death last year of Seth Walsh has been a deep burden for the district...Our district's goal is to assist in the preparation of our students for academic and social success, to prepare them for productive lives while they're in our district and beyond. It's the district's responsibility to teach and model excellent citizenship. This requires the district demonstrate tolerance and compassion for everyone regardless of race, religion, culture, language, gender, or gender stereotypes. We will remind our students that everyone is entitled to attend a school in an environment that feels safe and welcoming...Harassment of any form will not be tolerated on our campuses and at school events...We must underscore our commitment to providing excellent educational programs with a mutually strong commitment to ensure our schools are free from harassment and are places where all individuals' civil rights can be protected...Working together we can provide our children with...core curriculum...athletics...art and cultural appreciation, tolerance and citizenship.... (Tehachapi Unified School District, 2011)

A much lengthier statement, crafted with attorney input, was printed as a guest commentary in the *Tehachapi News'* August 16, 2011 edition and again as the Superintendent's Welcome Letter for the start of school. Dr. Swanson's word choice, "demonstrate tolerance and compassion" for various protected classes, in his statement to trustees was modified to "we demonstrate *acceptance*...regardless of disability, *or sex and gender, including whether a person*

conforms to a traditional 'gender stereotype' of how male and female students are expected to act [emphasis added]" (Swanson, 2011b). An additional paragraph made nominal reference to parents' roles in shaping school climate. "We encourage you to remind your students that harassment of any form will not be tolerated in connection with any school event or program, whether it takes place on our school campuses, on a school bus, playgrounds or athletic fields, the school cafeteria or elsewhere."

The federal intervention also aimed to correct the content and tone of an earlier middle school parent newsletter, in which an administrator belittled the need to respect differences, wrote that not all students are tolerant of a diverse student body, and failed to call for acceptance of sexual minority youth (Office of Civil Rights & U.S. Department of Justice, 2011a, p. 7). As a result, Principal Ortega reprinted a shorter version of Swanson's account to the board as her own newsletter column entitled "JMS is a Safe and Inclusive School," and added her own take on parental roles, "Please remember that we need YOUR help off campus, too."

Attorneys from Schools Legal Service (SLS), one of the district's retained counsel, composed a nine-paragraph statement to redress earlier official statements from TUSD which were deemed misleading. Filled with a passive voice, it spoke of being "left with the obligation" to demonstrate bullying is unacceptable and "must be stopped." The overall tenor of the piece was one of compliance and adult responses to possible incidents. For example, "We know that the only way to combat intolerance in our schools is to create an environment where students feel safe speaking up, and...[educators] protect them when they do..." Out of the eighteen times this message referred to "bullying and harassment," only twice did it specify "sexual and gender-based harassment." A summary of the Resolution Agreement's terms also described "assemblies

on messages of tolerance,” though no assemblies were stipulated by OCR. The final portion took an indirect approach to calling for inclusion, with no reference to sexual orientation:

As our District strives to promote messages and activities that help to ensure our schools are dedicated to safety and inclusion for all...Seth’s tragic death one year ago serves as a reminder that all life is precious and that everyone, regardless of ...gender or gender identity, deserves to be treated respectfully.

The Resolution referred to sexual orientation three times, as it pertained to administrative guidance for the basis of investigations into allegations of harassment. The first page of the Resolution Agreement also referred specifically to Seth experiencing harassment based on sexual orientation; however, a footnote suggests why the term was not used more extensively by the government attorneys. The addendum noted that while such conduct “may constitute a violation of California state law prohibitions on discrimination and harassment based on gender, sexual orientation, and other categories, OCR and the DOJ do not enforce state laws” (Office of Civil Rights & U.S. Department of Justice, 2011b). Nowhere did TUSD’s press releases candidly call for an acceptance of students who identified as gay or who were gender nonconforming.

District officials initially anticipated that the greatest encumbrance, outside of the fiscal burden of the Agreement, was Section VI, which dictated the submission of an eight-part compliance report the first day of December and June each year. TUSD would submit every incident report and any subsequent actions taken by site administrators, which had been reviewed by the district’s Title IX officer, for OCR appraisal as an added layer of scrutiny. The documentation, covering each six-month period, averaged 700-900 pages in length and filled binders weighing seven to ten pounds each. After ratification of the Resolution at the June 28, 2011 board meeting, trustees went on their annual summer break. Newly-retired from teaching in

Palmdale, Trustee Brown made plans to relocate and would not resume his board duties, officially resigning August 30, 2011.

iii. Community reengagement and a struggle to lead

During the five weeks in which the boardroom was dark, a July 5, 2011 front-page article announced “Investigators find fault with TUSD in Walsh case” (Enovijas, 2011a). Ongoing fallout from the year-old tragedy continued to dominate news and discussions around town. Another headline from the same July paper blared, “TUSD trustees again vote not to extend Supt Richard Swanson's contract” (“TUSD trustees again vote not to extend Supt Richard Swanson’s contract,” 2011).

Editor Elliott had not directly weighed in on the issue since her December 22, 2010 column in which she absolved the district of any fault in Seth’s suicide. Six months later, she obliquely acknowledged the school district’s responsibility for shaping climate, writing “[TUSD]...did not correctly handle matters related to complaints of harassment of Seth. There has been a history of this in Tehachapi...” In contrast, she articulated a much clearer position on the district’s leadership quandary, observing “it would require an expensive buy-out.” She insisted, “...the community does deserve to know why the contract is not being extended...[as for] the findings of the federal investigation, the citizenry does deserve to know what our elected officials are thinking” (Elliott, 2011a).

A week later, a wrongful death suit which named Dr. Swanson, Principal Ortega, former Vice Principal Kaminski as well as teachers Laura Haight, Annette Kirby, Sheri Kabonic, and Marty Feehan was front and center in the paper. The article quoted attorneys for both sides. District legal counsel, Michael Kellar, from a Bakersfield firm, denied TUSD played “any role” in Seth’s suicide and reminded readers that “neither [Seth] nor the alleged bullies were under

district supervision at the time” (Enovijas, 2011b). The plaintiff’s attorney claimed that TUSD chose to ignore its own rules and that the lack of reprimand, termination, or arrest of any employee to date meant the district needed to be held accountable. A stream of letters to the editor ensued, including one from a former resident who had taught at the middle school. Declaring “Hate is taught,” her letter described a climate where she heard anti-gay slurs daily and colleagues “bragged [about keeping] students in line by asking, 'What are you, gay?' and disparaged a Special Education student’s lesbian parents (Stuart, 2011).

Chris Haight, the husband of a teacher named as a defendant in the Walsh lawsuit, penned a guest commentary the following week which asked “Why must we be concerned about other people's sexuality?” His column illustrates many conversational themes around norms in the community, including conflation of sex and gender, a back-to-the-basic instructional focus, and a view of sexual orientation as a lifestyle preference. In a striking acknowledgement of diverse family structures, he explains his opposition to SB48, the FAIR Education Act, as follows:

...the gay parents can teach this stuff to their kids at home. I don't have a problem with people who profess to be gay or lesbian. It's just a label to me, and it shouldn't define who you are as a person. Just don't beat me over the head with it, force the teachers in my schools to teach how great it is to be one, or try to make yourself a special class of people. (Haight, 2011)

In a town in which many had already publicly questioned the role of outside activists with “homosexual agendas,” including the United States’ government itself, the dual July 12, 2011 headlines which announced unrelated felony charges against a City Councilmember and the

mother of a local teen for sexual acts with minors were less notable than the absence of additional commentary.

As letter writers traded barbs about whether local Mormon churches, which had taken a visible stand in favor of Proposition 8, continued to influence the climate for LGBT residents, Dr. Solange targeted Haight's featured commentary in which he queried, "How about we focus on the important things, and let the fringe focus on their little niche of reality?" Highlighting the way his comment framed heterosexual practices as normative, the psychologist rebutted, "They have a little niche while we superior straight folks have something more significant? ...to pretend that [non-hetero-]sexual preferences can be compared to his...if [Haight] chooses to walk arm in arm down Green Street or into a school event with his girlfriend or wife, he runs no risk of ridicule or criticism" (Solange, 2011c).

Although Tehachapi ABC faded away as an organization, PFLAG Tehachapi, which launched at the end of 2010, had continued to hold monthly meetings. As a regular guest columnist for the local news, PFLAG President and retired pastor Jim Dinsmore described the positive experience of staffing a booth at the 2011 summer farmer's market, the fledgling group's first organizing foray. Marilda "Mel" White, owner of a small downtown business which frequently hosted PFLAG meetings, contributed three letters to the opinion pages in August, 2011. In a small town's weekly newspaper with a slim 30-page count, it might be compared to walking down Main Street with a bullhorn. Perhaps inspired by PFLAG's presence, White weighed in on the periodic reemergence of calls for religion, specifically a literal interpretation of the Bible, to guide community norms. With what was considered a progressive voice by comparison, she replied lightly, "If you want to quote the Bible why not try quoting some other

verses, like the one about how adulterers should be stoned, or men should not shave?" (White, 2011b).

White's letter, entitled "Sexuality: Teachable Moment," addressed the use of misrepresentations and distortions by local opponents of LGBT-inclusive curriculum permitted under the FAIR Education Act. It used a touch of humor to confront the normally invisible heterosexual bias which permeated day-to-day life and offered a new perspective into life in this mountain village:

It came as no surprise...especially in this little community that continues to embrace homophobia, misinformation, and fear, over education and opportunities to promote respect and acceptance for all God's children... First the new law doesn't require teaching that gay is great, even though teachers already teach that gay is not good (sometimes teachers even take valuable time to harass or bully gay students and promote the bigotry agenda...here in Tehachapi)...Why is it so scary that we might find out a gay person made a contribution to society? History books are full of people's sexuality already: George was married to Martha; Thomas had an affair with a female slave. Those details may have nothing to do with the founding of our country, but...our history is about human beings and human experiences. We see hear about and talk about straight sexual preferences all the time;...newspapers are full of wedding and birth announcements...stories of teachers who have sex with students...Television shows are a constant barrage of single men trying to get laid by single women...Shall I mention those enhancement advertisements that are specifically about having lots of satisfying heterosexual sex? Perhaps with some education...our children can educate their narrow-minded and/or misinformed parents...that being gay is not just a label and it's not just

about sex, but it is part of the human experience...[W]e can learn that when someone writes a letter and claims to have no problem with people who identify as gay, and then spends the whole letter explaining the problem, [it]...keeps bigotry alive...Perhaps with some education we can finally realize that gay people have never wanted special rights...just the same rights and consideration—and recognition for contributions—that any straight person has. (White, 2011a)

Many residents continued to feel provoked by the perceived overreach proposed by the federal intervention, which went beyond teaching that bullying for any reason was wrong, and “indoctrinated children...that gay is OK and normal, even if everything we believe as parents disagrees with this” (Taylor, 2011). The sense of persecution for one’s beliefs was palpable, with complaints that “...if you disagree with this gay-is-normal propaganda, you are a horrible person likened to Hitler” (Taylor, 2011). The tone turned caustic with phrases such as “Am I the only one who is tired of hearing the 'gay community' bemoan their plight?” (Taylor, 2011).

Another prolific contributor, LaVerne Kemp (2011) wrote, “If the LGBT community wants tolerance, they had better do something about their own community. The naked protest in San Francisco and their gay parades are absolutely disgusting, repulsive and despicable!” Advocates of personal religious freedoms and critics of gay “lifestyles” continued to dominate the public exchange surrounding implicit community norms, at times sounding ingenuous. “I have lived in Tehachapi for over 25 years and have yet to see anti-gay parades or any prejudice based on gender preference tolerated. Churches and other institutions have the right to express their outlook the same as the gay community” (Peterson, 2011). White set the record straight, ...[During] Prop 8[’s campaign a] local man tried to close the Hitching Post Theater down because they showed a gay-themed movie, on a personal level, in the last four

years I've received threats against my person, my life, and my business, usually anonymously and always done in the name of God or Jesus or Leviticus. The local churches have remained strangely silent in denouncing such intolerance. Other local gay people I've known have lost jobs, homes; some have moved out of town to feel safer. Several PFLAG members want to support the gay community in Tehachapi but they don't want their names on the roster because they're afraid of the community at large. I'm a Christian woman...and I realized I was gay over 40 years ago so I can speak with some authority on what it's like to be gay in Tehachapi and in most churches. (White, 2011b)

In a rare show of public defiance, on July 1, 2011, Board President Graham told the *Bakersfield Californian* “The board does not tolerate bullying of any kind...We have followed the law in every respect. Like any other school, bullying will go on. It happens every minute of the day. But I truly believe the school district has obeyed the law. Do we need to go a step further? Probably so” (Barrientos, 2011). The same article captured Swanson’s position with a cryptic “We’re taking their findings as a ‘give-in’....The district will try to take a leadership position in this and respond positively” (Barrientos, 2011).

On the same day, a *Tehachapi News* article revealed a more subtle tension playing out. Similar to his December 2010 admission that anti-bullying efforts had not addressed sexual orientation, Dr. Swanson agreed that “inordinate bullying issues for kids with gender identification issues” persisted (Enovijas, 2011a). In a rare moment of candor, he acknowledged that the board “as a whole” supported a safe school climate, but “select board members have concerns” (Enovijas, 2011a). Caught in the middle, he described the need for “community-wide educational effort” on issues of gender identification and sexual harassment which also respect

the board's desire for "age-appropriate" materials and instruction consistent with community norms (Enovijas, 2011a).

After their annual hiatus in July, trustees returned to a find August board meeting agendas filled with items from the federal school climate intervention, and patience began to wear thin. At the August 9, 2011 board meeting, trustees pressed Swanson for information on the OCR-mandated professional development, with Trustee Snyder expressing an interest to "sit in the back and observe." As others chimed in, Board President Graham reminded trustees that they needed to coordinate any observations in order to avoid establishing a quorum in violation of the Brown Act. Trustee Evansic began peppering the superintendent for updates on training for teachers and students as well as the status of policy revisions.

Evansic: Did we change anything in our student handbooks?...Can we get a copy of that?... I want to see the changes or whatever additions.

Swanson: It's taking as many as nine revisions on this thing...There are six attorneys on our side and eight attorneys on their side that are looking at it...

Evansic: When will you have those ready as final copy for students?

Swanson: I can't say. We meet all our deadlines and then we toss it over to OCR and DOJ. It's a political process.

Evansic: We start school two weeks from today...We will operate under last year's?

Swanson: Nothing will be added in those packets or go home until... they've given us instructions on what they'd like to see in revisions. My office has revised them. We send it to OCR. OCR has their input. They send it to Washington. Then they send it back to us. I take a look at them. I forward it to [Schools Legal Services]. [Our attorney] takes a look at any additions. If we have problems or major exceptions to the changes they make, we

do it again... We respond and we get it back in their court... in terms of deadlines... we've met every single one and anything delaying the schedule is on the part of the agencies.

(Tehachapi Unified School District, 2011)

For a board whose members, moments earlier, were ready to listen to every word of trainers from OCR and the Equity Alliance, this exchange shows a surprising lapse in communication with a district superintendent whose contract had not been renewed at the last session. It also reveals the complex layers of players involved in shaping school policy and indicates some disagreement behind the scenes.

At the following meeting on August 23, Dr. Swanson elaborated on the reason for the three-month delay, disclosing that the DOJ intended a "change in the law" which "expanded the definition of sexual harassment to include gender based harassment" (Tehachapi Unified School District, 2011). Al Harris from SLS, on hand to answer any questions from trustees, described the revisions as "numerous," "systematic," and "thorough," which provided a "good training document." Harris volunteered two changes he anticipated might cause "concern," and both implied he understood and perhaps was even sympathetic to community views on what should remain within a parent's purview.

First, he noted that student confidentiality limited what an administrator could communicate to parents about a student's self-disclosure of sexual orientation during the course of an investigation of possible harassment. He presented the second concern as an indeterminate boundary between an exercise of First Amendment rights and harassment. For that scenario, his recommendation was "Call us up and we'll give an opinion. If we investigate, the perpetrator may be within his First Amendment rights" (Tehachapi Unified School District, 2011). For the next ten minutes, President Graham grappled with the terminology around gender-based

harassment, asking “This policy was revised for one of many protected classes?” She finally remarked in frustration, “It’s still not clear to me.”

The attorney tried to mollify her by referencing the broader legal framework, “We’re trying to use [California School Board Association’s] policies and regulations. It’s thousands of pages and hundreds of subsections 5145.7 5145.3 ...One of those subtitles deals specifically with sexual harassment. [DOJ] modified it quite a bit...” After learning that the Uniform Compliant Procedures were not applicable to complaints of sex-based discrimination, Graham still sounded stymied by legal definitions, musing “...that was interesting—gender—the meaning of that is exactly everything you’re saying, so it’s kind of redundant...but we’ve added it three or four times...The way the law is written, gender means all of this” (Tehachapi Unified School District, 2011).

Trustee Evansic interrupted to express worries about looming infractions under the new policies. He provided examples from his wife’s secondary math class and a popular theme week at the comprehensive high school:

A contest can’t recognize distinct gender classes. You can’t harass, but in a friendly competition, comments are made back and forth, saying the boys are doing better than the girls. That would trigger a complaint? ...say certain males [in my wife’s class] are very attracted to certain females. If you separate them in class, that could trigger a complaint. You’re very attracted to young women, but you can’t have girls in your group, because of this affinity. I’m reading through the examples they give here. You can’t separate them and say boys only in this group, because gender-based identity could conflict, such as a boy more comfortable only being with girls...[THS organizes] Battle of the Sexes every spring and there’s all sorts of comments that are going to be prohibited. If this event, a

school sanctioned event, puts us in jeopardy with this adopted as written... This is so, so focused. There's no wiggle room in any of this. (Tehachapi Unified School District, 2011)

Evansic was not satisfied with Harris' response that all complaints would have to be investigated, but would not lead to an inevitable determination of discrimination in each case. He persisted, "if we investigate and don't find anything... we could be at fault ... I realize we have to comply, but putting [these revisions] in there and enforcing them are two different things. If we're found not to enforce [our policy], we're in trouble. If we put it in and don't enforce—because some of these are unenforceable—we're in trouble as well." In her typically terse style, Graham agreed.

Calling the board's dilemma a "Catch-22," she summarized, "Mr. Evansic is saying that by being so explicit that is putting a noose around our necks, because we're not being able to use any common sense. There's is no room for common sense in the way this document is written. That CAN possibly lead to litigation, so I understand his concern" (Tehachapi Unified School District, 2011). As the dialogue continued, Evansic vented at being bound to the policy revisions by the Resolution and the resulting administrative burden. "All it takes is one concerned individual to know that these are the issues and they can file complaint after complaint." With a slight edge to his voice, Dr. Swanson described the revisions as the "absolute minimum" and added that the Equity consultant, herself a former principal, "understands... and is mediating some of this." "We will either have it strong-armed on us... with a DOJ order and a court case... or work cooperatively and ameliorate some of the concerns you're having. If it's a court order, this flexibility will be zero," he declared.

In this unusually lengthy and transparent exchange, one trustee was also troubled that site administrators had been excluded from the externally-imposed process and might not understand or be prepared to implement the regulations. Another trustee worried about the degree to which principals would “have to sell it to the staff to make it a positive thing.” Swanson offered a vague reassurance that the staff training would be “very interactive,” though he had already admitted to not having seen an outline of the presentations planned for two weeks later. The Board President then buttonholed him on yet another item, the curriculum, with the query, “We still do not know the curriculum for teaching our K-12 students?” Principal Ortega interrupted with a diverting comment which praised the increasingly beleaguered superintendent, and Dr. Swanson recovered enough to ask the board to pass the revised policies “as written.” Although the motion passed unanimously, the room was not harmonious.

Two motions to renew Dr. Swanson’ contract over the past year had failed and the board continued to discuss the superintendent’s evaluation in closed sessions. The trustees finally voted to accept the superintendent’s resignation on October 11, 2011. After the unanimous decision, a taciturn Board President said, “The board also wishes to express their appreciation to Dr. Swanson for his dedication and service to our district and the students of this district. We wish him success in the future.” With a \$100,000 contract buyout, Dr. Swanson told the press he had no regrets and “wouldn’t do things differently.” Editor Elliott (2011d) opined, “Swanson is the fall guy for the district's trouble related to the Seth Walsh case, but...it appears the relationship with the board soured long before...”, and one letter accused the board of “micromanaging” (Scott, 2011). Gilbert stepped in to present updates to the board as acting superintendent.

October 2011 would be a turning point in district leadership, including an end to legal maneuvers in a battle against federal intervention. In her new role, Gilbert would agree to both

the letter and spirit of the intended changes for improving school climate. With her more hands-on approach, TUSD now took up the charge of implementation, which would lead to a series of bruising skirmishes with community stakeholders, particularly parents.

The next phase of fulfilling the Resolution Agreement terms included staff training, curriculum development, and community outreach. However, the board's approval of policies and regulations intended to protect sexual minority youth proved a watershed for the level of commitment from community stakeholders. Parents who did not support the wide-ranging federal school climate intervention began to engage to a far greater degree. The simmering displeasure within the community was slowly coming to a boil. On the September 13, 2011, trustees heard Teresa Foley's proposal for a dependent charter school for 7th through 9th grades which "represented community values." The presentation outlined the school would be a free, non-sectarian public school, with "clear teaching of right and wrong," based on "Christian values." Although the Resolution Agreement was not cited outright, Foley told the *Tehachapi News*, "This would be a 'parent-driven' school...free of some of the 'bureaucratic procedures'...mandated for a regular school district (Hand, 2011).

III. Curriculum and Survey Development

A. Parent Outreach

In September 2011, a flyer with bold lettering titled, "Sexual and Gender Harassment Prevention, Safe and Inclusive Schools Parent Notification of Revised Policies and Regulations," went home with all students. The notice explained that OCR's April 2011 DCL and "local events" necessitated a revision of board policies. It listed a web link to the policies and invited parents to a community meeting on the "nature of the requirements" for staff training, "possible curriculum changes and other activities." Further down the same flyer, the meeting, now labelled

“Bullying, Harassment and Discrimination Prevention,” stated that district officials would discuss “measures to be implemented...and we need your input.” At the bottom, next to time and place, the topic was listed as “Title IX, Sexual and Gender Harassment Prevention, Safe and Inclusive Schools.” The October 6, 2011 gathering provided parents an introduction to the proposed curriculum’s guidelines. If the district’s intended message was less than clear, that would not be the case from the audience.

Welcoming attendees, Board President Graham spoke of Seth’s death and added, “our district has become the subject of great media, legislative and policy attention since [his] tragic death” (Elliott, 2011b). As if anticipating pushback from some in the audience, she said “our ‘Safe and Inclusive Schools’ campaign is ultimately less about difference and more about what we have in common...our nation is founded upon...the democratic principle...that all people are created equal” (Elliott, 2011b). She asserted that bullying was a problem in places other than Tehachapi and noted statistics that show students nationwide experience intolerance, including cyberbullying. She shared the board’s commitment to create “Safe and Inclusive Schools” through policies and practices “that clearly articulate our community’s expectation that all people deserve to be treated with respect” (Elliott, 2011b). Next, Gilbert explained that the district was developing “age appropriate” curriculum for all students. Site administrators led break-out sessions on one of three topics: bullying and harassment prevention, curriculum development, or communication and student surveys. Copies were made and chairs lined up in anticipation of 400 attendees, but sixty parents attended (Elliott, 2011c). Parent comments and questions were recorded on chart paper; participants also submitted comment cards with pointed concerns and contact information.

From the outset, community members were antagonistic. First, comments such as "...we don't want any school, textbook, [or] staff teaching my children that homosexuality is OK and/or normal," or, "We don't need gay-based education," showed clear hostility towards the intended curriculum before lessons had been written. Second, others stated, "Sexuality or gender should not be labeled...under bullying...Can sexual orientation/gender be taken out?" This ambiguous comment led an observer to wonder whether the intent was to dismiss that bullying based on perceived sexual orientation or nonconformity to gender stereotypes existed in school, or that these indeed needed valid redress. The third set of remarks offered insight into the belief systems of some attendees, and how the federal mandates were an affront to perceived norms.

Why is it that kids cannot say the word "gay" or they will get punished? Isn't that an infringement on their freedom of speech?...I don't want the school making special rules or preferences to any one group, especially homosexual groups...No one should be bullied, no matter who they are.

Traci Minjares, who attended that night as an elementary principal, has since taken over as TUSD's Chief Administrator of Instructional Services and Title IX designee. In my field notes, she characterized the early draft of "Big Ideas" and "Essential Questions" as guides for conversation starters with parents. She described her impressions of the evening:

Some [parents] were there to just gripe and complain. We reiterated that we were there to get parent input, good or bad. We were not there to say YES (slaps desk) we're going to go teach this in the classroom. That's not where we were. We needed to hear from the community what their concerns were. A lot of them were worried that we were going to teach something in school that they didn't approve of in their value system...

Some administrators also struggled to respond to parents when asked if this was being forced on the district. With OCR attorneys in attendance, district officials were clear to frame their new policies as a voluntary resolution to the federal complaint. Throughout the entire curriculum development and implementation, there was no other Parent Information Night as well attended as the October launch; future community grievances would be primarily aired at board meetings instead. The perception that intervention in the use of language that creates a hostile climate for sexual minority students provided special, or preferential treatment, and implied an equivalent reduction in personal freedoms for others, set up the narrative of a zero sum game that led to eighteen more months of escalated tension, public outcry, and attempts to curtail or derail the entire federal intervention.

There was almost palpable relief in the October 11, 2011 board meeting after Gilbert, serving in Swanson's absence, reported on the community information night and described progress on curriculum planning, recruiting volunteers for a task force of district stakeholders, and future communication efforts. Austin, who worked at a local church, taught Sunday school, and had a son attending the middle school, was in her first term as a trustee. She and Graham, who both attended the Safe and Inclusive Schools Night, praised the preparation and professionalism of staff. However, Gilbert voice tightened as she described the change in EACs that had now placed her in a position of asking for a means to continue working with Dr. Gonzalez, preferably with financial assistance from the grant which funded DOE's equity technical assistance providers. The board also appointed Naylan Bender, who ran unsuccessfully against incumbent Patti Snyder in an earlier election, to fill Brown's seat, vacant since August. With a full board of seven and an acting superintendent at the helm, the district moved to address Section IV of the Agreement, Educational Climate, which mandated student and staff surveys on

the “presence and effect of sex- and gender-based harassment” (Office of Civil Rights & U.S. Department of Justice, 2011b, p. 11).

B. Student surveys

During board discussion, Gilbert fielded a litany of questions, suggestions, and concerns from trustees, as well as two principals, the union president, and elementary teachers in the audience. Dispensing with the practical queries first, she explained that the Equity Alliance had designed the surveys to be anonymously administered in the school computer lab, and needed to be computer-based to allow “disaggregation of the data from 4800 students...to access...the results in an effective way” (Tehachapi Unified School District, 2011). Not quite satisfied, Trustee Snyder, a retired elementary educator and long-time supporter of the teacher’s union, asked “...say a kid’s confused, ‘What do you mean my emotional safety at school?’ Will there be somebody to explain what that means?” A lower elementary teacher in the audience called out “I still have children who can’t recognize 1, 2, 3 and A, B, C! Am I going to go individually to each child and say ‘What answer do you want?’” Gilbert rationalized that teachers could read the questions aloud, and explain as needed, with the youngest students using pencils to circle the corresponding emoticon on paper.

Unsure about how to “get the data into the computer,” she mentioned having K-1 teachers enter results into Survey Monkey. Pressed again on what a kindergarten student would be expected to circle for an ambiguously worded question, Gilbert yielded, saying “There’s already a question that’s exactly what you’re talking about. ‘Kids are mean and pick on me a lot.’ Do I answer with a happy face? Point well taken.” Principal Ortega asked why there were no questions about a student’s own behavior, such as “Have you ever bullied?” or “Have you ever said anything mean?” She added, “Programs on television—Anderson Cooper, Piers

Morgan—they are showing surveys being done throughout the United States. About 50% of students who are bullied are also ‘bulliers’...I think it would be easy to add a few questions in.”

Gilbert shrewdly demurred, suggesting “That is something that we could, perhaps, include in the spring survey.” At only one point in the conversation did the topic of the previous year’s Olweus survey come up; a middle school teacher observed that the Olweus survey’s questions had been “a bit more sophisticated,” and its execution had been “pretty successful.” Trustee Evansic attempted to reconcile the survey content with community norms, calling it a “touchy thing.” He expressed concern about the reliability and validity of the instrument, musing “There’s a lot of very probing questions that could be interpreted in several different ways, depending on the mental status of the person taking it. Are we going...[to know] how reliable they were on answering the survey?...There’s (sic) binary questions like ‘I have been teased about the way my body looks, the way I act, and how I dress.’ It’s either a yes or no. But [the survey] shows a scale from strongly agree to strongly disagree. I know enough high school students that would think that was a joke and might answer in ways that would look very poor upon our district.” Despite sounding like a drubbing, President Graham waited for a pause and asked, “Could I have a motion?” Even with details not fully ironed out, the board unanimously approved the surveys.

Two months later, Gilbert would be back at the microphone to explain that the Equity Alliance could no longer provide services free of cost, because WestEd was now designated by the DOE as the Regional Equity Consultant. Although she minimized the change for the board, she had spent hours futilely negotiating with WestEd to either provide all services specified by the Resolution Agreement or aid TUSD in retaining a qualified alternative consultant. The first deadline in the Resolution Agreement for a baseline school climate survey in October 2011 had

come and gone. Student surveys would not be distributed until the following spring with OCR's acquiescence. As provider of technical assistance, WestEd was willing to create, implement, and analyze the staff and student surveys as stipulated in the Agreement, but at a cost. The organization oversaw the CHKS statewide, but felt the questions did not adequately assess the school environment for harassment based on sex or gender nonconformity.

Thus, Gilbert's contact at the new Equity Assistance Center proposed creating a 'custom module' with LGBT-specific questions for an additional \$14,000. Even with finances constricted as a result of the state budget crisis and personnel furloughed, the district allocated funding. Gilbert also apprised the board that community stakeholders had been selected for the S&IS Task Force and the group's first meeting was scheduled for December, 14, 2011. Showing a degree of responsiveness not found in her predecessor, Gilbert also shared a draft of a comprehensive crisis manual a group of school psychologists were working on, which was intended to address the death of a student in addition to other health and safety issues.

Finally, though in an interim position, Gilbert volunteered to organize a board workshop with a media specialist associated with TUSD's legal counsel. The usually reticent and parsimonious Graham was practically effusive, interjecting "...she has that media expertise. I know that was something that really raised my awareness...sometimes you get lambasted with something and you're not sure how to respond. You say "no comment," and sometimes you'd like to say more than that" (Tehachapi Unified School District, 2011). The board spent the next three months grappling with the same budget shortfall that districts across the state faced. High school students organized a Save Our Teachers Facebook campaign that had 1,000 followers two days after its launch ("Students Organize to Protest Layoffs," 2012).

Calling drama class “like a family,” Emily Stults spoke at the March 27, 2012 board meeting, distressed over the proposed elimination of the drama and art programs and the positions of those popular teachers. Over 60 parents and teachers filled the room that night. After a series of lengthy and impassioned public comments from nearly twenty students, the Superintendent’s Report addressed parental consent to administer WestEd’s school climate survey to Grades 5 through 12. Gilbert acknowledged that TUSD had usually required active consent from parents, which resulted in 29% of 9th graders, 53% of 7th graders, and 43% of 11th graders taking the 2009-2010 CHKS. She expressed concern that low participation rates would prevent the district from drawing reliable conclusions from the data, and might spur OCR to require additional methods of assessing campus conditions. OCR’s most recent communication asked TUSD to “seriously consider” using passive consent, meaning permission slips sent home were only returned if parents did not want their student to participate.

This was an example of how district officials faced the competing pressures of government compliance and community input. Gilbert concluded, “...As a parent in this community, I would want to make sure that parents are informed of this. I do not want this to seem like we are trying to sneak something by [with] passive consent” (Tehachapi Unified School District, 2011). The board discussed methods of outreach to raise parental awareness of the survey, such as automated phone messages, direct mailings and a newspaper announcement. With postage cost-prohibitive in the current fiscal climate, trustees recommended posting the survey and consent form on TUSD’s website and scheduling multiple Teleparents. As a sign that no trustees anticipated a community backlash, the suggestion of communicating through the weekly paper was dropped. Thus, the board, with little discussion, unanimously approved passive parental consent for the first school climate survey in the Spring 2012 term. This would

spark a much larger conflagration that would burn hot through the summer, culminating in an August 2012 board session relocated to a gymnasium to accommodate community turnout.

My 2012-2013 field notes of administrators' comments during the S&IS Task Force meetings and conversations with Superintendent Gilbert indicate that officials came under heavy fire for the decision to use passive consent for the Spring 2012 CHKS. Although most complaints were phone calls to the superintendent's office and visits to school sites during May and June, two disgruntled parents appeared before a special board meeting on July 30, nearly three months later. Riding the wave of discontent unleashed by the proposed anti-bullying curriculum, Bev Smith spoke into the microphone with an authoritative tone. She announced, "I've started a Facebook page: One Million People Against Surveys in Public Schools...I'd like to request under the Freedom of Information Act [to know] who put the survey out; how much did it cost; what it's being used for; [and] how long it will be circulated for information and data..." (Tehachapi Unified School District, 2011). The audience applauded. Another speaker, a mother of two, choked back outrage as she read aloud two questions about sexual orientation and gender in the custom module:

These questions deal with lesbian, gay, bisexual, transgender, or questioning. This is [sic] only 7th graders! The last two questions are a complete violation of my kids' rights.

"Which of the following best describes your sexual orientation? Lesbian/gay, bisexual, straight/heterosexual, questioning, other, or decline to respond. The last question, "What is your gender? Female, male, transgender, or questioning. (Tehachapi Unified School District, 2011)

Although it was her daughter who left the opt-out form in her backpack, Rhonda Green reserved her animus for another target, "What is upsetting to me is that I did not get a permission

slip... These are nothing but legal loopholes for the government to put whatever in front of my kid!” Green’s voice shook with frustration and she sniffed as though holding back tears as she recounted a previous failed attempt at parent notification with an opt-out form for a class on sexuality and reproduction. She had been appalled when her daughter, after the class, came to her with questions about birth control methods, pregnancy, and access to abortion providers. “I am very saddened. I like Tehachapi. I want to stay here. My kids want to go [to school] here. I feel nothing but betrayed... I am pulling my kids out of school because of this.”

This closing remark provoked sustained clapping from attendees as the Board President pounded her gavel for order. The custom module on school climate for sexual minority youth was only given to participants in Grades 6 through 12. However, an exasperated fifth grade teacher reported that half of her class had turned in the passive consent form to opt out of the Healthy Kids survey “which had nothing to do with gay, lesbian, bisexual, whatever.” Whether an indicator of community resistance or of misinformation, low survey participation would continue to challenge the district.

C. Professional Development

To fulfill the Resolution’s mandate for professional development, all district personnel attended a 90-minute presentation on their responsibility to intervene in and report bullying or harassment at the start of the Fall 2011 semester. Twenty-six educators whom DOJ had identified during its investigation, including administrators, P.E. coaches and some teachers, also attended the Connect, Respect, Protect training provided by two Equity Alliance staff on September 1 and 2, 2011. The agenda listed four outcomes: to examine “identity and privilege;” to explore methods for creating inclusive schools; to identify “shifts in thinking” that support working with sexual minority and gender non-conforming youth; and to understand civil rights

as related to Title IX and gender-based harassment. The first day opened with an introduction to culturally responsive teaching. One slide stated, “Culturally responsive teaching begins with a specific set of dispositions about teaching diverse students.” Gilbert would later require the administrators, as a professional learning community (PLC), to participate in a book study and write a reflection on their own dispositions which facilitate or impede the support of culturally responsive instruction on their campuses. The first morning included a session entitled “The lens we use to view LGBTQ and gender non-conforming youth (assumptions and treatment – how to have the conversations).” After lunch, trainers presented “Supportive and responsive approaches to working with LGBTQ and gender non-conforming youth.”

Ways to engage and protect LGBT students were illustrated throughout slides on components of school climate or examples of bullying that required intervention, counseling, and education. The session which addressed prohibitions against sexual harassment described a scenario in which a group of male students targeted a gay student for physical sexual advances and asserted, “the school would need to respond promptly and effectively...just as it would if the victim were heterosexual,” whereas a comment “gay students are not welcome at this table” would not be sexual harassment covered by Title IX. In bold lettering, the slide which guided discussion of the specific intervention steps announced “Silence can imply acceptance and approval,” and recommended asking the targeted student what he or she needed, without “assuming what he or she is experiencing.”

Although multiple slides referenced plans for “restorative actions” and “repairing the harm,” all incident reports submitted to OCR from December 2011 to December 2013 almost exclusively note a range of punishments or restrictions, with one or two resolved through mediation. Among the three handouts for attendees was a four-page pamphlet created by the

Equity Alliance entitled “Gay, Lesbian, Bisexual, Transgender, and Questioning Youth Matter!” It included a guide to sexual orientation definitions and discussed how GLBTQ students of color “face overlapping stigmas in connection with their membership in multiple minority groups” (King, 2009). Using current educational research, the article described common notions of gay identity as a “white, middle-class experience” and urged schools to “integrate awareness and confrontation of racism with an understanding of how culture shapes sexual attitudes, values and beliefs, as well as...general education settings” (King, 2009).

Teacher evaluations of the initial September training indicated that staff wanted a more in-depth presentation. A team of three district psychologists created an additional staff development module entitled “Bullying” which they delivered at individual sites in March and April 2012. The slides provided definitions of bullying and harassment and identified relevant law and California Education Code statutes. One slide gave advice specific to counseling a bully, victim, or bystander privately, explaining “shaming a bully in front of classmates is not likely to change the behavior.” Another portion discussed possible warning signs a student may be targeted, the impact of bullying behavior, and “universal techniques” from the Safe School Ambassadors program teachers could use to intervene. This section of the presentation stated that TUSD’s Safe and Inclusive Schools Task Force was devising “A ‘menu’ of appropriate consequences that educators can impose on students who bully.”

A later examination of the Task Force will show this was never pursued as its mission. Towards the end of the material, the staff development listed numerous reasons incidents are underreported, such as the absence of a trusted adult or the belief that an adult would not understand. This message was underscored by “A culture of silence often surrounds bullying.” The next slide, headlined “LGBTIQ: Responding to resistance,” listed possible defensive

arguments that accused students or their parents might raise. Examples included “It’s against my religion” and “You’re teaching about sex or promoting a lifestyle.” The final view listed multiple web-based resources for educators including links to GLSEN’s teaching materials and the ThinkB4YouSpeak campaign.

As mentioned earlier, district administrators read and discussed chapters from *Cultural Proficiency: A Manual for School Leaders* at weekly cabinet meetings from February to May 2012. Gilbert selected the book as a primer that could provide a conceptual framework to help principals guide their staff in discussions of student diversity. The superintendent asked PLC participants to submit written answers to five questions upon finishing. These prompts asked administrators to reflect on changes in personal perspective; to identify key concepts of cultural proficiency; to assess the cultural proficiency demonstrated at their respective sites; and to outline the book’s application to their current leadership practices.

Despite the breadth of questions, the responses ranged from a single sentence to a five-sentence paragraph, and no submission of responses was longer than a single page total. Some replies suggest that administrators possibly complied with the written reflection without reading the material. For example, when asked to share key concepts, responses included, “I was not aware that even though a person may say they are not prejudice against any group...there are still always barriers that can come through in body language, speech, or attitude,” and “I learned that there are many different cultures within a school...A culture can be...the likes of a SPED group or a group of like-minded individuals within a department...both positive and negative forces in a work site.”

Out of the six submissions available, only one used the term diversity when discussing culture. A direct query on whether the book study changed how administrators saw their

students, staff, or parents elicited a wide range of responses. “I don’t really see my students any differently...My view on parents has changed...because I have learned that success in *my* [emphasis added] culture doesn’t necessarily mean success in theirs.” Another wrote, “I know that we are all prejudice in one way or another.” Also, “Coming from a more culturally diverse district...[I] realize that my expectations of...those around me...are a little too high and I need to work more on training the stakeholders to be more culturally proficient.”

A slightly different iteration of the same inquiry asked the group what they learned about their own perspectives that they would not have realized prior to reading the book. One cryptic reply “The entitlement subtleties ‘if everyone would just follow the golden rule’ – labelling” appeared to contrast with another, “It brought attention to...how some people see entitlement as a right and how others really dislike the entitlement groups.” The request to assess their own site and discuss potential application of the book’s message produced similar observations from both middle school administrators. First, “I know there are prejudices on campus...and that we must work...to alleviate these perceptions and prejudices...I will personally speak with any teacher who exhibits...prejudice of any student based upon...protected groups.” This was echoed by “JMS is at the pre-competence stage of being culturally proficient.” The comprehensive and continuation high school administrators portrayed their sites in an ever slightly more positive light.

Many [staff] are unaware and see no need for doing anything differently...most people working at THS are of the culturally dominant group and therefore do not notice the other cultures or their needs...luckily, there a few pockets of staff who do see the differences in...our students and are working on how to meet those needs without judging those students who are at risk.

The other added, “I will continue to let students plan and implement Unity Week,...challenge my staff to incorporate some of the Safe and Inclusive lessons...student discipline needs to be corrective instead of just punishment.” Considering the federal scrutiny and portions of five cumulative trainings which explicitly outlined the needs of LGBT youth, the absence of a discussion around specific cultural groups present on campus, whether accepted or stigmatized, and concrete ways to address school climate, particularly for sexual minority youth, remains puzzling.

Although TUSD met the goal to punctually deliver all staff trainings as required under the terms of the Resolution, not all deadlines were met, and some were adjusted by OCR during the implementation. For example, trustees approved the revised board policies and regulations on August 23, 2011, six days after the deadline in the Agreement; however, based on Dr. Swanson’s remarks to the board, it appeared the late approval, whether attributable to DOJ or not, had not been seen as non-compliance. Tehachapi also had no school climate survey ready to administer for the Resolution’s due date of October 2011. OCR, aware of the change in Equity Consultants, refrained from initiating additional legal action, and merely held to the mandate of climate surveys and analysis every spring semester. The student “training” and related curricula, although well-defined, had the following nebulous commencement: “Starting with the 2011-2012 school year, and then annually thereafter for the term of this Agreement” (Office of Civil Rights & U.S. Department of Justice, 2011b, p. 8).

D. Safe and Inclusive Schools Curriculum

i. Proposed lessons

Guided by the Dr. Gonzalez from the Equity Alliance, a team of teachers and administrators met November 16, 2011 to plan the curriculum using a backwards mapping

design method. Gilbert explained the process to trustees as "...you first figure out what your end result is that you want when this curriculum is delivered. What is it you want students to know and do?" This group, nominally the Safe and Inclusive Schools (S&IS) Curriculum Committee, consisted of teachers from the three grade spans, district personnel from instructional services, and the Title IX designee, who also represented the perspective of special education students and what they might need.

First the committee reviewed the Agreement's components related to their task. Participants also "took into consideration" the concerns and questions parents raised at the October 6, 2011 meeting. To describe the early process to the board, Gilbert said,

We did a lot of learning together. We read articles. We did research. We had some very in-depth discussions about the curriculum, what it could look like, what it needed to address, how our community may respond, how our staff may respond. Because it was a mixed group, I felt like we had a good balance of perspectives on all of those issues, because many of us were parents as well as staff members. (Tehachapi Unified School District, 2011)

In field notes from my November 2012 conversation with Dr. Gonzalez, she described the stance of several S&IS committee members. Through her newcomer's eyes, teachers brought up community norms, but did not always share in those views. She reported, "Our community would never go for it," as a frequent response to suggested materials. In her opinion, the teachers willing to engage in the curriculum's development already held liberal views and had an "equity mindset." In fact, she sensed that "some felt like outsiders in their own community."

She remembered a Social Studies teacher who had relocated from Northern California confiding that parents called her a Communist for sharing her worldviews. The Equity

Consultant compared her work with the educators and her interactions with parents who joined the S&IS Task Force. Gonzalez readily discerned that the small town's inhabitants "had strong feelings about people who are different—it doesn't matter disability, culture, language, LGBTQ..." and "strong religious values." Noting the contrast between the two working groups, she concluded that more conservative teachers either were not asked or chose not to participate in the committee.

The educators developed seven "Big Ideas," or themes, as follows: safe and inclusive schools; sensitivity and acceptance; building healthy friendships and relationships; preventing and responding to bullying and harassment; finding commonalities; being a person of character; and exploring identity and eliminating harassment. To paraphrase Gilbert's explanation of these themes to the board, "safe and inclusive schools" meant that student were able to identify elements of this type of school and their role in shaping it. "Sensitivity and acceptance" denoted discussions which helped students develop empathy for those different from themselves, and she called the category of "Bullying and Harassment" a "no-brainer" for meeting OCR's requirements.

Gilbert used the evening's earlier testimony from the THS student representative, who had described the first-ever Challenge Day to illustrate the next category, "Finding Commonalities." The interim superintendent said, "Through helping students identify how they are alike...when some of their life experiences [are] shared, how to create a bonding and connection—That's something important for all of our students to experience" (Tehachapi Unified School District, 2011). The Big Idea of being a "person of character" signified renewed attention to the six pillars of character in the Character Counts curriculum. The last Big Idea

aimed to explore identity as part of the requirement to “talk about gender, nonconformity and those kinds of issues.”

The S&IS curriculum committee also generated a draft document entitled Essential Questions which Gilbert distilled for the board with “What are those key concepts, the priority information we want to make sure that our students will know?” (Tehachapi Unified School District, 2011). The Essential Questions were grouped by Big Ideas as starting points for curriculum planning, with some variations for elementary, middle, and high school-level comprehension. “Safe and Inclusive Schools” listed five questions, including “Who is responsible for making you feel safe?”; “What student or student groups need to be more accepted on campus?”; and “What is the difference between retaliation and self-defense?”

The category “Sensitivity and Acceptance” contained six questions. One, “How do we create interactions among cultures within our community?” was subdivided into multiple questions for the two secondary campuses. For middle school it asked “How do stereotypes keep you from getting to know other individuals?” and “What groups of students are most affected by or susceptible to being bullied?” High school questions were much more direct, such as “What happens when person’s gender identity is in conflict with their biological gender?” “How does a person’s sexual orientation affect their life?” and “What are the ways that a person’s gender identity or expression defines them?” “Building Healthy Friendships and Relationships” encompassed 14 questions; however, most began with “What is...” to distinguish healthy and unhealthy friendships, “frienemies,” and “frienaissance.” Others examined how to handle “fall out” or a relationship’s end with resilience. A single question was designated for elementary: “How are families alike and different?”

With 15 questions and 10 sub-questions, “Preventing and Responding to Bullying and Harassment” was the most extensive list. Elementary questions focused on the difference between tattling and reporting, as well as how to handle name calling. Middle school wording differentiated teasing and bullying, asking what “crosses the line.” The list probed the effects on the learning environment and the responsibility of students and staff in the prevention of and response to harassment. Others interrogated how learning about students’ similarities and differences or the difference between snitching and reporting could prevent bullying. Again, questions intended for the oldest students contained more precise language such as “What constitutes harassment?” and “How might discrimination look different for adults and students?”

Both the middle and high school portion addressed the posting of photos which cross the line and cyberbullying. “Finding Commonalities and Common Ground” asked “What do you gain [in]...a friendship with someone who you consider to be different?” and “What is the best way to find common ground when your values and beliefs don’t agree?” One interesting query was “In what ways do differences make you feel uneasy?” Although TUSD had repeatedly referred to the Character Counts program as part of its existing anti-bullying efforts across all grade levels, it was surprising that only one question used a specific characteristic—trustworthiness. Otherwise, this final section asked for a definition of a person of character, how character is demonstrated throughout one’s life, and how it aids a person in achieving life goals.

This was also the only other section to address adult behavior, asking “What do you want to see in a teacher of character?” By the end of the school year, the draft of Essential Questions submitted as part of a compliance report to OCR was reduced to only six themes, an indication of the pressure from community stakeholders; “Exploring Identity and Eliminating Harassment” had been removed from consideration.

Curriculum development moved slowly at first. Multiple committee members describe Dr. Gonzalez's early role in the process as vital. In field notes of my conversations with Title IX Administrator Minjares, she praised Gonzalez's leadership at the committee's November 16, 2011 meeting.

Joetta walked us through those steps. She was *key* [emphasis in the original] in taking us down the road to those Big Ideas. She's the one who taught us to apply backward mapping and helped us develop the Big Ideas. You have to understand that when we started, we were here (cups hands into small circle). We really didn't want it to just be about one little subject area. To us, it was more important to address [students as a whole] and their character as kids. It wasn't just about one little thing. It bleeds over into everything else (widens hands)...

However, hampered by the loss of sustained contact with an Equity Consultant who had instructional expertise, and without an off-the-shelf K-12 curriculum to adopt, district educators started casting about for resources in an ad-hoc manner. Individual committee members, in their own time, perused websites, talked to colleagues in neighboring districts, and downloaded sample lessons plans and ideas from districts across the country to share with the group. They also evaluated existing program materials, such as Character Counts, to see "whether or not they met the priorities we felt the curriculum should meet," according to Minjares.

Minjares developed a lesson template and curriculum committee members gathered at the district office, so that divided by grade span, they could sit together and start composing the lessons. Minjares recalled, "After the one day of trying to put curriculum into a template...I look at the work two guys were doing, and I said this is all copyrighted. You can't do that. It was hard, because we didn't have somebody just [dedicated to the task]. This was everybody doing

their regular job *and* [emphasis in the original] then trying to piece it together... We realized how *much work* [emphasis in the original]. We didn't have someone who writes curriculum in the district.”

Several educators shook their heads, rolled their eyes, and sighed deeply when describing those months of gathering resources. Across these conversations, though, none spoke with a resentful or angry tone. In fact, Minjares emphasized the professional demeanor of the teachers involved in the huge undertaking, “It was very time consuming to address all of those issues, but we were prepared to do that if we needed to.” The middle school principal had already implemented Olweus’ *Class Meetings that Matter*. She shared the manual with Minjares and Gilbert at the end of that long, and frustratingly unproductive, day. They agreed it had quite a few lessons that fit under several Big Ideas, and considered it a “stepping off point.” The curriculum committee identified some Olweus lessons to use as-is and others to “tweak.” To adequately address each theme across every grade level from kindergarten through 12th, they also downloaded free lessons and put those into a template that they felt was easy for teachers to use and simple to follow.

The district bore the cost of hiring substitutes to cover teachers released from class for committee meetings, estimated at roughly 250 cumulative hours, or \$6,000. In the December 2011 OCR compliance report, Gilbert projected the need to schedule three or four additional days for lesson planning, culminating in a Board presentation of the draft curriculum in March 2012. After providing time for public review and input, the interim superintendent believed a final version could be approved in April or May 2012, allowing for pilot lessons on each grade level by school year’s end. In fact, the team did meet once during the months of February, March, and April 2012 and the draft curriculum was presented to the board on April 24, 2012.

The original curriculum included sets of lessons for each grade level, ranging from nine to ten lessons for elementary students, 20 to 21 for middle schools, and nine to ten for high school. In Gilbert's presentation to the board before the vote to approve the curriculum for public review, the selection of Class Meetings that Matter was attributed to its ready alignment with Big Ideas as well as other factors. She referred to the program's 35-year longevity, studies evaluating its effectiveness, and TUSD's new, internal capacity. "The district has invested in Ms. Ortega as an Olweus trainer and so she would be able to share that expertise with staff" (Tehachapi Unified School District, 2011).

It took the superintendent fifty minutes to summarize the Resolution Agreement's implementation over the past eight months for trustees, including revised anti-harassment policies; ongoing anti-bullying staff development; a book study on cultural proficiency with administrators; and community outreach. Gilbert also described a debrief with principals on the investigative process and subsequent data entry into the Aeries student records database,

[W]e have made sure that we are able to track not only the students who are the offenders, if you will, the students who are getting in trouble because they are violating the rules or policies, but...[that we are] also able to track those students who are the targets of such behavior,...to make sure we don't have somebody...experiencing repeated issues... (Tehachapi Unified School District, 2011)

She touched on the progress of the S&IS Task Force, saying the group was "working diligently on...putting forth some recommendations for our district on how to accomplish some of these very large tasks that we still have ahead of us." Finally, she reflected briefly on the submission of the first 700-page compliance report to OCR. "That was a very lengthy effort, but we were actually very happy to do it in the sense that it made us stop and review what had we done up to

that point and to revisit the processes to make sure they were as effective as they needed to be. In fact, we identified some areas that we did need to work on.”

After detailing the herculean efforts of staff to compile the multi-themed curriculum for every grade span, Gilbert paused to explain restrictions on the material. Because Class Meetings that Matter lessons only comprised a portion of the curriculum, it was not financially feasible to purchase Olweus manuals for each teacher districtwide. Hazelton, Olweus’ publisher, had initially refused to allow both the reproduction of materials as well as the public review of its lessons, citing potential copyright violations.

After much negotiation, the publisher eventually agreed, for a fee, to allow a limited number of copies to be on display. The trustees seemed initially perplexed, asking “So we’re going to have to look at them and give them back?” The weary-sounding superintendent replied, “Actually you’ll have to come in and look at them. I apologize. It’s the issue with copyright” (Tehachapi Unified School District, 2011). Before voting to approve the curriculum for 30-day review, Trustee Austin enthused, “It’s a lot of work. You guys have done a good job.” President Graham added, “Yes, excellent job,” and called for final questions. Trustee Snyder replied, “No [questions]. I want to commend Ms. Gilbert on her presentation. She did a great job. I am no longer hostile. I was hostile...before I knew what it was.”

Both board and community sentiment seemed to be one of begrudging appreciation. The trustees had approved Gilbert’s permanent position in February, and the announcement in the paper was accompanied by the editor’s observation “Lisa has become the ‘buck stops here’ person and I doubt that snow days will be her toughest call...you have to admit, Gilbert is coming into the position with her eyes wide open and given all of the circumstances, I think it might

have been best for the school board to choose someone already ‘on the ground’ in Tehachapi to take the reins at this time. I wish her the best” (Elliott, 2012a).

As news coverage focused on school district revenue shortfalls and featured Gilbert’s address to the Chamber of Commerce, letter writers voiced opposition to the FAIR Education Act (SB48), which took effect at the start of 2012. For example, a letter entitled “Stop the Bully!” which castigated President Obama and Governor Brown, called the LGBT-affirmative education law “brain washing” and an infringement on personal rights (Kemp, 2012). Chris Haight, parent to a lesbian college student, urged residents to sign a petition to repeal SB48, arguing “this does not belong in our public schools, and I resent the fact that my taxes are paying for this instruction...” (Haight, 2012). Another mountain inhabitant responded to him directly, “...Haight, I will not sign your petition...” and positioned herself as both an outsider and in the minority view (Foster, 2012). As “one of the few in this community with my way of thinking,” she speculated,

Maybe it is because I am not from here...or maybe it is because I have seen...hatred that stems from ignorance about homosexuals in this community as I witnessed my sister and her wife being called "d-kes" from a passerby in a car as they were doing nothing but walking down Tehachapi Boulevard, like so many of us do on a daily basis. (Foster, 2012)

Under the heading “History is History,” she challenged his argument with, “I see no better place to learn [about LGBT history]...our public funded schools...where [students] can be properly educated without prejudiced or biased information” (Foster, 2012).

With the board-approved curriculum now available for a 30-day public review, a parent meeting in May would prove pivotal. None of Gilbert’s original projections on curriculum

implementation would be met as a result. In reality, the committee would convene more than a dozen times over two school years. Although OCR directed TUSD to be ready to teach anti-bullying lessons within months of the Resolution's June 2011 ratification, the group completed work on December 13, 2012, fifteen months after it started.

ii. Community pushback

Minjares, according to my field notes, explained that by late April, it was clear to all involved that there would be little time to pilot lessons, review feedback, and have board approval completed before the end of the school year. Teachers—either committee members themselves, or those recruited by principals—piloted a single “non-controversial” lesson on each grade level in early May. Minjares recounted that goal of piloting was to determine “Was [the lesson] grade level appropriate to use and could the kids could learn from it?” Twenty-six community members, mostly parents as well as grandparents and retired educators, submitted 55 written comments during the public review in May 2012. The contributors were comprised of twenty-two women, two men, and a husband and wife. Gilbert accepted emails, faxes, and handwritten comments.

Visitors who sat and examined the binders of lessons at a school site or the district office received a feedback form which asked them to review six aspects of the material and rate it inadequate, adequate, or strong. The forms asked readers whether they thought that the content was accurate; appropriate for age, grade, and maturity level of the students; accommodated all learners, including ELL and Special Education; offered a variety of learning methods; and promoted student collaboration, discourse, and reflection. The range of input varied from supporters who marked “adequate” for the six categories, with no further elaboration, to opponents who wrote two-page, single-spaced comments. Seven people created their own

category, “strongly disapprove,” five selected adequate, and only two used the phrase “strongly support.” Six respondents skipped the table and handwrote detailed responses.

A clear majority of critics targeted lessons with LGBT content across grade levels. The lesson “Two Kinds of Gay” was part of the Anti-Defamation League’s Anti-Bias Lesson Plans and Resources for K-12 Teachers, created in collaboration with GLSEN and *StoryCorps*. The brief, first-person accounts of discrimination and rejection by David Wilson, an African-American gay man, and Terry Boggis, who founded a New York-based program for same-sex families with school-aged children, were excerpts from one of five lessons in the “Unheard Voices: LGBT History” series. “Where Do I Stand?” was the first of six lessons in the Educator’s Guide for GLSEN’s ThinkB4YouSpeak campaign. This activity asked students to stand along a continuum between the phrases “Strongly Agree” and “Strongly Disagree” in response to statements such as the following:

I often hear the phrase “that’s so gay,” “you’re so gay,” “no homo” or the word “gay” in general used in a negative way among my peers.

Regardless of how it is meant, expressions like “that’s so gay” and “no homo” are probably insulting or upsetting to LGBT people and those who care about them.

I have personally used terms like “faggot” and “dyke” with my peers.

When these expressions are aimed directly at me, it bothers me.

These expressions are okay as long as they are not used to directly attack an LGBT person.

I would personally be willing to limit or curb my use of these expressions.

Some remarks criticized these lessons as too narrowly focused, arguing “We don’t do a history of other slang” and “Why only LGBTQ history?” Others did not like the participatory nature of

taking personal positions. Diane Knight wrote, “I don’t agree...that a student must walk to a sign stating “strongly agree” or “disagree’...If the material must be taught, that is one thing, but to put kids on the spot—entirely different.” A parent who would later join the S&IS Task Force asked “Are you going to ask if anyone is gay first? How will this [class activity] affect or alienate a gay or transgender student?” Structured lessons which asked students to meaningfully engage with phrases already heard in hallways and on buses, which students reported in depositions to the DOJ, affronted more than one in this mountain town.

Similar to board meeting comments later, written feedback indicates parents saw a push for inclusion of sexual minority identities as a simultaneous marginalization of their Christian convictions. One noted, “[In] Exploring Identity, there is a scenario ‘Oh my God, that shirt is so gay!’ That so gay is addressed but not oh my god.” However, the strongest condemnation was reserved for a 12th grade lesson entitled, “Bayard Rustin—Civil Rights Movement.” From the prediction that the lesson would “open up a can of worms...more than I believe your staff is...prepared for” to the declaration that it was “beyond offensive,” parents wanted it removed. “[H]e was a communist...convicted of sodomy when he was caught having sex in a car with a man...why are we glamorizing him? Is this really something that needs to be talked about in class?”

Reviewers also rejected lessons about gender identity across all grade spans. The 1st grade lesson “Girls Can, Boys Can” included a “discussion of how some attitudes and words about gender can be hurtful.” The dual objectives were for students to recognize possible problems associated with expectations to “act like a girl” or “act like a boy” and to identify ways that ideas about gender are shaped by the world around them. Marcy Grimes protested, “Being non-gender specific...goes against some of my personal opinions and beliefs.” JoAnne Kramer

quoted from the lesson's teacher guide "stereotypes about gender...are particularly prevalent in our society and play a critical role in...bullying behavior," and responded, "I strongly disagree. The majority of American boys and girls dress like their gender dictates. [A v]ery small percent dress differently...Every example of actual bullying in our school district that I am aware of has been due to aggressive behavior by a group against an individual—except for Seth Walsh." Again, analogous to published letters which confirm a stigmatizing environment for LGBT residents, the underlying acceptance of this hostile climate and the depiction of the 2010 suicide as an exceptional event, unrelated to community norms, are noteworthy aspects.

Among elementary lessons, "What Makes a Family?" drew the most ire. Modeled around the Southern Poverty Law Center's Teaching Tolerance classroom material for preschoolers, the lesson's objectives were to identify characteristics of a family, understand multiple family structures, and describe their own family. The activity used magazine pictures to illustrate families led by one or two parents or grandparents, including adults and children of various ages and ethnicities. "I agree that families are very diverse, and can include different members, however...to cut out pictures of two white women and a black baby and display this as a family goes against our family beliefs. The teacher should not be defining family in any way," stated one feedback form. Monica Girard emailed five trustees her opinion that the curriculum was "a huge homosexual push," and specifically referred to this kindergarten lesson as "suggestive material about what makes a family."

Board members also received email from community members who did not have children enrolled in a local school. A homeschooling parent wrote, "...teaching my child that the makeup of a family is subjective will not stop bullying." Tamara Schultz, who had two children in the district and was the daughter-in-law of Trustee Snyder, pointed to the lesson's supplemental

read-alouds; “What story books are you using? Are teachers ready to answer [kids’ questions]? What are you going to do with kids that hold a minority opinion? How are you going to keep that child from being bullied?”

Opposition to lessons which aimed to de-stigmatize sexual orientation or normalize fluid gender expression took several lines of argument. First, some felt that the “overall theme focused way too much on a homosexual agenda.” Second, many perceived the lessons as a violation of religious rights, which “cross[ed] the line...going against our family morals and values.” Third, numerous reviewers believed these topics should be left to parent discretion to “decide when (or if) their child is ready to be taught this information.” As a whole, this meant the theme, “Exploring Identity, Eliminating Harassment,” which taught a single lesson per grade, was essentially voided.

Negative responses to perceptions of globalism, non-competition, civil disobedience, and the legal status of protected classes were evident to a lesser degree and will be explored in a later examination of public comments to trustees during open session. Ramona Weathers reflected the broad consensus among submitted forms, stating “I am all for helping the kids understand bullying is wrong, but this curriculum goes far beyond teaching about bullying. I do not think it’s the school’s job to discuss with my child what I believe are against our religious beliefs. There should be at least an opt out option. I guarantee you will loose (sic) students if you approve this curriculum as it stands.” And, for the first time since resistance to the federal intervention erupted, parents began to focus on two counterproposals—the ability to opt-out of the Safe and Inclusive Schools (S&IS) curriculum and disenrolling their child completely.

Minjares recalled with disappointment that, despite several automated phone messages and an invitation sent home with students, fewer than a dozen people attended the May 14, 2012

Parent Information Night at the middle school to view the proposed curriculum. In her opinion, the committee's standpoint was still that the lessons were not a "complete product" and they wanted more input. "This was such a big issue, but 15 people... We were disappointed at the turnout, but we still had to continue to move forward. Then it hit the community."

May 15, 2012 was also a milestone in the implementation of the school climate intervention. It was the first time the California Healthy Kids Survey was administered with passive consent, and it now included a custom survey module with LGBT-specific questions. This time, all 5th through 12th grade students participated, per the Resolution Agreement. Although the survey had been posted on the district website and families alerted through various methods of communication, many parents had not been fully cognizant of these two pieces of school climate programming. Dennie Wagon, an elementary teacher on special assignment, served on the curriculum committee as well. In my field notes, she also remembers that period of public review. "All of the lessons had been out at the school sites...and maybe eight people showed up [at the district office to read them]...but then people would show up at board meetings and express their opinions...Rumors were rampant about what we were doing. I kept hearing a lot about how we were going to teach kids how to be gay. I hope[d] we were focusing on what makes school safe for all kids."

IV. The board seeks federal flexibility and parent involvement

The first board meeting after the curriculum was publicized and surveys completed lasted three hours. Perhaps trustees anticipated increased public participation, because at the governance workshop prior to the meeting, they spent twenty minutes discussing modifications to the speaker's card. The animated exchange between Trustees Graham, Snyder, Evansic, Austin, and Traynham included language about time limits for individuals to speak, time limits

allotted to a single agenda item, and that “comments should be addressed to the board and neither to the public nor district employees.”

When Graham sought to recall whether California Education Code or governmental regulations prohibited requiring the submission of a card in order to speak, Evansic balked. He recalled the last hot-button issue in the community that led to a packed board meeting—budget cuts, asserting “that [stipulation] was crucial for those drama people turning in papers. If you said, ‘Anybody else?’ people would just keep standing up!” (Tehachapi Unified School District, 2011).

Graham also posed a hypothetical scenario to question the proposed 15-minute limit per topic. “Say we have something come up that is controversial—I mean, very controversial—and you have a packed room. It’s filled with people who want to speak and the board wants to hear them. In the past, the board wanted to hear everyone who wished to speak. Here [on the revised speaker card], we’re saying 15 minutes...” Snyder chimed in, “I think 15 minutes would just be waving a flag...It’s not all on your back as President. If five board members say, ‘I want to hear every one them,’ then the other two will sit there and smile.” Evansic opined, “It’s unfortunately tragic that there’s (sic) so many people who just are not engaged until their hot button gets pushed. Then they show up. No matter what prose is here, I don’t think it’s going to matter. There’s going to be a lot of people who are going to ignore it anyway...[It’s] up to us to enforce [time limits].”

Graham replied patiently, “You’ve got to remember freedom of speech...They’ve come to this meeting. They are the public and we have to really err on the side of caution to make sure that we do not do anything that will prevent the public from being able to speak...and thank goodness [Trustee Wood] saw this. [reading aloud] Please keep in mind this is a meeting of the

board of trustees held in public, not a public meeting.” Several board members murmured approvingly as they finished amending the forms to speak.

Next, in a 30-minute review of annual board goals, trustees disagreed on whether or not to openly state improved communication and outreach to Spanish-speaking community members. Traynham believed a goal was being created “where there was no problem.” Employing the new language around the district, Austin commented, “If we’re an inclusive school, we shouldn’t specify one particular group” (Tehachapi Unified School District, 2011). In accord, the secretary redlined the sentence and the board approved the district’s four goals for student achievement; responsible financial practices; communication; and “School Culture and Safety.” This final goal read, “All schools will facilitate a positive and inclusive school culture and improve student safety, as measured by annual surveys.” Whether this was inexperience or poor counsel, the board selected a metric which had already proven non-representative of the student body.

Providing context for the sake of new faces in the audience, Graham summarized the stakeholders involved in curriculum development. She noted that the committee of educators shaped the lessons, the superintendent previewed the curriculum at a previous board meeting, and Trustee Austin had read it cover to cover. Before asking Austin for a formal report, President Graham also pointed out “we are under a timeline...[and] we cannot remove any of those documents from the sites nor district office because of the copyright issue” (Tehachapi Unified School District, 2011).

Trustee Austin called the task of reading all lessons on every grade level “hugely time consuming,” and estimated it took more than fifteen hours over several weeks to get through the material. The youngest trustee shared that she “did not have any issues” with the lessons for

kindergarten through 8th grade. She stated her belief that, as a parent of three, TUSD elementary educators do “teach children to get along and accept [others] for who they are and not base friendship on what they look like or what sport they play.” She began with a modest stance that merely offered her opinion for board members who might not be able to read the curriculum in its entirety. Then she added, “I had a few issues....[L]ook into those specific grades and lessons for yourself.” She centered her comments on “controversial” lessons from Exploring Identity, such as “Where Do I Stand?” and challenged material “specific only to the LGBTQ grouping.” Her rationale was “if we are trying to eliminate bullying in our district, why are we singling out one specific group?”

Stressing her own “personal Christian background,” she said the lesson “pushes that agenda...I felt like we needed to have mixed questions, not just for LGBTQ.” Her reaction to the activity which explained the origin of slang “specific to LGBTQ grouping” was “Again...Why just the history of two or three specific words for one group?” Austin listened to the interviews for Grade 10’s lesson, Two Kinds of Gay, and again asked in a straightforward manner, “Why aren’t we focused on mixed race, mixed religion—any parenting that is not the specifically 1950s normal?”

Where Austin stood firm was lessons for high school seniors, particularly “Understanding gender identity.” The lesson’s objectives were to define gender identity and gender expression as well as to use “critical thinking skills to explore gender-related stereotypes and discrimination.” In a calm tone, she said “for me personally...this is not being said in a threatening way—If ‘Understanding gender identity’ is left in, I could not approve the curriculum. I don’t think it’s mentioned in our Resolution Agreement. I don’t think it’s our right or responsibility as a district

to teach gender identity to students. It's their parents' job" (Tehachapi Unified School District, 2011).

The other lesson which was, predictably, a non-starter for Austin, was the biography of Bayard Rustin, because it was about "an individual who broke the law for public sodomy." She voiced strong opposition to it, asking "Why are we teaching his history?" However, she supported the biography of Salt Lake City student Kelli Peterson. Peterson was profiled on PBS' "Out of the Past" series. Austin's surprising acceptance of a "lesbian student [who] wanted to have a Gay-Straight Alliance and was denied by her school board" stemmed from Peterson's decision to pursue equality under the law. "I felt like, regardless of whether I agree with her personal position, if she's standing up for her rights, that's a good one to leave in. If we feel strongly we should fight for it..."

At the end, Austin framed her dual role as a parent and board member as a responsibility to determine if the lessons were both reasonable and age-appropriate. "There's a big difference between my [own] sophomore and my 6th grader...[and] I still want to be true to my community." On the importance of community stakeholders in this process, she urged, "The more eyes looking through this, the better it would be. Read at the very least your child's grade level. Be informed. Know what your child is going to learn."

A. Board accountability

The public seemed more than ready to hold all board members to this same standard, leading to a testy back-and-forth. The first visitor, Jessica Eaton, a parent of a sophomore in the district, declared "I think it's your duty as school board members to take the time to read it. You're all voted on by the tax payers of this community" (Tehachapi Unified School District, 2011). Joanne Kramer added, "As elected officials, you're not doing due diligence if you don't

read every grade... it will look like you didn't care." Sounding slightly defensive, Austin clarified her earlier statement, "I don't think it's EVERY parent's job to read [all of] it, but it's every parent's job to read [their child's] grade level. We as a board can only do so much, if you parents don't get involved..." When one parent claimed that the district was not doing a good job notifying parents, Austin quickly listed the district's multiple attempts at outreach for community meetings and countered, "I asked the [district office] receptionist has anyone come in? I was the only one who had gone into the district office to read this over a three-week period. There's only so much TUSD can do. At some point, a parent has to decide, 'Am I going out to lunch with my friends or take the time to read this? But legally we [the board] are under the gun.'"

Five members of the public, all women, commented on issues related to the proposed lessons, with three offering criticisms. In addition to disparaging the district's communication efforts, two parents and a grandmother complained about limited access and inadequate time for review. With a warning of brewing community discontent, Kramer pointed out that taxpayers without school age children "...don't know what's going on with the curriculum. We're paying for it with tax money. It should have been in the newspaper" (Tehachapi Unified School District, 2011). Bev Smith, who would later emerge as a key organizing force in opposition to the Resolution Agreement, approached the microphone and challenged the board's assertions:

[T] here are only so many copies...and so many days to get approved...[Is there] any possible way that the 25% of the public that has a vested interest—a job or a child in this district—would have the time to evaluate the curriculum?...You want us to become involved and productive. That's why I'm here; however, do we have the man hours to do so?...It's defeating. (Tehachapi Unified School District, 2011)

Even the two supporters of the lessons agreed it took quite an effort to get through the material. Yvette Benton explained she felt a duty to read the curriculum as a parent and a member of the S&IS Task Force. She estimated it took seventeen hours “over three days straight” to review elementary lessons and she still needed to read the secondary modules. In addition to hours of reading, Benton also took notes and brought questions to Superintendent Gilbert. After this remarkable degree of engagement, her opinion was that the curriculum was “very well put together and age appropriate.” However, she sympathetically agreed with Smith “...If people are working...one grade level is hard to get through during an hour lunch....In a [school] office with people talking and phones ringing...it is very hard. I haven’t seen any other parent come into my school to read” (Tehachapi Unified School District, 2011). In a rare public comment by a teacher, Paula Macon, shared that she “read bits and pieces” and expounded on why she supported the curriculum.

I see the need on a daily basis...even at the high school level...out in the middle of the quad there are kids who have not learned to appreciate differences, whether that be the color of someone’s skin to how much money their parents make...Tehachapi took a lot of negative hits...What came out of all of [that bad press] is that we are going to spend time...a couple days on curriculum...it is a positive thing. It will definitely help.

(Tehachapi Unified School District, 2011)

B. More Inevitability than flexibility?

After hearing Austin’s report, Trustee Evansic turned to Gilbert for clarification on time constraints and mandates of the Agreement. He rationalized, “I’m asking, because I don’t agree with it. I don’t want my child learning that” (Tehachapi Unified School District, 2011). The superintendent outlined the district’s quandary; “We had to allow for 30-day public review.

Another time constraint is school is ending and the committee is made up of teachers. We need [time] to review all of the feedback from Parent Nights, online forms, [and] emails, ...and decide whether lessons need to be changed or removed. The curriculum comes before [the] board June 12th.”

Evansic continued to probe the flexibility in implementation under a mistaken assumption that the curriculum committee held the answers. Could committee members tell on which topics “you’ll find our hands are really tied” and no changes could be made, “no matter how much we want.” He reasoned, “I want [the public] to understand there’s some flexibility in some areas, and some areas we cannot [modify].” Gilbert redirected him, saying “I encourage anyone interested to read the Resolution Agreement. Our instruction must meet particular goals.” Either unwilling or unable to weigh in on what could or could not be rewritten in the lessons,

Gilbert also chose her words carefully, never deviating over the next two years. She broadly characterized the curriculum as “a combination of lessons from Olweus and...a variety of resources” and repeated phrases from the Resolution verbatim to answer what was expected by OCR. The superintendent alluded to an ongoing communication with OCR attorneys about the multiple obstacles their school climate intervention had faced during implementation. “We were asked to implement the curriculum this year. We had to explain the man hours...to propose the curriculum and we were given permission to implement next year.”

A brief, penetrating exchange of words between two parents and district officials illustrated the delicate balancing act of remaining responsive to OCR concerns while accommodating local residents. Sounding at once dissatisfied and confused, Sara Soto asked about the “code” the district had “defaulted on” and whether it had been found “guilty” or “proven in a court of law.” Gilbert responded in an evenhanded tone, “The Office of Civil Rights

conducted an investigation and it was in their findings. The district entered into a Resolution Agreement. The curriculum is one of the items the district agreed to enter into” (Tehachapi Unified School District, 2011). As Soto persistently questioned, Graham took a different approach, adding “A Resolution came before the board. The board, as a whole, voted on this Resolution...The majority ruled...We chose not to go down the legal path.” Evansic added, “It’s a lot cheaper going this way.” In a contemptuous tone, Smith charged,

You sold our school out to the cheaper route because we’ve chosen not to do the hard work...whatever the lawsuit was about...How often do we teach children to do the right thing, no matter how hard it is or how long it takes? When I hear ‘the easier of the two’...it really concerns me. (Tehachapi Unified School District, 2011)

Graham indignantly asserted, “The children, they’re our first priority...for you to take away from this conversation that this is the cheap way for us...that is not true. That was never the intent of this board. Evansic abashedly acknowledged his comment had been “flippant” and conceded,

If we didn’t come to an agreement with OCR and DOJ last summer, we would be forced to abide by the agreement while going to court at the same time and the [rate of implementation] would be accelerated. It would cost us a lot more. It was a pragmatic decision by the board to say, ‘Let’s not fight the federal government on something that we’re going to be at a big disadvantage, while we’re dealing with everything else that goes on in school.’ (Tehachapi Unified School District, 2011)

Recounting that the board’s closed session debate leading up to the Resolution’s approval had centered on what was best for students, Evansic said trustees concluded “that there wasn’t anything [DOJ and OCR] were requiring us to do that was beyond what we were already doing

with Safe School Ambassadors, Character Counts, et cetera. We had to codify it to satisfy their agreement.” Upon hearing Austin’s report on the Safe and Inclusive School draft curriculum, Trustee Evansic’s reluctant acceptance of the terms of the school climate intervention in June 2011 now appeared to have evaporated a year later.

Unrelenting in her questions, Smith tried to press her advantage. In what seemed, at times, more of an interrogation, she asked about the amount of time to incorporate parent feedback, the deadline to approve the curriculum, and the consequences of multiple parents taking their children out of school when lessons are taught. Gilbert spoke to the heart of the board’s dilemma about the Agreement’s implementation, saying

[W]e have some local control over...what that looks like. Some pieces are required, but what exactly it looks like...that’s why we’re asking for public feedback. The curriculum committee went into this work understanding we were trying to represent our community. Many of us were parents as well as employees...It has taken this [entire] school year to [create the lessons]. The process is that we provide a 30-day public review. (Tehachapi Unified School District, 2011)

The Board President added, “We’ve been working on this a year and a half.” From these responses, Smith deduced, “So one way or another,...whether we’ve read it or not, this kind of curriculum is going to be passed by our board...Regardless of what we as parents agree with. At some point this subject matter will be taught in our school.”

Gilbert and Austin made another attempt to reach out. “Please understand the intent of this curriculum is to create a safe and respectful environment,” pleaded Gilbert. Austin agreed that the Agreement intended the curriculum as a school climate intervention, maintaining “It’s not teaching morality. It’s bringing up issues you want to talk to your child [about] first before

their school does. But, it's teaching [that] white, black, or short, or tall, or fat, or skinny, or Christian, or Muslim, what matters is the Golden Rule...I don't think it's teaching morality. I would have big problem with that." By the end of the discussion, Smith was still not placated and candidly asked, "What can stop [the curriculum] from being approved from the public side? How do we oppose it? Do we go out and get petitions?"

C. Fireworks in July

In a far more understated tone than her public address to the board, Eaton's May 29, 2012 letter to the editor called for more parent involvement on the issue. In the same issue, Superintendent Gilbert responded to parent concerns by publishing a guest column which detailed all steps taken to implement the Resolution Agreement and described the seven themes of the proposed anti-bullying curriculum and its intended objectives. The copyright restriction, which meant that lessons could still only be viewed in hard copy at the schools, remained in place. Hence, Gilbert also announced the deadline to review curriculum had been extended to June 8.

Compared to the tenor of the May 22 open session, the June 12 board meeting was muted. Out of five public speakers, all women, only two were new faces, including a long-time school bus driver and parent. Eaton and Soto returned to repeat their opposition to the curriculum and the need for an opt-out provision. Theresa Mann, who submitted written comments on the first draft of the S&IS curriculum in May, appeared in person to state her intention to pull her child out of the district if "this LGBTQ curriculum" was not accompanied by an opt-out. In response, Gilbert explained why this was not possible and noted that "90% of the revisions was (sic) taking things out." Soto sounded flabbergasted, "Wow...gender options...shouldn't even be

taught in school.” The superintendent added that the deadline, extended three times, was now June 22, but Mann was impervious and urged,

I was hoping for...30 days, so we could really get the word out... This is serious. It’s not something we can rush through. Every taxpayer and every parent needs to ...see what our kids are going to be learning. Why can’t we just print a little summary of each class in the paper?...[parents] don’t even know about this. (Tehachapi Unified School District, 2011)

Terry Reible, the board secretary, picked up on Mann’s tacit acknowledgement that she had yet to read the material, and helpfully interjected that the district website contained copies of the customized Healthy Kids survey, a list of the lessons removed, and the curriculum’s “Scope and Sequence.” This twenty-three page document was divided into two tables. One sorted lessons sequentially by grade level and the other grouped them thematically by Big Ideas. Each table row listed one to four goals for each lesson. For example, one eliminated module, “Bullying Behaviors in Me and You,” part of the Safe and Inclusive theme, had the following student learning objectives: to distinguish between behaviors that are and are not bullying; to identify bullying behavior in themselves and others; and to describe ways they can counter such behaviors.

In fact, despite the availability of the Safe and Inclusive Schools’ curriculum for six weeks, even Eaton and Soto had yet to read through the text of the lessons. Like many community members who would come before the board over the summer, these two mothers read the “Scope and Sequence” only. Soto’s final comment offered a seemingly contradictory position which mirrored that of many parents. In a softened tone, she said, “this is not an attack on the school district or the school board. I am just a concerned parent who doesn’t want this taught to my kids. I don’t want other kids to have to sit and listen to it if they don’t agree with it.

We can differ on our beliefs...and I can respect yours” (Tehachapi Unified School District, 2011). Soto seemed unable to recognize her views as part of a community norm which, in essence, silenced sexual minority identities. The Board President commended the visitors and expressed her appreciation with “Mrs. Soto I can assure you, and I speak for the entire board, that we do not take this personally. We also respect each of you...voicing your concerns..., because, yes, these are your children.” Graham’s equanimity would prevail at turbulent meetings ahead.

Before a much larger audience of both men and women on June 26, 2012, Graham began the open session by announcing the board had postponed a scheduled vote to allow yet more time for public input on the curriculum. Nonetheless, thirteen new and returning female faces were ready to speak in opposition. During another meeting which would run nearly three hours, several first-time speakers admitted they had not read the lesson plans and sought basic information on the curriculum’s purpose, development process, and timeline for approval. Appearing distrustful, one asked if the Resolution required “a homosexual section ...[or] just teaching children to be respectful,” while another sought to clarify if lessons had been “handed down by our government.” Gilbert’s carefully chosen response to this litany of questions began,

[I]t isn’t that the government is mandating anything...the district and DOJ have *agreed* that these are the actions to be taken in relation to the investigation in which they found our district was not in compliance with Title IX and Title IV...we had to get special permission and explain the process we were going through...So [OCR] understood...that we were wanting to really work hard to come up with a curriculum that our community felt comfortable with...I have to provide updates—a lot of paperwork—...so they see we

were not just postponing it or spinning our wheels. (Tehachapi Unified School District, 2011)

The superintendent again quoted the Agreement's verbiage for elementary and secondary instruction. Her synopsis of lessons on sex- and gender-based harassment underlined the point that in order to "...explain what it is and how to address it...some language...discusses promoting tolerance for diversity." Skirting the topic of source material, Gilbert said, "There are some resources that are from a book and some lessons that are from other sources."

Curriculum critics reproached district officials, who responded with offers of accommodation and transparency. For example, Eaton pushed again on who "exactly" shaped the curriculum and Wendy Jorgensen crossly noted that at the October community meeting, the district had asked for parent volunteers. Picking up on the disconnect, Gilbert quickly clarified that "[what] you are referring to is the Task Force...The curriculum committee did not have parents, but that is why we are having this review period for parent input" (Tehachapi Unified School District, 2011). Graham jumped to Gilbert's defense, adding "I believe our audience will agree...they [committee members] have been working with our superintendent, making every effort that's possible...to change it...to meet [community] requirements" and she called for more parents to provide specific written concerns to review.

Smith, however, demanded that trustees "call a meeting" with the Task Force and Curriculum Committee "so that we the public can get some questions answered." Ready to consider the request, Graham asked Gilbert, who expressed doubts, replying "I can't force teachers to be here on non-work days. We could maybe invite the group to come to our next Task Force meeting which is scheduled in August. We can look at something with the curriculum committee after the school year starts." Smith insisted, "Won't the curriculum have

been voted on by then?...Then that's irrelevant... We need it prior to the vote." When Gilbert tried to clarify the purpose of the meeting, Smith issued a rapid-fire retort:

We need one on one. They are the ones putting forth the curriculum. We are the audience that has the questions. You guys can't give us answers. We need direct contact. (talking over Gilbert's words) It's my understanding that the names on that committee are public record. (Tehachapi Unified School District, 2011)

Unruffled, Gilbert calmly replied,

It's not a matter of trying to hide who is on the committee... The Curriculum Committee was [at the May meeting]...leading the discussions. We had that open forum for exactly that purpose...I feel like it's a little unfair to expect them to come in their summer... We have invited everyone to...give us feedback. We wrote down every comment...as well as [read] all of the online forms. (Tehachapi Unified School District, 2011)

Smith continued to insist that the pace of implementation, particularly the standard 30-day curriculum review, was one of many aspects which clashed with community practices, pointing out stakeholders had debated a uniform dress code mandate for three years.

This is changing the way we school. This is monumental. This isn't little Tehachapi and little Jacobsen. This is nationwide. This is a movement...and we need to do everything we can to slow [it] down...to make sure we are not going to make the major mistakes that have been made in our past. Exposure and discussion is critical...we are going to fast track this agenda that is going to change the course of education? (Tehachapi Unified School District, 2011)

Perhaps with patience wearing thin, Gilbert immediately disagreed with "fast tracking," calling the implementation process "lengthy," noting the committee spent "hours and hours." In another

attempt to build consensus, she said, “we want the public input. We have not tried to avoid it. We’ve welcomed it. We appreciate it...[The committee] may have missed a word that could be perceived one way or another...We have used that [feedback] and made all of the appropriate changes.” The superintendent again reminded the audience that the district was “under some constraints,” because OCR expected the instruction implemented for the 2012-2013 year.

i. Social Media Campaign

Smith also took advantage of her time at the microphone to announce a Facebook page called “We’ve Got the Power,” and entreated other opponents to post “page number[s] and content that you think is in question,” Alluding to a broader conversation on social media, she added, “I’ve got teachers from Orange County saying, ‘What’s the big deal about teaching tolerance?’” and used her remaining time to read unfavorable Facebook posts from named individuals. Whether any were local residents who had read the material was unclear.

The group, created by Bev Smith on June 18, 2012, has 213 members, 11 of whom had joined in the past month, as of April 12, 2014. Views of posts, a proxy for readership, peaked around 100 early in the 2012-2013 school year. In August and September of 2012, the most active months, page updates included announcements that curriculum opponents took their voices to US Congressman Kevin McCarthy at a local Tea Party meeting and that California Assembly Member Shannon Grove sent a representative to discuss community concerns at a private gathering. Interest in the page fell, as measured by a decrease to between 50 and 60 page views per post by January 2013, when AB1266, known to opponents as the Transgender Bathroom Bill, took effect. Membership includes local teachers, district classified employees, and pastors, but none were dominant categories, nor was there evidence that any educators or religious leaders commented in the forum. Most of the statements from Smith and Mata, the

most frequent posters, were not direct attacks on the district, but on the federal intervention's survey and curriculum. By the 2013-2014 school year, the page's primary focus was Common Core bashing.

Some opponents who read the curriculum and provided feedback remained dissatisfied, even after the committee removed the lessons they identified as unacceptable. Mann returned, disconcerted that some lessons encouraged kids "to go outside of their comfort zone." Insinuating some type of adult pathology at play, she bizarrely deduced, "if kids were taught that at a young age, how many of them would have gone into the shower with Sandusky...it does have potential for predators" (Tehachapi Unified School District, 2011). Describing herself as "a registered nurse for 38 years who's had many hours of childhood growth and development, psychology," Kramer declared she had dedicated "hours looking at the curriculum and given two different sets of critiques" but would "have to object to the whole thing." Her final pronouncement, "I do not see it really helping the actual bullied person in our district. It is so one-sided towards the homosexual agenda. I think we really need to see it for what it is," was met with loud clapping and whistling. Mata asserted, "I've been doing some research...I contacted Focus on the Family..." She related an Illinois court case brought by parents who "were against the anti-bullying [curriculum]...for the same reasons that we are—the homosexual agenda" which led to their child's school district including an opt-out provision. Gilbert asked Mata if she could have a copy of the article. LGBT allies had been the first to bring resources and offers of support to a few board meetings. Nearly two years later, those challenging the curriculum began the same efforts.

Trustees walked into a stifflingly hot, standing-room-only special board meeting on July 30, 2012. With over 100 town residents in attendance, the evening's agenda included a vote to

approve the Safe and Inclusive School elementary curriculum and a proposal from a community member seeking to open a charter school. It is not possible to know the number who attended based on district outreach or social media chatter, but the largest number of residents to date submitted speaker cards. Twenty-two adults took turns over three and half hours expressing their opinions on the lessons; the role of public schools in shaping student behavior and attitudes; the government mandates for the district; and the futility of trying to use curriculum to address bullying as a natural occurrence. The intimacy of small town familiarity was also evident during public comments. Some residents referred to conversations “with Lisa,” the superintendent, and others opened their remarks by recounting how many years they had lived on the mountainside or how many generations in their family had matriculated through the district. President Graham, parent to a 12th grader, greeted the first speaker with recognition, musing “I think you were my daughter’s bus driver for many years.”

ii. Watered down or truly inclusive?

Two teachers spoke in favor of the Safe and Inclusive Schools’ curriculum. “I know we’re a conservative town and the feelings are running high...” started Janice Tietz, who introduced herself as a 5th grade teacher and born-again Christian. In a personal disclosure, she described a student who had come out to her son in his 6th grade year, leading to the end of their friendship. The other boy was ignored by many, began abusing drugs, and “ended up dropping out ...because he did not feel welcome...” She spoke frankly,

I think as a community and as a nation, we need to realize that there are people out there that have two mommies, people...who have feelings for people of their own sex...People criticize the cost of the curriculum. If it cost \$12,000...to save the life of a thirteen year old, [then it] is more than worth it. (Tehachapi Unified School District, 2011)

Tietz related her positive experience piloting a lesson, but also expressed disappointment in the extensive deletions, leaving “...only now five to six [activities] and they have nothing to do with anything except bullying and tolerance of others.” Although a handful of teachers conveyed a need for the school climate intervention, Tietz was the only educator to take the issue of inclusivity for sexual minority youth to the trustees. She rejected the notion that bullying was ubiquitous and challenged the rationale for avoiding any discussions about sexual orientation.

[When a student says] “...You’re so gay” ...At 4th grade I don’t think too many people have discovered their sexuality...[Students are] using it as a put down ...Bullying will always occur, but we...need to say it’s not acceptable. Let’s to cut it from 40% to 6%...[A]s a society, as a town, as a district, as a school—when we say ‘It always happens, Let it go,’ I don’t find it acceptable. (Tehachapi Unified School District, 2011)

In contrast to a light smattering of claps for this 15-year veteran’s call to approve the lessons, the packed room erupted in boisterous applause after a substitute teacher, who had not read the material, declared, “as teachers, there’s a boundary there [with students]. We can’t tell them what parents should be telling them.”

In a surprising move, Danielle Evansic, a math teacher and trustee’s wife, shared her concerns about stigmatization of disabled students at the high school. She contrasted her experiences in the community as a parent of a special needs child with observations of the campus where she taught, drawing a relationship between the two climates.

I can’t go through Albertsons’ without little kids running up and saying, ‘Hi, Mary! Nice to see you. Oh, you’re Mary’s mom!...I [also]...see kids going up to [special needs students], taunting them, getting them to say bad words...there’s something wrong in our community, something wrong that isn’t getting through to our kids and helping them

learn that attacks on other people hurt other people...It's not getting across...—at home, in the community—somewhere we're missing something. (Tehachapi Unified School District, 2011)

Emphasizing that she had only read the K-6 curriculum, Evansic believed it could help “deal with these situations as a group, to talk about the places in the hallway where you just don't want to go because you know something could happen.” As if projecting what lay ahead for her own daughter, she asserted, “That elementary level really helps kids develop a foundation to discuss what's bothering them...this is going to help our kids...appreciate each other...and not just at elementary.”

Two fathers also focused on inclusive schools meeting the needs of Special Education students. John, a dyslexic parent with a special needs daughter, remained opposed to any LGBT references in the lessons. Rafael Alcalde, the only parent who sounded as though English was his second language, delivered a recommendation that the curriculum “...should be focusing on fat kids, weak kids, tall, short, disabled, (clapping), but also difference in sexuality—that's a reality...adjust [the material] a little bit to allow the other kids to be protected as well.” In a heavy accent, he expressed disappointment in the lack of parent turnout to community meetings on the issue, and declared “Bullying starts at home. Let's make sure we have that clear...If you don't want this solution, you want to teach [your child] at home, but you don't do it...[T]he problem already costed a life. How many more we are going to have?”

iii. Entrenched Resistance

Nevertheless, numerous parents used specific examples from the revamped curriculum to illustrate how lessons remained inappropriate. The 2nd grade lesson, The Case of the Fractured Fairy Tale, was one of the few which the curriculum committee overruled community calls to

exclude. The objective was for students to practice active listening, by identifying key facts in a classic fairy tale retold by a reader. The teacher's guide gave examples to change Red Riding Hood's cape to blue and to substitute fairy godfather for fairy godmother. Four speakers objected to the lesson, and Mann's explanation led Gilbert to express her singular challenge of the evening. Mann pointed out that the blue cape and fairy godfather were examples of a bias that "create[d] gender confusion." She believed that the elementary curriculum "slowly desensitized" children through "gender role change," leaving them open to "...more explicit LGBT material" in secondary school. Gilbert clarified, "You think it addresses LGBTQ issues?...Fractured Fairy Tales is...discussing how we need to listen to each other... I respect your perspective, but I respectfully disagree...[it] is not trying to promote anything about gender..." (Tehachapi Unified School District, 2011). Neighbor to neighbor, they clashed, as Mann bluntly rejoined, "I know, Lisa, you put a lot of effort into reworking it, but I ask you guys to vote no on this."

Like Mann, three other residents, who submitted written comments on the curriculum, returned to speak in opposition to the curriculum. Eaton and newcomer Mandy Grell quizzed board members on whether they had read the binders "cover to cover." In spite of several specific lessons tied to a "homosexual agenda" removed at her request, Eaton still called the Safe and Inclusive Schools' curriculum "incredibly inappropriate" and urged a vote of no. Kramer's feedback forms had quoted specific Olweus manual pages containing lesson extensions and teacher tips designed to integrate the anti-bullying themes across content areas. Although pleased with the deletion of all Curriculum Connections, she complained that six lessons per elementary grade was still lengthy and warned, "Tonight you're hearing a great cross section of everyone...[and] you are voted [on] by this community..."

Although they gave no indication of reading the materials, two bellicose senior citizens got straight to their points. Robert Miller, a grandfather of two high school students, said “My blood is boiling...All this ‘feel good,’ ‘touchy feely’ crap is ridiculous....Unfortunately the breakdown of [the] American family is an issue, but that is not your responsibility” (Tehachapi Unified School District, 2011). Carolyn Reeves, who lived in Tehachapi for forty years, claimed a normative stance and threatened to place her two teenage grandchildren in private schools. “Do not require of us to have our children listen to [these lessons]... We are still a majority and we need to stand up for those rights, to teach our children the way we want to teach them...” Even Rhonda Voda, who lauded the superintendent’s responses to her questions with “...[Lisa] was awesome...very open. She listened,” heatedly added,

The curriculum tells us that we have to accept all this stuff. My child doesn’t have to accept anything. They can be tolerant and respectful of someone being different, but it’s not right to keep saying you have to accept this (clapping, yelling ‘Right!’).

Parents did not just challenge the lesson content; they contested the control of the classroom. Green, already irate from a discussion of the survey, continued “I told my 5th grade girl...You’re a strong leader...If they slap anything in front of you that’s not [going to be] graded...tell your teacher, ‘No!’ You don’t need...this junk. I don’t want her...doing anything she’s not getting graded on.”

iv. Doing Their Homework

Among the 22 speakers on July 30, several displayed their engagement in the issue by returning with new information; however, it was almost exclusively manifested as opposition to the federal intervention. Grell, who urged a no vote, used the California Department of Education’s website to determine that the district received \$7,500 per student and asserted, “We

as parents have a voice... That voice is in a tax dollar you receive... Should you lose 100 students, you'll lose \$758,000..." (Tehachapi Unified School District, 2011). Wendy Jorgensen recounted closely reading the Resolution Agreement and was disturbed to uncover that "whether aggressor or victim, your child's information is submitted to the DOJ and OCR... Why do I want my child's name in the government database?" Mata returned with her "own research" from the Alliance Defense Fund, an organization she found through www.TrueTolerance.org, a website maintained by Focus on the Family. Renamed the Alliance Defending Freedom, this non-profit founded by James Dobson describes itself as a "unique legal ministry" dedicated to "defending religious freedom" ("Introducing Alliance Defending Freedom - About Us," n.d.). She described them as

...a lawyer group that has been helping fight this fight that a lot of states are going through from LGBT... [ADF attorneys] says [OCR and DOJ] are stepping on our First Amendment rights. They asked me to give this [pamphlet] to the Superintendent and the school board... this law firm... would send somebody out here to help... come to a better satisfaction for all. (Tehachapi Unified School District, 2011)

v. Shifting Debate, Playing Offense

Smith, the most frequent speaker in open sessions each month, attempted to shift the entire debate away from curriculum, and again used her time to grill trustees: "Let's get back to what got us into this controversial arena... the resolution agreement... raise your hand if you voted [that] you do not have responsibility for the charges set forth in this resolution agreement. If you do not find TUSD guilty of the charges set forth" (Tehachapi Unified School District, 2011). Graham laconically responded that the board disputed the DOJ's findings in the legal documents. Smith's strident statement, "...As a community, we cannot stand for this... language

[of] ‘all inclusive’ and ‘age appropriate,’” shows how she consistently positioned herself as a populist voice with the power to determine community standards. Four times throughout her comments, Smith stressed that it was trustees’ duty to “...go back to the DOJ...[Be] strong enough to stand up in the face of diversity at a national level.”

Trustees heard the evening’s loudest clapping as Smith took her seat. Soto echoed Smith’s request to renegotiate the Resolution and agreed with Mann that the lessons were focused on the “gay, lesbian, bisexual, transgender, and OTHER agenda.” Soto, whom Gilbert would later invite to join the parent committee reworking the curriculum for Grades 6 through 12, issued an ultimatum, “Our town doesn’t want it...If you’re going to teach about the LGBT agenda, I want the Ten Commandments and Christian religion to take precedence.” David Benson also said he was “offended as a Christian,” and received bursts of extended clapping and “mhms” between each statement. Feeling “angry” and “pretty appalled,” the father of three shared how his values were under assault. “I respect other religions. I respect people’s choice[s]. I’m not racist...lesbian, gay...I respect that, but I don’t need it to be taught to my children. There’s no reason for it in schools.”

As an example of how silence shaped this debate, no district official explained the rationale or research which supported an LGBT-affirmative school climate and curriculum. Benson indirectly acknowledged the lack of small town gay visibility, saying “We used to not have these problems a long time ago... when I was brought up in Tehachapi.” He also challenged the board by noting that “65 [lessons] were dropped. Why did we have to drop so many if it was such a good idea?” He raised the time-worn specter of a slippery slope to moral ruin, asking “What are we going to accept next—that bank robbers are okay? Satan worshippers? Pornography? Where do we draw the line?”

In addition to passionate outbursts, the audience members used blunt language to make their points. Voda, Kramer, Reeves, and Benson all branded the curriculum adoptions as “an agenda being shoved down the throats” of students and their families. Reasserting her rights as a parent, Kramer declared, “government does not do a better job of raising our children” (Tehachapi Unified School District, 2011). In addition to threats to withdraw students, several parents pointed out the trustees serve at the pleasure of the electorate. Whether through plummeting enrollment or the ballot box, Voda agreed, adding “Your jobs [are] in jeopardy and teachers jobs are in jeopardy.” In addition to unidentified female voices calling out from the audience, Reeves, Soto, Kramer, and Smith were some who spoke as “we the community,” characterizing a swell of community outrage from “...a great cross section of everyone...”

Established rules for public speakers were not enforced. For example, an anonymous woman shouted, “I know you have your own opinions, but you’re voting for the community. You’re not voting for yourself. You’re voting for the people who are here,” just prior to the Board President calling the question. Evansic chose to answer matter-of-factly, “We’re also voting for those who are not here... There are those of you who are very involved parents. There are so many students who do not have parents who are involved and who care as much as you do.” Though public comments had closed long before, board members heard a final rejoinder, “We’re here and we’re the majority.”

After public speakers had their turns, Gilbert presented how the curriculum was developed. The minutes of the evening summarized this as follows:

Superintendent Gilbert presented a Power Point Presentation explaining...efforts taken to make sure the parents, community, and staff have been involved in the Safe and Inclusive Curriculum. Numerous Teleparent messages were sent home. Newspaper articles were

printed. Community/Parent meetings were held. A Task Force Committee was formed of parents, students, teachers, and administrators. A Curriculum Committee was formed of teachers and administrators...The curriculum was displayed for 30 days for public review. After receiving feedback...the public review was extended for an additional 60 days. The district office extended work hours to accommodate people not able to come in during regular work hours. The feedback was appreciated and taken very seriously.

The superintendent noted that sixty teachers piloted lessons to provide input and that the committee removed Curriculum Connections, or lesson enrichment, at parent request. She reflected on what existed in the district prior to the Resolution, “At the time we passed Character Counts, we did not mandate specific lessons. In my mind, this curriculum is a way to say that students are consistently hearing those messages and having those discussions.” Addressing parent concerns from prior meetings and private conversations, Gilbert stated that the cost of implementation was \$1,500 total and teachers would receive specific instructions on guiding classroom conversations about sensitive topics, “...what’s appropriate to share, [and] how to respond appropriately in case a question comes up that they’re not comfortable with...”

The board’s turn came after a short break. Graham went first, stating that she was “pleased” after reading the elementary lessons two or three times. She described addressing community concerns by making the lessons “generic enough”

When the board entered into this resolution, it was my belief that we want[ed] to address bullying—any types of bullying...[W]e made that very clear to our superintendent as well as our community...We definitely do not want anyone segregated out in this curriculum, because I, for one, believe that every student has a right to go to school and be treated equally and feel safe....I found the curriculum to address all sorts of bullying.

It's our responsibility as a community, as a school, as parents, as religious leaders...Character Counts and the S&IS curriculum...run parallel I can't see any difference in it other than maybe it's a little bit more instructive...than the Character Counts lessons. (Tehachapi Unified School District, 2011)

Graham underscored the importance of making “our schools as safe and inclusive as we possibly can” and invited other trustees to have their say. Affirming she read the elementary curriculum, Wood accepted the need for the materials, describing her examinations of student records for discipline and expulsion hearings.

...Their tipping point is often the grammar school...We're not giving these kids tools to be successful, to be better citizens, and better students in the high school. They're disruptive in class, because they don't have the tools to learn...We need [a] foundation for these kids to become better learners ...All of this other stuff gets in the way of these kids to...become successful...

Trustee Traynham, whose four adult children graduated from TUSD, thought the K-5 lessons were “appropriate” and “well written.” He shared that he had discussed the materials with his children and teenage grandchildren, after reading through it twice. However, expressing uncertainty for the future, he noted “...I have concerns with along with the rest of you” on the secondary curriculum and pointed to three or four pages of notes. Wood emphasized the difference between the elementary and secondary curriculum mandates as “apples and oranges” and the importance of community input: “If we have to go over each [lesson] ...and take our time, we need to do that...” Another trustee alluded to concerns with the high school curriculum, but confessed he did not see any difference between Character Counts and the proposed lessons. Snyder acquiesced, “I'm one that has not read it from cover to cover. You're right. Shame on

me...” She sympathized with the audience, saying “...I don’t disagree with anything I heard...tonight...I understand fully where you’re coming from... I did feel that regardless of what we do, we’re opening the door [a] crack. Once the crack is there, it will only get wider...” Her remark drew applause.

Austin, employed by a local church, was the only trustee to submit specific changes on record. She finally spoke. She described reading the lessons three times “word for word” with the question “What would Jesus do?” in mind as she looked for an “LGBTQ agenda.” Austin called her decision “a huge matter of prayer,” over which she, her pastor, the church staff, and her Sunday school class had prayed. Her vote was based on her faith in Jesus “which comes first before anything else” (Tehachapi Unified School District, 2011). She concluded that, after deleting problematic lessons, the curriculum was “good” and could serve as a model for other schools. “We know it’s coming...It’s a national issue.”

As voices of discord simmered in the background, a few opponents interrupted the board’s discussion. Soto asked, “Does this mean you will have to adopt the 6-12 [curriculum]? The resolution states they have to have the transgender, LGBT, all of that in there...How are we going to say no to 6-12 which is extremely offensive?” Gilbert tried to reassure the crowd, “I, like everybody else, feel that we have a lot of work to do on 6-12...[the mandated curriculum]...is different at the different grade levels... we’re hoping to work in grade spans to come up with curriculum that’s appropriate...” Austin inserted, “For me, it’s black and white. If we voted tonight on 6-12, I would vote no. It would not pass...” The audience continued to murmuring “They can’t force us...But they are...” until the Board President reasserted control. Gaveling for order, Graham leaned into her microphone, “We’re taking the process a step at a time...It was very clear this board wants to deal with the bullying issue. That means all

bullying.” Mata confronted her from the back of the room, “You’re saying Character Counts is not getting the job done? It’s failed?” Unruffled, Graham replied, “Not entirely. My personal opinion [is]...We’re expanding the all-inclusiveness.”

In response to a call for further board discussion, Austin added, “I feel like there’s misinformation out there...It is the curriculum in these folders...Don’t listen to what your neighbor, church, or community says. You are the parent. You need to read what your kids are learning.” The bus driver, who had the crowd laughing at her homespun wit earlier, pushed again, “So if we do that and come back, and say we still don’t want it, what will you do?” Austin refused to take the bait, stating “Read it. It’s your prerogative what goes on with your child.” Three and a half hour hours of arduous debate had passed since the call to order, and Graham asked for a motion. After all of the trustees except Snyder voted to approve the Safe and Inclusive Schools’ curriculum for Kindergarten through 5th grade, the room buzzed with calls of “Shame on you” and “slippery slope.”

D. August Heat

The August 7 newspaper summarized the curriculum’s changes and residents’ responses in a lengthy article. The editor, who attended the July 30 meeting in person, offered praise for the trustees. “...I was impressed by the grit that most of them possessed, in the face of so many people wanting them to just say no to the federal government and face the consequences. That's what I call public service...I suggest that parents...take a deep breath here and recognize that Tehachapi is in a tough spot” (Elliott, 2012b). Editor-in-Chief Elliott chose not to single out Snyder’s neglect to read the material, simply concluding “...Most (sadly not all) school board members have read the curriculum they approved and believe it is acceptable...this board is committed to its responsibility to the children of our community. Let's give them a chance”

(Elliott, 2012b). However, one writer composed a letter of thanks to Trustee Snyder for “having the courage to do the right thing and vote with the community who elected you...” (Miller, 2012). Using the established imagery of opening a door “...to this liberal agenda for our school children...” Miller’s missive illustrates how some community members conflated a campaign to intervene in hostile language at school with a silencing of personal beliefs or an attack on a family’s value system. “... Yes, bullying is wrong, but it will never stop. We cannot protect them from everything...and you only weaken them, as well as our whole society, by not having them stand up for their beliefs that come from their parents and grandparents” (Miller, 2012).

i. Counterproposals, Like Storm Clouds, Gather

The August 14 board meeting returned to its 90-minute average and had only five people offering public comment. Debra Taylor Jackson, whose grandchild was not yet school age, was spurred to action by the continuing stream of letters to the editor which criticized various parts of the federal school climate intervention and which claimed a society could not—or should not—protect children from bullying. Taylor saw Seth’s death as a “black eye on the community,” and called Gilbert a “real treasure.” She maintained, “I don’t feel the curriculum is teaching our kids to be gay. It’s teaching our kids to have acceptance of others” (Tehachapi Unified School District, 2011). Confronting bias, she countered, “Please don’t cave to a few...that want to instill fear and falsehoods.”

In some ways, the July 30 vote on the elementary anti-bullying curriculum acted like a pressure valve on community fervor. However, at least one native continued to search for political leverage. Mata declared her intention to circulate a petition and return to the August 28, 2012 board meeting with proof of community opposition to the Agreement and a list of parents

prepared to remove their children from district schools. Entitled “Petition to revoke the resolution,” it read,

We the undersigned do not support the Resolution Agreement entered into by TUSD with the DOJ in compliance with the Seth Walsh findings. We do not support the passing of K-5 curriculum written by Olwens (sic) in attempt to satisfy part of the Resolution. We do not support any curriculum written by GLSEN (Gay, Lesbian, Straight Education Network). We...find the language and subject matter offensive, boarding (sic) on sexual harassment [and]...not appropriate for school age minors. Our intent is to dis-enroll our students from TUSD if immediate action in not take to
REVOKE THE RESOOLUTION.

Unlike the single clap that could be heard as Taylor sat, the district employee’s initiative received warm applause from the audience.

The following week’s newspaper announced the start of the 2012-2013 school year and, despite evidence of local dissatisfaction with some district decisions, enrollment had not dropped dramatically. Warning that local schools “may be headed for a not-so-perfect storm,” the editor again placed educational issues front and center in her column. Editor Elliott described the implications for a showdown between federal monitors and petitioners as follows:

Funding is based on enrollment and if more parents...enroll [children] in charter schools, public education as we have known it in Tehachapi will be in real trouble. Even if you do not have children in school, this matter deserves your attention, because the sound operation of public schools is an integral part of a healthy economy and community well-being. (Elliott, 2012c)

Student voices were seldom heard at meetings or in the news. In addition to the two or three middle school students who defended their campus climate in the *Tehachapi News* earlier in the year, sophomore Johnathan Simpson called the Safe and Inclusive Schools' curriculum "simply ridiculous" in his August 21, 2012 letter. He noted that, as a member of "Seth Walsh's class of 2015," his peers "could now easily be considered some of the country's most hated and despised young people..." (Simpson, 2012). Filled with nativistic bluster, Simpson's letter referred to the "proud, quaint town of rich culture, talent and diversity for more than 100 years..." (Simpson, 2012). He employed the same violent metaphor of choking on a "force-fed curriculum and certain groups' ideals in public schooling" and ended with a patriotic flourish "...when injustice comes to our town, we fight against it...From every Tehachapi mountainside, Let Freedom Ring!" (Simpson, 2012).

ii. Curriculum Opt-Out Provision Prohibited

On the morning of the August 28, 2012 school board meeting, residents awoke to two letters from neighbors who felt compelled to address the anti-gay sentiments on display in the local news and at community gatherings. Both writers referred to previous articles and letters, part of the ongoing community dialogue grappling with the increasing visibility of LGBT Americans. The first letter reacted to comments from the July 30 meeting and pointed to the unfounded fears of parents "...that their children would somehow be harmed or tainted by the [lessons], despite the fact that very few parents had read the material for themselves" (J. Davids, 2012).

The second was from a lesbian artist who had spent her childhood on the mountain and professed that her only "agenda" was to be "treated with the same respect and decency as anyone else" (Schultz, 2012). She reflected on her own school experiences,

Most of your children will never know what it feels like to be bullied...[and] will never be called an abomination. Most of your children will never have to keep a secret so hard it almost destroys them. Doesn't every child deserve to be able to go to school unafraid?...There is no curriculum that can turn anyone gay. Being gay is not something that can be learned, or taught. But being decent to each other is. (Schultz, 2012)

Indeed parents had argued as early as May, during the 30-day public review, that any lessons with LGBT content should be elective, not mandatory. Eaton wrote, "If information such as this is not found to be sensitive to families (sic) personal beliefs, then I don't know what is."

Mann's curriculum review form stated, "My understanding was that it's to be an exception for health and religious reasons. Wouldn't this LGBTQ curriculum be exactly that? I know in my family that's the category it falls into...If I am not given the option, I will pull my child out of school altogether." Furthermore, at the May 22, 2012 board meeting, Kramer speculated that many parents abstained from engaging with the Safe and Inclusive Schools' curriculum at all, because of a presumption they could merely opt out of the lessons.

The audio of the May meeting captured the Board President as she muttered aloud, "I was thinking there was an opt-out" (Tehachapi Unified School District, 2011). Gilbert quietly countered that, per legal counsel, California's Education Code provided an opt-out specific to "health and family life education for parents who have religious beliefs that conflict with what is being taught," and relayed that OCR considered the curriculum "bullying prevention and safety." In another lowered voice, Trustee Evansic chimed in, "that was something we pushed for as part of the discussion...Legal counsel informed us California state law provides the opt-out regardless of DOJ." "I know OCR and DOJ did not want to accept that, but I thought that the board..." as Graham's response trailed off.

This exchange may indicate poor memory, inaccurate legal advice, or some form of miscommunication. Regardless, it is tempting to think that these trustees, whose views seemed representative of the broader community, had signed on to a comprehensive, and controversial, school climate reform that they thought had far more flexibility in its implementation than was the case. The July 30 agenda had listed “Discussion and Approval of the Availability of an Opt Out of Safe and Inclusive Schools Curriculum,” but at some point before the meeting, Trustee Traynham made the decision to pull the item. At the end of the long evening, he briefly alluded to unfinished business with “...We had some legal questions with the opt out ...and the Resolution...we need to clear up...We’ve not got the answers I wanted legally. There’s going to be some issues.”

Anticipating another long night, trustees relocated the open session to the Monroe High School gymnasium. Under the fluorescent lights and droning fans, about 80 attendees spread out across long rows of wooden bleachers to face a table for trustees, student representatives, the superintendent, and her secretary, located near center court. The now recognizable faces of Mata, Eaton, Grell, and Smith were among the crowd. A lectern with microphone was set up at the foot of the bleachers for speakers. The Board President introduced SLS attorneys, Chris Hine and Al Harris. For the first twenty minutes, the two litigators addressed opponents’ most pressing item, a provision which would grant parents the ability to opt students out of the mandated lessons.

First, Hines informed listeners that a July 30, 2012 letter from the United States restated that the district agreed to provide all students and employees with mandatory harassment training on an annual basis, pursuant to Section III.A of the Resolution. The federal government “wished to clarify” for the Board that any “opt-out” would violate the terms of the Resolution. The letter also served as a 30-day notice that the issue needed to be resolved, or the district could face

administrative proceedings by OCR or civil enforcement by the DOJ in federal court. Harris explained that neither of them would take questions from the public, because a “multimillion dollar civil case” was pending. ”We have to be careful about what we say...”

Striking a neutral stance as an advisor, Hines began “Without commenting one way or another on whether or not the DOJ is correct in their assertion,” and then detailed three possible consequences if the district was found in violation. First, OCR could withhold all federal funding, over 2.5 million dollars, until the district complied. Second, DOJ could obtain a federal injunction which would require that any future violation “go before a federal judge, rather than being worked out...on a collaborative basis,” and trigger additional fines and penalties if a judge found the district in contempt of court. Third, he posited that any non-compliance would likely lead to an extension of the period of monitoring. Hine offered his recommendation; “Normally it’s in the district’s best interest to conclude with a finding of compliance and move forward” (Tehachapi Unified School District, 2011).

Next, Harris outlined existing parents’ rights notifications, or opt-outs, in the California Education Code under Section 51240, which involved HIV/AIDS prevention education and sexual health education, including contraception, sexually transmitted diseases, and human sexuality. “They don’t slip in tolerance instruction or anti-bullying instruction,” he added. The older attorney stated that the agreement was not intended to compromise parent’s rights. Furthermore, the curriculum under development did not fall under the health code provision. Therefore, an opt-out was not applicable.

However, he appeared to empathize with the community’s plight, asking, “government is supposed to be transparent, right?... We’re not supposed to be slipping anything in in the dead of night.” The district’s general counsel endorsed parents’ rights to inculcate their religious beliefs

with their children and determine their religious education. “Any board is not going to get in-between parents, their children, their church, and their religious beliefs,” he avowed. Then he delivered the following statement in a carefully modulated voice,

“If, after reviewing the curriculum,...[a] parent finds...it undermines religious values...I think we ought to leave it up the individual parent as to whether or not their child will participate...It’s an unexcused absence,...transparency plus parental decision making—I don’t think any government agency would get in the middle of that. We would like to run that past the DOJ. I don’t want...them to think we’re pulling a fast one... (Tehachapi Unified School District, 2011)

Out of the 10 public speakers who followed, three approved of the lessons. Graham asked each one if he or she had read the proposed curriculum. All had done their homework, except Simpson, the high school sophomore, who read the Scope and Sequence from the district website.

iii. Petition to Disenroll Circulated

Although the Superintendent had announced her intention to form a parent committee to review the 6th through 12th grade curriculum, and no vote was on the evening’s agenda, several commenters took the opportunity to share their moral stance. The readiness to accept an LGBT-inclusive curriculum varied across generations, with resistance coming from a grandparent, a district alumna with a school-aged child, and a high school student. Reeves, a grandmother, returned and described a lapse in discipline that had “gone too far...and now we’re faced with a bigger problem” (Tehachapi Unified School District, 2011). She acknowledged the district was “between a rock and hard spot” and euphemistically urged the board to find a curriculum

“without specifics.” When Graham quizzed her about the elementary lessons, Reeves gave the surprising response that they were, overall, “relatively good...sufficient.”

Labeling the curriculum “unbalanced,” Simpson said the lessons “...went too far [by] review[ing] specific vocabulary about lesbians, gays, bisexuals and transgenders.” In the face of his lamentation that peers “desperately require education in anti bullying topics,” his suggestions ensured students would not have to interact with such content, relegating information to school announcements, classroom posters, and the district website. His voice rose to exclaim, “[H]ow dare the government force us into a situation...which makes us appear to play favorites? We will remind them that since 1776 they have governed and still govern a democracy.” As the audience clapped and cheered his clumsy attempt to employ oratory, Graham gaveled for order.

Eaton, a parent eager to report that she had “been doing some homework,” shared her attachment to the community. “I went through the school district, played sports and ...ever since I graduated, I never moved away.” Truly concerned that the district might face “a mass exodus of people,” she asked “...What would it look like for our district to operate independently from state and federal funding?” With a tone of sincerity, she described meeting with someone who “could put us in contact with private funders...major corporations...more than willing to privately fund our district.” Eaton naively ventured, “Would it truly relieve us from the resolution agreement?...Would we be able to close down and reopen as an independent district?”

True to form, Mata also returned, waving petition pages from the lectern. She delved further into her reasons behind opposition to the resolution and curriculum. “Emphasis should be on the wrong actions of the bully, not on the bully’s perceived thoughts or motivations...” (Tehachapi Unified School District, 2011). Instead of humor and colorful tales of student shenanigans on her bus, this time Mata came armed with statistics from a federal survey. “...All

students, including those who identify as gay and lesbian, should be protected from harm and peer abuse...[Data shows] that there are many different groups of students...at high risk of being bullied...[For] obesity...65% were likely to be bullied. Children with disability 85% and higher....”

Peggy Horn’s comments were not nearly as noteworthy as her degree of reasonableness and reflection, when compared with those who interacted most with trustees. She commenced with, “...I really thought that I was going to dislike the curriculum from what I had been hearing [but]...I spent hours reading...and my mind was changed...” Without a note of condescension, she corrected public speakers who still protested that the Fractured Fairy Tales blurred traditional lines of gender. “Little Red Riding Hood put on *her* blue cape and filled *his* basket with turnips...It’s not trying to teach the kids anything about gay, lesbian, transgender people. It was merely about did you notice we said ‘her’ and later we said ‘him’?” She was also the only person to recognize the inclusiveness of beliefs in the lessons on discrimination, in contrast to many who rallied against the assault on their religious views. She was “impressed...[by] quotes from at least 20 different religions...from Jesus to the Torah to Buddhist.” She also thanked the board for “...teaching the morals to our students...that some of our parents are unfortunately lacking.” Horn’s open-mindedness led Gilbert to include her in the parent committee which would soon meet to review the more problematic middle and high school modules.

iv. Clash of Values

Critics had torn into the anti-bullying curriculum; offered counterproposals, such as an opt-out provision; and attempted to coerce the trustees with a signed petition by parents ready to evacuate the district. The initial tragedy of a student’s death to some extent precipitated by his perception of a hostile environment seemed far removed from the current concerns. The school

climate intervention uncovered the fault lines between stakeholders in their beliefs about identity, bullying, and the role of educators in their student's lives.

This clash of value systems was on display during the August 28, 2012 gathering, exemplified by the divergent views of a veteran teacher, a neonatal nurse, an LGBT activist, and a parent who had homeschooled her boys. Nancy Wahlstrom shared two anecdotes to illustrate the high school campus had a hostile climate. The first was the sexual assault of a female student two decades prior by three senior classmates, her friends, "who had cornered her in a hallway." Wahlstrom recounted, "They scared her. They touched her in ways that made her feel powerless over her own body...I went to my administrator and was told 'Boys will be boys'" (Tehachapi Unified School District, 2011). Using a present day example, the educator of 33 years continued "...a young woman walked into my classroom ...There was a wolf whistle. I stopped and said, 'That's out of line. That's harassment...[and] could cause a business to lose patrons or an employee to lose a job.'"

She argued for lessons "that will provide...opportunities to consider situations, options, and solutions—thinking about [our] diverse society," because she saw public schools as "one of the first places all our children...apply the manners, values, and decency we teach them at home." The English teacher's eight-minute oration, which envisioned the future's potential, revealed a small town yet to heal:

When others...come to know our community, I want them to feel no intimidation, no hostility, no fear. We need to step away from our racism, our sexism, hatred, and bigotry and anger. It's time to see the reality of what our thoughts, words and behaviors have created, to help our schools, to help our children, and our community, become a safe place for all of us....Ultimately, how we chose to treat others says more about us than

them. I want our children to treat themselves and others with kindness and respect, saying to the world with their thoughts, words and actions: we are good people. (Tehachapi Unified School District, 2011)

Sexuality was also on the mind of Mandy Grell, raised with nine sisters. In Grell's view, sex was a private act, not an identity, and she segregated it from her daily work in a neonatal intensive care unit.

My question to you—and to anyone who feels that teaching about sexual orientation and how they practice sex—is the relevance of that teaching...[N]one of you could give a hoot how or whom I have sex with...when a physician hands me a baby that is technically dead...[and says] Fix this problem...That parent does not care how I participate in my sexual practices when I get home. They care that I perform the skills I've been taught to...put their baby back into their arms. (Tehachapi Unified School District, 2011)

Speaking as “we the community,” she repeated her veiled threat to the trustees and predicted the board risked a backlash which would “dissolve” the district “by a vote from their community.” Grell also circled back to her previous criticism. The nurse and mother of three rejected the need “to be teaching our children about the sexual practice of anyone in history.”

Just as she did with Kramer's comments in a previous board meeting, Gilbert held firm to this one point of clarification. She leaned into the microphone to be heard above the fans and reiterated that the curriculum did not teach “sexual practice.” Grell vehemently disagreed. Her voice rose as she read aloud from notes, contending that Grade 12 discusses “...the impact of rigid gender role expectations, [the] LGBT movement,...coming out...[and]...it also discusses sexuality as *not fixed*, but *evolves* over time.” Gilbert maintained her composure over the

audience's light laughter. The superintendent repeated, "It [sex] is discussed in relation to discrimination and harassment. You specifically stated that we were teaching sexual practices and I'm telling you the curriculum does not teach sexual practices." Grell challenged, "How are you going to define what a homosexual is without defining what that sexual act is to my student?"

The first 'outsider' to speak at a board meeting since the months after Seth's death, Sanie Andres, a licensed marriage and family therapist, drove from Antelope Valley, 80 miles away. With a slightly professorial tone, he said, "we've been studying bullying for the last decade and we understand the impact that words can have...psychologically and emotionally" (Tehachapi Unified School District, 2011). He identified himself as board president of The OUTreach Center, Antelope Valley's LGBT organization, and invited the trustees to attend a planned anti-bullying training in three months. Unlike two years prior, when Weddell spoke as the representative from the Bakersfield LGBT group, and tried to neutralize the perception of a "homosexual agenda," Andres looked right past the possibility. He commended the district for supporting a Gay-Straight Alliance, and added, "we're also providing a leadership training...by the GSA Network. They will have peer trainers who...talk about what it means to be a leader in their schools."

As a gay Philipino-American, Andres related an anecdote about reading the one textbook reference about Asian-Americans during his K-12 education. "It was being Japanese...in an internment camp. That was my only reference to me...in the history books...When we talk about our students coming to the history books...we're talking about connecting them to an identity...It's about helping them to feel that they are part of something bigger." As a sign of increased local awareness, the official board minutes recorded Andres's comments as an offer of

“support to the district to implement the Fair Education Act” even though the law was never mentioned at any point in the open session.

Bev Smith, determined to be heard in full, submitted a speaker card for each agendized topic, allowing her a total of over twenty minutes. Her opening words appeared scripted, matching near verbatim to Mata’s earlier remarks with a mutual emphasis that “All students, including those who identify themselves as gay, lesbian, transgender, should be protected from bullying and the harm that it does” (Tehachapi Unified School District, 2011). As a personal aside, she said “...I’ve been in and out of the school district for various different reasons,” and recounted the decision to homeschool her own son after a principal “chose to do nothing” to a 4th grade boy she believed bullied her son. At the same time, she spoke positively of current school relations, “I mostly respect the board...and appreciate the way that she [Lisa] has handled herself...” A local resident for twelve years, Smith outlined the intersection of her religious worldview and the role of public schooling:

Homosexuality is one of the most defining, contentious, and complex issues we are facing this generation. Christians cannot sacrifice our biblical convictions while in the public school, but neither can we sacrifice the school’s ability to serve all people of opposing viewpoints and lifestyles. The message the homosexual community and its supporters see is us versus you...There are times for Christians...to stand for what they believe...when it violates one’s...religious beliefs. (Tehachapi Unified School District, 2011)

This indefatigable opponent brought copies of California Education Code, the Resolution Agreement, and the portions of district policy printed in the Annual Notice to Parents. She proceeded to read the portions of each which she felt were in contradiction and listed the board’s

transgressions, such as alleging a Brown Act violation by meeting in closed session before approving the Resolution. Smith argued that the board not only flouted the Agreement by allowing a survey which was not age-appropriate, but also contravened Ed Code 51513 by administering it with passive consent. The conviction in her voice rose as she exclaimed with righteous indignation, “The Resolution states you must abide by California Ed Code. California Ed Code says you must inform [parents] and have permission if it is in violation of beliefs and practices. I don’t know [pause] how [pause] this [pause] happened!” (Tehachapi Unified School District, 2011). As she took a deep breath, Graham applied her gavel to quell the applause.

Smith also attempted two new lines of reasoning to attack the content and design of the curriculum. First, she enumerated all examples of sex- and gender-based harassment described in the revised board policies and compared that to the Resolution’s language for age-appropriate instruction. “In this it talks specifically about gender-based and sex-based harassment. I want to know how are you going to explain to my 12-year-old what a lesbian, gay, or bisexual is to make it age appropriate?”

Her second thrust aimed to further diminish the role of the teacher to guide instruction. Smith read aloud from page 38 in the parent handbook, which contained a section entitled, Affirmation or Disavowal of Beliefs. “A pupil may not be compelled to affirm or disavow any particular personally or privately held world view, religious doctrine, or political opinion. This law does not relieve pupils of any obligation to complete *regular classroom assignments* [emphasis added].” She held it up with both hands as if offering a testament in prayer and asked, “Your attorney said they [students] would not be excused if it’s under Safe and Inclusive Schools [lessons]...can you define *regular* [emphasis added] classwork?” The official board minutes were almost humorous in their contrasting brevity. “Mrs. Smith felt the curriculum had merit, but

felt specific groups were targeted in several of the lessons and was offensive to her beliefs.” If the district served as Smith’s straight man in her performance, Graham brought down the curtain with her terseness. “I think I can speak for the board and thank the audience for your professionalism and your courtesy. Your concern is being heard.”

V. Re-established Community Norms

A. New Efforts, Old Wounds

i. First Anniversary of Seth’s Death (September, 2011)

Patterns of dialogue continued to ripple through daily interactions in the mountain town. Parent engagement rose at board meetings, which created headlines in the weekly paper. School-related announcements in the newspaper often led to higher turnout on specific issues. Some residents penned messages intended to persuade readers to get involved, while others wrote opinion letters in reaction. A quick scan of local news one, two, and three years after the Tehachapi student’s suicide made international headlines shows emotional residue from a community continuing to wrestle with the social stigma of sexual orientation.

One year after the middle school grieved for the Seth’s loss, the President of the teacher’s union attended the October 11, 2011 open session to share her personal views. This twenty-year resident pointed out that each time the campus faced the “devastating” loss of a student, school leadership gave different directions. For example, some friends of the Walsh family wore Seth’s favorite colors and gathered at the flagpole before school to offer a prayer in 2010, while in other cases students put up posters or planted trees. As one of only a handful of teachers who spoke on public record since the tragedy, Traci Cunningham made a simple request of the district. “[A]s a teacher I must help students deal with it [the loss of a student]. ...Please consider creating...a consistent policy that will provide guidelines for teachers and administrators during this difficult

time.” Despite her personal appeal, Cunningham shared that no policy or protocol has been established to date (personal communication, April 23, 2014). The first Equity Consultant, Dr. Gonzalez, reflected on her early contact with district officials and teachers during the same period in 2011. In my field notes from our 2012 conversation, she described the attitude of some district leaders who felt they were “mopping up the mess” in the wake of Seth’s passing. Gonzalez did not see evidence that then-Superintendent Swanson gave teachers opportunities to “grieve and process...no debriefing.” As a result, she saw that local educators’ “needed to vent and talk about process and procedures for handling” a student death. To this Arizonan tasked with launching the school climate implementation, these encounters with teachers felt “really raw.”

Although the newspaper published monthly Guest Commentaries from Jim Dinsmore, a retired minister, he had not used his column to speak as an LGBT ally since January 2011, a month after launching the local PFLAG chapter. Employing the same accommodating tone as his comments before the board in 2010, he wrote “...don't expect nasty letters and shouting matches from PFLAG. We just want our gay friends and families to get a fair shake and a safe environment” (Dinsmore, 2011a). On the first anniversary of Seth’s passing, the PFLAG President described what was left in the wake of the young man’s suicide. “[V]igils were held, letters were written, fingers were pointed, groups were started, promises were made, candles were lit, tears were shed...Seth's law was passed. The school district has new policy and procedures in place. Many people have a deeper awareness. We remember, but the horror of it all no longer assaults us” (Dinsmore, 2011b).

In a call for “purposeful anger” from allies, Dinsmore laid out the steps to create a more inclusive environment in his small town and the cost of failure. He explained, “Secrecy is still

enforced in many families and peer groups. Gay children still struggle with rejection. Their families still seek understanding and encouragement. Gays still make up 40% of homeless teenagers” (Dinsmore, 2011b). He denounced the role of local clergy who “still demonize the LGBT community” and took the long view that “the battle for hearts and minds continues. Laws can be made and repealed...It takes longer to change minds...and attitudes” (Dinsmore, 2011b).

His column ended on a hopeful note which pointed to small indicators of facing down stigmatization. Mirroring the experiences of some who self-disclose their sexual orientation, he applauded the courage of those who “no longer keep quiet when people make derogatory remarks about gays....who conspicuously set out...to understand and appreciate [gay community members]...who decide to let...friends...families...neighbors... churches know they accept and support the LGBT community” (Dinsmore, 2011b).

A week later, Dr. Solange seemed to take up her standard by writing “The culture of our town is heavily influenced by its abundance of fundamentalist Christian churches. Their anti-gay stance cannot help but spill over into anti-gay actions such as baiting and bullying...” (Solange, 2011d). She expressed outrage that the same Baptist pastor who led Seth’s memorial service included condemnation of gays on the organization’s website, and praised Tehachapi’s United Church of Christ as a more inclusive congregation and “an admirable exception” that “publicly welcomes the full participation of gays” (Solange, 2011d). Although I found no evidence that local ministers spoke directly to the subject of Seth’s orientation or suicide, the website of First Baptist, the location for his memorial service, described its congregation’s beliefs:

Christians should oppose...every form of greed, selfishness, and vice, and all forms of sexual immorality, including adultery, homosexuality, and pornography...The state has no right to impose penalties for religious opinions of any kind...Marriage is the uniting of

one man and one woman in covenant commitment for a lifetime...A wife is to submit herself graciously to the servant leadership of her husband even as the church willingly submits to the headship of Christ...Parents are to teach their children spiritual and moral values and to lead them, through consistent lifestyle example and loving discipline, to make choices based on biblical truth. Children are to honor and obey their parents.

(“What We Believe,” n.d.)

A year after the mountain town was torn apart by a youth suicide, one religious leader formally voiced his position in the newspaper. To defend his Southern Baptist colleague, Father Clare separated the modern ministry of evangelical and Anglican Christians from his own church’s bigoted past, described his congregation of 50 families raising funds to help those homeless and afflicted, and then depicted the dysfunction and abnormality within the LGBT community:

...the Gay Men’s Health Survey in San Francisco shows the suicide rate highest in the very city where it is most accepted...suicide is typically driven by broken relationships and isolation. Bullying contributes to this, but it is mitigated by love in the family...The Bell and Weinberg study shows that less than 15 percent of male homosexuals have stable, exclusive relationships...Drs. Niccolosi and Satinover document...the self-destructive consequences of homosexual behavior...a growing number of those leaving the GBLT community testify of the lasting love they now know in traditional marriage or celibate brotherhood...love the sinner without affirming the sin...and I declare this as one who himself is a sinner, and yes, I too was shoved into lockers and bullied as a teenager.

(Clare, 2011)

Like the former superintendent, a board trustee, and numerous parents in the community, this Anglican priest relied on personal anecdotes of bullying in his message.

However, unlike other published writers who misused facts, relied on junk science, and believed in the ability to “pray the gay away,” this proselytizing was published in the newspaper as guest commentary from a recognized community leader. Without attacking Clare directly, Dinsmore’s subsequent letter, “Support Available,” refocused on the needs of sexual minority youth: “[T]he majority of gay teens experience some level of harassment...it is clearly established that persons are born gay...if the church or the preacher or other family members blame your children for their orientation, it is crucial that you as parents assure your child of your support and understanding” (Dinsmore, 2011c).

ii. Second Anniversary (September, 2012)

As the second anniversary of Seth’s death approached, weekly letters continued to express support or opposition to the S&IS curriculum, with new voices revisiting the same arguments. The editor’s column on September 11th 2012 wove several discussion threads together to make a case for public engagement, including a practical concern about the effect of “local schools—and their reputation—on property values” as well as the “altruistic” belief that “education of our children matters to society” (Elliott, 2012d).

She framed the two perspectives. On one hand, “if those who run public schools are responsive to parents’...wants and desires—...[then] more parents would keep their children in public schools...” (Elliott, 2012d). On the other hand, Editor Elliott listed multiple reasons why parents’ needs “simply can’t be met” by public schools, such as a preference for religious instruction, a dislike for “the social influences,” and opposition to the Resolution Agreement’s

curriculum requirements. Her incorporation of multiple community stakeholders in a list of those affected by the middle school environment is worth noting

Middle school years are difficult for students, parents and teachers. And JMS has been at the center of turmoil for quite a few years...parents are terrified of middle school and an alternative to JMS may seem attractive. (Elliott, 2012d)

Dinsmore's September 4, 2012 letter acknowledged that many in the small town remained antagonistic towards the "curriculum changes" and referenced the broader community climate. "Many people are speaking up against your children... those who want to do away with any recognition of the value and rights of the LGBT population...They think there is something wrong with them, that they are broken or inferior" (Dinsmore, 2012). This time, the PFLAG leader made a direct appeal to parents of sexual minority youth

If you remain silent, it probably conveys to your children that you think the critics are right. What message does silence convey to the school board?...If you don't encourage and openly support your gay children, who will?... sooner or later you have to decide whether to try to hide...or celebrate who your child is. Silence is not support. (Dinsmore, 2012)

His call to action illustrated how the voices or silence of different community stakeholders can even reverberate within the walls of a school or home. "Don't let a small vocal group of angry people be the message your children hear...Don't buy the nonsense that this [inclusive curriculum] kind of thing doesn't belong in the schools" (Dinsmore, 2012).

By the time Dinsmore returned to a school board meeting nearly two years after the initial tragedy, life had brought changes for many in the community. The district was under new leadership and high school students had a Gay-Straight Alliance. In addition, this elderly

woodworker, who moved with his wife to the “beautiful little mountain town” ten years ago, was now the founder and President of a PFLAG chapter. It appeared that he had yet another stakeholder group he hoped to influence when it came to creating more inclusive environments for local queer youth. At the October 9, 2012 board meeting, he expressed his views on public education and the role of educators in shaping climate for sexual minority youth.

I care about how children learn, but I care more deeply about what they become... a classroom full of children...is a social setting. We can't pretend...it's only a math or English class. The first questions that children ask themselves are ...Who are these people? Will they like me? How do I fit in? ...Whom should I avoid if I want to be accepted? ... We at PFLAG care about openness in the classroom and in the school system. (Tehachapi Unified School District, 2011)

He compared a classroom in which students feel unsafe to a “dysfunctional home in which [children] they can't talk about what they see—the alcoholic father, the abusive parent, the groping uncle.” Dinsmore applied the metaphorical idiom of an elephant in the room—in the classroom—to a campus, “where secrets are known but not acknowledged,” and declared “Dysfunctional settings produce dysfunctional responses.”

In a gentle, folksy manner, he shared his worldview and how he envisioned PFLAG's role in the small town. “I've come to understand that peace and order in society arises not from opinion but from relationships...We seek to be part of the process of creating healthy environments in which the LGBT community is safe and free to be visible and vocal. PFLAG welcomes the opportunity to help and be a resource in any way we can.”

B. Parent Curriculum Committee

i. Recruitment

The trustees endorsed the Safe and Inclusive Schools' elementary curriculum in July, and brought attorneys to the August 2012 board meeting to explain why there would be no opt-out provision for students. The final major implementation hurdle was board approval of secondary lessons that included the specific language from the Resolution, but which were also palatable to community stakeholders. Gilbert delivered on a promise to disaffected residents made in May that a new committee of parents would convene to review the modules on sex- and gender-based harassment for sixth through twelfth grade. At the first meeting on September 28, 2012, Gilbert was joined by Minjares, now a district administrator, as well as at least four other parents. Although no record of the discussions which transpired during committee meetings exists, the data which characterizes various perspectives of committee members is drawn from their written or verbal public comments about the curriculum and my comparisons of the preliminary and final versions of the curriculum trustees accepted.

Johnny Macon was both a parent and husband of a teacher who had spoken in favor of the curriculum. He attended three of the meetings during the Fall 2012 term, but there are no public records of his views on the material. Another committee member, Amy Webster, had been in contact with Superintendent Gilbert through the curriculum's development, visiting the district office after hours with others to review the material. In a lengthy email after a particular conversation with Gilbert, she shared additional reflections. For example, as a former child protection investigator, Webster saw some lessons as too "victim-centered." She asked, "Are we empowering children with the knowledge they need to be strong, self-assured, and realistic in their expectations of the world, or are we empowering them to be very good victims who never

stop being victims?” Second, this parent of a 6th grade daughter was one of several who closely examined the teacher examples given for discussions on sexual harassment. Like others, she thought the lessons’ reference to rape was not appropriate.

I want to have the power as a parent to broach this topic when I can tell [my daughter] is emotionally and developmentally ready for it...I can see a lot of damage being done by discussing...this in a classroom of over 30 students, where it is impossible for the teacher to tell...what [students] are internalizing, and what memories may be being triggered...in a setting where it is not...confidential, or emotionally safe, for...their natural reaction to such topics.

Webster had a more complex reaction to the 12th grade case study of Kelli Peterson’s efforts to establish a GSA on her campus. She supported a student taking initiative, but felt the lesson was “presented in a very biased way.” She worried that “we are getting very close to not only having teachers play the role as educator, nurse, safety patrol, and advocate, but adding therapist to that list, only having them do it in a setting where no good therapist would attempt to proceed.”

Gilbert knew she faced opposition from the community and wanted those voices represented on the committee. She shrewdly chose Horn, a parent of four who spoke above the roaring gymnasium fans on August 28th and who admitted to being influenced by neighborhood rumors until she had read the curriculum firsthand. In my field notes, Gilbert viewed Horn as representative of a sizable percentage of parents who had suspicions about government intrusion, but could be won over with education and dialogue.

Gilbert, Minjares, Macon, Webster, and Horn were joined by Jim Pendleton, who stood before trustees at two meetings to express his opposition to the *idea* of a government-mandated curriculum he had not seen personally. From his reactions to an LGBT-inclusive curriculum to

his opinion of bureaucrats, Pendleton's public comments read like a catalog of small town tropes. At the August 14th board meeting, he vented at the visibility of gay sexuality, wondering "From Mary and Mary and Bob and Bob...in bed together Where is it going to end?...Is it going to be Bob and his little sheep? Is it going to be Mary and her dog?" He also railed against recent changes to California law that he thought would compel a study of LGBT historical and literary figures.

We shouldn't ...say, Oh, let's see, this person is gay so I'm going to make a report on them and tell what great things they did in the world. What about the four-toed man sitting out there? We've got to find all four-toed men and see what great things they've accomplished? We're actually discriminating...It should be on merit, not what their sexual preferences are...For us to try and force it down our little children's mouths that it's acceptable, where...we have to find all the gay people out there and see what...good stuff they did for this country. That's crap. (Tehachapi Unified School District, 2011)

Despite the rough talk, this father of an eleven-year-old girl also had a live-and-let-live mindset. "If someone wants to be gay or whatever...that's for God to decide, not us. Accept them for who they are." At the September 11 board meeting, he observed that the federal intervention was "polarizing" his community, and focused his anger on the trouble-causing interlopers:

How in the world can they threaten us with withholding money unless we do what they say? It's not their children. They don't put food on the table or fix their boo boos...That's our job and responsibility [as parents], not some government agency...As school board and parents and teachers, it's up to us to decide what's right for our children, what's going to make them responsible citizens... not some suit in Washington who sells guns to drug dealers in Mexico. (Tehachapi Unified School District, 2011)

In addition to drawing the line between insiders and outsiders, Pendleton drew a parallel between the board's passive acceptance of the Resolution and his community's culpability in Seth's death "...for you sit there and accept it...that's just as bad as that little child that died the other day, ...and we as adults, we're supposed to watch over our children. We let it happen." Given the prevailing climate, his statements sounded more tolerant than some, leading the Board President to ask if he would like to serve on the committee. After 39 years as a US Air Force quality assurance inspector charged with reading and "deciphering government regulations," Pendleton accepted the invitation as his civic duty. He swore to look at the material objectively based on "...what's right for the community and our children, not just my vested interests."

Shortly after the committee was formed, the superintendent explained to trustees how she selected these members, "I tried to choose parents who represented different grade levels, sites, experiences, perspectives and opinions because I was hoping [to] be representative of our community as a whole and not just one mindset." By November 2012, trustees started to push for a better understanding of why the revised curriculum originally promised for September, and then October, was still under review by these parents. The superintendent shared that the committee had examined 6th, 7th, 8th, and 9th grade materials and would soon complete their evaluation of the remaining three grades.

Downplaying the struggle which I will detail in the next section, Gilbert admitted "...the lesson for each grade level that seemed to have the most controversy attached to it ...related to preventing sexual harassment." She relayed that parents felt the instructional objective "seemed to be a skewed perspective, because that was the requirement that we had to make sure was included." The parent group essentially recommended that the lessons "take a step back and target harassment and discrimination in general..." As the next section will show, the lessons

were reframed to address discrimination and harassment “as a whole,” of which sex and gender-based harassment was but a “component.” In response to Trustee Evansic’s pointed questions on November 13, the superintendent reassured the board that a presentation would be ready for the January 2013 meeting and that she had kept OCR apprised. “They [OCR] understand where we are in the process and know that we are working very diligently to put together a recommendation for the board.”

ii. Community Stakeholder Influence

The agenda for the first parent committee meeting was ambitious, but Gilbert’s direction helped the small group, including four parents, adhere to the two-hour schedule. After personal introductions, the superintendent focused on the committee’s purpose. Her goals were to review the intent of the secondary lessons and address parent concerns. Gilbert initially anticipated that meeting a few times would provide enough opportunity to gain support—or, at least, non-opposition—to allow the board to approve the final piece of curriculum. Attendees learned that the middle and high school curriculum’s objectives were more specific than the promotion of “a safe and inclusive environment which included anti-bullying training” for elementary campuses.

Using language from the Resolution, Gilbert’s PowerPoint stated that TUSD was mandated to develop lessons which “promote sensitivity to and tolerance of student diversity, which included sex, gender, and nonconformity with gender stereotypes.” The module had to define conduct which constituted sexual and gender-based harassment and explain its contribution to negative school climate. The instruction needed to set expectations for how students should respond to and report on “harassment they experience, witness, or of which they know.” Parents were handed a stack of documents as follows: definitions of harassment, sexual harassment, and gender-based bullying; the Scope and Sequence of K-12 lessons; and 13 pages

of board policies and administrative regulations. According to my field notes, Gilbert had no intention of overwhelming or scaring the volunteers; she wanted to maintain full transparency and provide all relevant information.

Once she explained how a committee of TUSD educators developed the S&IS curriculum over the 2011-2012 school year, she delved into a 30-page slide presentation of preliminary results from the California Healthy Kids Survey administered in May 2012. She highlighted significant findings from the custom module of questions which indicated that both gay and straight identified students agreed that their campuses were hostile for sexual minority and gender non-conforming youth.

Just over a week later, on October 8th, the small group, with the addition of another district administrator, sat down to review the 6th, 7th, and 8th grade curricula. The group broke into pairs to identify lessons' strengths and generate suggestions to allay parent fears. The final agenda item noted "Discussion of future meetings." With an upbeat tone the following night, she reported to the board that the "very productive, very exciting" meeting ran beyond the estimated two hours, in part, because one parent shared that her "child had been involved in bullying activities quite a bit." Gilbert characterized the gathering: "I heard a lot of really great conversations between parents and sharing of ideas and really great suggestions... We are hoping to finish up our review on the 6th through 8th curriculum..." Outlining the progress which lay ahead, she noted that the group had already scheduled a meeting for the following week "because they are committed to getting this work done... we're going to start looking at the high school [portion]." Gilbert now understood what it meant to have the full engagement of parents.

The October 15 agenda began with forty minutes to "reach consensus on a definition of gender-based harassment" and allocated the remaining eighty minutes to recommend changes to

middle school lessons and to begin review of 9th through 12th grade material. Reconvening for a fourth week straight, the parent committee labored over a definition of gender-based harassment acceptable to all, as well as recommendations on the 6th grade curriculum which still met the federal agreement's mandate.

On October 29, 2012, the committee agenda again allocated one half hour to review Grade 6 instruction and 90 minutes on 7th and 8th grade lessons. At the single meeting in late November, parent participation was down to Soto and Horn, and only district administrators and Webster attended the early December meeting. However, lower turnout was neither a sign of disinterest nor antagonism, as I will show towards the end of this section.

After reviewing definitions of sexual harassment and gender-based harassment in district policies, the parent committee offered changes to the teacher's vocabulary guide in the mandated lessons. For sexual harassment, more aggressive terms, such as "unwelcome sexual advances" and "requests for sexual favors" were removed, as well as clarification that a "person of the same or opposite sex" might experience the conduct. Instead, sexual harassment "can convey insulting, hostile or degrading attitudes." Alterations to TUSD's policy prohibiting gender-based harassment were more substantial. Crafted with guidance from federal authorities, the administrative regulation read:

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity.

In its place was a single sentence which noted that gender-based harassment was (1) a type of sexual harassment, and (2) based on one's gender or characteristics of "being a boy or girl," and acknowledged that these types of harassment could cause someone "to feel embarrassed, frightened, hurt, angry or uncomfortable."

Volunteers on the committee insisted on reading each grade level lesson and editing line by line what many felt was not age appropriate or which contravened community norms. For example, the original 6th grade activity was for small groups to write a script to dramatize an incident of sexual harassment and include both ways to respond and advice to prevent it from happening again. The ultimate lesson was changed to a fill-in the blank worksheet which students completed as the teacher read the definitions aloud. Students were then given 16 examples of common behaviors based broadly on any unwelcome actions which create a hostile environment, and asked to circle 'yes' or 'no.' "Following someone around to bother them" and "spreading rumors about a person's sexual behavior" stayed in. "Verbal abuse using anti-gay or sex-based insults" and "Verbal abuse using gender stereotypes" were redlined. Overall, the pattern of language in the examples became more colloquial and, perhaps, less direct. "Sexual jokes and lewd comments" became "dirty jokes." "Drawing sexually explicit pictures to pass around" became "sharing inappropriate picture or photos."

Similar to the earlier removal of all K-12 lessons under the theme of Exploring Identity and Eliminating Harassment, instruction on sex- and gender-based harassment was reduced to a single lesson per grade level, using the definitions constructed by parents. The original three-part 7th grade lesson began with examples of gender-based violence and harassment, such as stalking, touching, verbal abuse, unwanted texts, or threats which "are committed because of a person's gender." In the lesson's second section, students were asked to raise their hand if they agreed or

disagreed with a dozen statements, including “Boys can be sexually harassed;” “It is not sexual or gender-based harassment if the person does not complain;” and “A girl can sexually harass another girl.”

For the lesson’s third activity, students created a three-branch tree map to classify examples of physical, verbal, and visual harassment. With parent input, this three-part lesson was scaled back. It introduced the simplified definitions of harassment, sexual harassment, and gender-based harassment, followed by a list of eight statements or myths. A student could volunteer to agree or disagree with issues like, “All blondes are stupid” and “All immigrants are in the United States illegally.” The teacher prompt listed a ‘fact’ to correct each myth after a student responded. When parents were finished with line edits, all use of “sexual or gender-based harassment” beyond the initial definition was jettisoned. This meant that the lesson’s ultimate activities on the impact of harassment and possible student responses remained generalized to bullying. It listed negative influences including sadness, lower self-esteem, and skipping class, but did not mention possible longer-term or cumulative impacts such as substance abuse or suicide.

In the end, the first time that students who moved through the K-12 system encountered a definition of gender-based harassment would find it had no reference to gender stereotyping or harassment for nonconformity. In fact, the first lesson which directly addressed gender and stereotypes was an 8th grade Olweus lesson, Alike or Different, which aimed to “identify strengths and characteristics of each gender, from the students’ points of view.” The original Olweus lesson segregated the class by biological sex for small group discussion of questions. Girls were asked to respond to “What does it mean to behave like a girl or to be feminine?” and boys were asked “What does it mean to behave like a boy or to be masculine?”

After sharing with the other group, the teacher's guide indicated the entire class should develop a list of similarities between boys and girls. Teacher discussion prompts included "What happens when boys or girls don't meet the traditional definitions of being masculine or feminine?" and "How are students who seem different than others in their gender group often treated?"

Finally, both sex-segregated groups were asked to share what each would like the other group to know about their gender; e.g., "What would you like girls to know about boys?" Not content with Hazelton's publication, the committee again provided extensive white-outs and rewriting. First, the class remained in whole group and the teacher prompt changed from "How would you describe girls/boys?" to "How does *our society* describe girls/boys, *historically and today?*" The committee also replaced asking a small group, e.g. boys, to provide its description of gender and what it meant to be masculine, with the questions "How does *our society* describe your gender? What does masculinity/femininity mean in *our society?*"

Most Olweus-based lessons were designed around opinions shared by thumbs up or down, simple verbal reasoning to support personal statements, and small group discussions. However the draft of another 8th grade lesson attempted to include more rigorous critical thinking. It began with a mini-lecture which explained harassment, sexual harassment, and gender-based harassment; provided examples of the conduct; described its effects on individuals; and then asked students to read TUSD's official policy and discuss methods of prevention and intervention. Using one of three scenarios, students were then assigned a first-person short-form narrative, such as a diary entry, monologue, or poem which was to include the "impact on the character's daily life and social consequences for him or her."

The scenarios included a young man followed by a group of female students and taunted with sexual jokes; a female basketball player in her preferred attire of sports jerseys who faced “accusations about her sexuality” from classmates; and a boy “pushed around by a group of male students...targeting him because he is small and his voice hasn’t yet changed. The boys have made fun of his hair, clothing,...and choice of friends.”

After review by parents, the introductory lecture and policy reading were eliminated. To the original examples, three more situations were added: an overweight student faced ostracism by a PE teacher; a Hispanic student heard “Go back to Mexico”; and a boy’s speech disability made him a social outcast. Instead of writing about the “impact on...and consequences of” these actions through the eyes of the protagonist, students were instructed to bring their event to a positive conclusion. Furthermore, the scene with the gender non-conforming female athlete, who represented the clearest example of stigma for perceived sexual orientation, was modified; she ultimately faced name calling and “comments about the way she looks, dresses, and acts.”

Unlike the complete absence of sexual orientation from middle school resources, the high school lessons were slightly more inclusive. Of seven lessons for 10th grade, two addressed the pejorative use of “That’s so gay” and asked how gender stereotypes might lead to sexual harassment. Yet the most compelling aspect to the curriculum’s evolution was how the involvement of community stakeholders consistently reduced or reframed perspectives on inclusion. For 11th graders, the committee edited a resource from the Anti-Defamation League, entitled “Diversity: Our Strength, Our Challenge.” Students did draw symbolic representations of their gender, race, ethnicity/culture, religion and citizenship as planned. However, the extended activity, which charted other aspects of identity volunteered by the class, such as athletic interests, sexual orientation, or political affiliation and then posed the request, “If ----- is

important in the way you identify yourself, please stand up” was taken out. Renamed “Marginalized Groups in Society,” another Grade 11 lesson borrowed source material from the ADL’s five-lesson unit, “Unheard Voices: Stories of LGBT History.”

Although “Two Kinds of Gay” had been soundly rejected early on, this reworked lesson used other activities from the same unit. For example it contained a written reflection based on an excerpt from Ralph Ellison’s *Invisible Man*, and a worksheet which listed examples of marginalized groups, such as women, Native Americans, and immigrants. Interestingly, in the unit worksheet, the ADL list of groups often invisible throughout history did not include those who identified as lesbian, gay, bisexual, or transgender, precisely because that lesson’s overall focus—in fact, the unit’s objective—was to recognize these very individuals. However, the committee assured norms were adhered to, and the only time “LGBT” was mentioned in the eventual lesson “Marginalized Groups in Society” was as a single bulleted example on a list of eight groups. Gilbert shared all of these changes with teachers and administrators on the S&IS Curriculum Committee in December 2012.

C. Approval of a Less-inclusive Curriculum

On November 29, 2012, Gilbert advised educators who developed the original curriculum that parents had “many meaningful discussions and detailed suggestions for lessons.” Her email conveyed how she continued to balance parent concerns with government compliance. “The parents clearly understand that the final decision about changes to the curriculum...presented to the board will come from this [curriculum] committee, but that their recommendations will be thoroughly reviewed and considered as part of the process.” At the December 11, 2012 board meeting, Gilbert introduced three of the seven parents who served on the S&IS Parent Committee, as they symbolically presented their recommendations to the board. In actuality, the

curriculum committee convened December 13 for final edits, and trustees received the completed curriculum in January for approval. The superintendent asked Webster, Pendleton, and Horn to share “a little about the process we went through and what we worked on.” Webster recounted meeting “for a long time over several weeks” and described a group composed of residents from “completely different parts of Tehachapi—probably geographically as well as socially.” She also explained the manner in which committee members reached degrees of consensus and compromise on various lessons:

We had obviously different opinions...but we were able to get to know each other. We talked a lot. We listened a lot, too. I think we grew to appreciate each other’s differences. We were able to hear the different ways of looking at the curriculum. Together we came up with something we could all feel pretty good about.

Pendleton agreed, “We are all diversified in thoughts and where we come from.” Perhaps sounding more wistful than rueful, Horn’s observation, that the committee ultimately met for several hours on seven occasions, when most volunteers thought they would gather twice, was met with sympathetic laughter. Next she recalled each step of the process:

First we learned about...specific requirements for the student curriculum. Then we reviewed...policies...specifically [on] harassment and bullying...[We] discussed the Healthy Kids’ Survey...results and how maybe we could make some adjustments to the curriculum to make some changes for the better...We specifically focused on campus safety and the results of students perceptions of the safety of the LGBTQ student population.

After agreeing on a “very thorough definition” of sexual harassment, Horn also described the collective goal to arrive at a module “that everyone could embrace and be comfortable with.”

She elaborated on how the group perceived its purpose of shaping a curriculum which contained “very tender, but thorough” language through “little changes...page by page...here and there ...[to] all 6th through 12th grade [lessons].”

Both Webster and Pendleton concurred with Horn’s final declaration, “We feel a great sense of accomplishment that we got it done.” The parents also used their presentation time to convey to the board their regard for the superintendent’s leadership. Pendleton praised her job of selecting parents and, calling Gilbert “fabulous” and “amazing,” Webster declared she was “...an excellent leader...really encouraging us to listen to each other respectfully, because we did not agree many times.” From my field notes of conversations with various district officials involved with the parents, most agreed that the group of white, middle-class Christian parents represented a broad cross section of the community. In fact, for several of them, the outlier was a Latino school administrator who attended only two meeting and who was seen as “only wanting to talk about race.” The board minutes similarly summarized the presentation from “a very diverse set of parents with different opinions and values.”

Before delving into the secondary curriculum for trustees during the January 22, 2013 meeting, Gilbert carefully laid the groundwork, a review of the implementation process over the past eighteen months. She had publicly discussed these efforts numerous times before the board as well as in presentations to PFLAG Tehachapi, the local chapter of the American Association of University Women (AAUW), and the Chamber of Commerce. Laid out from launch to pending approval, her synopsis of the curriculum development took nearly an hour. However, this time, Gilbert framed each stage in a transparent light by highlighting outreach to parents. For example, as she talked about the initial work with an Equity Consultant during the Fall 2011

term, she noted TUSD held a Parent Night “where we talked about our efforts and asked...for concerns and questions.”

The superintendent continued to list efforts to engage parents, such as the display of the curriculum’s Score and Sequence on TUSD’s website; the district office’s special evening hours to accommodate working parents who wanted to view the binders; the multiple extensions of the public review period; and the additional parent information meeting in May 2012 to answer questions and solicit feedback on how the lessons were “put together.” In addition to multiple guest commentaries and meeting announcements in the newspaper, “to make sure people were aware of what we were doing and that we wanted to hear their voice,” she recounted how the committee read “every single email, every single feedback form, every single note taken at any of the parent meetings and valued everything that had been shared.” Her report was a testament to the extensive, sustained attempts to engage and educate the community.

Continuing to emphasize small town influence in a positive light, she noted, “We spent many hours discussing...not only their concern as parents, but also the concerns...from other parents in the community...some of the things...that their neighbors were telling them.” Gilbert mostly succeeded in maintaining a neutral stance. For example, “[parents] said kids get harassed for reasons other than sex and gender based harassment, so they felt it was important that we broadened that scope and perspective.” However, as she expounded on the signals she received from the community, boundaries on the public school’s role resurfaced. Residents wanted “to include other groups...not specifically targeting the LGBT demographic.” The community’s stress on the use of “age-appropriate language,” according to Gilbert, stemmed from a desire to acknowledge “...a spectrum of social awareness in the classroom and honor the fact that we do have students who are innocent and naïve.”

She contrasted a 6th grader who is “very sheltered” with one who “may know any number of inappropriate words.” For the first time in public, Gilbert confirmed additional strictures placed on the federal intervention by community stakeholders.

They felt it was important that the district inform the parents of the lessons prior to delivery. They also had questions about how staff would be trained...They thought that it was important that we, as a school district, not step into the parental role [with]...judgments...related to lifestyles, as to what is right and wrong.

Concluding her recitation of parent concerns, she underscored the importance that parents placed on an expectation of respect: “...they were not to laugh at other students or use that information in a negative way.”

Given everything that had led up to this moment, one probable interpretation of her ambiguous remark is that the specter of ‘reverse discrimination,’ or bullying of students who equated sexual orientation with a sinful lifestyle choice, remained a fear in parent’s minds. The superintendent addressed each of the concerns mentioned as she updated trustees on the completed delivery of six elementary lessons, reduced from 10 originally proposed. Principals led parent meetings at every site and sent home notices of the dates each module would be taught. The goal was to invite parents to “observe and hopefully relieve their anxieties.” District trainers, two educators from the original curriculum committee, talked specifically about how to handle “sensitive discussions” in staff development session. Demonstrating that TUSD had indeed acknowledged parent feedback, she called the changes “pretty drastic revisions,” including the removal of a number of lessons.

Gilbert referenced the Big Ideas that guided the curriculum committee as it researched material for lessons and summarized the multiple learning objectives as follows:

[W]e wanted students to understand what was expected in a safe and inclusive school and their role in developing it. We wanted students to be...sensitive and accept others, even those who are different. We wanted students to build healthy friendships...and understand the differences between positive and negative peer pressure. We wanted them to understand what bullying and harassment were, how to prevent it, and how to respond. We wanted students to understand that as human beings we have many things in common...to [help] bridge...differences...with others.

Glossing over the struggles to develop a comprehensive and integrated curriculum that covered all grade spans, she characterized the ultimate outcome as the product of a purposeful decision to use existing resources. The existing Character Counts program was a “foundation” component. The selection of lessons from Olweus’ *Class Meetings that Matter* “directly aligned with those Big Ideas that we had already created,” and the training Dr. Swanson approved for Principal Ortega provided “the internal capacity” to implement it.

She downplayed the public pressure to void the Resolution or create a provision for parents to opt out, stating “...when we identified that we still had some ongoing questions and concerns in our 6th through 12th grade curriculum, we made a decision to put together a parent committee.” These volunteers were “...a group of parents who had very different perspectives and diverse opinions... a group honoring the parent’s role in their child’s education.”

In place of the original 21 lessons per grade level for middle school, the curriculum now had nine lessons implemented during the 20-minute homeroom. Gilbert quickly detailed the topics, including team building; positive and negative peer pressure; empathy for others; healthy friendships and relationships; and handling anger in healthy ways. In addition to each grade level reading a fable in which the detrimental spread of rumors and gossip were “like feathers in the

wind,” the 8th grade portion included an example of students taking pictures in the locker room and then sharing those online. “So we really tried to make it meaningful and relevant,” she stressed.

Community pushback against the suggested high school material cut the original one dozen lessons by half for each grade level, with a focus on “respecting differences, eliminating stereotypes, finding commonalities, [and] a historical look at marginalized or excluded groups,” as well as dangers of hazing and sexting. Gilbert paused to note, “The lesson on reciprocity—it’s one of the best lesson I’ve ever seen. The lesson has the golden rule—treat others as you want to be treated. It also has representati[ons] from every religious or cultural group.” The curriculum was integrated into 9th grade health and home economics courses and into social studies instruction for 10th through 12th grades. She again assured trustees, “We will be notifying parents as to when lessons will be given and hoping they ask questions and come and observe...[and] we will be continually getting feedback from staff and looking at the effectiveness of the curriculum.”

Perhaps the module which best exemplified efforts to relentlessly erase aspects of gay identity throughout the mandated curriculum was in the replication of an activity from GLSEN’s ThinkB4USpeak campaign entitled “Impact versus Intention.” Designed to develop empathy for others in 8th grade and up, the lesson focused on the phrase “That’s so gay” to build awareness that the damaging impact of language may differ from intent. After 9th graders wrote a brief reflection about a time they were hurt by someone’s comments only to hear it brushed off and volunteers shared and discussed, the class was divided into small groups. The teacher read aloud a scene in which a student remarked, “That’s so gay” in a crowded hallway and asked each group to respond from one of seven points of view provided.

The original lesson had eight perspectives, including a closeted lesbian teacher, a straight student teased for participating in drama, and a student raised by same-sex parents. Trustee Austin requested two specific alterations to the four-page lesson before she would grant her approval of the curriculum. One was the removal of the perspective of “Pat, who is bisexual and has been wrestling with whether or not to come out to friends.” She explicitly asked that her final “suggested edit” be put into the meeting minutes prior to the vote. Austin wanted the same lesson’s closure activity deleted. In this section, class volunteers read quotes from nine students across the country which communicated their visceral reactions to the phrase “That’s so gay,” while classmates silently reflected. Austin explained her reasoning

The reason is maybe not what you would think coming from me...it may...put so much of a focus on students who are questioning their sexuality and we don’t want to...make that particular student feel bad...getting rid of it could soften that particular lesson...I don’t want a spotlight put on any one group that may feel that they’re being bullied...

After eighteen months of accommodation and adjustment to meet community norms, though, voices were not done speaking. From the audience, Mata claimed the right to speak on behalf of many who shared her concern, this time arguing that without written restrictions on teachers’ speech during instruction, district enrollment would fall.

[P]arents that were leery of the curriculum...would feel a lot more comfortable if there was something in writing about how far the conversations can go...especially toward sex, gender, how in-depth...say we have something here you could hold the school district to and hold the teachers to—to protect your rights, for your religious and moral beliefs...that would help enormously.

Gilbert accepted both with a single response: Not a problem. Unlike the July meeting with hours of public commentary and extensive discussion among board members, Graham was the only other trustee to comment this time. She thanked all involved in the process, acknowledged that she had indeed read the document, and agreed that it met the superintendent's goal. "I think it is a document that does cover all harassment...that was one of the things [Superintendent Gilbert] really wanted to do—to make sure that these things were covered under the umbrella, not just one item of discrimination, but all." Snyder, who admitted to not reading the kindergarten through 5th Grade curriculum yet voted against it, did not attend. With Trustee Evansic also absent, the board voted 5 to 0 to adopt the final curriculum component with, as the minutes noted, "The modifications to the 9th grade lesson applied."

D. Abernathy Collegiate Charter & Football

Although the superintendent and board members doubtlessly felt relief to be able to move forward after the January 29, 2013 approval of the Safe and Inclusive Schools' curriculum for the secondary campuses, other stakeholders were either less than satisfied with the outcome or belonged to ever-splintering factions. Among opponents, some would seek alternative schooling while others, the local newspaper speculated, would "silently opt out" of the lessons through unexcused absences (Martz, 2013a). Bev Smith and Teresa Foley were among those parents who explored their options.

Three months after the Resolution Agreement was approved and nearly a year since Wendy Walsh buried a son, then-Superintendent Swanson and trustees listened to Teresa Foley's presentation for a dependent charter school, which would be housed in vacant rooms on a district campus. The board presentation on September 13, 2011 outlined laudatory goals, such as a 100

percent graduation rate followed by acceptance to a college or training program, as well as enrollment in a minimum of one Advanced Placement class per student.

In addition to requiring uniforms, Foley planned to post “In God We Trust” in every class and mandate daily recital of the Pledge of Allegiance. She detailed an educational philosophy with a “clear teaching of right and wrong” based on traditional values. Local coverage of the meeting quoted Foley’s explanation that “Teaching Christian values is different than having religion in the schools” (Hand, 2011). The presentation anticipated the charter school would attract corporate sponsors, enabling it to hire teachers at salaries one-third higher than TUSD.

On July 30, 2012, Foley returned to officially submit the charter application with 100 signatures of support in front of a crowd agitated about the anti-bullying curriculum. A hush fell over the filled-to-capacity room as a very polished presentation unfolded. The board listened closely as she sketched the image of a secular public school, whose curriculum would reflect “...a worldview that is consistent with the United States’ founding principles. We need to get back to the basic with what our Founding Fathers envisioned.” Her first presentation spoke of inspiring in students a “full understanding of American Exceptionalism.” Before the trustees a year later, she elaborated, “We believe America is the best place to live on Earth... We will recognize exceptional Americans based on their contributions to our country, not on their race, religion, heritage or sexual orientation.”

Smith and another parent who spoke in favor of the charter petition also urged the board to allow its students to participate in district extracurricular activities, especially sports. This issue was at the heart of a small town, where it often seemed as though everybody in the community turned out for Friday night football. The varsity team from the comprehensive high school was a lynchpin for culture on the mountain. One trustee expressed what was foremost in

many minds that night with the probe “You say you will have access to all activities—sports, dances. Will the charter school fall under the Resolution Agreement?”

At the September 4, 2012 open session, trustees again questioned Foley closely about where the boundary lay between the district’s operations and a charter on the same campus. Gilbert allowed a few questions to be asked and answered before inquiring, “So SB48 would apply to you?” When Foley responded, “It is not our understanding that we have to comply with Safe and Inclusive Schools,” Gilbert was quick to clarify, “I’m not talking the curriculum. It’s a state mandate.” Leaving the issue of whether the charter school fell under the federal agreement unresolved, Nick Heinlein, Chief Administrator of Business, also noted that the charter offered a salary of \$50,000 with a \$6,000 cap on benefits, less than TUSD’s salary schedule. A lawyer from SLS told the newspaper that TUSD, Abernathy, and the Office of Civil Rights were discussing a Memorandum of Understanding to address the Resolution’s purview.

Elliott’s editorial on September 11, 2012 favored charter petition approval, but also remarked “Abernathy founders may get an education themselves. This is not a private school—it is bound by the same rules against non-discrimination as the district.” Repeating comments made by a homeschool parent who felt “shut out by the district,” because her children could not participate in sports, the newspaper chief threw her support behind the idea of granting students who left the district access to extracurriculars. With 35 residents watching, the school board unanimously approved the charter school’s application. Named for a Republican political consultant from Bakersfield who advised the petitioners, Abernathy Collegiate Charter would open for 7th through 9th grades in August 2013 with 122 students.

Whether from community pressure or a request from the petitioners, the trustees agreed to put a discussion of charter student participation in district extracurricular activities on the

January 15, 2013 agenda. This time, both parents and teachers were ready to stake out positions. Based on comments from all stakeholders in the meeting, it quickly became clear that sports, specifically varsity football, were the focus of debate. Foley asked if “adults and politics can take a back seat.”

Five parents, who spoke in favor of granting access, including curriculum opponents Smith and Grell, rationalized that sports built character and promoted well-rounded college applicants. One argued that it was important to “keep a good relationship” with the new charter, because fear was leading many to exit TUSD. Another claimed that a no vote would create “second-class citizens... ‘haves’ and ‘have nots’.” Instead, he called for “diversity of public education,” and viewed this “as a fundamental issue of fairness.” Grell, who had repeatedly threatened to pull her child out if the curriculum was approved, now claimed this was an opportunity for “the school district to foster a sense of coming together at a time when we see so little of that.”

Unlike the discussions surrounding the implementation of the school climate intervention, this topic had teachers engaged from the start. Trustee Evansic’s wife, the high school robotics team advisor, made several appearances before the board to share concerns ranging from determination of academic eligibility, to identification of medical issues and the clearance of parents who wanted to volunteer. Union President Traci Cunningham asked whether all discipline related to extracurriculars would fall under district rules. As board discussion started, Graham clarified that any students participating in district programs would fall under the Resolution Agreement. Gilbert added that OCR had concurred. Trustee Bender, who sounded mildly disgruntled at how much TUSD staff time was taken up with the charter petition and MOU, noted

There are a group of people that want to start a Charter School because they think it's better than what the district schools offer. What's so wrong with us? We have great teachers and great schools. You want to take bits and pieces. You want to use our district for transportation, cafeteria, extracurricular activities...

Trustee Austin pointed out that that the continuation high school students were excluded from participating in district athletics. Trustee Wood got to the heart of the matter, saying "There are students that have been in the district their entire educational career and a Charter School student could bump them off a team." She expressed concern that granting the charter school access to district sports potentially created a contentious climate, asking "If a THS student is cut and a charter school student gets the spot, how do you make them understand?"

As if forcing the hand of parents, she stated that there were "Plenty of sports opportunities in the community...It's just football where THS has the monopoly." Bringing sentiments heard previously from curriculum opponents full circle, she declared "It just seems like you have to take one step at a time and it can't be shoved at people." Without a drop of irony, Trustee Snyder added, "If we open it up...we have to open it up to all charter schools. Once you open that door, where do you draw the line?"

Abernathy's launch continued to raise discussion around the requirements for public education. For example, the *Tehachapi News* interviewed Foley for a September 10, 2013 article entitled "Much unknown about new state transgender law for schools" (Martz, 2013b). Referring to AB1266, called the "Bathroom Bill" by opponents, she asserted that "non-transgender" students had rights and declared, "Subjecting students as young as five years old to body parts of the opposite gender is wrong and immoral" (Martz, 2013b). Although the feature noted that Abernathy "is required by law to protect all of its students."

Foley announced plans to accept a “Notification of Reasonable Expectation of Privacy” from parents (Martz, 2013b). Authored by the Pacific Justice Institute, a conservative legal defense non-profit that opposed the bill, Foley described it as “a reminder that no state or federal law can override their student's privacy rights” (Martz, 2013b). Although other organizations like the ACLU have stated that the Notification is unenforceable, it appears no lawsuit has been brought in a California court regarding the issue to date. In my field notes, more than one TUSD official noted that parents had been dropping off copies of the Notifications at school sites. In short, many of the same parents who joined together in opposition of the S&IS curriculum continued to seek ways to shape public education to reflect their personal religious beliefs through opposition to AB1266 and support for Abernathy.

VI. Conclusion

This chapter examined the chronology of events which unfolded after a thirteen-year-old committed suicide in September 2010, due, in part, to dogged anti-gay harassment at school. The intimate grief of his family, friends, and neighbors was, in some ways, overshadowed by a media narrative which depicted Seth’s death as part of a broader public health epidemic among gay youth facing hostile school climates, social stigma, and rejection. From the outset, a small number of community members perceived safety on campus and emotional support as protective factors for marginalized students and called for district leadership to launch educational outreach programs. Those who sought change articulated a responsibility to model acceptance and inclusion across the community.

However, many others failed to see how educators could be held accountable for peer harassment which they perceived as enforced by a ‘code of silence’ among students and which happened outside of adult supervision. Less than a month after hundreds joined a Walsh family

memorial, the local newspaper quickly became a forum for these conflicting views, with aggressive and bigoted voices dominating the weekly publication. Many small town residents resented the media's portrayal of their community and the arrival of outside organizations to investigate. Furthermore, some writers attacked a 'militant homosexual agenda' which sought to normalize deviant and immoral behavior. What advocates framed as the duty of multiple stakeholders—parents, educators, coaches, civic leaders and clergy—to reform community climate, others saw as a loose amalgamation of personal attitudes and family values which existed beyond the school's purview.

Concluded in June 2011, the federal investigation of the district revealed ineffective existing practices, including poorly disseminated policies, a lack of training to recognize, respond, and report on sex or gender-based harassment, a practice of removing the target from the educational setting, and ineffective anti-bullying messages through hallway posters and assemblies. Six months after the student suicide convulsed the school community, the superintendent's public comments indicated he continued to call for students to report bullies with a narrow focus on individual cases of discipline. Some desultory district practices, such as suspended expulsions and No-Contact Contracts, remained in use as the district introduced the mandated investigative and reporting procedures, which tracked incidents in the student information system.

The start of the 2011-2012 school year brought numerous changes that rippled throughout the implementation, including revised policies under DOJ guidance, turnover of another school board trustee seat, Swanson's resignation, and the board's subsequent interim appointment of Gilbert. Despite four well-received days of staff professional development under the Resolution Agreement, there were indications that more challenges lay ahead: the first Equity Consultant

was replaced and pointed questions were raised at the first community outreach meeting on the federal intervention. The emergence of a charter school which intended to occupy unused classrooms and provide an alternative to the district curriculum introduced additional fiscal uncertainty during a year of furloughs and pink slips.

Gilbert's professional development for administrators, a book study focused on cultural proficiency, revealed little had changed in educators' thinking by the end of the 2011-2012 school year. Several wrote from an 'us and them' stance and none acknowledged the steps needed to improve safety or connectedness for any minority group on campus. The polarized positions on LGBT-related topics, which featured prominently in editorial writing since Seth's death, returned to the district boardroom in May 2012. In a sign of continued community dissatisfaction with the terms of the Resolution Agreement at the end of the school year, parents complained about both the use of passive consent and the content of the mandated school climate surveys. The comprehensive anti-bullying curriculum developed by a committee of educators was also subjected to extensive public examination.

The twice-annual school climate surveys intended for all grades outlined in the Resolution were reduced to a single administration each spring for 5th through 12th Grades. The change to active parental consent in the second year lowered student participation, and staff responses remained anemic. In addition to demanding the removal of all cross-curricular connections suggested in the teachers' guide, some parents open challenged school authority by directing their children to refuse to complete non-graded assignments associated with the anti-bullying curriculum. After extensive community feedback, with parents spending hours reading lessons cover to cover to identify line by line changes, the curriculum committee revised the

elementary module by eliminating the most contentious lessons about diverse families and fluid expressions of gender.

Committed to transparency and responsive to community concerns, Gilbert convened a parent committee to review the secondary lessons. Structured like a graduate seminar in curriculum development, the group studied the Resolution mandates, examined the legal definitions of sex-based harassment, and worked in small groups to evaluate the lessons aligned to each thematic ‘Big Idea.’ Overall, language shifted to a focus on generic anti-bullying examples and participatory activities were replaced with teacher-controlled direct instruction. The committee recommendations led to removal of any references to sexual orientation prior to 9th grade and minimized examples which featured the experiences of gender variant students. After incorporating feedback from stakeholders selected to represent community views, the final curriculum was reduced in scope and rigor, with over 40% of the original lessons eliminated and the activities modified to fit within a 20-minute homeroom window. Thus, district leadership acquiesced to the reduction, erasure, and marginalization of LGBT content in every manner suggested, desirous to finalize and implement the curriculum within the timeframe of federal authorities.

How various stakeholders shaped the implementation of this school climate intervention is the focus of the next chapter. At different points in the debate surrounding the terms of the Resolution Agreement, participants identified as educators, parents, and community members. Many of the same individuals who spoke about personal religious beliefs in first-person also stood before trustees to use the plural “we” in describing the community’s wishes. Stakeholders also drew boundaries to differentiate those who belonged to community from trespassers who intruded. The magnitude of persistent and vocal community opposition to the federal mandates

was a stark contrast to the well-intentioned, but solitary individuals who advocated for a more inclusive climate for sexual minority youth. As elected officials allowed the democratic process to run its course, the most polemical arguments dominated. The Resolution Agreement mandated the implementation of an LGBT-affirmative intervention in schools, but the repeated silencing, erasure, and stigmatization of sexual orientation by residents reinforced the heteronormative nature of the small town.

Chapter 5

I. Introduction

Although the federal intervention extends five years from July 1, 2011 to July 1, 2016, this case study centered on a three-year period which began with Seth Walsh's suicide on September 19, 2010. Chapter Four examined the subsequent responses of the district and community throughout the 2010-2011 school year; synopsised the Resolution Agreement approved in June 2011; and, concentrated on the first two years of the implementation of those terms. Both residents who supported and who opposed the school climate intervention were affected by a media spotlight on the tragic death of the thirteen-year-old. Board President Graham murmured "Correct" in response to a teacher's observation that "Tehachapi took a lot of negative hits ...not just here, but pretty much [across] the whole nation—on CNN...all the talk shows" (Tehachapi Unified School District, 2011). However, the factors which contributed to Walsh's death and TUSD's leadership in its aftermath raised questions, calling for a closer analysis of supports in the local educational environment.

From broad social influences to more intimate levels of acceptance and rejection, ecological systems theory emphasizes the importance of context when examining factors affecting the well-being of sexual minority youth. In addition, an analysis based on minority stress theory encompasses both subjective perceptions of belonging and objective evidence of inclusion. The combination of these theoretical concepts provided the means to scrutinize an LGBT-affirmative school climate intervention as a dynamic, multifaceted process. Furthermore, as part of delineating minority stigma as a fundamental cause of health disparity, Phelan et al. (2010) stressed the importance of contextualizing risk factors to avoid targeting only individual behaviors while leaving environmental causes unaddressed by policies and programs.

Elements of school ecology which produce stigmatization evolve over time and may not be perceived as barriers in the lives of local youth by educators. Stakeholders' contributions to this implementation process exposed the presence of distal influences in rural school governance, such as national media coverage and federal educational policies. This qualitative case explored the possible connections between mere identification of these macro-level factors and how they manifested in the actions of stakeholders, ultimately shaping an anti-bullying intervention in a rural school. The characterization of community opposition to the intervention shed light on how the stigma of sexual minority identity can shape school climate and educational outcomes, acknowledged as understudied processes in the research literature.

The process through which the federal government used this intervention template to address a hostile climate for sexual minority and gender-nonconforming youth incorporated research-based prescriptions, but failed to overcome significant barriers during implementation. This chapter combines a discussion of major themes with discrete analysis of each key stakeholder group. First, I outline the community response to outside intervention and note obstacles that inhibited district compliance with federal mandates. In the second section, voices of students, educators, and trustees on the public record revealed how community norms were often unchallenged or reinforced during the implementation process. The third section returns to a discussion of the marginalization of sexual minority identity in community discourse, particularly in the local media. An analysis of parent involvement, specifically the three most visible parents and the S&IS Task Force, also suggests that district outreach occurred in the broader context of social stigmatization. Finally, I identify the few sources of stakeholder support for the LGBT-affirmative school climate intervention.

II. Theme 1: Intruders and Bullies

A. An Insular Community

Tehachapi's provincial nature, reflected in years of high school documents which did not welcome the arrival of urban students and their "gang problems," was evident before national news trucks rolled through town. Once those cameras were put away, though, the ACLU's investigation of the school district continued to stoke the resentment of interlopers. As the OCR and DOJ took over the case, cries of government overreach and intimidation arose. These sentiments peaked as residents learned that approval of an opt-out provision for the curriculum would cost TUSD millions in federal funds. From the ACLU to the federal government, outsiders threatened community norms. Several times, residents depicted these various entities as united with a common purpose.

Trustee Traynham observed that the mandates would bring a "change in the way we do business" dictated by "outside agencies." He continued, "As an elected representative of this community, I have been bestowed the responsibility of making decisions which I feel are best for this district and thus our children. We are making decisions which will affect the future of this community and this community's future generations. There is no greater responsibility and privilege than to teach and influence children" (Tehachapi Unified School District, 2011). His declaration suggests the values which underpinned community resentment of federal government intrusion. After a closer examination of how some on the mountain viewed the two investigating organizations, I assemble the available public statements from each primary stakeholder group to characterize respective opinions and how they sought to influence the implementation process. Not only did some perspectives within each constituency change over time, but individuals altered their positions as educators, parents, and community members at various junctures.

First, however, to better understand the range of influence different stakeholders had on school climate, it is important to step back and contextualize how Tehachapi's inhabitants regarded their own community. It is not surprising to find suspicion of new arrivals in a small town where many had grown up and attended the single high school together; however, the tragic death of a local boy, as seen through the international media lens, seemed to provoke a combination of reflection and denial. Trustee Evansic, who watched the movie *Bully* with his family, shared "I would encourage people to go see it, especially people who think this sort of thing doesn't happen in a place like this, because a lot of the towns that they focused on were just like Tehachapi" (Tehachapi Unified School District, 2011).

A more defensive neighbor wrote, "...It is clear [district officials] are under pressure from outside sources that are barraging them with hundreds of emails that castigate them for allowing the culture of anti-gay bullying" ("School district responds to ACLU; ACLU: charges widespread climate of anti-gay bias in the district," 2011). During various moments throughout the simmering controversy, residents gave fractured views. The same letter to the editor that noted it was a "gorgeous place to live" filled with "helpful, kind, honest people" described "entrenched" mindsets (Solange, 2011). One parent declared to the board that "...there are so many diverse concerns, opinions, lifestyle choices and religious choices, we could...have a full-on knock-down, drag-out fight for the differences we hold in this room alone." Yet she positioned herself as a voice of the majority, saying "...No. As a community, we cannot stand for this in the language [of the Resolution Agreement]" (Tehachapi Unified School District, 2011).

On more than one occasion, residents I spoke to described longevity, geography, race, and faith as the defining fault lines of social strata. In my field notes from a conversation with the newspaper editor, she referred to the views of “Old Tehachapi” people.

Any community has layers, but it’s more obvious in small communities ...[P]eople move here...They want to get involved. They go to something and they don’t always click with people who were already living their life and didn’t know they needed a new person.

...[T]hen another new person comes and soon those [two new] people form another layer, and they do their own little thing. ...You’re going to have people who have been here a very long time and people who think they have. From my odd perspective of being gone for 29 years, anyone that wasn’t here 29 years ago is a newcomer. ...I’m an Oldtimer and [people who arrived after 1985] think I’m a newcomer, because I wasn’t here when they got here.

The anecdotes residents shared to characterize the small town’s demographics centered on the high percentage of evangelical Christians, retirees, and its limited racial diversity.

However, among all of the white, middle-class professionals I encountered, none associated minority status with marginalization. In response to a question about divisions among neighbors based on race, the editor observed, “Yeah it’s class [tension], not race. Except for Black people. If you are a Black person and you walk down the street in Tehachapi, someone will probably call the police.” Her majority perspective viewed differences through the prisms of time and class.

“I graduated in 1969...Many of the Mexican families had been here longer than the White families....Socially, the White families didn’t necessarily want their children dating the Mexican families and vice versa. There was some intermarriage, but not too

much... We could go to each other's house without a problem, but with dating there were some issues with that. Today those families are still here and they are the Old Families, but there's a new kind of Hispanic that is no different from farm workers in California, many of them illegal and many of them non-English speaking when they get to kindergarten."

Adrian Maaskant, a retired educator who spoke at the vigil for Seth Walsh, did not accept the "Tehachapi Way," if there was one. A resident for several decades, Maaskant was a regular letter writer outspoken on local political issues. He noted that, as a result of his own progressive views, he "sadly ends up at odds with the majority a good amount of the time and doesn't much care."

Both Editor-in-Chief Elliott and Maaskant attributed the rebuff of new arrivals and non-residents to the history of Tehachapi as a "prison town." "In '82 they built the first of two maximum security units. They would have kept building, but the community said 'Enough, enough.'" They were among several inhabitants who used a current controversy to describe ongoing local tensions, describing their neighbors as "people who don't like Section 8 and don't want Walmart, because 'all those people' from Cal[ifornia] City are going to come up and bring those problems." Thus, within a broader dynamic of defining the boundaries of community, social stigmas endured.

At times, Tehachapi appeared to be a small mountain town at odds with itself, as if dissatisfied with its reflection in the faces of neighbors and the eyes of the media. One writer criticized parents who had not read the material, yet publicly protested the federally-mandated anti-bullying curriculum based on a "fear that their children would somehow be harmed or tainted" (Davids, 2012). Capturing the most prevalent themes from parents up in arms, her letter noted, "One parent commented that there will always be bullies. Another parent implied that

allowing their child to bully someone perceived to be homosexual is the equivalent of ‘standing up for one's faith’” (Davids, 2012). She pointed to a fear of change and a desire to re-evaluate community norms.

I clearly get that a majority of citizens in Tehachapi...[believe] that our schools should be under the governance of our community...We need to question *what kind of community we want to be* [emphasis added]. ...I would like to challenge this community not to react out of fear; fear is not of God. Instead, let's educate...to become a more compassionate community. (Davids, 2012)

As seen in parents’ questions and concerns at the October 6, 2011 Safe and Inclusive Schools Information Night, mistrust was evident before any lessons were written.

From wondering about “pressure from an outside entity” to whether there would be “political spin” or a “hidden agenda” associated with the mandated curriculum, residents had their guard up. Over the two and a half year span, dozens of board meeting public comments, eighteen published letters, and several high profile columns written by the editor-in-chief herself would criticize a range of outsiders who interfered in community affairs. In fact, latent apprehension turned to outright hostility toward the first external entity to investigate—the American Civil Liberties Union.

B. The ACLU, an unwelcome presence

ACLU attorneys charged that TUSD had not sufficiently remedied the middle school campus’ “anti-gay climate” (Gill, Gilliam, & Keenan, 2010, pp. 1, 3). Swanson’s announcement that the ACLU had sent a letter “with a set of demands for changes in discipline and the handling of gender identity” reignited apprehension (Tehachapi Unified School District, 2011). One

regular opinion contributor to the local paper called the civil liberties' organization "interloping busybodies" with "well-funded and heavy-handed intimidation" tactics (Ratzlaff, 2010).

ACLU lawyer James Gilliam penned "A Community Responsibility" to conciliate *Tehachapi News* readers, sketching out the shared role of "parents, churches, teachers, community members and non-profits like the ACLU" to address school and community climate. He positioned the ACLU as a stakeholder and resource. "Helping teachers and staff ...intervene effectively to stem anti-gay harassment need not be a difficult or contentious undertaking," he wrote. "Our goal is to work with the school district" (Gilliam, 2011). However, rejection of the ACLU's stipulations would intensify in early 2011, as public sentiment followed Swanson's lead and closed ranks against the organization's intrusion. Thus, the most vocal critics depicted the ACLU as a predatory litigant which trampled on personal religious expression, not an organization which could be invited to provide community outreach and education on protections of LGBT youth.

Whether from inexperience or in fear of community backlash, no locals sought coalition building with this or other outside resources. Instead, some residents focused their energies on organizing nascent groups, namely Tehachapi ABC and a local chapter of PFLAG, while a few parents made nebulous calls for partnership with TUSD on outreach. However, after initial appeals to the school board for a more inclusive school and community climate, with minimal emphasis on support for sexual minority youth, these grassroots efforts dispersed. Without the federal investigation and subsequent legal agreement with TUSD nearly a year after Seth's suicide, it is unlikely any other forces would have pushed the district to address the needs of queer youth.

C. The U.S. government, a schoolyard bully

Civil rights attorneys played a central role in the federal intervention which mandated changes to TUSD policy, procedures, and practices that shaped school climate. The government lawyers' first appearance in the community was for several days of depositions of students and employees in December 2010. They also returned to personally observe the first outreach meeting to parents on the new policies in October 2011. The lawyers led trainings on how to conduct investigations of Title IX complaints for all TUSD administrators at the beginning of the 2010-2011 and 2011-2012 school years. Although there were dealings between TUSD legal representatives and Department of Justice (DOJ) lawyers leading up to the adoption of revised board policies in the Fall of 2011, it remains unknown to what degree Schools Legal Service staff attorneys moderated DOJ recommendations.

The extent of federal litigators' contact with TUSD during the course of closed board sessions to discuss the anticipated litigation during the 2010-2011 academic year was also not part of the public record. Nonetheless, in field notes from my earliest conversations with Superintendent Gilbert, she described the intervention as a learning process for both TUSD and government agencies. For example, OCR trainings addressed administrators' initial concerns about enforcing the new policies on sexual harassment and applying appropriate remedies. However, there were also limits to support. The district's own Title IX administrator had to create a detailed procedural checklist which met all steps of the mandated investigation and reporting requirements at the request of initially beleaguered principals. The superintendent crafted compliance reports from documentation which detailed progress towards fulfilling the terms of each section in the Resolution Agreement. Five hundred to 700 pages in length, this compilation of materials every six months quickly became one of the most labor-intensive parts

of the implementation process for a small, under-resourced district. Gilbert described the administrative burden as the “extreme cost of an increased workload with no new position.”

Once underway, the changes in the small town’s schools tapped into a broader disaffection with democratic centers of power. Some wanted a return to past ways, declaring, “I’m quite appalled at the way our country’s going and the way our education’s going here. I’m saddened by it. It ain’t the country I grew up in” (Tehachapi Unified School District, 2011). Others targeted their anger at specific elected officials and exaggerated the impact of recent legislation, complaining,

Obama is a bully picking on the Chief Justice and calling the Tea Party names...Governor Brown [is] bullying us while he signs bills into law...such as SB48...All to please his gay friends. The books in all grades must be replaced so the lifestyle of homosexuals can be told...in history...You will have no say in the matter. You cannot protect your kids from their brain washing. (Kemp, 2012)

For some, these feelings bordered on paranoia, as when one parent, who complained that her child’s information would be submitted to the DOJ and OCR regardless of whether he was a victim or aggressor, asked “Why do I want my child’s name in the government database?” (Tehachapi Unified School District, 2011).

The opponents of government interlopers expressed their sentiments passionately and without reservation, sometimes adding a mixture of jingoistic zeal and hyperbole. Those who rejected what they saw as government control over their local school, their beliefs, and their children responded to the interference. “When you [the federal government] tamper with equality, fairness, and rights in the United States, its citizens will always rise up...to fight for that justice.... We will remind them that since 1776 they have governed and still govern a

democracy” (Tehachapi Unified School District, 2011). One letter concluded “...laws cannot govern belief nor can a belief system of any kind be mandated on a people unless it is a dictatorship” (Miller, 2012).

Furthermore, Kramer was just one of many who drew a boundary around whom or what could influence her children. Her assertion “Government does not do a better job of raising our children” received extended applause from the sizable audience at the July 30, 2012 board meeting (Tehachapi Unified School District, 2011). Pendleton, who served on the parent committee which reviewed the curriculum, approached the situation with deadpan wit, questioning

What’s next for the DOJ? What would we do if they say we have to beat the kids in the head with a government-approved stick that meets government standards at 9am every day for a year or they will not give us money for education? I say tell them keep their money...We all have the right to...teach our children the right principles and moral values, deciding when they are right to learn the facts of life—not some suit in Washington who sells guns to drug dealers in Mexico. They don’t even know how [sic] our children look like. (Tehachapi Unified School District, 2011)

In fact, challengers to the LGBT-affirmative school climate measures quickly appropriated the mantle of victim, complaining that the government was the schoolyard bully by telling them what to teach their children on moral issues. A curriculum evaluation form, submitted by C. J. Mifflin, asserted “we feel we are being bullied in the worst possible way,” and called the dissemination of information under the titles of ‘Safe and Inclusive’ or ‘Healthy Kids’ “atrocious.”

In summary, the federal intervention in Tehachapi provoked deeper resentment of actions viewed as undemocratic and an abuse of their tax dollars, as well as a protest that the government was acting as the schoolyard bully by dictating what they were to teach their children on moral issues. In a background conversation with the local newspaper editor, Elliott acknowledged how TUSD leadership attempted to keep afloat amidst the churning waves of discontent.

[N]obody wants the federal government to come in and tell us what to do...Lisa [Gilbert] and Dr. Swanson both did a pretty good job of expressing...we were in between a rock and a hard place without going so far as to say that, because in a way to say that in those clearest terms would violate the agreement....So how far do you go when you've got your community or some portion of your community not wanting [to comply]...[T]here were some who said, 'You should fight it. Don't roll over.' The truth was that, well, fine, but where's that going to get us?

Document analysis offered limited insight into the interaction between TUSD and DOJ during the early stages of implementation. In general, official correspondence from OCR's San Francisco office acknowledged the receipt of the biannual reports; alerted TUSD to pending deadlines for various components of the 'voluntary' agreement; and outlined the consequences of adopting an opt-out provision for the anti-bullying curriculum. Despite established deadlines, the federal agencies were willing to concede additional time for the development of age-appropriate school climate surveys and a comprehensive curriculum. This flexibility can be attributed to the change in designated regional Equity Assistance Center (EAC) from the Equity Alliance at Arizona State University to WestEd, based in Sacramento, and the lack of existing research-based surveys and lessons which met the Resolution's requirements. The next section analyzes

the role of the Equity Consultant in addressing these and other unexpected complications the under-resourced district confronted.

III. Theme 2: Challenges to capacity building

A. Changing technical assistance

Throughout my field notes, educators noted the positive contributions of the first equity consultant, Dr. Gonzalez, to launching the core school climate components—professional development, climate surveys, and anti-bullying lessons. As a former administrator, curriculum coach, and district consultant, she understood the curriculum development process and had a background providing workshops on equity and inclusion. Based on the initial materials she provided and her understanding of TUSD’s needs, all evidence indicates that she would have been a useful resource, particularly to build administrator competency on LGBT issues.

Indeed, in Tehachapi’s Resolution Agreement, Section III, Training and Professional Development, detailed the specific services the Equity Consultant would provide. First, TUSD would use the Equity Consultant “to develop and provide the student instruction, parent education, employee training, and educational climate assessments” (Office of Civil Rights & U.S. Department of Justice, 2011, p. 8). Second, the Agreement stipulated harassment training would include anti-bullying training to develop safe and inclusive environments for K-5 students and, for students in grades 6-12, explanation of their rights and obligations regarding sex-based harassment.

Furthermore, for the five years of monitoring, the district was required to provide instruction annually “designed to promote sensitivity to and tolerance of the diversity of the student body, and [to] specifically address harassment issues related to...gender, and

nonconformity with gender stereotypes” (Office of Civil Rights & U.S. Department of Justice, 2011, p. 8). Section III concluded with the following determination,

In the event that, through no fault of the District, the [Equity Consultant] becomes unable to provide the services specified in this Agreement...at low or no cost, the United States will agree to a reasonable period of time to allow the District to secure a mutually-agreeable alternative consultant to provide [said] services... (Office of Civil Rights & U.S. Department of Justice, 2011, p. 10)

When the competitively-bid grant was re-awarded in 2011, WestEd brought an entirely different set of tools as Equity Assistance Center (EAC).

Created in a 1995 merger of two Regional Education Laboratories that originated from congressional funding in 1966 intended to “bridge the gap between research and practice,” WestEd has a staff of 600 and a budget of \$130 million. The non-profit organizes its projects under twelve programs, including the Center for Child and Family Studies, STEM, and Teacher Professional Development. One of these, the Comprehensive School Assistance Program, has three main areas: the national Center for School Turnaround, the California Comprehensive Center, and the Region IX EAC, which provides technical assistance and training on equity, civil rights, and school reform to districts across California, Nevada, and Arizona.

Five of the nine EAC areas of expertise address equity issues related to family engagement, STEM studies, disciplinary disproportionality, and the needs of English Learners. The EAC webpages outline other services, such as bullying intervention and prevention support. This is described as the use of school climate and academic data to “design an effective plan to prevent and intervene to stop bullying” and assistance to “plan an effective implementation process for adopting new practices” (WestEd, 2014b). Under the heading “School Climate and

Discipline,” WestEd declares a commitment to school climate which is “inclusive,” “culturally responsive,” and “positive” through work “to develop fair discipline policies, and to implement them effectively” (WestEd, 2014b).

WestEd’s technical assistance for civil rights is described as having a three-part focus: barriers to access of Honors or Advanced Placement programs; disproportional placements in Special Education; and harassment based on race, gender, or sex, and bullying of LGBTQ students or students with disabilities. In a search of WestEd’s main website, as well as subsections dedicated to the work of the EAC, the only time that the social, emotional, or academic needs of sexual minority youth are mentioned is in that single description of technical assistance. The verisimilitude of the online brochure notes, “We also assist districts... fulfill the terms of resolution agreements... with the U.S. Department of Education Office for Civil Rights and/or the U.S. Department of Justice” (WestEd, 2014a).

Upon hearing that WestEd did not offer “an LGBT component,” and would charge \$12,000 for a custom survey module to assess school climate specifically for sexual minority youth, Gilbert lobbied the two parties for financial support to find an alternative equity consultant who could meet the district’s needs, ostensibly Dr. Gonzalez. The superintendent was informed that the option was available should TUSD decide to take on the full cost. In fact, with each round of grants awarded to Equity Assistance Centers for three-year periods, 2014 may see yet a third organization designated as the regional provider of technical assistance.

B. Unforeseen obstacles

Responsible for meeting all implementation deadlines, Superintendent Gilbert described the shock and frustration she felt upon hearing that the transition between equity consultants meant a change in services available. She recalled several lengthy conference calls between the

EAC Director, Rose Owens, and OCR attorneys, in which she asked for staff training and support for curriculum development to meet the Resolution's requirements. In addition to a mid-course change in the nature of support from the designated EAC, the turnover in district staff through resignation, retirement, and hiring proved to be another significant impediment to capacity building. For example, two years after Principal Ortega attended an Olweus train-the-trainers conference, she retired. In fact, the district experienced three superintendents and a change in the leadership of every secondary school campus in a four-year period. In addition to financial costs, e.g., the buyout of the Dr. Swanson's contract, the toll on personal well-being accrued. Gilbert contrasted her three years at the helm of TUSD with her new position in the Kern County Office of Education as "the difference between riding a high speed roller coaster and a bicycle."

TUSD officials also encountered unexpected difficulties in locating research-based materials, specifically age-appropriate climate surveys and a comprehensive anti-bullying curriculum which were LGBT-inclusive at all grade levels. The CHKS was not designed to be administered to students younger than 5th grade. During one board meeting, the discussion of how to conduct an age-appropriate survey of lower elementary students too young to read independently left trustees and the superintendent, as well as teachers and parents in the audience, stymied. Thus, an initial scramble to identify or develop a comprehensive survey tool for a K-12 district to meet the terms of the Agreement was abandoned, and OCR capitulated to the inclusion of a single grade of elementary students.

The S&IS curriculum committee's selection of Olweus lessons met yet another roadblock when the publisher's adherence to copyright protections meant effective dissemination of the proposed curriculum during a public review period was cost prohibitive. Facing a severe budget

shortfall, like most California districts that year, TUSD was only able to purchase enough copies of the curriculum to display one at each school site and the district office, and could not provide copies for parents to review online.

Issues with survey administration generated other unanticipated problems. Staff participation in the CSCS was voluntary. However, through an unexplained miscommunication, teachers at the three elementary sites were not given access the first year, further depressing a lackluster participation rate. At the recommendation of WestEd, Superintendent Gilbert proposed that trustees approve the dissemination of the first CHKS through passive consent, meaning parents signed a form only if they wished to excuse their child's involvement. However, the district was caught off-guard by parent pressure to reinstate active consent. This change in administration decreased student participation for the subsequent 2012-2013 academic year. In fact, despite assistance from the Equity Consultant to create an outreach campaign to drive participation, the persistent low response rate of staff and students threatened to provoke OCR to require additional contingencies for assessing progress. This remained a top concern for TUSD, and without data representative of the student body, Gilbert turned to WestEd for other options.

In short, obstructions to receiving technical assistance and increasing internal capacity challenged TUSD to comply with mandates within the timeframe allotted. Before probing the other major themes which emerged from this analysis, the voices of key stakeholders within the district—students, educators, and trustees—provide further understanding of the school ecology.

IV. Voices of district stakeholders

A. Students

Dr. O'Malley, a WestEd staffer, recommended adding a student listening circle in the third year of the survey, in order to gather qualitative data to guide site goals around school

climate. The day-long event in March 2014 began with a gathering of 10 students from both high schools who, seated in the inner ring of a fishbowl format, responded to questions from a WestEd moderator. Although the criteria for student participation were not disclosed, high school counselors recruited an equal number of young men and women. Enrolled at either the comprehensive or continuation high school campuses, several referred to their “checkered pasts” involving drugs, alcohol, “scrapes” with school authorities, or failing grades. None spoke of involvement in clubs or athletics and it was unknown whether any identified as a minority based on race, religion, language, or sexual orientation.

Dr. O’Malley described the series of four questions intended to capture dimensions of school climate, including how students perceive whether teachers care and have high expectations; factors which impact their engagement and classroom participation; and the degree to which they do or do not feel connected to school. In my observation field notes, I captured a student-friendly introduction which encouraged the youth to “focus on what they like about school, what they want out of school, and what they need from teachers.”

Although not prompted to address specific safety concerns from the 2011 Findings of Fact, nor to evaluate aspects of the school climate intervention, five of the ten students referred to students bullied for disabilities, ongoing sex-based harassment at the middle school, and out-of-touch peer counselors from the Safe School Ambassadors program. One high school student in a black baseball cap stated, “In gym, a Special Ed kid with no aide was not watched. Kids were trying to force him to do push-ups and making it look like he was humping the ground. I said ‘It’s not cool,’ and they all laughed [at me].” A small-boned, soft-spoken freshman recalled his prior year at the middle school:

At JMS it's extremely hard to make friends and focus. I was always called gay and threatened [pressured] to fight. I was always thinking about how once people believe what a bully calls you, it's harder to make friends. There's not much you can do about bullying. There are no consequences to change bullying. I think group activities would help us learn and make new friends.

The first youth resumed, "Bullying is huge. There was another suicide—but not from bullying—but it tortures them [victims]. They don't deserve...not to feel comfortable with themselves." The 9th grader continued, "Respect is a big thing. It takes a lot to humiliate someone. You [the bully] are making a kid hate himself, and yet [the school response is] 'Here you go. Here's detention.'"

As the group began to nod in agreement or sympathy, a third student joined the commentary, stating "JMS bullies mess with your mindset into high school...and the anti-bullying people are not coming from experience and don't understand what kids really go through. People kill themselves for how people make them feel, but they [perpetrators] get detention." Speaking with the conviction of personal experience, the tow-headed freshman expressed the feeling that ineffective reporting and fear of retaliation remained significant factors. "You can't unhear rumors that go around. You feel humiliated [when they are about you]. It keeps you from telling. Or, if you do tell, even if by secret note in the office, people see you walking by the office and it gets out."

The WestEd moderator attempted to refocus the group on the scripted questions, recapping the round of comments and concluding, "Obvious this is important and should be a separate conversation at some point." The final question he posed was, "If you could make changes to improve your own school, what would it be?" After the first few speakers, a female

student again turned the topic back to campus safety and discipline, declaring “Detention should not just be sitting there. Clean the campus. [Add] more bullying assemblies. It’s getting worse and worse. The bullies don’t care. Some of them don’t even serve detention. The [school resource officer] doesn’t pay attention to bullies, because he’s watching for physical fights only.”

The freshman, dressed neatly in a pressed plaid shirt tucked into black jeans with a belt, had been initially terse in his statements, but through the course of commenting had rapidly opened up. His final comments described the campus “pecking order” where “the strongest eat and the others watch.” He shared an example from a game of dodge ball in which the ball he launched “hit a bully.” “We both laughed,” he recalled, but other students said, “You just gonna take that?” and the crowd taunted the bully to escalate his actions. The freshman wrapped up by concluding “peer pressure is the spark and the bully is the fuel.”

By the end of the activity, the superintendent and several of the educators were visibly emotionally affected. Through her tears, Gilbert thanked the students for their courage to share negative experiences on campus and offered a personal apology. After the students left, WestEd staff listed themes that the group, composed of teachers, administrators, a school psychologist, and campus safety officer had heard. The 19 summary statements included “anti-bullying should start as soon as possible,” and a direct reference to the distressed 9th grader’s experiences, “Equality—people don’t see it as a big deal, but it is.”

The late morning parent panel of four mothers, all white, blonde, and middle-aged, including a PTO president and an elementary teacher with a child in high school, discussed home-school communication challenges. After lunch, three WestEd staff led small group break-outs of educators to discuss overall school climate data, site-specific needs, and possible solutions. Because the student listening circle had run over the allotted time by at least 30

minutes, this final portion of the day was the most rushed for time, lacking opportunity for rigorous reflection. The three WestEd moderated groups listed needs such as “safety, increased attendance, more opportunities for interaction” with no elaboration. One small group wrote “bullying” as a specific need at the middle school with “building peer relationships” and “homeroom team building” as possible solutions.

Neither the WestEd moderators nor the participants returned during these abbreviated discussions to an examination of the morning’s student comments on ineffective discipline, retaliation for reporting incidents, or gender stereotyping. Although a high school counselor implied efforts were made to identify a diverse cross-section of student voices, it is unknown whether any students involved with the GSA were invited. Moreover, although educators and parents in attendance expressed empathy for victims of harassment, there was little evidence of deeper reflection into the underlying nature of social stigma on campuses. As of May 2014, TUSD had yet to receive a summary report of the day-long workshop from WestEd with proposed follow-up recommendations.

B. Superintendents

Gilbert took the initiative to dedicate a full day to listen to student and parent perspectives to supplement climate survey data. As educational leaders in this process, Swanson and Gilbert took different approaches during their respective phases of the intervention. Their backgrounds were also dissimilar. Swanson had previously served as superintendent in a series of small, rural school districts throughout California. In several cases, he described being hired by the board or county to address quid pro quo or questionable personnel arrangements or to substantiate suspected fraud and mismanagement.

Separated in age by several decades, Gilbert, who had two children at the local high school, had served as an administrator in a nearby district for a short period of time before joining Tehachapi to head Curriculum and Instructional Services. Her promotion to superintendent came less than a year after being hired. In my field notes from conversations with Dr. Gonzalez, who had the opportunity to work with both superintendents, she volunteered her perspective on their leadership. She noted that Dr. Swanson responded to Principal Ortega's request for training, and began listing anti-bullying efforts in his board reports.

However, at the conclusion of the school year which began with Seth's suicide and ended with the adoption of the Resolution Agreement, there was little evidence that he sought any changes in procedures or practices. For example, although the middle school conducted the Olweus survey, there is no record that Dr. Swanson engaged with the data, nor provided support resources beyond grief counselors and hallway posters. He delegated to the middle school administrator and whatever site committee she convened to implement the Olweus program as a solution to a problem it appeared neither he nor his administrators clearly understood.

Gilbert, in contrast, was hands-on in her involvement from the outset. This was partly by necessity, as she was tasked with the compliance reports and reviewing all Title IX investigative outcomes. In addition, she set the agendas and led both the parent curriculum workshops and the Safe and Inclusive Schools (S&IS) Task Force with community stakeholders. Gilbert did delegate staff development and curriculum committee work to Dr. Gonzalez in 2011-12, and then allowed a team of TUSD psychologists to take the lead on staff training in 2012-2013. However, she remained immersed in details and provided updates on curriculum revisions, professional development, and survey results in her reports before the board.

During the initial national media feeding frenzy, Swanson's demeanor came across as defensive, even callous, expressing sympathy for TUSD staff that faced criticism while issuing no statement of support or condolence for the Walsh family, which included a former board trustee. He rejected the ACLU's recommendations, which included an immediate assembly to address Seth's death and to explain TUSD anti-harassment policies and procedures to students, claiming that the proposed assembly would create "mass hysteria" and the civil liberties attorneys had a too "tight turn-around" ("ACLU puts Tehachapi school district on notice," 2010; "School district waits for investigative report; will respond to ACLU," 2010; Vogel, 2010). Local and national media seized on Swanson's comment which defended staff and students and challenged many of the ACLU's assertions. "The purported events...are surprising," he wrote. Swanson further stated,

I find it difficult to believe that our middle school students threw sandwiches and water bottles at Seth, that he was allowed to be continually threatened in the locker room, or that any student was able to call him a derogatory name ...on school grounds without a consequence...Particularly egregious are [ACLU] suggestions that school administrators were fully apprised of the harassment...yet failed to respond appropriately." (Forde, 2011)

Through March 2011, relations between the superintendent and the civil rights attorneys remained strained, based on Swanson's board report. "We have met with the ACLU and are responding to them with a letter that covers point by point the 15 issues raised. There have been multiple meetings on this matter...an ongoing issue that has consumed a great amount of time" (Tehachapi Unified School District, 2011).

Two months later, this combination of aloofness from dealing with the emotional turmoil at the middle school and enmity toward scrutiny by outsiders was apparent in his scheduled report on bullying prevention to trustees. The portion of his board report dedicated to “Bullying Prevention” addressed neither the status of the implementation of the Olweus program nor the survey results on climate. Instead, he skimmed quickly with the following statement: “This whole year it’s been a major theme. I am pleased to say the ACLU has dropped the case and is no longer representing Wendy Walsh. Given their propensity for publicity, it’s probably a good thing. Although it doesn’t necessarily mean the whole thing is over. It’s an ongoing issue and we are expecting to deal with that through next year” (Tehachapi Unified School District, 2011).

Swanson had several other public relations missteps. He provided inaccurate information to journalists, engaged in a public tête-à-tête with federal litigators, and wrote a disastrous, tone-deaf editorial on school climate in the local newspaper. Furthermore, Dr. Swanson seemed to either not fully engage with stakeholders in the community, based on more than one complaint during board meetings about non-response from the superintendent’s office. His comment to a trustee that “[Some parents] really don’t want kids to excel and leave town [for college]...The attitude in those homes [is that] ‘we made it to the middle class without it’ and that’s a problem” suggests yet another manner in which he collided with local stakeholders. Nonetheless, his ultimate failure can be attributed to the board’s lack of confidence in his stewardship, as found in on-the-record comments from trustees addressed in a later section of this chapter.

Like her predecessor, Gilbert also used a media platform to engage mountain residents. She wrote several columns in the weekly journal to provide the community with updates and dispel rumors. As demonstrated by her narration of community outreach and communication efforts, which ran as long as forty-five minutes in board meetings, Gilbert worked to maintain

transparency in each stage of the process and to rebuild trust after parents expressed a sense of betrayal surrounding the curriculum. She sat through lengthy, castigating comments from the public at board meetings and nearly without exception, responded to queries and complaints with a patient demeanor.

As a result, even parents who remained in opposition to various pieces of the intervention expressed an appreciation for the ability to communicate their concerns to her directly. Although her empathetic and engaging style was useful in a fractious community climate; her dealings with community stakeholders and outside agents appeared constrained by a desire to avoid conflict and some of her decisions fueled further antagonism. For example, her decision to manage costs by securing limited copyright licenses from Hazelton for the *Class Meetings that Matter* lessons, was interpreted by some as an effort to conceal or make materials less accessible, thereby limiting community input.

During the canvassing of volunteer applications to join the S&IS Task Force, she heeded Dr. Gonzalez's advice to seek a wide range of opinions, including those critical of the anti-bullying curriculum. Yet Gilbert presented trustees with WestEd's recommendation to administer the survey with passive consent, naïve to how the stigma attached to sexual orientation and gender non-conformity would engender a vehement backlash.

Gilbert related to me examples of private conversations she had in which she sympathized with residents who held strong Christian values, but explained the limitations of using biblical beliefs to guide educational policy decisions. One-on one, she reminded visitors, including at least one local pastor, that the duty of public schools is to serve all children, even those born out of wedlock. In short, anecdotal evidence suggested her personal efforts to persuade went further than her published remarks and board presentations.

The evidence on the public record showed her emphasis was a clear and consistent message that TUSD took all forms of bullying seriously. Her careful word choice to describe the source materials for the curriculum without naming specific, and potentially provocative resources, such as GLSEN, was also evidence of her attempts to navigate the federal mandates without further inflaming public sentiments. Whether Gilbert desired to build consensus, to engender a change in heart for some, or to place what she deemed ‘community concerns’ front and center during the implementation of the federal mandates, her community outreach was more carefully managed than Swanson’s.

Cognizant of the expectation that she seek community input, and somewhat resigned to the fact that opponents would continue to dominate board meetings, Gilbert accepted my recommendation during a S&IS Task Force meeting and contacted both AAUW and PFLAG to present the proposed curriculum. Through these actions, Gilbert modeled a degree of inclusivity in her leadership of TUSD. To my knowledge, during the work of the Task Force, she was either unaware of or unable to recruit any local lesbian or gay parents or teachers to join her efforts.

Gilbert’s tenure, which ended at the close of the 2013-2014 academic year, included a districtwide LGBT-affirmative professional development module, a curriculum which addressed some aspects of school climate which affect sexual minority youth, and three years of established policies and procedures for investigating and addressing sex-based harassment on all campuses. Although TUSD continues to face declining enrollment due to larger demographics shifts, many credit her with repairing the district’s public image. Her new position as Chief Academic Officer in the Kern County Office of Education began July 1, 2014.

It is impossible to know how Dr. Swanson might have responded to community hostility over the anti-bullying curriculum which Gilbert faced, but true to his word, he left TUSD and

entered educational consulting with a feeling of accomplishment. He had a letter from a community relations manager in the Kern County Office of Education that says he did a “masterful” job of managing the crisis. In my field notes of our conversation about his professional experiences, he said, “I’m quite sophisticated in managing my boards. But I’ve also paid the price for it eventually.”

He currently serves as an expert witness for hire in cases involving school district mismanagement. He remains defensive about the initial tragedy, saying “Nobody talks about that on the day of the suicide, a boy [Seth] had a crush on said he didn’t want a relationship a half-hour before he hanged himself.” His views on how the Office of Civil Rights handled the investigation and applied federal law are just as strong. He pointed out that students were interviewed in groups of 10, calling it “a game of telephone.” He is of the opinion that OCR’s Dear Colleague Letter, published in April 2011, was based on the case in Tehachapi. He complained to me that the June 2011 report “used the April standards for October behavior,” and alleged that the government retroactively applied legal guidelines.

Both superintendents grappled with their responsibilities to trustees, parents, and federal authorities. Unlike Superintendent Swanson, who was consistently addressed as “Dr. Swanson,” Superintendent Gilbert was frequently referred to as “Lisa” by parents, employees, and board members, suggesting a more emotionally intimate relationship with stakeholders. In addition to the requirements to convene the S&IS Task Force, comprised of key stakeholders, and a curriculum committee of educators, Gilbert chose to create a parent committee to review the secondary lessons in the hopes of building consensus. She attended every community outreach meeting, initiated presentations to at least three civic groups, and published multiple articles in the *Tehachapi News* addressing specific components of the federal intervention.

The evidence indicated she accepted accountability for implementing changes and adhered to transparency throughout the process. Gilbert repeatedly stated that she embraced the goal of improving school climate for all students beyond mere compliance under the Resolution Agreement. Yet she also acknowledged opposition to a school climate intervention “specifically targeting the LGBT demographic” (Tehachapi Unified School District, 2011). Thus, her focus on student safety and the reduction of bullying was a direct response to community concerns “that we, as a school district, not step into the parental role [with]...judgments...related to lifestyles, as to what is right and wrong” (Tehachapi Unified School District, 2011). In essence, her visibly tenuous position placed constraints on her degree of influence.

C. Teachers

Teachers’ primary opportunities to influence the implementation process were through participation in and promulgation of the school climate survey; involvement in the curriculum committee or S&IS Task Force; and the piloting of proposed lessons. Public records and field notes of meetings provided limited insight into the day-to-day influence of teachers on school climate. Even so, an analysis of educators’ interactions with core pieces of the mandatory intervention is worth a closer examination. Although I found no visible evidence of organized teacher advocacy on issues of safety specific to LGBT youth during these three years of implementation, two other concerns did provoke these employees to directly address trustees. During the Spring 2011 term, educators joined a student-initiated Save Our Teachers campaign to protest budgets cuts and layoffs. In February 2012, a group of middle school teachers complained about an elected official’s disparagement of their campus.

In contrast to these inclinations to organize defensively, teachers who spoke in favor of the curriculum, such as Macon, Tietz, and Wahlstrom, were often the sole voices of support in a

board meeting. For example, the union's president, middle school teacher Traci Cunningham, spoke frequently on the board's official agenda, but did not address issues related to this tragedy until more than a year after Seth's death. When she did approach the microphone, she clarified that she spoke as "a parent and teacher on my personal views." She acknowledged teachers' duty to help students deal with a peer's death and the ensuing "shock and sorrow throughout the community" (Tehachapi Unified School District, 2011). However, she made the troubling observation that "Each time this sad event has occurred...I have been given different directions regarding the manner in which the school and the teachers are to address the situation." Cunningham urged TUSD to create "a consistent policy that will provide guidelines for teachers and administrators...regarding how death should be dealt with at all school sites."

Four months later, remarks from an unnamed trustee triggered an appearance of several middle school staff at a board meeting. Their statements reveal some of the residual impact from the September 2010 student suicide, subsequent media coverage, and federal investigation. This time, Cunningham complained about the comparison of the middle school to a "hole in the ground" at a public meeting. "Morale is a problem (sniffing)," she declared, "...We're just getting over the lawsuits and bad press (well maybe we're not even over the bad press). I really think that we deserve better." Another teacher noted, "The mud has been slung," and, rejected the need for an apology. Instead, Galloway challenged,

Come see what we do for the day, not just an hour ...[K]now what goes on in our classrooms before [one of] you, as a board member, makes a statement that JMS is lacking ...if you feel there should be changes, then why aren't you at the school working with staff and students? (Tehachapi Unified School District, 2011)

In a pattern echoed by Superintendent Gilbert and trustees and examined later, teachers often introduced themselves as parents of current or former students, referencing their multiple roles in the community. For example, Christy Cowee identified herself as a JMS math teacher and a THS parent. From one neighbor to another, Cowee cynically noted that she expected such negativity from the print and broadcast media, but said the unexpected denigration “from within” was “heartbreaking” (Tehachapi Unified School District, 2011). With her voice breaking, the educator and mother insisted, “We don’t slack off. Most of us go out of our way to do what’s right....It is exhausting and draining.” Unsurprisingly defensive, she continued,

JMS has become the punching bag of the district lately. [Yet]...much of what we are blamed for we have no control over. [M]any issues are misconstrued or completely false ...[W]e teachers continue to do our jobs regardless of outside influences. (Tehachapi Unified School District, 2011)

She also deflected from the role of educators in shaping school climate. “There are hundreds of outstanding students at JMS. There are some who are...behaving badly,...a few students...more concerned with peer viewpoints than our viewpoints of how they’re acting.”

High school civics teacher Paula Macon was one of only four teachers to endorse the curriculum in open session. She, too, acknowledged the lack of balance in how local educators were portrayed by the media, saying “We have done some amazing thing in Tehachapi, but we were targeted for one issue that took place” (Tehachapi Unified School District, 2011). Nonetheless, she saw value in implementing the federal mandates. “A couple of days of curriculum—I think it is a positive thing. It will definitely help.” Her statement also reflected dual aspects of identity.

As a parent I could be concerned. As a teacher...I see the need...to teach kids to respect...on a daily basis....[T]here are kids who have not learned to appreciate differences, whether that be the color of someone's skin to how much money their parents make. (Tehachapi Unified School District, 2011)

Tietz, who identified herself as “a 5th grade teacher at Tompkins [and] born-again Christian,” had the daunting task of addressing trustees in front of a crowded and hostile room in July 2012. Like parents and activists who urged TUSD leadership to introduce changes, the elementary teacher approached the situation with a reasoned tone: “[W]hat I would like to see is those of us in favor and those of us against sitting down together and explaining why we accept or reject it.”

Tietz was the only individual on public record who indicated that she had read the entire scope and sequence and thought the revisions had gone too far in appeasing community opposition. “[W]e're a conservative town and the feelings are running high,” she said, but the curriculum was shortened from “eight units [to]...five or six, and they have nothing to do with anything except bullying and tolerance of others.” She pointed to what she felt was an unacknowledged reality, concluding “I think as a community...we need to realize that there are people out there that have two mommies, people out there who have feelings for people of their own sex.” She sat down to much lighter applause than the litany of parent remarks that evening.

Danielle Evansic chose to speak as a high school teacher and mother of a young child with a disability at the same summer meeting as Tietz. She cited the mistreatment of special needs students on the secondary campus and wondered aloud what was “wrong in our community,” what “isn't getting through to our kids.” A trustee's wife, Evansic endorsed the need for the elementary lessons, but made clear what she was not addressing. For her, the K-6 curriculum was “great,...a scaffolding...to talk about...where [on campus]...something could

happen...it's about working together to find solutions... to discuss what's bothering them." At the same time, Evansic stated plainly, "I have nothing to say about the high school curriculum ...I have nothing to say about the gender. It's not in K-5."

If teachers read and commented on the S&IS materials outside of these organized venues, it was not reflected in the reports to the OCR. Out of the 44 curriculum evaluation forms submitted during the public review period for the anti-bullying lessons, only two were explicitly identified from teachers. With minimal additional comment, these two rated the draft curriculum 'adequate,' and returned to 'approve' the finalized version, noting a positive experience piloting the lessons. Because the middle and high school curriculum received significant public scrutiny, the period of committee evaluation and revision spanned the 2011-12 and 2012-2013 school years. As educators were laid off or transferred positions, the composition of the committee subsequently changed.

Among the fifty teachers who piloted one or two lessons in May of 2012, all but four submitted evaluations which 'approved' or 'strongly approved' of the resources. Curriculum evaluation forms only identified eighteen specific lessons taught; many submissions did not identify the lesson or grade level. Comments on these forms also did not reliably differentiate from teacher and student viewpoints. For example, one middle school instructor who marked 'approve' for an unidentified lesson wrote

The materials are adequate or better for presenting the district/OCR point of view on bullying. Many students in my class disagreed with either (1) the definition of bullying presented in the lessons and/or (2) the need for the lessons. One student also stated that these lessons were an excellent education in *how to bully and get away with it* [emphasis added]. When we were at the Museum of Tolerance and saw a "lesson" on school

bullying, then took an anonymous survey afterwards, over half of the students said they were not personally bullied at school and 94% said if they were bullied they knew an adult...[illegible]

Throughout the curriculum adoption process, some parents and community members feared that any discussion of sexual orientation or examples of sexual and gender-based harassment would provoke students to engage in these behaviors more frequently. It is not possible to know to what extent this teacher's own views influenced the purported stance of students. Similar to the above quoted teacher, the educators who attended the Student Listening Circle organized by WestEd focused their subsequent discussion and analysis on student survey responses in which a majority reported not experiencing bullying.

The initial advisor to the high school's Gay-Straight Alliance was one of the new hires pink slipped during the budget crisis in 2012. The subsequent advisors maintained a low profile, with no evidence that they spoke at board meetings or participated in the curriculum committee. The lead curriculum specialist, an elementary teacher on special assignment who served on the S&IS curriculum committee, led the K-5 training at each school site. In my field notes of a conversation about the teacher training, I learned that she had an adult son living outside of the area who was gay. She described the types of conversations around her on campus surrounding the Prop 8 campaign from several years prior. She felt unable to take an open stand as an ally, because of the number of colleagues who openly and strongly supported the ban on marriage equality. That history precluded her considering taking a position as a parent and ally. Instead, she chose to position herself as an elementary-level educator first, working in the supposedly neutral territory of anti-bullying lessons and the Golden Rule.

Under the Resolution Agreement, teachers began to receive professional development on LGBT issues at the start of each school year. This included the applicable laws and California education code related to intervening in and reporting harassment on campus and protections for sexual minority and gender variant youth. The anonymous, voluntary staff survey had no incentives attached to staff participation, and only 50 of 525 employees responded in May 2012 and 57 in May 2013.

In the first survey, three staff, one at the middle school and two at the high school, identified as lesbian or gay; a single respondent at the high school identified as such in 2013. In 2012, one third of participants declined to state their sexual orientation and 27% declined to state their gender. The same number of respondents declined to share this demographic data on the 2013 survey as well. In addition to the salience of low participation, the possibility that decline to state responses further indicate a rejection of the relevance of sex and gender to educational experiences is also worth considering. Conversations with multiple district and site administrators indicated a common perception, influenced in part by social media chatter, that an undetermined number of teachers initially opposed the findings of hostile campus climate and rejected the mandated curriculum months before the lessons had been drafted and were available for review. Yet, these same administrators noted that no teachers challenged the materials during professional development on the anti-bullying curriculum and that most expressed support for the materials.

Several educators did speak of the necessity of increasing tolerance and reducing harassment on campus, but none self-disclosed their own orientation nor stepped forward as a voice for the needs of sexual minority students in board meetings or the community news. A single teacher, Jana Walker, served with four administrators on the S&IS Task Force, the group

meant to incorporate community views in recommendations to reduce and prevent harassment. Task Force members' views on the existence of prejudice in the community and the need for parent education will be addressed in a later section.

Altogether, the evidence indicates that teachers did organize around other educational issues and even challenged trustees. Given the tenor of public remarks during the implementation, it is possible that many teachers either sympathized with or chose not to confront community sentiments. This is supported by the fact that the perceptions of teachers were nearly altogether absent from the pages of the *Tehachapi News*. From a combined lack of resources, support, and political will, district educators struggled with the implementation of the federal school climate intervention. An analysis of the role of elected officials reveals their primary influence in the process.

D. Board Trustees

Many of the original one-school districts in Kern County, formed in the 1800s as a result of an oil boom, could not maintain mandatory average daily attendance and were absorbed by larger neighboring communities over time (Kirkland, 2010). A complex set of consolidations and annexations of Tehachapi's outlying areas of Keene, Monolith (Aqueduct), Cummings Valley, and Cameron occurred over a period of ninety years and ultimately involved eleven elementary and two high school districts (Kirkland, 2010). Although all seven board members in this Southern Kern community are elected at-large, TUSD remains divided into three distinct geographical areas, based on these historical annexations, from which two candidates each may run or be appointed. The seventh trustee may reside anywhere within district boundaries. Thus, although TUSD has maintained relatively modest, even declining, enrollment since the latest consolidation in 1957, and benefits packages for trustees cost around \$15,000 per person, the

comparatively high number of trustees for the district's size seems likely to remain, given its historical origins.

Board members serve four-year terms and half of the seats are up for reelection every two years. Since 2009, the board has had four resignations, including Judy Walsh, a retired teacher and the grandmother of Seth. Originally appointed to fill unfinished terms, Trustees Evansic and Bender were subsequently elected. A recall of three board members in March 2009 was unsuccessful and only one incumbent, Hart, lost a competitive race in November 2010. In the last election in November 2012, Wood, Austin, and Bender ran unopposed. This pattern seems to indicate that board turnover can be attributed more to the burden of fielding eligible candidates for a large board in a small community than to any perceived difficulties in managing the district's affairs under the terms of the voluntary federal resolution.

An indicator of the overlapping connections among community members is the number of family members of trustees who are also TUSD employees or students. For example, the Director of Maintenance and Operations, Kirk Gilbert, was a TUSD employee prior to his wife's promotion to superintendent. Trustee Evansic's wife, Danielle, teaches at the high school and Trustee Snyder's son, Pat, is the Athletic Director. Snyder, her husband, and Jackie Wood are all retired teachers. Superintendent Gilbert, as well as Trustees Austin, Bender, and Evansic, currently have school-aged children enrolled in the district. Trustees Traynham, Graham, and Snyder have adult children who attended TUSD schools, and the grandchildren of Traynham and Snyder are currently enrolled as well.

From October 2010 until January 2014, trustees met at least 44 times, including regularly scheduled open sessions, closed sessions, governance workshops, and some special meeting dates, to handle business related to the Walsh litigation and the Resolution Agreement terms and

its implementation. Transcripts are only available for open sessions, and among those, it is difficult to quantify the total number of minutes which directly addressed the mandated intervention; however, a rough estimate of the number of minutes for public comments, superintendent reports, and board discussion prior to votes is 2,386 minutes, or just under 40 hours of remarks. Proportionally, the majority of these are minutes that trustees spent listening to community sentiments and district updates more than sharing verbal deliberations.

Although transcripts capture some of the intra-board dynamics as well as the beliefs of individual trustees about their role and responsibilities broadly, these audio files represent a patchwork of opinions. For example, I estimate that Wood, who has served over a dozen years, and Bender, who won his first election less than two years ago, each provided fewer than five minutes of comments related to the Resolution Agreement and mandated intervention on the public record over a three-year time span. David Brown had the shortest tenure during this period, resigning in August 2011 after only fifteen months, and I did not find remarks which characterized his view of the Agreement or the Findings' indictment of local school climate.

After several adults disclosed their personal experiences with stigma and mistreatment at the October 12, 2010 board meeting, Trustee Hart prompted the high school student representatives to report on their efforts to address campus climate. Hart's term ended before all school climate reforms were in place. Although she lost her reelection bid in November 2010, two months after Seth's suicide, she brought up issues of bullying, school climate, and board governance, to the point of engaging in verbal sparring with the board president and provoking a recess at one meeting. Her antagonism carried over after her departure and she penned several columns critical of board leadership in the local paper, though none addressed the federal role directly.

Naylan Bender had not yet been appointed when the vote was taken to approve the Resolution Agreement, but Wood was one of four ayes. Both were part of the 6 to 1 majority that voted in favor of the K-5 curriculum on July 30th the following summer. In January 2013, they were among the five trustees present for the unanimous vote to approve the secondary materials, the final step in the implementation. In fact, Wood grounded her support for the elementary lessons in her experience reviewing cumulative student records as part of expulsion panels. She called the later elementary years a ‘tipping point’ in boys’ education, the beginning of a decline in academics and an increase in behavioral issues, and believed the S&IS curriculum would provide a foundation to keep students “who don’t have the tools to learn” on track.

The January 2013 discussion of whether to allow the newly-launched charter, Abernathy Collegiate, to access TUSD sports programs was the sole time both Wood and Bender communicated their positions on an issue during the 40 plus hours of audio files transcribed. Describing his position as ‘on the fence,’ Bender was concerned with the sudden demands on TUSD personnel, which included responding to the charter petition, negotiating an MOU, and preparing facilities. He asked, “What’s so wrong with us? We have great teachers and great schools. You want to take bits and pieces” (Tehachapi Unified School District, 2011).

Wood acknowledged that the TUSD held a “monopoly” on varsity football, the heart of Friday night socializing in the community, and implied a problem would arise if charter school students displaced these athletes, who would be eligible to vote soon after graduation. To describe her role as a trustee, Wood talked about mediating community concerns. She compared the friction surrounding Abernathy’s launch to struggles surrounding TUSD’s home schooling program. “We can learn from that [roll-out], but it’s going to take some time for people to get on

board in Tehachapi. It just seems like you have to take one step at a time and it can't be shoved at people. You have to prove yourself" (Tehachapi Unified School District, 2011).

The only trustee who mentioned direct outreach to the residents who advocated for a change in school climate was Tim Traynham. In December 2010, he attended one of the first organizing meetings for Tehachapi ABC. In his report to fellow trustees, he noted that the group of 30, which included psychologists and educators from adjacent communities in a 40 miles radius, openly expressed dissatisfaction with the school board. However, after ABC efforts dissipated, Traynham turned to his four adult children and a grandson for input as he read the proposed curriculum in May and July 2012.

At that point in the implementation, Traynham supported the elementary materials, but had unidentified concerns with the middle and high school lessons. Nonetheless, he ultimately voted in support of both curriculum modules. Like Traynham, Evansic voted in favor of both the Resolution and anti-bullying lessons; however, they differed in their support of Superintendent Swanson. As the only one to speak outside of closed session on extending Swanson's employment, Traynham implied that the Resolution Agreement's terms played a part in his decision. "I do hold [Dr. Swanson] responsible for the overall direction of the district....As we vote tonight on a future leader of this district, we are held to task to ensure this is a leader who can lead us through [these] turbulent times ahead....The decision we make tonight will affect the direction our district will go."

Traynham also articulated a traditional view of the superintendency that was primarily transactional. He saw TUSD's administrative chief as responsible for proactively ensuring that staff understood the overall direction of district policy and had a willingness to "make changes...with a positive attitude."

Evansic brought the failed motion to extend Swanson’s contract at the same June 2011 meeting in which the Resolution was approved. Evansic was the only trustee to vote yes other than David Brown, who submitted his resignation after the July 2011 hiatus. When meetings resumed in August 2011, Evansic peppered Swanson with a series of questions about carrying out the federal agreements, including the planned trainings for teachers and students. He asked to see copies of changes to the student handbook and wanted clarification on whether it would be ready for distribution at the start of the school year. At the next board session, attended by Al Harris, from Schools Legal Services, Evansic spoke more than any other trustee and had practical concerns with the policy revisions requested by the DOJ. His worry was the implementation:

I realize we have to comply. But putting them in there and enforcing them are two different things. If we are found not to enforce it, we’re in trouble. If we put it in and don’t enforce—because some of these are unenforceable—we’re in trouble as well.
(Tehachapi Unified School District, 2011)

Using examples from his wife’s math class and the existing tradition of a weeklong Battle of the Sexes at the high school, his comments indicate the board had no intention of changing existing practices at the sites which stereotyped based on gender, unless complaints arose.

Evansic, a mechanical engineer at Scaled Composites, had been appointed at a special board meeting on September 28, 2010 over three other candidates, including Stacy Arebalo, who served as the designated school resource officer from the Tehachapi Police Department from 2007 to 2011. As another example of his detail-oriented nature, Evansic probed whether Dr. Swanson had allowed site administrators to provide input to the DOJ-mandated policy changes. “Do you get with administrative staff, the chief of curriculum, or principals to voice their

concerns on what they're seeing out in the field and problems they're going to have to address in this complaint? Do our administrators understand this?"

He broadened his questioning to include TUSD processes, asking "Do we do that?... Do we make changes of this nature? We didn't have policy meetings to address this" (Tehachapi Unified School District, 2011). Two months later, this parent of a disabled daughter directed numerous questions to Swanson's replacement about the proposed student surveys. Although his queries expressed skepticism on the validity and reliability of the survey format, he brought forward the motion which received unanimous board approval. In the 2012 Fall term, TUSD began to train teachers on the elementary materials and continued to review the secondary curriculum with a parent committee. Evansic asked how teachers responded to the training, when lessons were scheduled for each site, and how Gilbert planned on providing updates to the board.

[A]fter a month, or after two or three lessons, I would really like the board to get a briefing on what kind of feedback you got on the classes from teachers, parents and students, so we can see what kind of problems... I really think it's important that we're on board [and]...in touch with the problems we're seeing. (Tehachapi Unified School District, 2011)

Evansic's comments also show an expectation of measurable parental involvement in their child's education. He felt the planned community outreach by TUSD to support passive consent on the first student survey in May 2012 was "reasonable," adding "Put the ball in the parents' court...passive is the way to go. Put it in the parents hands to come forward" (Tehachapi Unified School District, 2011). A later discussion on updating the public comment cards used at board meetings elicited the following remark: "Just put total time allotted may be limited...I just think it's unfortunately tragic that there's so many people who just are not engaged until their hot

button gets pushed and then they show up.” Evansic’s positions were more pragmatic than dogmatic. For example, when pressed by a parent on why the board accepted the Resolution Agreement, the Board President replied, “We chose not to go down the legal path.” From Evansic’s perspective, two other factors swayed to the board to approve the Resolution. He called it

[a] decision by the board to say ‘Let’s not fight the federal government on something that we’re going to be at a big disadvantage while we’re dealing with everything else that goes on in school’...Every member of the board saw that there wasn’t anything they were requiring us to do that was beyond what we were already doing with safe schools, Character Counts, etc.

When Evansic added, “It’s a lot cheaper going this way,” an outcry from those in attendance forced him to backtrack and apologize for his flippancy. Overall, the pattern of his questions and statements reveal a trustee willing to learn and build his competencies, and interested in efficiency and compliance as much as democratic engagement.

Before retirement, Patti Snyder taught kindergarten and served on the negotiations team for TAT, the teachers’ union. She continued to be viewed by some I spoke with as the strongest proponent among board members for teachers’ interests. When several middle school educators shared their outrage at an unnamed board member’s disparaging remarks about their campus, Snyder replied, “You work hard. It isn’t fair that we get accolades for two schools and dirt thrown at another. Keep your heads high and know that you are great.” Only Snyder and the board president voted against the Resolution Agreement in June 2011.

Before a sweltering room filled to capacity in July 2012, she remarked “Shame on me,” and admitted to not having read the curriculum during the four months it was available. “It’s not

my job. I don't get a paycheck," she added. Instead of public backlash, though, she received a loud, sustained applause as she sympathized with the two and a half hours of public comments she had listened to, stating "I understand fully where you're coming from...regardless of what we do, we're opening the door [a] crack." Snyder implied that public schooling was changing in ways that she did not fully embrace. "Once the crack is there, it will only get wider. That's my opinion."

As the lone opposition in the 6 to 1 vote on the elementary curriculum at the end of the marathon session, Snyder received public praise in a letter to the editor the following week. Using Snyder's metaphor, the writer clarified the meaning by adding "Now the door has been opened for this liberal agenda for our school children...Some of this leans towards the LGBT lifestyle....This will only create more confusion in our kids" (Miller, 2012). Snyder was not in attendance at the January 2013 vote on the secondary curriculum. With a husband retired from coaching and a son as the high school athletic director, Snyder was just as outspoken on the issue of granting Abernathy Collegiate access to the TUSD's sports programs. This time, it was a door she could keep locked.

If we open it up to everybody in the community, we have to open it up to all charter schools. Once you open that door, where do you draw the line? The District's budget is tight. There are students that have been in the district their entire educational career and a Charter School student could bump them off a team." (Tehachapi Unified School District, 2011)

Thus, as a stakeholder, Snyder was a gatekeeper and representative of a particular constituency.

Although Austin and Traynham were both elected to their first terms in November 2010, Austin was the only trustee to abstain from a vote on the Resolution Agreement seven months

later, telling an inquiring resident “I was new and I didn’t feel like I had enough information.” Her first on-record comments that I came across were not until nearly a year after her induction, in August 2011. Her proposal, a reconsideration of the expulsion process which would remove trustees from serving on the panel, languished as a future agenda item for a full school year.

Unlike Snyder, who did not feel a responsibility to expend time on curriculum details, Austin spoke of a duty to serve her community and a “vested interested” in her children’s education. She explained to those in attendance, “My boss said, ‘If you were an hourly employee, you’d lose money being on the school board.’ That’s okay....It was my job to do it.” Similar to Evansic, Austin also had high—and in some ways naïve—expectations for broad parental involvement, declaring “it’s every parent’s job ... We as a board can only do so much, if you parents don’t get involved.” For example, after her review of the initial proposed curriculum, she brought up to Superintendent Gilbert the possibility of including homework prior to the day of the mandated lessons, so that parents could help their children “know where they stand prior to attending the class...where you as a family stand, where you as an individual stand.”

She never talked about how she anticipated educators might reconcile potentially contradictory opinions from students or their families, instead speaking of community engagement as if synonymous with opposition to the mandated lessons. “Push parent involvement....parents are going to be a little scared...The more eyes looking through this, the better it would be...know what your child is going to learn ...It takes away the fear and lets you have a voice in your child’s school.”

Austin provided the most extensive on-record commentary on the S&IS lessons among trustees. Over the span of several board meetings, she explained what she saw as the curriculum’s dual purpose: to teach students the Golden Rule and how to stand up for their rights

and beliefs. More than once, Austin grounded this position in her “Christian background” and announced that her “faith in Jesus” guided her votes. ”I read [the materials] with the thought in mind ‘What would Jesus do?’ He would treat everyone the same. He would want children to be taught to love one another.” This working mother also believed that these were values already embraced by the community and supported on campus. “Most of the teachers in elementary schools in classrooms [already] teach children to get along and accept [others] for who they are and not base friendship on what they look like or what sport they play.”

The Board President selected Austin to review and report on the first draft of the K-12 lessons at the May 22, 2012 open session. After the curriculum committee incorporated community feedback, removing what were deemed the most controversial lessons, Austin was prepared to defend the elementary module before the crowded July 30th meeting, while aligning herself with majority sentiment.

I do want the rest of the board and public to know I have read it through three times word for word, specifically looking...for an LGBTQ agenda, because I don’t want that pushed. Many of you have spoken the same way I feel about a lot of things. I don’t believe it [the gay agenda] is in the K-5 [materials].

Austin seemed to accept the premise that schools played a role in eliminating bullying and prejudice; however, she called for the removal of lessons which challenged anti-gay slurs and which addressed the systematic absence of gays in history lessons. For her, these resources would indeed “push that agenda for our school district.” A 9th grade lesson which asked questions “specific only to the LGBTQ grouping” led her to inquire, “If we are trying to eliminate bullying in our district, why are we singling out one specific group?”

Austin's rhetorical question reflected the lack of understanding among many stakeholder groups that the practices mandated by the Agreement were designed to address the stigma and hostility toward sexual minority and gender variant youth uncovered in the Findings of Fact. For example, she called for the elimination of a bisexual character in a role play lesson to ostensibly address a subjectively perceived stigma, saying "I don't want a spotlight put on any one group *that may feel* [emphasis added] that they're being bullied."

In fact, after the curriculum committee acceded to public criticism and purged most references to sexual orientation and gender identity, Austin continued to redline lessons in the final minutes before a board vote on the secondary lessons at the January 29, 2013 board meeting. She argued that one activity, a silent reflection during an oral recitation of student quotes about the impact of "That's so gay" was not "necessary." She saw silence, not scrutiny of stigma, as preferable, adding "We don't want to put a focus on them and make that particular student feel bad." Her word choice suggests that she could not support lessons placing sex and gender ahead of more communal aspects of identity, such as shared family values and religious beliefs.

In Austin's earliest comments on the curriculum, she contested interpretation of OCR mandates, declaring "I don't think it's our right or responsibility as a district to teach gender identity to students. It's their parents' job....I don't think it's mentioned in our resolution agreement." She used her power as an elected representative of the community to set the boundaries of the debate and added "If the Understanding Gender Identity [lesson] is left in, I could not approve the curriculum."

On one hand, she sought to reassure concerned parents that she specifically reread the curriculum three times. On the other hand, she called parents to step up, saying "I feel like

there's misinformation out there...Don't listen to what your neighbor says—or church—or community....You need to read what your kids are learning.” When one TUSD employee challenged Austin's statement, asking “So if we do that and come back and say we still don't want it, what will you do?” she responded with insistence, “Read it. It's your prerogative what goes on with your child.” In short, Austin served as a standard bearer for community values and a mediator between the aims of federal regulators and parents.

Board President Mary Graham also encouraged public input. She accepted any item offered during open sessions, including a PFLAG resource book, contact information for a conservative Christian legal non-profit, a student-generated letter listing ways to improve middle school climate, and an invitation to attend a regional anti-bullying summit on LGBT-related issues. As fellow trustees debated revisions to the speaker cards used in meetings, she reminded them of a duty to allow freedom of expression. “We have to really err on the side of caution to make sure that we do not do anything that will prevent the public from being able to speak.”

She thanked parents and teachers who volunteered as committee members in a similar manner to the gay and lesbian adults who shared personal stories of harassment and rejection. Her demeanor changed little, regardless of whether public comments criticized a site administrator, district leadership, the federal government, or the board itself. Graham listened to several teachers who, vexed by a board member's negative comments about their middle school campus, complained that trustees were out of touch and knew little about the goings-on at Jacobsen. She responded,

Thank you for...telling us about what you do....Yes, you've had a tough time in this district and, yes, JMS seems to get the brunt of it, but it is not alone....Our kids go from

all three elementary schools to JMS together. We're a team. What you've experienced in this time of trouble...Don't feel alone. (Tehachapi Unified School District, 2011)

Sarah Soto complained that "gender options" should not be taught in school, but added that she was not attacking TUSD personnel or board members. As standard practice, the board president responded on behalf of all trustees in attendance, reassuring her "Ms. Soto...we do not take this personally. We also respect each of you coming in and voicing your concerns...because, yes, these are your children. We thank you and commend you and appreciate it."

Graham's evenhandedness towards speakers and her reserved style made her personal opinions inscrutable during most discussions. For example, she offered no comments the evening Swanson's contract extension was voted down and read a prepared statement which announced his resignation at a later meeting. However, Graham's simple choice to expand on certain topics, even with neutral language, reveals one approach to managing board business. During the May 22, 2012 meeting, at which parental antagonism toward the surveys and lessons became clear, she began the agendaized discussion of the draft curriculum with the following introduction:

We've had a presentation on the curriculum last board meeting. The Superintendent has been over the curriculum. The committee has been over the curriculum, and I've asked Ms. Austin if she would give a report since she was going to go over it anyway. If the board feel (sic) each would like to go and review the curriculum, we are under a timeline as well as we cannot remove any of those documents from the sites nor district office because of the copyright issue. (Tehachapi Unified School District, 2011)

In a word, despite the emphasis placed on parent input, she continued to steer TUSD through the deadlines and expectations set by the OCR. Attention to nuance and word choice during interactions with community members was another characteristic of Graham's

communication style. When one local resident asked if TUSD had been found “guilty in a court of law,” Superintendent Gilbert explained that the OCR conducted an investigation and issued their findings. As the parent continued to ask about a determination of guilt and the financial impact to the district, the board president stepped in matter-of-factly.

Graham: A resolution came before the board. The board as a whole voted on this resolution and came to an agreement with OCR and DOJ. The board voted to accept it. The majority ruled.

Soto: So we have to pay for it, right?

Graham: We chose not to go down the legal path.

Smith then charged that the board was shirking a responsibility to serve the community, and Graham was quick to reply.

This board strives in every capacity. The children, they’re our first priority. Sometimes it may not look that way, but I speak for every board member, administrator, and parent out there that that is the utmost priority. For you to take away from this conversation that this is the cheap way for us...that is not true. That was never the intent of this board.

(Tehachapi Unified School District, 2011)

During the most heated public testimony at the board meetings during the summer of 2012, the president of the board remained unflappable. Smith called for board members to raise their hands if they found TUSD innocent of the charges laid out by the DOJ, which Graham curtailed with the response “I believe the document states that we dispute the findings of the DOJ.” Mata, another leading opponent, challenged TUSD’s proposed anti-bullying curriculum, and another verbal tap dance ensued.

Mata: You’re saying Character Counts is not getting the job done? It’s failed?

Graham: Not entirely. My personal opinion is that this curriculum has just expanded on K-5.

Mata: Why couldn't we add to what parents and society have already agreed to? Why buy a new curriculum?

Graham: I believe that's what we're doing. We're expanding the all-inclusiveness.

The board president's equanimity extended to deflecting the most vocal foes of the federal intervention who pressed the superintendent. When Gilbert attempted to correct the claim that the materials included the "teaching of sexual practices," Grell shot back, "How are you going to define what a homosexual is without defining what that sexual act is to my student?" Graham stepped in to move the discussion along, saying "To clarify, the curriculum 6-12 has been pulled. We have not passed [approved] that section. We have our parent committees, superintendent, and curriculum administrator all going through that."

After three months of Smith's harangues on various terms of the Resolution, Graham remained magnanimous. The former home school parent filled out speaker cards for each item listed on the August 28, 2012 agenda, intending to use the combined time to prevail upon the board to reject the Agreement outright. After twenty-nine minutes of lecturing, Smith took her seat as the board president leaned into her microphone. Graham thanked her for "the time and energy...put forth with bringing this information to us." She added, "You have brought up some very interesting questions I would like our legal to look at...I'm not sure that all of us have looked at it in that respect."

The board president never went on record to explain her initial vote in opposition to the Resolution Agreement, but she did offer a retrospective observation. "When the board entered into this resolution, it was my belief that...we want[ed] to address all bullying of any kind...We

made that very clear to our superintendent as well as our community. We definitely do not want anyone *segregated out* [emphasis added] in this curriculum.” She seemed to be reluctant to embrace policies with enumerated protections and LGBT-inclusive materials throughout the implementation process. For example, prior to her vote on the revised board policies handed down from the DOJ, she clarified “So you’re saying AR5145.7...This will be used for all discrimination for protected groups?”

Like Evansic, Graham was concerned that the procedures for investigating and reporting sex-based harassment were burdensome. “There’s is no room for common sense in the way this document is written. That *can* possibly lead to litigation...The common sense has been taken out.” From Graham’s perspective, “the goal of that curriculum is to teach the children to be better citizens, to be respectful.” The elementary module, in her words, “addressed...what goes on nationwide in our schools...all sorts of bullying.” Referring obliquely to “those concerns for everyone,” Graham was satisfied that the lessons were “generic enough,” which again suggested an inclination to remove mention of sexual orientation or gender expression, whether related to harassment or identity.

She declared that the final grade 6-12 curriculum was “a document that does cover all harassment no matter what the subject matter is...that these things were covered under the umbrella, not just one item of discrimination.” Although Graham initially shared Traynham’s concerns about the draft lessons, she was ready to support the committee’s revisions six months later. Graham also tied the responsibility for abiding by the Resolution Agreement to her reluctance to allow charter school access to TUSD sports programs, wondering aloud how discipline would be handled and what the district’s liability would be. Transcripts of board meetings depict a Board President with professionalism, a steward for TUSD who was attuned to

community sentiments and who sought to be responsive to parents. She maintained both her composure under public scrutiny and a close working relationship with Superintendent Gilbert throughout the implementation, staying engaged with details throughout the process.

Trustees, who felt caught between federal mandates and community wishes, welcomed parent engagement and, at times, begged for public input during the implementation. However, increased involvement also led to the opening of a charter school and a steady drumbeat of opposition, which included a petition to disenroll students. At this point, evidence indicates the ebb and flow of exchanges on the public record about the needs of sexual minority youth also contain repeated moments of silence on the part of district leaders. Indeed, the erasure of LGBT-inclusive content from the curriculum by Austin suggests a tension between the democratic governance of local public education and the preservation of civil rights for protected classes. Is the repeated privileging of heterosexuality prevalent in the majority's opinions and values synonymous with a hostile climate for queer youth?

V. Theme 3: Silencing, Erasure, Marginalization of Sexual Minority Identity

Many stakeholders—those involved in or affected by a course of action—perceived clear boundaries for in-group identification. Where different residents drew those lines of ‘us’ versus ‘them’ is revealing. The process of defining who had a say in community schools played an influential role in the implementation of the school climate intervention. Residents who resented the intrusion of civil rights attorneys and federal education policymakers pressured TUSD officials for responsiveness to community concerns. Trustees, by the nature of having entered into a voluntary Resolution Agreement, could not be seen in public opposition to its implementation.

However, in the name of community outreach, they encouraged all residents to step forward and voice their concerns, contributing to a climate in which attempts at advocacy for sexual minority youth were overwhelmed by the tide of resistance. One trustee noted, “We’re also voting for those who are not here as well. We recognize that there are those of you who are very involved parents. There are so many students who do not have parents who are involved and who care as much as you do” (Tehachapi Unified School District, 2011). It is more likely that this disparagement was intended for adults who had failed to instill tolerance and respect at home, than an acknowledgement that the parents of gay youth faced social stigma with silent shame. Nonetheless, while opponents to the intervention found a sympathetic ear from board members, there was no evidence of a concerted effort to bring parents or educators familiar with the needs of queer youth forward in a similar manner.

A. Many Voices, Few Allies

Community members who addressed trustees in open session often opened their remarks by noting their length of residency, the number of generations in their family who had matriculated through TUSD, or their own status as alumni of the sole comprehensive high school. Some also identified as a current or retired employee, or a family member of someone who worked for the district. With one notable exception, this section examines the public views of stakeholders who identified themselves as concerned residents, including parents or grandparents, but who indicated no additional employment-related connection to the schools.

The characterization of community sentiments, comprised of a myriad of viewpoints and driven by often unstated motivations, is always problematic and may present an incomplete snapshot for numerous reasons. Responses may change with new information and degrees of conviction may vary over time. For example, the support expressed for the school climate

intervention was diffuse, tepid, and less visible during the contested implementation, in contrast to the fervent voices of critics who cohered. Second, there is anecdotal evidence that as the positions of some who stated initial opposition evolved, their engagement lessened, while those who hardened their stances appropriated different tactics and remained vocal. The most prevalent themes formed by recurring arguments and shared beliefs advanced by multiple key stakeholder groups throughout the federal intervention are addressed in this section.

Here, I assemble indicators of community response to the Resolution's terms through an examination of letters to the editor, quotes in local news coverage, monologues in front of the board, curriculum feedback forms, and my field notes of discussions during the S&IS Task Force meetings from 2012-2013. Within this broader context, I focus on parent viewpoints of the mandated reforms, study their responses to crucial components of implementation, and consider their perspectives on other stakeholders' roles in the process.

District business had historically elicited sporadic community engagement, provoking division, such as the March 2012 debate over program cuts and furlough days, or erupting into controversy, like the 2009 firing of a popular middle school principal. In that instance, to vent their disapproval of the administrator, some parents dogged his employment in another district by sending unflattering denunciations and accusatory letters to the board members and newspaper of his new community a few hours away. Other parents, riled by what they saw as the board's micromanagement of such personnel matters, attempted a recall of Trustees Graham, Snyder, and Hart in March 2010.

From Seth's death in September 2010 through January 2013, the weekly newspaper published 298 articles, guest columns, editorials, and letters which discussed some aspect of TUSD's climate, including the investigations, lawsuits, and progressive implementation of the

Resolution Agreement's terms. Among the 69 articles which headlined the first three pages of a weekly issue, 37 were front-page news, and over half of those continued on one or more additional pages. The *Tehachapi News* served as a virtual venue for debate, with district actions, board proceedings, or the articles themselves provoking 118 published responses from readers. Forty-three of those were published as guest columns, with separate, higher profile headlines, often featured under the title "Hometown Forum" and the other 75 were letters addressed to the editor.

There were two specific periods of time in which rural residents stood to speak during board meetings on these matters. First, directly after the memorial and park vigil for Seth, a total of nine residents spoke of the need to change school climate, with several directly addressing a hostile environment for sexual minority youth during the two October 2010 board meetings. These included several gay adults, parent organizers of ABC, and Jamie Phillips, whose daughter, as Seth's closest friend, had been with him hours before his death. One ABC parent, Yvette Benton, would later be invited to serve on the parent committee which edited the secondary school lessons.

Although trustees were likely aware of the heated ongoing discourse in newsprint, the board as a whole did not come face to face with the issues and opinions simmering in the community until the May 22, 2012 meeting, when parents reacted negatively to the climate survey's passive consent and the proposed curriculum. Various small town residents attended board meetings every subsequent month until the final vote to approve the lessons in January 2013. During this second and more prolonged wave of engagement, only nine mountain neighbors came forward in person to vocalize support for the federal intervention.

In addition to four teachers who were also parents, this group included the PFLAG President and two other adults who had neither children nor grandchildren enrolled in a local school. Peggy Horn, who was one of only three who spoke in favor of the curriculum during the three-hour board meeting on August 28, 2012, also joined the parent curriculum committee. Among the 22 locals who stood before trustees to publicly criticize the mandated intervention, 11 attended multiple sessions. In addition, several of these parents had ongoing contact with TUSD officials between meetings, based on their remarks and emails which detail their opposition to specific lessons.

The two most active parents who made efforts to organize community opposition, Smith and Mata, attended at least six board meetings. Jim Pendleton, with a daughter ready to enter middle school, attended two open sessions to criticize government efforts. Upon invitation from Graham and Gilbert, he attended six parent committee engagements to review the curriculum, ultimately endorsing the final version. Challenging the board to reject the Resolution's terms, Soto spoke before trustees on five separate occasions, and later participated in the parent committee. She spent five evenings with Pendleton and Horn in deliberation over the federal requirement to provide anti-bullying lessons.

Forty community members took the time to drive to the district office or a school site and read the binders of draft curriculum, submitting over 100 comments on what TUSD leaders called the "pre-amended" and "revised" lessons. Some, like Marcy Grimes, a relative of Tehachapi's mayor, tendered negative criticism for both versions, but did not speak publicly on the matter. A positive evaluation of the materials was written by the family of Rafael Alcalde, who joined Peggy Horn as one of three curriculum supporters at the tense July meeting.

In the cases of Eaton, Kramer, Mann, and Schultz, they contested the federal mandates through both their speech and writing. By and large, the parents who read and responded with written feedback were not the same individuals who attended board sessions, but many shared the same beliefs and had similar reactions to the lessons. The political and religious views parents voiced to trustees mirrored those featured in the local paper. Thus, in contrast to meager visible support, opponents spoke more frequently, through more communication channels, and in greater numbers than backers.

B. Role of Local Media

Local media, though not a stakeholder in itself, did shape public opinion and reflect community norms. In a classic example of how individuals referenced their place in the social order, Editor-in-Chief Elliott described her high school experiences in the 1960s, her coverage of school board business in the early 1970s as a twenty-one year old journalist, and recalled Trustee Snyder as her daughter's kindergarten teacher. In background notes of my conversation with the newspaper executive, she discussed journalism's role in shaping local responses to the district's tribulations and the implementation process.

What I tried to do was keep the public informed without inflaming the situation any more than I thought it was already,...because it seemed to me that it was already very difficult on many levels for many people and that we should make it better or at least not make it worse....and balance that with our own resources, the time we have.

She explained her decision based on both long-term and more recent observations, feeling an immediate empathy for school personnel who received "hate mail from all over the world."

Elliott, who noted that she had spent the last decade in Porterville, returning just six weeks before Seth Walsh's death, referred to the impact of past editorial choices on school board

trustees. “They’ve been through quite a lot quite a lot together. [Prior to this event]...they were quitting...If you rip them all apart every week and put them out there, it does have an impact.” When asked to describe how this perspective affected choices in coverage, Elliott cited two examples of omissions. “The biggest thing we didn’t write about was very strong opinion and discussion in the community that the child was not being cared for.” Additionally, “[Principal] Ortega, in one of the parent meetings, flat out told the parents, ‘We’re being forced to do this. We don’t have a choice.’”

I asked about both the volume of news coverage dedicated to school district issues and how the decision was made to publish several columns from both superintendents which broadly addressed campus climate and the federal mandates. Elliott sounded regretful, stating “In retrospect, I don’t think that we covered the process of the curriculum as well as I would have liked, but we did the best we could, based on resources.” Similar to my background conversations with TUSD officials, the newspaper executive felt hampered by staff turnover and a lack of resources.

Elliott’s prescient October 6, 2010 column observed, “What might have been a local story about the death of a child has turned into a much larger story.” As national narratives appropriated Seth’s suicide a part of a larger crisis gay youth faced, the October 20, 2010 local edition framed his death as the result of “an incident in a public park where he was bullied because of his sexual orientation.” The initial outpouring of grief and calls for change at board meetings was echoed by a handful of letters to the editor.

Among the first four writers, two told of experiencing or witnessing social stigma based on sexual orientation firsthand while another branded Elliott herself as an agent of negative influence on community climate. Two called out the “aggressive opposition to gay rights” from

local religious leaders and saw silence as problematic. “We stood by silently while community members and leaders got up onto their pulpits and preached about the corruption of our society, about homosexuality in schools...now we are reaping the terrible consequences.” However, the letters published just one month after Seth’s passing suggested that any public mourning was abbreviated. Their tone was a primary indicator that competing narratives raged among neighbors. Some residents saw this as an issue of parental responsibility and religious liberty, and positioned themselves as under attack.

The homosexual agenda says that anyone like me must be silenced...I happen to be a Christian, and...believe that any sexual acts that take place outside of a committed marriage between a husband and wife are wrong...the current push for tolerance will lead to an even greater intolerance of a different kind.

Elliott’s columns three and four months later denoted a reluctance to assign blame and rebuffed arguments that Seth’s experiences fit a larger pattern of social rejection for sexual minority youth. “Where the responsibility of a family ends and the responsibility of ...the local school district begins is not something everyone agrees upon...I do not believe that the Tehachapi schools are responsible for Seth Walsh's death.” She described Tehachapi as caught “in the crosshairs of international attention which has tied the death of Seth Walsh to other gay teen suicides.” In the October 25, 2012 issue which announced Swanson’s contract buyout and resignation, the editor called him “the fall guy for the district's trouble related to the Seth Walsh case.” Thus, her assertion, that “something is wrong [at TUSD] and unless the community figures out what that is and corrects the situation—whether it is with the board or the administration—it would seem to me that we'll see more of the same,” was an indication she had not moved toward assignments of responsibility.

To further illustrate media's function, as fifteen more letters and guest columns fueled the debate during November and December of 2011, Superintendent Swanson took the unusual step of wading into the middle of the verbal maelstrom by writing a column entitled "Facts about our middle school environment." He claimed that "smiling faces" and the 2007 Healthy Kids Survey results were evidence that the middle school was "civil and supportive...and on most factors it exceeds the results from [other] California [schools] in general." The first rebuttal, entitled "More facts about middle school" came two weeks later, in which a reader questioned Swanson's use of 2007 instead of 2009 data and called for a comparison of responses from students in comparable, i.e., rural, districts, instead of against statewide averages. A second column from a retired educator offered yet another rebuke, labeling the superintendent's use of data "misrepresentative, manipulative, and inconsistent." Thus, in an unusual level of engagement, not only did some inhabitants in the mountain town write about connections between school and community climate, but others attempted to bring transparency to the interpretation of survey data and its applicability to campus safety.

Although the themes which overlapped both written and oral records of the positions of community stakeholders will be outlined later, a final look at the role of media in this section sketches out how these two data sources diverged. Compared to board meeting audio files, published comments addressed a broader audience and often reacted to local ramifications of national trends, state legislation, or trending social issues. For example, in a speech before the Tehachapi Chamber of Commerce in December 2013, California Assembly member Shannon Grove "reassured guests" that enough signatures had been gathered in the effort to repeal what she derisively called the "Transgender Bathroom Bill," otherwise known as AB1266, the School Success and Opportunity Act.

Grove also submitted an editorial the following week entitled “Liberal policies are bad for children,” which played to the perceptions of some residents that their conservative beliefs, as part of a political minority, were under assault. “As the bill was debated, parents of all backgrounds that vocalized their disapproval of this gross breach of privacy and propriety were deemed bigoted and dismissed by the liberal majority” (Grove, 2013). As further illustration, a father, who had successfully brought a case of sexual harassment against TUSD for a teacher’s advances on his daughter, warned of the dangers of educators like Penn State football coach Jerry Sandusky in his letter to the editor. In contrast, board meeting testimony was a more intimate conversation by and among community insiders, which captured raw emotions and personal anecdotes.

C. Visible Parents

i. Mata: Bullying is Bullying

Among the most persistent opponents throughout the implementation, Bonnie Mata addressed trustees without reservation, alternating between humor and earnestness. Recollections of her own childhood in downtown Santa Ana and her daughter’s years of schooling in Tehachapi were reference points in her worldview.

It was a chore to get to school without being jumped. I was the minority in my neighborhood. There was too not many European mutt, American Indians running in my neighborhood. I got jumped by 12 kids, because of what they thought my ancestors might have done to their ancestors over something that was taught at school as a history lesson. So this could get really ugly for not a very good reason.... (Tehachapi Unified School District, 2011)

Mata did not clearly explain whether she anticipated that students with evangelical beliefs or those who had previously engaged in bullying might become targeted by the proposed curriculum. She continued,

My daughter...was picked on horribly at the junior high, because she was skinny. She's 28 now. They would throw food at her in the cafeteria and say, 'You're an anorexic crack baby.' Do you know who befriended her? The drug addicts—and they taught her to self-medicate. This [bullying] will not go away. We've all been teased. It's been going on since Cain and Abel. You're not going to stop the teasing and bullying completely. It's what humans like to do to one another.... (Tehachapi Unified School District, 2011)

On one hand, Mata depicted herself and her daughter as victims of social pressures. She suggested that bullying was both persistent, “This will not go away,” and pervasive, “We've all been teased...it's what humans like to do.” However, at the same time, she believed district efforts to address the behaviors as part of a hostile school climate were futile, stating “You're not going to stop [it] completely.” Mata's first plea to trustees received applause from a sympathetic audience.

A school bus driver since 1995, Mata was not naïve to student misbehavior. She shared several incidents on her route which she hoped would show the board how offensive language could be curtailed. After noting that words teachers censored in the classroom found their way onto her bus, she declared “...Nobody is teaching these children. No one is demanding common courtesy and respect.” She insisted, “The children that you speak to with respect, and demand respect from, you will get it.” When one student stood and imitated a teacher's reprimand, “We're not taking about boobs today,” Mata intervened with a small town familiarity, saying

That was rude and uncalled for. You can sit up front next to me...all the way [home]... that wasn't respectful to me, your mother, your grandmother, your sister. How about the sisters in your church—because I happened to know he was Catholic. Would you feel good about yourself talking to your mother that way? (Tehachapi Unified School District, 2011)

Other stories about her interactions with riders suggest she took her responsibilities for student welfare seriously, and did not ignore problematic behavior, but had a far different approach than the formal steps of progressive discipline TUSD was mandated to follow.

A boy...put a cell phone to his privates and said "I'm calling you! Do you hear me?" He got four days off. [Later]...he stood up and said, "Would anybody in here like to have sex with me?" He got a warning. This kid is screaming "Somebody stop me,... Somebody notice me, care about me." ...He's not a bad kid. So I told him "...[I]f these 17 girls [on the bus] go home and tell their dads what you just said...they're going to be hunting for you, buddy, because that was so disrespectful to all women." ...He said, "I didn't think it would hurt anybody's feelings." He had no clue. He was a sophomore in high school. (Tehachapi Unified School District, 2011)

In recounting how she banned profanity and slurs during trips to and from school, Mata's approach also had limits. She shared the rationalization she gave when warning a student not to call a boy a 'bitch.' "There's three reasons why he can't be that: He's not a girl, he's not a dog, and he can never be in heat. They chuckled and then they stopped using it." As the use of "That's gay," proliferated around her, Mata took a literal cue from the dictionary. "If you're referring to that person as a joyful and happy person, then you're correct. And we took the big sting of that word—especially for junior high school students—out with fact." As she simultaneously urged

the board to “train everyone down to the cafeteria worker to look for the downtrodden student, the one who’s having problems,” she also attributed the origin to problems of external influences, proclaiming “They’re regurgitating what they hear on TV, from each other, and what they hear in music today.”

Mata spoke of peer-to-peer bullying, without using the term ‘harassment,’ sexual or otherwise, to describe issues with students, and tacitly recognized that these behaviors occurred outside of school hours. From her perspective, this was a universal experience, “There’s going to be somebody in their lifetime they’ll feel bullied by and pressured by. Adults do it, unfortunately.” Her solution, “to teach them how to stand on their own respectfully,” reflects her view that, at heart, these incidents were differences in personal or political beliefs, not the marginalization of a group, nor even a question of personal safety. “If we teach how to disagree agreeably, as we were taught [as children]...through speech and English classes, this is a lifelong lesson...This is something they’ll have to do in their workplace, with their neighbors and family members.”

However, underneath her call for “strong prohibitions against any form of bullying of any child for any reason,” lay the presumption that targeting a student based on perceived sexual orientation or disparities in gender expression was akin to a discussion of sexual behavior. “[W]e can teach...respect without stepping on anybody’s religious feelings or moral values...without going into ‘What do you do in your personal room?’ It’s none of our business.” She elaborated,

I’ve never seen Seth, but I’ve seen other kids like him. When you take the time to show them that you care, as a human being and you get them going with “Have you talked to your parents? How about one of the counselors at school? Do you go to a church? Is there somebody there?” (Tehachapi Unified School District, 2011)

As a result, one might construe from her remarks that she set boundaries for educators to act *in loco parentis*, with limits to intervention or advocacy on behalf of sexual minority students.

Although Mata spoke her mind freely, without fear of repercussions for her employment, she clearly discerned an imbalance of power in the relationship between outside organizations and TUSD. “Our school district’s being bullied by the ACLU. They are forcing us to teach something nobody wants [in order] to appease them, so we don’t get sued.” In this context, teaching courtesy as a ‘lifelong skill’ or respectfully challenging a political position, which were her initial recommendations for addressing bullying, were insufficient. “I’ve been doing some research...as a parent,” she told trustees as she changed tactics.

I contacted Focus on the Family because...[their website] talks about a family who has the same situation in the state of Illinois...they were against [anti-bullying] for the same reasons that we are—the homosexual agenda...They actually got the right to opt-out, but they did have to get lawyers. So...they’re allowing parents who don’t agree with the curriculum to opt-out in other states.... (Tehachapi Unified School District, 2011)

A month later, she returned to the lectern to share a conversation with a national conservative legal organization, “a lawyer group that has been helping fight this fight that a lot of states are going through from LGBT...They would send somebody out here to help.” When Mata and other parents learned there would be no provision to deselect their child’s attendance in the anti-bullying lessons, she dug in, announcing the launch of a signature gathering campaign. She spoke more frequently in a plural voice, reflecting her own sense of shared values with a majority of parents, averring “We were not allowed to present ourselves the way these children are allowed to present themselves to adults...If we demand the respect that we’ve earned, we can

teach this easily.” On behalf of her community, she continued to frame the federal intervention in political, subjective terms, echoing Board President Graham’s concerns.

The parents that I represent...are against all bullying of every kind...[and] an effective policy should address the widespread nature of the problem. It should not be a policy that mirrors or is designed to appease one political agenda. Policies that single out certain characteristics over that of others is (sic) counterproductive. (Tehachapi Unified School District, 2011)

After materials for the upper grades went through multiple revisions for six months, Mata was not ready to acquiesce and, as a self-appointed spokesperson for opponents, noted some residents remained “leery” of the curriculum. “They would feel a lot more comfortable if there was something in writing about how far the conversations can go. Not that the teachers would go there, but students may, just to be silly or funny. That would be uncomfortable for other students.”

Mata’s views are illustrative of a broader pattern of commentary within the community. First, like Dr. Swanson, Trustee Hart, and several of her neighbors, Mata was quick to draw a connection to her own personal anecdotes of bullying in childhood. However, those examples of teasing based on weight, clothing, a stutter, or some other changeable characteristic, predominantly characterized it as a universal nuisance to be overcome by an individual with resilience or humor. In contrast, the DOJ Findings documented the extent to which Seth’s harassment was pervasive, persistent, and severe and noted systemic failures by district officials to address the problem. Furthermore, although Walsh family statements indicate they had embraced Seth’s disclosure, sexual minority students who face the stigma associated with family rejection need to seek resources within the school community.

Mata was also one of many who argued that poor behavior or language choices of a student bully could be remedied by more parental involvement and less exposure to popular culture. Lastly, the common view that bullying was disrespect leveled at individuals resulted in calls for adherence to the Golden Rule; such framing minimized the responsibility of educators to interrupt language and attitudes which contributed to a hostile learning environment for sexual minority youth. The failure of educational leaders to address these recurring arguments intimates at the challenges of building capacity and political will to act, a confirmation of the troubling disconnect between research-based policies to address harassment and effective strategies to sustain the necessary changes in practice.

ii. Smith: Persistent Opposition

Personal experiences reinforced Mata's belief that differences, whether racial, cultural, or gendered, could not be bridged through instruction and dialogue. Her statements suggest she believed that public schools reflected social divisions in a community and had a limited role to play. If she couldn't block the implementation, she could pursue every possible angle to silence classroom discussions and restrict a teacher's influence. In fact, Smith and Mata had similar outlooks as parents who felt that their children had been victimized in local schools.

Smith recalled, "[T]he principal of the school...chose to do nothing and at that point...I walked away and I homeschooled....[N]o one did anything to stop it...However, I knew I wasn't going to stand—nor was my son going to stand—victim to his behavior." Dissatisfied with an administrator's response to her son's 4th grade troubles, Smith had gone so far as to homeschool him, ultimately reenrolling him after several years in order to access the high school's sports programs. Like Mata's use of legal precedents and public health statistics, Smith also supplied the trustees with outside resources. However, Smith's speeches were more dramatic, appearing

intended to provoke or challenge. Both mothers believed that, with a little support, any student could overcome bullying. For Smith, that included former President Ronald Reagan, whose biography she read aloud from during a meeting.

[Ron] strolled "home"...with a handful of bullies dogging his step...[T]hey chased him all the way to his front door. A stern Nelle barreled [barred] the entrance, forcing her son to fend for his dignity, which he did with flailing [flashing] fists and some success.

(Kengor, 2005)

Despite a few malapropos, the audience clapped as she sat. Both women contended that the elimination of “bad behavior,” the “wrong actions of the bully,” would make schools “safe places for all children,” but drew the line at an examination of “the bully’s perceived thoughts or motivations.” “It doesn’t matter what the reasons or excuses for targeting the victim are,” insisted Mata. Smith also saw this issue as a clash of beliefs, not the need for legal protections. “I have no issue with any one person, but when you start forcing things together and mak[e] one belief system take on somebody else’s belief system, then we have a problem.” As co-moderators of the We’ve Got the Power Facebook page, they originated nearly all postings. They also created and promoted the petition calling for the revocation of the Resolution.

On more than one occasion, Smith quoted language from the Resolution Agreement to make a point with trustees. Once the elementary module was approved and discussion of an opt-out provision quashed, Smith focused on the government’s lack of clarity in defining “age-appropriate” lessons for middle school. To make her point, Smith shared a rambling anecdote about a “necessary” call to “Lisa,” [Superintendent Gilbert], at home one evening to urge her to watch a television show. An episode of *Taboo*, a series on the National Geographic Channel, profiled the lives of several transgendered individuals. Beginning with “[I]gnorance is our worst

enemy,” she continued, “I was more than willing to watch it. We put our kids in other room. They were not allowed to watch it.”

With theatrical flair, she turned to an unidentified man in the audience and asked him to read as directed from a printed page about the program. He obliged with, “This program contains content which may not be appropriate for all audiences and viewer discretion is advised.” Smith prompted him to identify the rating for trustees, to which he replied, “TV-14.” “TV14 was the rating!” she exclaimed in the tone of a detective uncovering a valuable clue to a mystery. To summarize what was an “excellent” show, she said, “[T]here was no nudity, no language, nothing at all in this program whatsoever other than the conversation of transgender, sexual orientation, and sexual preference” (Tehachapi Unified School District, 2011).

Finally, she began to bring together the logic of her argument. Reminding trustees several times that junior high students are “generally under the age of 14,” Smith drew a distinction between open discussion of LGBT issues and anti-bullying lessons.

[A]ny kind of conversation of this sort would fall under PG-14 rating ...[K]ids under age 14 are going to be exposed [to] the concept of bullying, the different types of people that [they] have to accept, tolerate, and be kind to...[H]ow to do you explain to a child under the age of 14...age appropriate[ly] what transgender, gay, lesbian, or bisexual is without introducing sexual content?...[G]o back to the DOJ with the argument that, at least [at] the junior high, this language is not age appropriate. However, the concept of bullying ...and to be fair and equal and kind to all people regardless of race, sexual preference, sexuality, any identity whatsoever...is absolutely to be taught in our schools. People are people. The way they identify independently is up to them. (Tehachapi Unified School District, 2011)

As with any non-agendized public comments, board members listened, but did not respond.

Smith's hard-charging approach in meetings also took a confrontational tone. For example, she turned to Superintendent Gilbert in mid-oration to demand "When did Seth Walsh pass away? How many years ago was it?" Hearing "2010," Smith rephrased, "So less than two years." She elaborated, providing some insight into why she stood in such strong opposition to the school climate intervention.

It takes three years to implement a uniform mandate...and we are going to fast-track this agenda that is going to change the course of education...the way we school? This is monumental. This isn't little Tehachapi and little Jacobsen. This is nationwide. This is a movement in our government...[W]e need to do everything we can to slow down...Exposure and discussion is (sic) critical.

Smith's testimony as a whole suggests a resistance to breaking the silence surrounding sexual minority students and their needs.

The tactics that Smith, as a leading opponent to the curriculum, took were emblematic of how community opposition evolved and hardened during the implementation process. Early on, she advocated for more time and access to the materials. Once dissatisfied with the content, she took an assertive approach which both rallied like-minded neighbors through social media and argued for an opt-out provision. The trustees' decision for their attorneys to explain the legal basis that precluded an exception for sexual health instruction without further efforts at community education on the matter was most likely a precipitating factor in Smith's insistence on face-to-face access with the teachers who designed the curriculum.

It was this pressure to hold educators 'accountable' to the taxpaying public which likely contributed to Gilbert's decision to create a parent committee to review the most contentious

lessons. Throughout her eight-month campaign to interrupt the implementation, Smith continuously raised the stakes, and neighbors followed. Their pleas to reject the Resolution's terms at the cost of federal funding and the support for the charter school to access all district extracurricular programs called into question the foundations of support for public education in Tehachapi.

iii. Tamara Schultz: Undermining Support

Idiosyncratically, parents resisted the introduction of what they called “sexual topics” in the classroom, yet openly reported crude behaviors and harassing comments heard from students. Mirroring Mata's accounts, Tamara Schultz, the daughter-in-law of Trustee Snyder, visited two open sessions in the Spring of 2011 to complain about sex-based teasing and the flagrant profanity and name calling which she felt was ignored or ineffectively addressed by educators. “I'm appalled at the stuff my children come home to tell me...I'm not going to censor it, because it's what I'm listening to as an engaged parent.” Schultz described a series of incidents in which elementary boys played “humping monster” with other students and the lack of response from a teacher she emailed. “One child is a repeat offender [who] starts humping a kid...My child sees it, knows what it is, and tries to tell the teacher. The teacher starts clapping her hands for quiet. My kid...comes home and says, ‘Mom they're humping again.’”

She related a similar pattern of behaviors at the middle school, as well as “boys kissing girls, boys kissing boys,...humping walls, humping girls, humping boys, hot dogs...in boys pants.” In a tone of increasing frustration and bewilderment, she exclaimed, “I spent an hour and a half on a Saturday talking to my kids about dicks. Why am I spending so much time talking about dicks?” This parent of two continued listing campus transgressions, including “the old

shouting game.” “We’ve all heard, ‘Suck my dick,’ [but now it’s]... ‘You suck Ms. Gross’ dick. Well you sucked Mr. K’s dick so dry that he had to leave the school and get a new one.”

As an example of what she called “profanity and perversion,” she implied expecting to encounter this language on a high school campus, yet was shocked by its presence in middle school. “A kid standing at the door...said ‘Suck Ms. Burris’ dick’ and ran out the door. [The teacher] stood up at her desk and said, ‘Who said that?’” In a tone both outraged and incredulous, Schultz asked, “How dare you disrespect a teacher? Are you kidding me?...That’s out of control...[W]hy do our kids feel like they can talk like that and act like that at school? What is going on that 11 year olds are running the school?”

As Board President Graham tried to interject that she had made her point, Schultz retorted, “You need to hear it...This is what my kid is submitted [subjected] to every day...‘gay, faggot, ...mother fucking asshole...” In short, using her own personal standards for age-appropriate language, Schultz was quick to point out what she saw as a discrepancy between behaviors prohibited by an employer and by a school. Using the names of trustees to illustrate her point, she asserted, “As adults we are protected in the workplace. Mr. Brown is not allowed to hump the wall. He’s not allowed to hump Ms. Snyder either. That’s called sexual harassment and he loses his job.”

These public comments in isolation portray a parent offended by the level of vulgarity on campus and concerned for her son. “This is what my son hears and what he’s being bullied with...This is a kid who doesn’t like to go to school, because he doesn’t have a lot of friends...” And, indeed, in my field notes, Superintendent Gilbert cited Schultz’s son’s experiences as a target as a reason for inviting both of them to serve on the S&IS Task Force, a group to which the Agreement assigned responsibility for “developing recommendations and strategies.” Yet,

their time attending Task Force meetings reveal other insights. Jacob, who was in grades 7 and 8 during the duration of the Task Force, was active in the football program and elected student council president his final year before high school. Although I never addressed him directly, his interactions with the educators on the committee reveal that he had friends on campus, felt comfortable speaking up as the only student in a room of adults, and had a generally positive outlook.

As the most frequent and outspoken Task Force meeting attendee, Schultz appeared to seek every possible opportunity to minimize the committee's scope of work. Despite her public comments as a mother of a harassed child, she presented a different set of concerns to the smaller audience of Task Force members.

If we label a kid a bully, how can he come back from that?...The bully label gives permission to hate. It takes administrators and teachers off the hook....If we label a victim, they will learn how to work it. We need to build resiliency....Are we teaching kids to be victims? Is zero tolerance realistic?

During discussion on the strategies and recommendations, she sidelined the suggestion of a coordinated student orientation at the beginning of the year which would include lesson objectives from the S&IS curriculum.

Look at your classrooms with stupid Safe and Inclusive Schools [lessons]...How ridiculous is anti-bullying? You can't even get rid of gum. It ain't gonna happen. I say pick one thing, one thing you want your staff to focus on, and do that well....There was a four-hour assembly at the beginning of the year and what did [students] get out of it?

Schultz's position seemed driven by the perception that current efforts were ineffective and staff was not fully on board. She also derided the goal of outreach to parents as too ambitious, using

air quotes as she said “Parent ‘Education,’ ooooh!” Openly opposed to the school climate survey, she rejecting the idea that public schools should gather any information on types of on-campus victimization or even assess drug and alcohol use. “Is that the role of a school? [Is] keeping kids from drunk driving, helping the community? Talk about crossing into personal business. You’re going to hear ‘It’s none of your business.’ This is a conservative town.”

Fellow Task Force members, including Gilbert, took a non-confrontational approach with her. In response to Gilbert’s comment that the administration of the Healthy Kids’ Survey was “relatively successful” in May 2013, Schultz said, “Everyone lies on that survey.” Another parent responded, “I have one child who is honest,” and Gilbert added, “Mine, too.”

At a March 2013 Task Force meeting, Schultz introduced the book, *Bully Nation*, by Susan Eva Porter. After a brief introduction, she began handing copies to the administrators in the group, presuming that each would take the book home to read. At the next meeting, Schultz listed what she considered the highlights. Anti-bullying efforts had failed, she summarized, because “the government is classifying bullying; the definition of bullying is too broad; the danger of labels; too much (sic) expectations of students and not adults; Zero Tolerance is too cut and dry, it makes the bully and victim both angry;” and “it makes the victim powerless.” She posed the question, “How do we expect children to change after one intervention?” and read excerpts from the book for an additional twenty minutes.

Superficially, at least, the dynamics surrounding Schultz’s discussion of Porter’s arguments mimicked board meeting public comment periods—one person with strongly held views holding forth on a topic while a group listened, not engaging nor challenging. One may wonder whether Schultz deliberately undermined the committee’s work through incorporation of Porter’s guidelines into the Task Force’s recommendations. Regardless, her efforts reflected the

desire by parents in positions of influence to divert discussions away from a focus on sex- and gender-based harassment. In either case, the Task Force’s final recommendations almost exclusively addressed individual-level behaviors. Schultz’s influence is examined in greater detail within the committee’s interactions detailed below.

iv. Safe and Inclusive Schools (S&IS) Task Force: Replication of Stigmatizing Social Structures

As part of the Resolution Agreement, TUSD was to create an “Advisory Committee” within 30 days of the start of 2011-2012 school year, comprised of a range of stakeholders from the middle school, comprehensive high school, and community. Under the federal terms, TUSD formed a Safe and Inclusive Schools (S&IS) Task Force, with delegations from each campus containing an administrator, two students, and three parents, as well as the superintendent and any “other individuals that the District determines appropriate, such as representatives from relevant community-based organizations” (Office of Civil Rights & U.S. Department of Justice, 2011). The group was required to meet twice per semester and to submit documentation of meeting dates, durations, and discussions.

The goal of this committee was “to advise the District regarding how best to foster a positive educational climate free of sexual and gender-based harassment,” including the presentation of “recommendations and suggestions” which elaborated on four prescribed goals. One objective was to help students to understand their right to be protected from discrimination and retaliation; a second consideration was how to report possible violations and raise awareness of the District’s obligation to promptly and effectively respond.

In addition to proposing strategies for preventing harassment, the advisory committee was to generate “specific suggestions for developing an effective student orientation program

that promotes respect and tolerance and takes steps reasonably designed to prevent the creation of a hostile environment, with an emphasis on sex-based harassment, including what role students can play in the orientation program” (Office of Civil Rights & U.S. Department of Justice, 2011). Fourth, the federal mandates tasked these advisors from multiple stakeholder groups with recommending “outreach strategies to families related to the district’s anti-harassment program” (Office of Civil Rights & U.S. Department of Justice, 2011).

Because the Agreement noted that TUSD would “consider the recommendations of the Equity Consultant when determining the composition and functions of the Committee,” Gilbert reported working closely with the first EAC, Dr. Gonzalez, to review parent applications for committee membership (Office of Civil Rights & U.S. Department of Justice, 2011). The initial sign-up sheets for Task Force meetings list two middle school students and two high school students. Middle schooler Jacob Snyder joined eleven of the fourteen meetings that his mother, Tamara Schultz, attended. Lucy Asatryan, an extremely reserved Tehachapi High student, attended four of the five meetings that her mother, Tamar attended. The second THS student, Emily Stults, attended one meeting early in the process and did not return. Why the second middle school student on the sign-up sheets never attended and why a replacement was not sought are unknown.

Parents of middle school children were represented by Schultz and Danielle Hall, a budget specialist in the county’s Department of Health with a daughter in 8th grade. Hall, who alluded to the fact that both she and her daughter had experienced ongoing bullying as TUSD students, participated in seven meetings. A third adult listed as a parent of a middle school child never attended, and Schultz, ever-opinionated, was a stark contrast to Hall, a soft-spoken parent in scrubs and no make-up who sat quietly listening for the duration of most meetings. Schultz’s

frequently monopoly of the conversation at the table would have a direct impact on the final recommendations. Other than Asatryan, Kevin Boesler, a youth pastor who had a son in high school, participated in four or five meetings. Superintendent Gilbert, with two children enrolled at THS, might have been considered the third high school-connected parent required by OCR.

Principals from the high school and middle school actively participated through the two and one half years of meetings. When both announced their retirements effective June 2013, as the committee neared the end of compiling its recommendation, their successors began attending as well.

The advisory group also included additional faces. Yvette Stave-Benton, parent of an elementary child and member of the short-lived ABC, attended seven meetings of the Task Force in the first year of the process. Another parent of an elementary-aged child participated five times, and a secondary school vice principal attended seven meetings, but neither of these last two continued after December 2012, a year into the work. This gathering of stakeholders met at least 21 times, far more than the Resolution's requirement, and voluntarily included parents of elementary students, broadening the group's composition.

Launched by Gilbert and Dr. Gonzalez in December 2011, the Task Force reported its final recommendations to TUSD administrators in September 2013. There was no indication in the ongoing correspondence between the Superintendent's Office and the OCR that the attorneys considered the delayed start for the group's inaugural gathering or the shortage of high school students and their parents as compliance issues. Thus, the 19 total participants included eight educators, six parents, three students, an equity consultant, and myself. Among TUSD personnel, four administrators attended consistently, and three others intermittently. Jana Walker, the sole

teacher who joined five of the meetings, was critical of the ‘small town mindset’ around her, but avoided direct confrontation with the outspoken Schultz on matters.

Developed with assistance from the Equity Consultant, the structured agendas of the first series of meetings show the introduction of the group’s stated goals and the establishment of communication norms. A “Grounding Activity” solicited personal and biographical information from attendees, including each individual’s relationship to the task force topic, feelings about attending, and expectations for the meeting. By the third meeting, in March 2012, Gonzalez shared a five-point summary entitled “Research about district and school-wide anti-bullying/harassment interventions.” Without attribution to a source, these highlights noted a correlation between the development of whole school policies and reduced levels of bullying; the importance of a common understanding of the problem; educators’ perception that the emergence of a “telling environment was seen by schools as a major success”; the need for specialized training beyond individual interventions with bullies and victims; and the limitations of any curriculum without a comprehensive intervention plan. Either Gilbert or Gonzalez also introduced a “cultural proficiency continuum,” similar to the materials which were concurrently shared with administrators in their monthly book study.

A review of site-based programs “currently in place to address bullying and harassment” on the Task Force’s agenda was, in fact, a bulleted list provided by principals with single-line observations, such as “we encourage a sense of family and pride in our school.” Among the three elementary campuses, this compilation of “anti-bullying measures” revealed a lack of clarity on the part of site staff about activities which constituted intervention and prevention of harassment. All three listed the use of Character Counts and the occurrence of “class meetings to discuss problems.” Two sites referred to a College Community Services program in a manner which

suggested it was a mentoring or buddy-style outreach, although the criteria for participation were not disclosed.

Cumming Valley had the shortest and least rigorous list of examples, including the posting of “anti-bullying banners in strategic locations” and reference to an inline skating performance as an anti-bullying themed assembly. Golden Hills listed an “intervention program for struggling students,” which suggested a conflation of academically at-risk students with those in need of social emotional supports. Lastly, Tompkins, headed by Minjares, who was later promoted to Chief Administrator of Instructional Services and Technology and Title IX coordinator, had a slightly more systematic approach. In addition to the memo’s description of exercises in which students disciplined for bullying watched a video and discussed alternative behavioral choices for the situation, her submission also noted that upper elementary students engaged in “role playing to emphasis (sic) the difference (sic) sides of bullying: victim, witness, and bully.”

Jacobsen Middle School’s list, the longest, primarily detailed security and disciplinary measures, such as an opportunity class for students “who have extreme discipline problems.” The predominant type of staff-student interaction was monitoring on campus. Although not enumerated, these adults included campus security, who supervised locker rooms during changing periods; school grounds during arrival and dismissal; and the cafeteria and yard during lunchtimes. In addition, teachers “step[ped] into the hall to greet their students” during passing periods and crossing guards worked up to 1/8 of a mile from school property.

This document, generated in the middle of the 2011-2012 school year, made no mention of any component of the Olweus program, in which the principal had received training before conducting a climate survey during the Spring 2011 term, nor the mandated staff development

conducted by the Equity Consultant in September 2011. The two items which might be categorized as student education were a “stress” on the six pillars of Character Counts and “quarterly discipline talks during which all kinds of bullying are addressed,” an echo of the same examples listed in the Comprehensive School Safety Plans filed with the California Department of Education each year since 2009. One ambiguous item, “suicide prevention education as well as cyber-bullying, exclusion, mean girls, etc.” could have referred to staff or student education. A “JMS Anti-Bullying Task Force: Bully Watchdogs” was listed without further explanation; however, no documentation submitted in the OCR compliance reports refers to any active on-campus group of students, staff, or parents engaged in this manner.

The lengthy, yet non-specific list noted that administrators and counselors were trained in both peer mediation and, more puzzling, the Safe Schools Ambassadors program, which, until the 2013-2014 school year, existed in limited form only on the comprehensive high school campus. In contrast to the focus on surveillance at the middle school, the high school itemized more student-centered resources, including Safe School Ambassadors, peer facilitators, and an annual “Diversity Week.” Like all other sites, the largest campus also referred to Character Counts. The reference to LINK Crew, compared to a Big Brother/Big Sister program for incoming freshman, was also at odds with day-to-day practice, because the program had been discontinued at the high school.

The Task Force received an update on these site-specific anti-bullying programs in late spring, which showed, in some cases, a move to incorporate more relevant strategies. For example, Tompkins Elementary noted the “bullying presentation” by TUSD psychologists to teachers was followed by videos, activities, and class discussions on the topic, and a counselor,

or “interventionist,” was available to see victims of bullying. The Golden Hills principal reported making daily contact with “high profile” students to “check in with them.”

Cummings Valley’s principal, Paul Kaminski, formerly the Vice Principal at Jacobsen and one of the named litigants in the Walsh lawsuit, noted that a replacement for the inline skaters’ assembly was “a magician, whose anti-bullying message was given through tricks.” Kaminski’s update recounted that a 1st grade class had a dance and skit about bullying prevention during a talent show and teachers self-reported that name calling and exclusion were the behaviors they intervened in the most. The middle school list, which expanded from 19 to 26 items, still focused on the roles of adults and campus security features, such as access to a school resource officer, the presence of the principal on the Task Force, and the addition of closed-circuit video cameras. This time, the submission noted “Olweus Bullying Prevention Program in force at JMS,” including the use of *Class Meetings that Matter* in homeroom and an OBPP coordinating committee.

Two details are noteworthy. First, the curriculum that would, in a month, become a flashpoint for the community had already been informally introduced to the middle school campus several months prior. Second, no member of the site committee attended the S&IS Task Force, other than Principal Ortega, who gave no indication that the groups shared strategies.

After the loss of Dr. Gonzalez as a regular coordinator early in the process, the Task Force seemed to founder for several months, unable to come to a consensus on common definitions of bullying and harassment to adopt until May. No documentation exists from which to characterize this ongoing dialogue of stakeholders, whether constructive or contentious. The January-June 2012 compliance report to OCR included an appendix of Task Force documentation which contained meeting agendas, sign-in sheets, and dozens of pages of internet

search results on sample policies from other districts. Nonetheless, with terminology discussed and, to some degree, agreed upon, the Task Force moved on from definitions to begin compilation of strategies and recommendations to broadly address bullying.

In June 2012, Schultz presented information on Seth's Law and two months later, the group reconvened to review the first results from the school climate surveys. Parents on the committee remained engaged during summer break, responding to Gilbert's emails asking for possible strategies to increase understanding of how to prevent and report harassment. For example, Sanchez created a sample letter addressed "Dear Parents and Students" which stated a person's right "to feel physical and emotionally safe" at school and which assured readers that "we will do everything possible, both as individuals and as a campus, . . . through zero tolerance for bullying behaviors." Not only was this a stronger assertion than any TUSD communication, but it also was the only documented message which added "Reporting is NOT . . . tattling; reporting . . . keep[s] students safe." Gilbert forwarded such ideas to the entire group. Hall's email reply proposed that the letter include a check box for "whether they do know how to report possible harassment" and any letter which was returned marked "No" could then have a follow-up done by an unspecified staff member. In a sign that local news remained a valuable source of communication, she also recommended Gilbert publish an article or letter to meet the fourth goal of "reach[ing] out to parents and community with our efforts." Hall also raised questions in her correspondence with Gilbert, asking whether an increase in the number of adult volunteers on the middle school and high school campuses might help "keep kids better behaved."

The appendix of Task Force materials in the July-December 2012 OCR compliance report indicated that group members continued reading online resources, and brought printouts of webpages with key passages highlighted to meetings. The quality of source material varied.

Some, like www.psychologytoday.com, contained neatly summarized lists entitled “16 Ways to Prevent and Monitor School Bullying.” Schultz brought articles from Izzy Kalman, identified as the “author/creator” of Bullies2Buddies, who claimed to offer a “Golden Rule System, a simple solution to bullying.” Kalman, like Susan Eva Porter, was a critic of Olweus and the “anti-bullying movement” in general. Some of the highlighted phrases from his online “Student’s Manual” included in the report to OCR were:

There are plenty of kids just like you and they don’t get teased...getting upset by the teasing made you get teased...All it takes is a change of attitude...You are to do absolutely nothing to make your tormentors stop teasing you...Do not tell the teacher on them. Do not tell your parents. (Kalman, 2014)

Tenets of his approach are reflected in an October 30, 2012 email from Gilbert that summarized the October discussions in preparation for the next meeting.

Take a realistic approach—acknowledge that mean people exist; empower students with strategies on how to ‘rise above’ meanness, harassment, or bullying. Help students understand that others’ opinions do not define who they are; staff must model respectful behavior to students/parents/community to promote respectful behavior/attitudes from students.

The document-based evidence until this point indicated the committee engaged in dialogue and reviewed multiple sources of information, but did not necessarily reflect on TUSD’s contemporaneous practices. For example, the December 2012 OCR report also contained research-based strategies to intervene in harassment printed from www.stopbullying.gov, a clearinghouse of resources from the U.S. DOE, DOJ, and HHS (Health and Human Services).

However, no meeting records indicate that the committee considered revisiting existing site programs submitted months prior by principals to assess their effectiveness.

In fact, the first draft of the Task Force report, generated in October 2012, struck a less than inclusive tone in several ways. First, the narrative identified educational stakeholders as “parents, students, teachers, administrators and the community” and declared the purpose of a public school, or “educational establishment,” is to assist “children in meeting the challenges of life, becoming good citizens and to be self-governing.” However, it continued,

schools do not create the children who attend; do not screen for potential bully or victim proneness; cannot deny admission to children who have such potential; and do not magically acquire control over their biological drives, emotions, behavior, personalities, intelligence and social lives once they become students. Thus, unfortunately, we cannot create a place in which people are always nice to each other.

Although it is not possible to know how many Task Force members shared this view or contributed to the draft, the language implied a belief in the limited ability of schools and educators to create an environment free from all perceived threats and potential aggression. Second, the enumerated ways in which school leaders cannot “control” students suggest a belief that only the words and actions of youth create a potentially hostile experience for their peers. Perhaps even more disconcerting was the oblique indictment of the Resolution’s mandates.

When school administrators focus their time investigating, interrogating, judging, and punishing children for the way they treat each other, we become a correctional facility. ... We will also do our best to monitor school grounds and stop students from injuring each other.... We will address bullying, discrimination and harassment with practical strategies that empower students and respect their First Amendment rights.

The implication that the DOJ's requirements were transforming schools into a prison is interesting. Nearly 40% of the municipal population was designated as institutionalized at the nearby "Supermax," a facility for long-term segregation of inmates classified as posing the highest security risks. Several "Old Timers," residents of Tehachapi for decades, had been quick to recall the periods of prison expansion in the 1960s and 1980s, proudly noting community resistance prevented further growth.

The draft concluded with eight bulleted strategies, including "model acceptance and respect; "let students know 'others' are watching;" and, "allow students some 'Freedom' to be social and be themselves." Referring again to whom it considered a stakeholder, it stated, "We expect all members of our school including parents, students, teachers, administrators and the community to treat each other in a civil manner and to model respect." Again, if read in isolation, a community-based task force's recommendation to encourage students to "be themselves" and a purported call for all residents to "model respect" appear to encourage acceptance of differences. Yet, combined with statements from numerous parents that their personal and religious beliefs should remain protected, this insistence on students' First Amendment rights and the depiction of administrators as a combination of cop, judge, and warden more likely suggest community members drew a line at educators who taught the political correctness of embracing gay and lesbian neighbors.

By March 2013, the tone of the draft report had been tempered, and with a revised introductory narrative, participants moved on to list five areas of focus for strategies to address bullying and harassment on campus. Now, the community's "educational establishments" were described as places "...where students learn best when they feel safe" and the "staff's day-to-day

commitment to our students” received recognition, another sign that stakeholders, by and large, continued to view the problem as peer harassment alone.

The prior year, Dr. Swanson had issued a public statement of inclusion, mandated under Section V, Correction of Previously Released Information, of the Resolution, and crafted by TUSD’s legal counsel, which was “promote[d] tolerance of diversity at school, specifically regarding sex and nonconformity with gender stereotypes” (Office of Civil Rights & U.S. Department of Justice, 2011, p. 14). Similar to the former superintendent’s message, the Task Force also chose passive language, stating “It is an important goal to create and maintain a safe learning environment for the district...” The document further diminished educators’ agency by continuing to express the limits of influence over student conduct.

[A safe environment] cannot be accomplished by the district alone...[E]ach individual has free will over their (sic) choices, actions, and behaviors...[I]t is impossible to completely eradicate mean behavior.

The first of the five recommendations described adults as role models, whose demonstrations of “self-control, respect, kindness, and thoughtfulness” led children to develop these qualities. The report called for leaders to hold themselves and staff accountable and to “conduct peer reviews.” An early version also suggested that administrators

provide guided reflection for staff using real life examples of complaints that affect the school culture...Staff could be asked to privately note if they have done that/know a fellow staff member who has done it.

In the final version, this section read “Be aware of how your actions and words affect others. Follow with a discussion on the impact of such behavior on the students and school climate.”

In a pattern repeated throughout revisions to the Task Force report, language was continually broadened from particular student populations and specific characteristics of problematic school climate to take on a euphemistic quality. For example, the second recommendation, to assess and address “factors that may contribute to the occurrence of harassment and bullying at each campus” became “factors that may contribute to students feeling unsafe on each campus” in final form.

The evolution of the third strategy reflected underlying disagreements among stakeholders on the degree of specificity contained in definitions and examples of harassment shared with students. The initial recommendation to utilize “common vocabulary, definitions, policies, procedures and training related to bullying and harassment for staff, students and parents” was eliminated. In its place was language provided primarily by Schultz, at times read aloud verbatim from Porter’s *Bully Nation*.

In the finished document, the third strategy explicitly called for a “broader education,” to provide “instruction that includes resilience, seeking support, and managing adversity.” Of the seven suggestions entailed, four framed the issue around peer relationships, including “teach students how to respond as opposed to react impulsively” and, “help students feel safe and confident in their relationships with others.” This recommendation also called for educators to incorporate learning “that reflects the values, tenets and norms of the community” and reflected Schultz’s wholehearted endorsement of Porter’s complaint that anti-bullying programs often reduced students to labels as bully and victim, which she claimed led to more long-term harm than the original incident. “Poor behavior should not label the student, define character, nor predict future actions,” was inserted at Schultz’s insistence. Taking another figurative page from *Bully Nation*, Schultz persevered in removing language that she disagreed with from the fourth

strategy, which initially called for a “thoughtful and compassionate approach to disciplining students [for] harassment or bullying” and favored “progressive discipline,” including “restorative justice.” All three elements were replaced in the final version. Instead, this recommendation on student discipline adhered to what Porter succinctly termed “the 4 C’s,” or clarity, consequences, consistency, and confidence. With only two parents representing middle school interests, Schultz easily eclipsed Hall, and was the greatest influence on the final report.

The final strategy is an example of where my presence crossed into the role of participant-observer. Having been stymied at deducing the intent of the original phrase, “Evaluate the efforts of the district to determine the effectiveness and the need for change and/or improvements,” I asked for clarification from the group. After a back-and-forth between Schultz and the administrators, the recommendation read “Evaluate the efforts of the district to foster a positive educational climate and determine the effectiveness and need for change and/or improvements.”

I again probed for how the Task Force anticipated TUSD personnel would measure this objective. The initial draft referred to the student and staff school climate survey data; however, from our conversations, stakeholders on the committee indicated an awareness of low response rates. Schultz called for the addition of the web-based application, ClassDojo, which she described as “a method for positive reinforcement, increased parent communications, and real time analysis and measurement of behavior at school sites.” She seemed unaware that this proposal had the potential to undermine TUSD’s approved student information software, AERIES. In June, administrators at the table, who perhaps saw that my queries focused on ambiguous language in the report, added additional metrics, including student focus groups. At my prompting, they discussed how multiple stakeholders might be enlisted in this suggested

evaluation of future efforts. With mixed sentiments, they added “*Consider* [emphasis added] site observations with staff and parents completing assessments,” as Gilbert and site administrators on the Task Force supported the idea of a guided walk-thru of campuses by various stakeholders.

By a conservative estimate, these volunteers and staff spent 338 hours on committee meetings, plus additional time reading outside resources. Despite an exceptional level of engagement beyond the original mandate, a primary reason that the S&IS Task Force had a limited ability to influence the broader implementation process stemmed from the Agreement’s determination that the advisory committee would only provide “recommendations” and “suggestions.” The imprecise language, lack of metrics, and general poor quality of the final report’s recommendations further compromised potential impact.

These can be attributed to several factors, such as the involvement of a limited number of parents, which meant easier management of meeting agendas, but a narrower range of opinions, and the ability of stronger personalities to dominate discussion. For example, Boesler, the youth pastor who attended four meetings in the Fall of 2012, returned for a single meeting in March 2013, read through the draft, and cryptically identified the portions he wanted removed. “Not [recommendation #]3 [on common] K-12 vocabulary. Not [recommendation #]5 [to] evaluate district effectiveness. Minimize [recommendation #]4.” And, the group, without further discussion, eliminated the strategy to develop common definitions of harassment for use across all grade levels.

Written records and field notes do not reveal whether the absence of strong allies for sexual minority youth can be attributed to the superintendent’s inability to identify such residents, a reluctance of those individuals to step forward, or a simple decision to evaluate volunteer applications only, instead of a more aggressive recruitment of any additional

stakeholders. Perhaps it is a stretch to say that the absence of those who could personally speak to the impact of sex-based harassment on campus or the treatment of gender non-conforming youth fully explains the committee's lack of acknowledgement of the needs of this student population.

Comments from Schultz, Boesler, and Ortega ranged from dismissive to antagonistic on the topic. For example, Schultz maintained an openly derisive tone when referring to AB1266, legislation protecting student gender identity and expression. Shaking her head and rolling her eyes, she declared

You're a boy in your head, but you have girl parts... It's going to cause bathroom problems: kids waiting in line, late to class, forfeiting their grade in P.E. Government makes laws that are stupid. It is ridiculous. In California, a boy can say he's a girl, because that's how it's socially defined [here]."

She returned to arguing what she felt the proper focus of education which promoted a safe and inclusive environment should be,

We're coddling. We need to teach resilience... [but] your hands are tied. The government has taken it all away from you. The problems kids have is (sic) with communication, with texting. They need to learn to get better at building relationships.

When the Center for Excellence in School Counseling and Leadership, CESCAl, organized a national conference addressing LGBT issues in education, I secured a registration waiver for Gilbert or a designated staff member to attend at no charge.

Ortega returned and shared her experience with the Task Force, stating "I didn't learn anything new. I gave the school psychologist posters with statements like [Dr. Martin Luther] King [Jr.]'s 'Our life begins to end on the day we become silent about things that matter.'" Her

use of the phrase “LGBTQIA” to describe the sessions was met with questioning looks around the table, and she appeared to use the moment to position herself as an authority by explaining the acronym, despite being unable to elaborate on the last two initials. The youth pastor exploded “I don’t get it!” and Gilbert interjected, “Think of it in terms of discrimination and harassment.” Boesler’s retort reflected the degree to which many community members endorsed silence and invisibility—at least for those outside of community norms.

That’s stupid. I don’t mean to be unkind. We enforce rules that say, “You’re drawing attention to yourself.” Safe and inclusive [means everybody]. It’s not run by a small majority...They have an agenda. Are you going to a conference on Blacks, Latinos, [or] Christians who are persecuted? We’re allowing their voice and agenda to spill out in school. And the money that was spent! We felt so sorry for this group. It has an “in your face” aspect...“Don’t draw attention to yourself.” I say it to my kids all the time.

In Walker’s opinion, no student wanted to be seen as different in a small town, saying, “Everyone goes to school wanting to be invisible. I’ve always felt Tehachapi was bigoted...”

After Ortega’s glib summary of the three-day conference, the conversation broadened into an exchange of views on overlapping topics—the ability of public schools to effect social change, such as the reduction of peer harassment or prejudice, and the relevance of valuing diversity in a school setting. Thompson, the high school principal, enjoined, “Now, the NAACP—those guys have an agenda. I taught in Southern segregated high schools. When are we going to have White History Month?” In spite of appearing to reject inclusive curriculum, her views on the overall school climate intervention were as positive as Gilbert’s, compared to the open resistance from others on the Task Force. Reflecting on her time as an administrator in Santa Barbara and an incendiary incident with a confederate flag, she observed that a decade

prior, “Diversity education was laughed at.” Now, Thompson shared her personal perspective on Tehachapi’s climate and district efforts.

We have problems. We are no different than the rest of the country. We have prejudice, not gangs. But we’re facing it, educating a K-12 district. It has to be positive, systematic, not just until OCR is gone.

Ortega’s response, “It comes down to Good versus Evil since Man has been on Earth. We’re not going to make this a perfect world... We cannot change something [prejudice] this big. It will take a generation,” suggests that she saw an incremental ability to effect change in the community. Citing Safe School Ambassadors and use of Character Counts as programs that were widely supported, Gilbert remained the most optimistic on what TUSD could implement. Nonetheless, her two administrators noted limits to what educators could accomplish.

Gilbert: Look at racism as an example. We can reduce it.

Thompson: Look how long the civil rights movement took.

Minjares: You can’t teach diversity. You just need to be around it. I’m from Oklahoma.

When I was six years old I said, “I hate Blacks.” I want my kids to be exposed, to be around differences. Mixed schools are best.

At this point, the group of white, middle-class women and one man seemed completely unaware of the homogeneity of their race, gender, and sexual orientation.

Plaisance: Would this conversation be any different if a person of color was in the room?

ALL: No.

Plaisance: Do you think Black and White kids have different experiences at school here?

ALL: No.

Thompson: Differences are when the kids are poor or dirty.

Thus, normative views within the community were reflected in both the composition of the group and its work.

Although the Task Force report fulfilled a requirement of the Agreement, evidence of its influence on the implementation of the mandated school climate intervention can only be characterized as a mitigating factor or barrier to reform. First, the uncritical use of outside materials appeared to merely reinforce divisive personal views, not enlighten a discussion of applicable recommendations. Second, Task Force members, in avoiding confrontation, failed to reach consensus on the committee's purpose. A common language to define the problem at hand remained elusive as discussions of ways to address sex- and gender-based harassment repeatedly devolved into debates on the efficacy of anti-bullying efforts. Third, conversations about possible outreach strategies, one of the advisory committee's five main objectives, often became a disagreement over both the need for parent education and the capacity of educators to effect such change.

One of the most revealing exchanges on the issue of parent education included references to a highly-publicized rape of a teenage girl in Steubenville, Ohio, the influence of varsity football on that small town's culture, and the role of educators who endeavored to enforce disciplinary actions on students. Ortega offered a narrow interpretation of outreach with "What is bullying and how can [parents] help?" The sole student participant spoke up. "There's more student awareness now. If you're caught [bullying], you can't say you didn't know. And, we need parent education." Both Boesler and Schultz pushed back at the administrator. The physically imposing father with a booming voice argued that more focus should be on retraining teachers and "...less of a burden on students."

My son is in 5th grade and they got a group punishment. It doesn't work, because students can't hold students accountable. The teachers said, "I'm not going to waste my time figuring out what happened." [Now] my son comes home to say (mimicking a tired, sing-song tone) "Daily report on bullying of kids." Kids hate inconsistency and hypocrisy. "Just because we're small doesn't mean we don't have problems," said a third parent who agreed with staff at the table that parent education was needed.

For Thompson, outreach was a way to encourage parental accountability, noting "Latino homes where the kids run it." Minjares took up the theme of accountability and her remarks illustrated the way that broader social issues reverberated at the local level.

We learn prejudice in our town. It's not just 'boys will be boys.' We still need community outreach. For example, at sporting events. At that basketball game where [our] kids were harassing the other team. The parents [of our students were doing it], too. We're learning as admins the processes and procedures [of investigating harassment]. It's a pain, but I don't mind the steps. It helps with follow through. Accountability has changed....[Take] Steubenville. Look at the whole community. It's the culture within a town. [The students accused of rape] are facing the loss of being college football players. There were lots of witnesses and bystanders.

Several heads around the room nodded in agreement as Schultz threw up her hands and remarked, "Welcome to Tehachapi." Drawing an eyebrow-raising parallel, she added, "It's the same culture [here]. It's like a cult. The parents went to school here."

The educators continued to speak directly to ways that community norms shape the beliefs and behaviors of students. Appearing to suggest that parents still needed to understand the importance of addressing bullying, Walker noted, "It's like we tell the little ones, there's a

difference between tattle telling and reporting. Parent education is important.” The elementary teacher, who talked about homes with single mothers as “no dads, broken homes,” added “Going to college changes prejudice. In a town without a college, we’re stuck.”

Thompson recalled a recent incident with high school athletes, “We have Pimp and Ho parties. They wear camisoles and get drunk.” Still referring to the Steubenville incident, in which two members of the coaching staff were under investigation for providing alcohol to minors and making false statements to cover for players, Minjares drew a striking parallel to educators’ responsibility as mandated reporters. “It’s the coach I’m most disappointed in, because it sets the stage. We [as educators] have to represent something greater than ourselves.”

Her comment seemed to resonate with both Gilbert and Thompson, as they lowered their eyes, raised their brows, and nodded, saying “Well, we’ve gone after some big ones here.” Thompson explained that, earlier in the school year, the quarterback of an opposing team had posted pictures of himself drinking beer on Facebook. Tehachapi players caught engaging in the same behavior had been kicked off of the team. “Our kids were mad there were no consequences [for the other team].” She brought the conversation full circle, returning to Minjares’ first anecdote about the challenges of holding students accountable for harassing behaviors, observing “It’s hard to tell the kids to have good sportsmanship when the parents in the stands are saying, ‘I can say what I want.’” Minjares ended the conversation on an optimistic note, recounting how the players at a recent soccer match were scandalized at the taunting and harassment of the visiting team by local spectators. “Those kids spoke up to the parents. They said, ‘You embarrassed me.’”

Indeed, my field notes of the final seven of 21 meetings show the four administrators grappling with the tension between adhering to the federal requirements and honoring

community voices. With little explicit indication that their personal views changed, administrators did mark the progressive implementation of the intervention. Minjares noted at the August 2013 meeting that the inclusive schools' curriculum had been incorporated into the upcoming training for new teachers. When Shultz commented, "Some teachers are [still] uncomfortable [with it.] Some do it half-assed," Minjares replied, "I got positive feedback." Thompson agreed, "I like that there are protocols... The checklist [of investigative steps] is really important, because if you get interrupted, you can go back to it. [I've got] two new assistant principals at the high school and a new counselor coming in." Gilbert added, "And we have a list of internal resources [for counseling and suicide prevention]."

In the final meeting of the Task Force, Gilbert again revisited the question of outreach to parents. Schultz was quick to respond, "I don't want to do community outreach on sex- and gender-based harassment. It brings attention to this 'thing' that is pulling us around by our nose." Turning to look Gilbert in the eye, she said emphatically "It's not your problem. Your problem is to educate."

In September 2013, Gilbert invited members of the Safe and Inclusive Task Force to present the final report in a meeting of all site administrators. Boesler and Schultz volunteered. I accepted the superintendent's invitation to join the meeting. As I listened to the two parents summarize the three-page document for the educators around the conference room table, Schultz imparted her final comment in an ominous tone. She warned the room that "this stuff," the LGBT-affirmative content "was coming," that it was a battle of "us," the community, against "them," the militant homosexuals, and educators' continued acquiescence to the Resolution terms would provoke a community backlash.

In a rare moment of unmitigated candor, the last sentence from Schultz, as a Safe and Inclusive Task Force member, which included that phrase “us versus them,” neatly drew the educators into the heteronormative majority while simultaneously marginalizing anyone openly gay. The requirement to gather input from diverse stakeholders and develop recommendations for improving campus climate was clear on paper. In practice, though, LGBT perspectives remained absent from discussions around the table. Educators, though sincere about increasing campus safety, sat paralyzed, reluctant to confront parent resistance.

VI. Theme 4: Meager Signs of Support

A. Voices of change

Government agencies, TUSD personnel, and community members represented the primary stakeholder groups that shaped the implementation of the federally-mandated school climate intervention. For many who were parents, this role added further complexity to their positions. Only a handful of individuals who self-identified as gay or lesbian, or as LGBT allies, publicly expressed opinions. Among these were three TUSD graduates and two residents who founded a chapter of PFLAG. These last two mountain inhabitants, who were also regular newspaper contributors, eloquently called for acceptance of LGBT neighbors through featured columns and published letters in two newspapers which had some degree of overlapping readership within the community.

In addition, one married lesbian teacher reached out to then-Superintendent Swanson at the height of the media storm. The three stakeholders profiled here—Valerie Schultz, Wendy Weddell, and Jim Dinsmore—felt a call to action as a result of the tragedy. However, I uncovered no evidence that parents of sexual minority youth or advisors to the high school Gay-Straight Alliance spoke publicly about the Resolution’s terms. Neither GSA students nor PFLAG

members turned up at board meetings en masse. Thus, with no organized support from the broader community, nor visible advocates for sexual minority youth on TUSD committees, document analysis of the anemic support for change is almost exclusively confined to the board meeting remarks and published commentary from these individuals.

Although census data for LGBT populations, particularly same-sex households, are not measured in the same manner at the state, county, and metropolitan levels, a few numbers are available. First, only 60% of Tehachapi's population is classified as non-institutionalized, with 3,121 households. Thirty-eight percent of this population, or 1,199, had children under the age of 18 living in them. The most recent census numbers indicate that 48% of Tehachapi's residents, or 1,504, are opposite-sex couples, higher than Kern County's 34% average. In addition to only 194 (6%) unmarried opposite-sex partnerships, the census recorded 18 (.6%) same-sex couples in the mountain town. This final percent is comparable to the greater Kern County area with .48%, or 1,150 same sex couples.

Quantifying the percentage of non-heterosexual Tehachapi inhabitants illustrates one possible reason for the lack of gay visibility, particularly during this period of debate. There are national and state figures on the number of same-sex couples raising children, but given the size of the small town's population, the identification of any local gay couples with children remains in question. Furthermore, it is also an insufficient indicator to gauge support for an LGBT-affirmative school climate intervention. Over a three-year period, only six openly gay individuals directly addressed Tehachapi's school or community climate at board meetings or in the newspaper. Of these, two were local residents, two lived 41 miles away in the closest urban area, Bakersfield, and two lived in other California communities.

Thus, although extremely limited, some understanding of local conditions can be gleaned from available demographics and personal statements. For example, on more than one occasion, Dinsmore wondered why no parents of school-age youth visited PFLAG meetings. He did not need to go far to find a possible reason. A published letter from White, a fellow member, offered some indication of community climate for gay residents and their families.

[I]n the last four years I've received threats against my person, my life, and my business, usually anonymously and always done in the name of God or Jesus or Leviticus. The local churches have remained strangely silent in denouncing such intolerance. Other local gay people I've known have...moved out of town to feel safer. Several PFLAG members want to support the gay community in Tehachapi but they don't want their names on the roster because they're afraid of the community at large (White, 2011).

Keeping with local tradition, White established her authority to “speak...on what it's like to be gay in Tehachapi” as “a Christian woman...[who] realized I was gay over 40 years ago” (White, 2011).

Though their dates of graduation are unknown, three openly gay, former students who joined the public dialogue characterized a similarly hostile climate in the school district. As confirmation that the weekly paper served as a forum to air views among neighbors, two letters to the editor described their fears from hearing gay slurs of ‘faggot’ and ‘sissy’ on campus (Stuart, 2011; Welch, 2010). A former resident of eight years, who felt compelled to share her experience teaching in local schools during the 2002-03 school year, sent in a letter which described similar language and attitudes from adults on campus. The most graphic testimonial from Franco, shared with trustees shortly after the suicide of the thirteen-year-old, held not just students, but staff, responsible for propagating intolerance based on stigmatization of gender

expression. Told by teachers to “sit in the back row, because [he] was...just too much to look at,” when he wore makeup and false eyelashes, Franco also referred to the physical scars on his wrists from a suicide attempt. Zoe Schultz, no relation to Tamara Schultz, pointed out to readers that a majority of residents could not “know what it feels like to be bullied for something you have [no] control over” and “would never be called an abomination” (Z. Schultz, 2012). Having nearly dropped out, ultimately enrolling in a charter school, Schultz intimated at the difficulties she experienced. “Most of your children will never have to keep a secret [that] almost destroys them.”

i. Valerie Schultz: Parents of gay youth, the impotence of restraint

Valerie Schultz, who identified herself as a “PFLAG mother,” was a guest columnist for the conservative-leaning *Bakersfield Californian* for a decade. Although her writings were most often drawn from her Catholic faith, Zoe’s mother also published pieces which chronicled the origin of PFLAG, celebrated June as LGBT Pride Month, and openly criticized Bakersfield Congressman Kevin McCarthy’s support for the now-repealed Defense of Marriage Act. Her support for marriage equality frequently led detractors to criticize her “cafeteria-style” Catholicism and “hypocrisy.” In an emotion-filled column the week after Walsh’s suicide, Schultz reflected on Zoe’s high school years prior to coming out to family as a college freshman. Entitled “Change must begin with us adults,” she wrote,

It broke our hearts when [Zoe] finally disclosed the confusion and isolation, the hateful slurs and accusations that had caused her such pain. Our daughter is one of several gay teenagers from her age group to move far away from their hometown in order to be themselves. They moved to San Diego, West Hollywood and San Francisco. They will

not be moving back here anytime soon, because for them, their hometown was not a place of acceptance or happiness or peace (V. Schultz, 2010).

The article endeavored to place Seth's death in the broader continuum of the "negative experiences of [her] daughter and other gay young people...in Tehachapi." She used anecdotes from community interactions with "a youth minister who lectured [her] daughter's group on how homosexuality was not only a... 'mistake' ...but punishable by eternity in Hell," and an openly gay student "who had learned not to walk alone on his neighborhood streets because of the threats ...from the windows of passing cars."

Although Schultz believed local classrooms reflected this intolerance, recalling a student who gave a "presentation on... 'pet peeves'—homosexuals," she turned her anguish into reflection and asked, "What have I done, as a resident of a small town who is also the parent of a lesbian daughter, to make life here more bearable for gay teens?" She channeled her energies into establishing a PFLAG chapter on the mountain, hoping to spare parents like herself the long drive to Bakersfield to find support. Although both mother and daughter attended at least one board meeting on the federal intervention, neither directly addressed trustees. However, in a published letter in the *Tehachapi News*, Schultz's daughter stated a belief that local schools would benefit from the anti-bullying curriculum. Stuart, a retired gay educator from a more remote mountain town, called upon school board trustees to show leadership by supporting a Gay-Straight Alliance and community education programs. During a single appearance at the same October 2010 board meeting as Franco and Stuart, Weddell, a Bakersfield teacher, supported similar actions.

ii. Whitney Weddell: nominal activism

An activist on LGBT issues since the 1980s, Weddell and a small group founded Bakersfield LGBTQ in 2004 as a non-profit organization to organize the city's annual Gay Pride event. By 2009, an article in the *Bakersfield Californian* identified Weddell as "the leader of the local campaign against Proposition 8," and a year later termed her the "leader of Kern County's gay community" (Burger, 2009; 2010). As Weddell's profile rose, other Kern media outlets sought her out for comment. Like Schultz's columns, Weddell's letters received pushback from readers with evangelical beliefs, and one writer complained that news organizations "ran breathlessly to Weddell's doorstep every time anything 'gay' hit the news wires" (Johnson, 2010). Weddell was clearly distraught over the loss of a gay child and believed schools could improve conditions for sexual minority youth. She had experience advocating for LGBT-inclusive campus programs and activities in Bakersfield as an openly gay educator, and was used to opposition from conservative leaders. However, an examination of who Weddell identified as, for whom she spoke, and how she was seen by those around her reveals possible constraints which minimized the role of stakeholders like herself.

In her own words, she approached the superintendent not as a "gay activist," but as a "teacher" who could help "to move forward and do things differently." Yet on at least one occasion, she also reported still feeling like an outsider to the local educational community. Weddell described herself as "the only dyke" in a planning meeting of twenty or so teachers and administrators organized by Principal Ortega. One could see this repositioning of identity throughout her comments to trustees at a board meeting. She sometimes used the pronoun "we" to include herself among educators in the room who had a duty to protect students and monitor campus climate.

At other times, she used the plural to speak on behalf of the gay community, intent on educating heterosexual neighbors. “[M]any of us in the gay and lesbian community...have endured...bullying and a great deal of difficulty as a result of who we are. We understand the pressures that bring to bear on a young life” (Tehachapi Unified School District, 2011). Although Weddell held other educators responsible for “...an environment where even our teachers are against *us* [emphasis added],” she also placed herself at the center of a dilemma on accountability. “It’s a very difficult thing to fight all bullies...Bullies are insidious [and] sneaky. As a teacher, sometimes it happens in my room and I don’t even see it.” Shifting her stance again, she said “*We* [emphasis added] need to put a stop to [the phrase ‘That’s so gay’] in our schools instantly.” Perhaps her mixed use of pronouns reflects an inner negotiation between her responses to the tragedy as both a teacher and lesbian, as a civil rights activist and eager resource.

Although Weddell decided to attend the October 2010 board meeting to deliver a message that “people are paying attention,” the audio recording revealed the continuation high school educator used an accommodating tone to address trustees. She began her address to the board by praising TUSD’s efforts and called the school climate “generally a very good one.” She elaborated on “all kinds of anti-bullying policies and procedures,” saying “I’ve seen proof of taking them to the Museum of Tolerance, of clubs meetings...where they get to talk about their views of tolerance and diversity” (Tehachapi Unified School District, 2011). Weddell noticed that, as she spoke, “two male board members directly in front of the podium...kept their heads down writing while I was speaking. I took it to mean, ‘We have to let you talk, but I don’t have to listen.’” Notwithstanding appreciative remarks from Dr. Swanson at the conclusion of her speech, she felt “like an outsider” and perceived some trustees as “passively aggressive.”

When Weddell returned to town for a PFLAG meeting, she remembered again feeling slightly ill at ease at the gathering of local allies. Invited to speak about anti-bullying efforts in Bakersfield, she had been unaware that Seth's grandparents were also scheduled to speak. Their main focus was, according to the gay educator, "blaming the district," and she noted examples where their comments contradicted Swanson's. She said, "How do you speak about holding the school board accountable when Grandma was on the board? I chose my words very carefully. I didn't want to start a shouting match."

Despite the friction Weddell sensed in these meetings, Dr. Swanson emphasized that she was the only positive contact to offer support in the weeks following Seth's death. After their first phone conversation, he followed her recommendation to establish a GSA. Then she advised him to "look into the mirror and say 'lesbian, gay, bisexual and transgender.' And then, when he was comfortable, do it at a staff meeting." Weddell "applauded" Superintendent Swanson before trustees during the board meeting. She also expressed support for him when contacted by a journalist covering TUSD's public spat with the ACLU in January 2011. Maintaining she was "quite impressed," Weddell recalled that when she first met with the superintendent, "he dropped in front of me a foot-high stack of policies and programs that were in place before [the suicide]" (Forde, 2011).

Six months later, under the banner "Investigators find fault with TUSD in Walsh case," a secondary heading stated, "LGBTQ leader believes Swanson 'sincere.'" Thus, Weddell went on record in the *Tehachapi News*, the *Bakersfield Californian*, and the *Los Angeles Times* to utter the belief that TUSD's existing practices were "fairly thorough...though they didn't prevent Seth's death" (Curwen, 2010). Although her comments to local journalists and my field notes reveal that she contacted a few retired educators and Trustee Hart, whom she considered allies,

before sitting down more than once with Swanson, she did not visit campuses. Thus, her phrase “the amazing things that I have seen in your district” was figurative. In short, the Bakersfield activist’s connections to the TUSD superintendent and local allies appeared to be tenuous, whether restrained by her choice of approach or external conditions.

Weddell’s role is complicated not just by her self-presentation, but by this appearance of an uncritical acceptance of TUSD leadership. In fact, during her own comments to trustees, she erred in commending the start of a “Rainbow Alliance” club at Walsh’s former campus. It was a support only found at the comprehensive high school; however, it must also be noted that no middle school in Kern County had such a club. Furthermore, although no clubs were permitted on the continuation campus, Weddell recommended the organization of an additional GSA there to Dr. Swanson and trustees. In my field notes, Gilbert also contradicted Weddell’s statement that middle school trips to the Museum of Tolerance were part of a coordinated anti-bullying program. According to the superintendent, the annual excursions were an existing practice tied to Social Studies and Language Arts standards in a unit on the Holocaust, which included reading the *Diary of Anne Frank*. It is not known whether information about these programs was selectively withheld from her or it was merely another confirmation of her lack of familiarity with TUSD practices. Lastly, Swanson never mentioned to Weddell if he was acquainted with any lesbian or gay staff in his district.

It is plausible that she represented his primary contact with the LGBT community. If so, he likely benefitted to some degree from her on-record comments of support. Indeed, with little, if any, firsthand knowledge of TUSD’s climate, she offered a tacit approval of his leadership. "I came away feeling the district is sincere. To prevent bullying...they are doing everything they can to be proactive" (Tehachapi Unified School District, 2011). Dr. Swanson characterized their

relationship in his remarks to trustees. “I want to personally thank Whitney Weddell for helping us to understand and how to move forward in all of this issue.... This has impacted me personally very deeply and it’s been a deep[ly] troubled time” (Tehachapi Unified School District, 2011). Perhaps their interactions can be seen as emblematic of TUSD’s early efforts to appear to make change, rather than engage with deeper structural and cultural factors.

iii. Jim Dinsmore: a narrative to break the silence

Months before federal attorneys had determined the district’s culpability, Weddell engaged with TUSD leadership to a limited degree, offering specific recommendations to improve school climate for sexual minority youth. The married high school educator, though, did not become a central figure in organizing calls for reform on campus or within the community, perhaps hindered by her residency off the mountain, with only indirect ties to local teachers. Although not an “Old Timer” with long-established residency, Dinsmore developed friends in town through his woodworking and craftsmanship. The eighty-year-old pastor had moved to Tehachapi in 2002 with his wife. As founding president of the PFLAG chapter, he introduced the goal of the group, “to promote the welfare of LGBT persons of all ages through support, education and advocacy,” to trustees and added, “We care about the safety, welfare, and growth of all our students” (Tehachapi Unified School District, 2011).

Like Weddell, Dinsmore did not take a confrontational approach with trustees, but rather offered his support as a community resource. In contrast to his two brief visits to the board, he directed many more remarks to community stakeholders, publishing over 20 columns on related topics over a three-year period. His writings, with remarkable breadth and expressiveness, expounded a homespun philosophy through anecdotes, childhood memories, and narratives. As he explained,

When I tell stories, I make friends....Everybody has stories that will make you laugh [and]...that will make you cry....I doubt you can ever really know someone until you have heard some of their stories. You can know my theology, my politics, my work history...But you won't really know what makes me tick, what drives me, who I am, until you know [my stories]. (Dinsmore, 2011d)

Dinsmore's style was marked by a combination of dry wit and obliqueness. For example, one column rebutted critics who resented government interference, whether in local schools or more broadly.

[T]he "self-made man" makes about as much sense as a self-laid egg...I met a man who wanted the government to "just stay out of his life." He didn't need any help. Then he got into his car, which was rated as very safe...because of standards established by the government, and drove down the road,...built with tax money,...made safer by traffic control installed by the government, and...patrolled by government police
...Government bashing is a popular pastime. [However,] slogans and bumper sticker thinking...seldom survive close examination. (Dinsmore, 2013b)

In another example, his musings applied the metaphor of "preventive maintenance" around the house and in city services to the role of public education in preparing future citizens. "We change the oil in our cars [and]...repair cracks in the road so they don't become potholes....We do required maintenance on our airplanes so they are safe to fly....[I]f we don't, we'll pay more later" (Dinsmore, 2012d). His imagery alluded to the cost of implementing the federal resolution and implied a long-term benefit of increased health and safety for students—or the potentially higher cost of another life lost.

In both his comments to trustees and his published words, Dinsmore struck an accommodating tone to build bridges between different stakeholder groups. “[I]t is not my intention...to tell the school board or administrators or teachers what to do.... We [PFLAG] can be a valuable resource for the in-school GSA and for parents of gay children” (Tehachapi Unified School District, 2011). He emphasized mutual respect among neighbors.

Stories make us see people as more than opinions. If I can know who a person is, I can probably understand why he or she holds those opinions, and value those opinions because they come from a person whom I value as...a friend. It doesn't mean I necessarily agree, but I listen because I respect the person, and...I may actually learn something. (Dinsmore, 2011d)

For instance, with his trademark humility, he told those in attendance at a school board meeting that it had been a “privilege to know LGBT people in many walks of life...science, military, religion, business...[and] couples who have been together for 30, 40, 50 years” (Tehachapi Unified School District, 2011).

Through those relationships, he poignantly added, “I have come to believe that ignorance is the enemy, that the closet is a prison, and that knowledge and understanding sets us all free—gay and straight alike” (Tehachapi Unified School District, 2011). Along these lines, his columns criticized the “polarization” and tone of the local debate, which he mocked as “two closed minds with poorly thought out ideas, talking past one another,” and called it a “waste of time” (Dinsmore, 2011d). He concluded, “Arguing over who’s right...is almost always the wrong question. The real question is ‘How can I understand?’” (Dinsmore, 2011d).

A year later, in a classic example of his folksy way of talking politics and religion without always tackling provocative subjects head-on, Dinsmore employed an analogy to what

he termed the “open” and “closed” ideologies, or belief systems, which he found reflected in community debates.

A closed ideology is to rational thought what MRE is to Sunday dinner made from scratch. We don't have to actually think about what we think. We don't even have to know who grew it, who canned it, or what's in it. We look at the label, like the picture, and suddenly we're ideologues. (Dinsmore, 2012b)

In contrast, he saw rational thought, or “actual thinking,” as a response to changing realities, because it was “open to evidence, to counterintuitive truth, to pragmatic concerns, to differing perspectives and values,” and it included “an awareness of complexity, of contradiction, of nuance” (Dinsmore, 2012b). Averse “to compromise...and the challenges of new knowledge,” those with a closed ideology were unresponsive to change—or reality. Dinsmore explained this type of thinking. “If I have the truth, why should I seek it? If truth is simple, why...pay attention to complexity and nuance? The thinking has been done,...and consensus of the group arises not from evidence but from the repetition of slogans...much like a pep rally before a football game” (Dinsmore, 2012b). He noted the limits to airing opposing views in the local paper, which devolved into a “a kind of tribal mode” of “us and them,” and searched for ways to “have real conversations...with folks from the other side of the issue” (Dinsmore, 2013d). Although he thought neighbors would always disagree, and “consider some values more important than others,” he looked for ways to overcome differences (Dinsmore, 2013d).

For example, with the skill of someone who is a practiced hand at crafting sermons, his writings addressed the many ways in which a community welcomed or marginalized gay residents and their allies. Dinsmore shared with readers both a history of the stigmatization faced by sexual minorities and how the use of language—in everyday conversations and letters—

contributed to a hostile climate for some community members. He also depicted a long, slow progression of policy over decades—and a similarly gradual evolution in attitudes.

We have come a long way in these last forty years. From a time when gays were routinely harassed, when police...raided gay meeting places, when being gay was against the law, when the government fired employees for just being gay...The legal status and rights of the LGBT community have some more hurdles to overcome, but there has been real improvement. The battle continues, day by day, state by state, issue by issue.

(Dinsmore, 2011b)

It's not clear if Dinsmore was addressing statewide reports or specific local efforts to gather signatures for a referendum designed to repeal SB48, the F.A.I.R. Education Act. But, he denounced the labeling of LGBT-inclusive materials as “pornography, sexual abuse, rape, promotion of the ‘gay lifestyle’...[These comments] are intended to stimulate fear, to build on prejudice, and to take advantage of widespread misunderstanding of homosexuality.” The PFLAG President rebuked those who endorsed prejudice and bigotry and drew a stark dividing line for residents.

Those who seek to marginalize and victimize any group of people always follow the same basic format: Isolate them (keep them in "their place,") dehumanize them in the eyes of the public, and create an artificial reality (propaganda) to describe them as evil, dangerous, worthless, unpatriotic, or some such negative image. It worked for the Nazis, ...perpetuate[d] black slavery, justif[ied] the treatment of Native Americans, and it will ...marginalize and deny basic rights to LGBT persons as long as we allow it. (Dinsmore, 2012a)

In a town where more than one writer indicated that LGBT pedestrians face slurs and harassment on the sidewalks, the monthly announcement of PFLAG meetings in the newspaper began in December 2010. The chapter set out a resource table at the 2011 summertime Farmer's Market, and Dinsmore was pleased at the positive reception it received; he was so moved, he wrote an open letter of thanks which was published in June. Thus, in the years following Seth's suicide, a few individuals endeavored to steer a public conversation towards greater acceptance of sexual minority youth in the community.

B. A community responsibility for school climate

Some residents, who situated the problem with individuals who bullied or were disrespectful, thought TUSD had a duty to conduct more targeted outreach, primarily through discipline of individual infractions. In general, opponents of the Resolution did not even see a community or school climate concern to be addressed. Audience comments at the October 6, 2010 Parent Information Night included, "Why aren't the parents of bullies here?;" "What about anti-bullying training for those parents?;" and, "Is TUSD going to educate parents?" The idea that the problem lay with poor parenting practices of a few arose as a recurring topic of discussion during board sessions and Task Force meetings, and not all agreed on the responsibilities of district officials, much less community leaders.

Nonetheless, the advocates for change profiled in the preceding section used the tools at their disposal to trouble the public dialogue about the realities faces by sexual minority youth. Their overall style of engagement was non-combative. They addressed all key stakeholder groups with recommendations for new programs and unambiguous actions. Schultz had used her column to mourn the loss of a thirteen-year-old to suicide and question how adults could transform the community.

PFLAG was the first sign of an incremental change, a chance for supportive town inhabitants to be visible. At the one year anniversary of Seth's death, Dinsmore reflected on what, if anything, had indeed improved. "Our town and the surrounding area responded with grief...And some good things did happen. Seth's law was passed. The school district has a new policy and procedures in place. Many people have a deeper awareness" (Dinsmore, 2011b).

In the same ecumenical vein as Schultz, Dinsmore characterized "an emerging change of heart for some residents...who no longer keep quiet when people make derogatory remarks about gays [or] demeaning jokes." These individuals made an effort "...to get to know members of the gay community, to understand and appreciate them...[and] decide[d] to let their friends and families and neighbors and churches know they accept and support the LGBT community" (Dinsmore, 2011b). His piece argued for neighbors to stay engaged, stating

[O]ur children are still dying... Secrecy is still enforced in many families and peer groups. Gay children still struggle with rejection...Many preachers and people who should know better still demonize the LGBT community. The jokes and the jibes are still there...It is too soon to walk away...the battle for hearts and minds continues.

(Dinsmore, 2011b)

In contrast to Weddell's brief engagement with district insiders on specific actions, Dinsmore regularly used his column as a platform for community outreach.

For example, he used the metaphor of default computer settings to describe growing up with small town prejudices that could be unlearned, or 'reset.' "I grew up with no blacks, no Jews, no Asians, no Catholics, no gays (or so I thought.) I knew a lot of people who hated those folks. By the time I left that little Iowa town, a few days after graduation...in 1952, I knew I didn't want to be like that" (Dinsmore, 2013e). He opined that change came through "get[ting] to

know the people I [was] prejudiced against,” but noted “unfortunately, it's not as easy to change the default settings in our brains as it is to change them in a computer” (Dinsmore, 2013e). In a humble tone, he observed that prejudice is often treated “as a kind of moral failing,” but argued that it was more effective to think of it as “a very natural part of us that we just need to get past” (Dinsmore, 2013e). Returning to his analogy, he struck the same conciliatory tone as Schultz and concluded, “I think we all have defaults that need to be reset” (Dinsmore, 2013e).

To weekly readers, Dinsmore acknowledged the difficulty in changing community climate. “Racial prejudice, religious prejudice, prejudice toward Italians...or gays or vegetarians...is built into us little by little, from dozens of sources, over a long period of time. ...But the outcome is quite enduring” (Dinsmore, 2013e). And he called upon school board members to support “environments in which the LGBT community is safe and free to be visible and vocal” (Tehachapi Unified School District, 2011). In fact, to some degree, it appeared that Weddell and Dinsmore were willing to engage, even if the results were years in the making. Weddell told trustees, “If you were to completely teach all the kids...next year you have a whole new group. You keep teaching it and, hopefully as they grow up, they [carry]...those ideas into their adulthood [and] they teach their children. This will be an ongoing process” (Tehachapi Unified School District, 2011).

Unlike many opponents of the school climate intervention who situated the problem with individuals who bullied or were disrespectful, those who desired a more inclusive school climate placed greater responsibility on the shoulders of adults to enact change. Weddell and Dinsmore, who both drew from past experiences with prejudice, addressed the primary role models in children’s lives: parents and educators. In Dinsmore’s article “Why didn’t they tell us?” he described taking a cue from adults in his Iowa hometown when a family of Jewish refugees

arrived during World War II. “Our parents didn't really say anything. But we figured it out....Our parents didn't want them here...And a family that had fled the death machine across an ocean and half a continent had to run a little farther” (Dinsmore, 2013c). He compared the actions of parents who “think they are protecting their children when they try to keep them ignorant” to the tactics of the Taliban. Applying the message he learned from his own family’s prejudicial silence, he asked, “Do we really believe that we can, or should, shield our children from the realities of the world around them?” (Dinsmore, 2013c). Their decision to address prejudice offered insight into attitudes they perceived as a likely factor behind the lagging support to address a hostile climate for sexual minority youth.

The PFLAG President’s published commentary primarily focused on educating the community as a whole, but some pieces occasionally addressed specific groups. Dinsmore dedicated several columns over the three years to the persistently invisible parents of queer youth among his flock of readers, whom he called the teens’ “first line of defense and support.” In these “open letters,” he asserted that, although many sexual minority youth “experience some level of harassment, from simple teasing to violent bullying and assault,...parents...can make a huge difference in the way the teens handle the harassment.” In a nod to competing messages, he declared, “Sometimes people tell you [sexual orientation] is a choice. It’s not.” The retired pastor wrote “If the church, or the preacher, or other family members blame your children for their orientation, it is crucial that you as parents assure your child of your support and understanding. Sometimes you have to decide what side you want to be on” (Dinsmore, 2011c).

After a year of increasing hostility to elements of the LGBT-affirmative intervention, Dinsmore issued a clarion call which removed any ambiguity from what it meant to remain silent in the prevailing community climate.

Many people are speaking up against your children [and]...against curriculum changes...They don't want to hear about...people who are like your children. ...They think there is something wrong with them, that they are broken or inferior...If you remain silent, it probably conveys to your children that you think the critics are right. What message does silence convey to the school board?...If you don't encourage and openly support your gay children, who will?...Don't buy the nonsense that this...doesn't belong in the schools. If you are the parent of an LGBT child, sooner or later you have to decide whether to try to hide...or celebrate who your child is. Silence is not support.

(Dinsmore, 2012c)

His speculation of how the absence of these parents' voices from the public debate was interpreted by nearly every other major stakeholder group—curriculum opponents, supporters, trustees, and children—reinforced how the broader community climate shaped decisions made during the implementation process. Dinsmore fought as much against silence as he did the tendency for people to only listen to like-minded views.

In comments made to trustees and later published in a column, he mixed references to a fairy tale with the idiom of 'an elephant in the room' to describe how silence can magnify the isolation and shame that accompanies stigma.

Wherever there is a father who will not deal with a family member who constantly insults his gay child, there's an elephant. The elephant is the open secret about the alcoholic father,...the abusive grandfather, the gay teenager—all those unaddressed realities that lock the household into a dysfunctional system which produces dysfunctional people.

(Dinsmore, 2013a)

Calling it a “modern version of *The Emperor's New Clothes*,” he talked about the power of stigma to create “conspiracies of silence and avoidance [which] often do irreparable harm”

Kids read silence as disapproval, or think their parents are ashamed of them. Sometimes they blame themselves for what really is a parent's problem.... What is so threatening about a given reality that many people prefer not to talk about it?... Reputation, fear of change, fear of disapproval, self-image, protecting a family member or friend. (Dinsmore, 2013a)

His assessment of small town social pressures that he believed kept parents from expressing open support as allies included the impact on youth.

Although there are also traces in the public record of how Weddell and Dinsmore viewed the role of teachers in shaping school climate, their in-person presentation was muted. Like others, they approached trustees in a reasoning tone to encourage a more inclusive climate. The pastor with Midwest roots sympathized with educators who were “caught in the middle” and carefully navigated around TUSD’s responsibility in Seth’s death. “[D]ecision makers... get blamed for lots of stuff. Sometimes we created the problem and sometimes we didn’t.... I am grateful for the contributions that the board, the administration and teaching staff make to this community [and]... understand some of the complexity of your situation” (Tehachapi Unified School District, 2011). In an example of language which implied diminished responsibility for classroom educators, Weddell added, “As a teacher I can tell you that there are lots and lots of policies and procedures we’re supposed to follow and most teachers don’t even know what they are” (Tehachapi Unified School District, 2011).

She articulated a role for teachers in building an LGBT-affirmative school climate, but remained circumspect in holding TUSD to these standards. For example, she advocated lessons

which included the contributions of gay Americans to the civil rights movement, and “gay positive references” on campus (Forde, 2011; Tehachapi Unified School District, 2011). She argued this would “offset the negative images...from the media and other places that tell [students] that gay people are targets. That’s what the schools can do. You can take the target off our backs.” On the other hand, she also linked these efforts to what seemed like a low bar for expectations of a welcoming campus, calling sexual orientation “no reason to beat them up. No reason to call them names.” She readily acknowledged school climate was “an ongoing process,” adding that it was “not the reality” that with “an incredible curriculum...you can have this solved by next week...[T]here will always be...mean people...[C]urriculum [is] not going to change that” (Tehachapi Unified School District, 2011).

Their comments in the media addressed the cost of silencing discussions of identity-based harassment or permitting language which demeaned and stereotyped. Weddell told a reporter “Teachers wouldn’t let a student get away with calling someone the N-word in class, and they shouldn’t condone or ignore the use of homophobic language and gender-based harassment at school.” Dinsmore wrote

When a teacher...will not address a climate of victimizing certain people, or of inappropriate behavior, they betray their most basic role in the organization...

Classrooms where you can't talk about what children see are unhealthy places.

(Dinsmore, 2013a)

In fact, one article described Weddell’s “first-hand experience” with educators who “tend to ‘blame the victim’ when it comes to gender identity issues and...homophobia.” Her rationale, that “discrimination is a learned behavior, and children learn from their parents,” correlated to seeing “a definite need” for community education. The continuation school teacher told the

reporter, “It really does have to be a community focus. It’s a small enough community that...with widespread education, you really could get rid of a lot of the bullying behaviors. It’s much harder in a place like Bakersfield.” Ironically, though Tehachapi was less than one-tenth the population of Bakersfield, Weddell and other supporters had little, if any, influence in shaping the school climate intervention.

More than just self-restraint among LGBT allies, Dinsmore’s remarks suggest even those who supported equality and inclusion felt the sting of disapprobation. In acknowledgement of the pressures of small town scrutiny, Dinsmore wrote “[W]e want to fit in, be accepted. We don't want to be the odd ball....But sometimes, doing the right thing means we have to step outside our comfort zone, and say or do things that make us a little uncomfortable.” In a gently chiding tone, he declared, “It's easy to take strong positions in friendly territory, [but]...the only way to test moral courage is face to face with the other side.” He described taking a stand which put oneself “on the wrong side of an issue in [a] social group” as a “tough thing” akin to “betrayal.”

When addressing the parents of sexual minority youth, he outlined in stark terms the stakes involved. “There's a kind of unstated blackmail that supports the silence. If you talk about the elephant it may cost you. The silence gives the illusion that things are okay. If you rock the boat, they think you are the problem” (Dinsmore, 2013a). Yet, as fervor surrounding the school climate intervention died down, Dinsmore continued to frame a broader argument of a civic duty to address discrimination and tackle institutional stigma. For example, he criticized legislation in states like Mississippi, which allow businesses a purported exemption “to refuse to serve just about anyone, on the basis of religious or personal opinions” (Dinsmore, 2014). Calling it “a very dangerous idea [which]...removes discrimination beyond the reach of law and basic human

rights,” he pointed out the law’s real intention. “The big focus, of course, is the gay population” (Dinsmore, 2014).

Another possible reading of the situation shows the fragmented nature of relationships among LGBT-supportive allies. For example, in June 2011, the PFLAG chapter organized a presentation from Kern County educators on the ‘Safe Zone’ program, “which trains faculty, staff, and administrators to be...allies [who] provide a safe and nondiscriminatory environment on school campuses” (Dinsmore, 2011a). It is unknown whether any Tehachapi educators attended or whether PFLAG leadership reached out to district officials.

Weddell met privately with Superintendent Swanson to discuss what she called “a few gaps” in TUSD practices, but appeared not to push for greater involvement. She attended a single board meeting the month after Seth’s suicide, but, for unknown reasons, did not organize a delegation from Bakersfield to join her. In response to a trustee’s question about the role of educators in the reduction of harassment within the community, Weddell’s choice of language can also be seen as problematic, open to the interpretation that schools have little influence over community norms. “Seth was an independent study student and he had apparently been harassed that morning at the park and then went home and it happened. So what can you do on a Sunday afternoon from the school? Well, at that moment, okay, nothing” (Tehachapi Unified School District, 2011). In short, with the same goal of reducing stigma and increasing the acceptance of sexual minority youth within the community, these two allies adapted their messages to different audiences.

Whether seen as a champion, an opportunist, or an interloper, Weddell’s words and actions may also aid in understanding the possible tension LGBT community members felt between visibility and acceptance, between the fatigue of marginalization and the anxiety from

an anticipated clash of beliefs. As Weddell described the importance of an inclusive campus, she again shifted between two voices. First, she spoke as a teacher. “[I]t once again goes back to climate...that we don’t hesitate when we say... that we love and support our gay, lesbian, bisexual and transgendered kids...that when they walk in these classrooms that they feel welcomed and not just tolerated.” Later, she spoke as a lesbian who rejected the term “tolerate.” [W]e know when we’re being tolerated. We want to be welcomed. We want to be celebrated. She also acknowledged how her message may be perceived. “I will be accused of bringing in a homosexual agenda...But if ...kids in school who are gay feel safe, then so be it.”

As an example of the limited visibility of gay residents, Weddell was the sole individual whom journalists in Tehachapi and Bakersfield quoted when reporting on developments in the investigation of TUSD throughout the 2010-2011 school year. She also never appeared in a LexisNexus search of national or international news surrounding Walsh’s suicide and the ensuing events. In total, these public appearances and statements outline the nature of limited public influence that advocates for sexual minority youth and their families had during the implementation process.

VII. Conclusion

Beyond more rigorous investigations of possible sex- and gender-based harassment, the Resolution placed unprecedented demands on the time and resources of district personnel. The circumscribed technical assistance of the equity consultants and the limited cultural proficiency of local educational leaders impacted the implementation process. Furthermore, a characterization of the context which surrounded the school climate intervention to address a hostile climate for sexual minority and gender-nonconforming youth included systemic barriers to change and active obstruction.

Within weeks of the loss of a child's life, the tragedy galvanized conversations at the local, state, and national level. However, the public debate in local media quickly shifted away from an examination of how adults could make school and community more welcoming for sexual minority youth. Community discourse in the news and the boardroom continued to marginalize sexual minority identity. The voices of students, parents, and trustees on the public record revealed how community norms were often unchallenged or reinforced. Led by Mata and Smith, a few key parents organized opposition to central provisions of the Resolution, namely the climate surveys and anti-bullying lessons.

In conclusion, TUSD faced financial, logistical, and political challenges in the attempt to adopt the research-based prescriptions in the Resolution. This case study evinced few sources of stakeholder support for the LGBT-affirmative school climate intervention in this rural California district. An analysis of parent involvement and Task Force recommendations suggested that district outreach occurred in the broader context of social stigmatization.

Chapter 6

I. Introduction

Although the power of external forces, e.g., political initiatives and broadcast media, may be assumed to influence a small, insular community, the site of this study also provided a rare example of how a local tragedy rippled through the national conversation, and ultimately shaped both state legislation and federal education policy. I explored how rural residents, trustees, educators, and parents responded to a student suicide from pervasive sex-based harassment as well as the subsequent LGBT-affirmative school climate intervention mandated by the OCR and DOJ. At a micro-level of the school ecology, individual opinions on the anti-bullying curriculum diverged; while some stakeholders withdrew—or remained silent—others held firm in vocal opposition. On a meso-level, district leaders attempted to navigate federal compliance against an upswell of community pressures. These findings are part of a study which also examined the macroecology, the relationships between and among stakeholders and their environment, and patterns that showed how rural school and community climate are mutually influenced.

Chapter Two reviewed various approaches to assessing school climate for sexual minority and gender variant youth, identifying both shifts and limitations within this field of study. For example, Griffin and Ouellett criticized the near-singular focus on school-based harassment and peer victimization at the expense of understanding “the role of schools...in the context of larger social conflicts about normative gender and sexuality” (2003, p. 158). In this manner, DePalma and Atkinson noted “[h]omophobic bullying continues to be cast as a particular problem rather than as a systematic institutional manifestation of cultural bias,...leav[ing] room for institutional oppression on the grounds of sex, gender, and sexuality” (2010, p. 1670).

Indeed, the evidence indicates that some Tehachapi residents chose to see the suicide of a thirteen-year-old from anti-gay harassment as an isolated incident, blown out of proportion in the national media. Some, like Board President Graham, deflected culpability, referring to a “nationwide epidemic” of bullying. Editor Elliott recalled how Dr. Swanson minimized the tragedy. “[H]e said that it was important for us to recognize that...it [the timing of Seth’s death] just coincided with [the nation’s attention].” She said that he described TUSD caught “in the crosshairs of a movement through circumstance.”

A decade ago, Chesir-Teran (2003) anticipated that richly detailed studies of the school ecology on a greater scale, including educational policies and programs, could further explain adult willingness to support or to intervene in the harassment of sexual minority youth. How schools shape and are shaped by a community’s sociopolitical climate, he argued, contributes to heterosexism in the educational environment, or the extent to which schools support or suppress sexual minority identities (2003). As a study of institutional stigmatization, the data analyzed in this case exposed ways in which those with majority power and privilege replicated social structures and refined strategies that marginalized LGBT community members.

This final chapter revisits the theoretical approach that guided the data analysis and then weighs the limitations of qualitative case study methodologies. Next, a discussion of the major findings reconsiders the scope and rigor of the Resolution Agreement and the evidence of the district’s capacity to improve school climate for sexual minority youth. Most importantly, I argue that the findings in this case study contribute to a better understanding of some of the heteronormative forces which shape school climate.

II. Review of Conceptual Framework

From family acceptance to affirming media images and educational advocacy, ecological systems theory emphasizes a contextual examination of factors which affect the well-being of sexual minority youth. In addition, an analysis based on Meyer's (2003) minority stress theory encompasses both subjective perceptions of belonging and objective evidence of inclusion.

Unfortunately, the data in this study included evidence which recounted anti-gay harassment on school grounds and in neighborhood streets. PFLAG's pleas for parents of gay youth to visibly support TUSD's efforts to create an inclusive school climate went unanswered. As the Walsh family joined elected officials in Sacramento and Washington, D.C. to seek more accountability from schools, their neighbors reached out to national conservative non-profits to challenge the terms of the federal mandate at home.

Local news reflected the community's heterosexual bias at its most extreme, including denigrating and homophobic remarks in residents' letters. At school board meetings, speakers directed hostility toward a perceived homosexual agenda within the curriculum. Although TUSD had clear directives to address all forms of homophobic attacks on school grounds, community stakeholders were not bound to the terms of the Resolution Agreement.

Phelan et al. (2010) describe the function of minority stigma as the enforcement of community norms, allowing those with privilege to dominate or exclude. For Hatzenbuehler et al. (2013), stigma which originates in a social institution's heterosexual norms contributes to fundamental health disparities for sexual minority students. In this conceptual framework, stigma manifests through multiple environmentally-based risk factors, which are reproduced over time and across social milieus to ultimately impede access to resources. The call for community engagement in a 'transparent and democratic process' by school board officials allowed the

voices of the most tenacious opponents to dominate. In the end, parents succeeded in the removal of most LGBT-related content from the proposed curriculum.

The combination of these theoretical concepts provided the means to analyze risk and protective factors in the school environment, specifically a federally-mandated school climate intervention designed to improve school climate for sexual minority and gender variant youth. Scrutiny of this implementation, which progressed from policies on sex-based harassment to an anti-bullying program and organizational supports, indicated a pattern of heteronormative influences on school climate. The cumulative evidence depicted heteronormative forces which stigmatized sexual minority identity through silencing, erasure, and marginalization.

III. Limitation of Methodology

I analyzed two and one half years of activities, beginning shortly before Seth's suicide in 2010 and continuing through the board vote to adopt the final component of the federal school climate intervention in January 2013. My data came from public records, including newspapers, TUSD board meeting audio recordings, district documentation, and compliance reports submitted to the OCR, as well as field notes from the 2012-2013 school year in which I observed the S&IS Task Force.

One limitation of this study is the exclusion of school climate survey data and investigative reports of suspected student-on-student sex-based harassment from 2011-2013. The survey administration methods changed over time, and low participation by staff, students, and parents meant results were not representative of the entire population. Examination of the reported incidents during this period revealed disciplinary consequences for individuals, but did not provide understanding of broader contextual factors at hand.

Rather, the focus was on the mandated intervention's implementation process writ large, through an historical and thematic analysis of events, and the roles which several strategic groups played. The document-based evidence at hand indicated patterns of environmental factors which contributed to the perpetuation of stigma associated with sexual orientation.

However, document availability also placed certain discrete limitations on understanding the relationships among several key participants. First, the tenor and content of debate among OCR attorneys, TUSD's legal counsel, and trustees on the Resolution's terms which occurred during closed sessions were not part of the public record. Second, although OCR compliance reports included materials which characterized community climate, such as intense parental opposition to the curriculum content and survey administration, the federal response to these local conditions, contained in telephone and email communications, remains unexamined. Third, although TUSD collected educators' feedback to the mandated trainings, it was not included in the compliance reports and remains within district archives.

In addition, this analysis relies, in part, on oral or written evidence of the opinions and perceptions of individual stakeholders. This extended treatment of factors in the school and community climate endeavored to analyze sources of social stigma, based, in part, on subjective experiences. However, the public statements of LGBT residents were few and far between. Some individuals are more resilient than others. Others affected by a hostile climate may have dropped out, changed schools, or moved away. Thus, those most impacted may have been absent from the local discourse.

Another shortcoming of this approach is the inability to survey the views of all participants at all stages of the implementation process. Indeed responses may change over time, and recollections of events may not convey the same emotional resonance expressed by those

participants in the midst of lived experiences. For example, when I asked about the role of media and community stakeholders, Editor-in-Chief Elliott replied,

I don't know if—[by] reading *The Tehachapi News* over this length of time—you would say that we portrayed [the federal investigation] as big of a deal as I know it really was. . . . It has been a big deal on many levels. . . . I might be too close to it. . . . to have that good of a perspective on whether we've done the right thing, whether the community has done the right thing.

Despite the volume of data, a more robust analysis of the complex and evolving process surrounding a large-scale, mandated school climate intervention would incorporate interviews with all key stakeholders, including OCR attorneys, district officials, educators and parents. This methodology could illuminate the leadership decisions of the superintendent and clarify the stances of board members vis-à-vis the terms of the Resolution. Mostly importantly, reflections from these participants could elaborate on factors which influenced critical decision points as events unfolded. The following sections, which discuss thematic findings and implications for future study, elaborate on the utility of interviews with stakeholders in further detail.

Within the thousands of pages of district reports, hundreds of news items, and dozens of hours of public comment during board meetings, though, a profile of the educational macroecology emerges, complete with thematic patterns which can be categorized by prevalence, distribution, and degrees of divergence. More than just the identification of the tactics and positions of various stakeholders, the data provided multiple indications of responses, reactions, dialogue, and challenges—the process of negotiating social norms and institutional culture.

IV. Discussion

A. Realignment of Institutional Practices

As a result of the federal investigation, TUSD put policies in place to protect students from sex- and gender-based harassment. The district closely tracks reported incidents and disciplinary responses, and all personnel are trained on recognizing and reporting concerns. A comprehensive anti-bullying curriculum is in place and TUSD endeavors to survey campus climate annually. The new superintendent will continue to submit compliance reports to OCR until July 2016. Yet, the experiences of educators tasked with implementing the federal mandates call into question the scope and rigor of the Resolution's terms, as well as the ability of the intervention to generate internal district capacity to support LGBT-affirmative school climate over the long term.

i. Scope & Rigor of Resolution

The initial requirement for twice yearly surveys of students across all grade levels, as well as staff and parents, was reduced to a single annual administration of the California Healthy Kids' Survey and custom module for grade 5 and higher. Under California's Education Code, adult responses were voluntary, and participation remained low. Although the district posted the revised policies and reporting procedures related to sex-based harassment on its website, only an email link to report concerns was created. In fact, despite the available anecdotal evidence which indicated that some students who reported harassment faced both stigma and retaliation, no anonymous electronic reporting method was introduced.

TUSD was also mandated to "notify all parents, students, and employees at each respective school in writing, on the District's website, and through prominently displayed posters of the availability, location, and hours of operation" of a designated safe space location (Office

of Civil Rights & U.S. Department of Justice, 2011, pp. 11–12). Yet, the district’s only GSA at Tehachapi High School, launched in October 2010, months before the Resolution was in place, was not listed on the TUSD website as such a resource. Furthermore, no site was compelled to support a GSA, and no mechanism existed to provide the Title IX Coordinator or district superintendent with direct feedback from GSA students, who were ostensibly well-positioned to comment on the school climate for sexual minority and gender nonconforming students on campus. In sum, given evidence of a lack of engagement with GSA students or advisors throughout the implementation process, this suggested that officials did not understand the nature of safe space resources for LGBT students or were reluctant to elevate the public profile of the group.

The Resolution required input from a range of key stakeholders through the Task Force, as the designated district advisory committee. However, the terms did not mandate that the continuation campus provide representation to the group. Research indicates that sexual minority youth are disproportionately placed in alternative educational settings. Thus, it was unclear whether Monroe High School had a more inclusive campus climate as the result of this occurrence, and the capacity to serve as a model for other sites, or was in the same position of needing to support LGBT youth; this disconnect remains puzzling.

Lastly, Section IV of the Resolution required the establishment of a district monitoring program “to assess the effectiveness of anti-harassment efforts” (Office of Civil Rights & U.S. Department of Justice, 2011). This entailed regular review of survey results and TUSD responses to incident reports, but did not specify ongoing evaluations of programs (e.g., Character Counts, anti-bullying assemblies, Safe School Ambassadors) for their effectiveness. Previous research has documented numerous reasons why a measurable amount of sex- and gender-based

harassment on campus remains unreported. Therefore, given that a bare majority of students responded to the surveys, and not all incidents of harassment are documented, a program which failed to stipulate an evaluation of the actual resources employed for anti-harassment efforts provided dubious value.

The extent to which OCR understood the nature of local stakeholder participation or took community responses into account in moderating terms of the implementation is unknown. Future interviews with federal authorities involved in this case offer the potential to explore how their interactions with TUSD shaped the nature of the intervention. In brief, some of the Resolution's terms did not address all relevant portions of the district's organizational structure, and other potentially beneficial steps to address LGBT-inclusive institutional practices remained outside of its scope.

ii. Provision of Technical Assistance

When the U.S. Department of Education grant, which funds regional Equity Assistance Centers, was awarded to a new consultant, TUSD was blindsided. The district lost access to Dr. Gonzalez, whom its officials believed was the resource best positioned to provide the technical assistance called for in the Resolution. The transition to WestEd's tenure meant a higher payout for fewer services. Whether the technical assistance outlined in the Resolution was written with the first Equity Consultant in mind is unknown, but TUSD stakeholders did not perceive that WestEd provided adequate support.

In addition, the three-year cycle of awarding grants appeared incompatible with the prevailing practice of imposing a five-year monitoring period. The view that WestEd services did not align with the needs of TUSD suggested that technical assistance on issues of equity specific

to LGBT student needs was substantially different than that for other protected groups under the same funding structure, such as English language learners and racial minorities.

Thus, more can be gleaned from interviews with both current and former designated Equity consultants. At a minimum, the capacity of such organizations to solicit diverse stakeholder participation, or to represent the views of sexual minority students and same-sex families during the implementation of such mandated interventions, remains a critical and unexplored gap. Based on the influential role that parents played in shaping the outcomes of the S&IS Task Force and the secondary curriculum module, further research is needed to assess the efficacy of the technical assistance intended to help districts operationalize what was, in essence, a diversity initiative.

B. Development of Internal Capacity

Several administrators noted that the federal intervention was a learning process for both educators and government officials, but staff turnover and the change in Equity Consultants hindered TUSD capacity building. In addition, partly as a result of California's fiscal crisis, the under-funded district faced several financial constraints. TUSD could not afford to hire a curriculum specialist or outside consultant to develop the curriculum; was unable to provide online access to the proposed lessons for parents; and was limited in the number of release days it could provide educators serving on the Safe and Inclusive Schools' curriculum committee.

Regardless, some evidence suggests that TUSD was not altogether reticent to adopt changes. Beyond the mere establishment of three separate committees to address the federal mandates—one more than required—a large number of stakeholders engaged at a level of detail far greater than anticipated. Participants met more frequently than required and the

superintendent repeatedly expressed a commitment to effect change beyond the minimum level of compliance.

i. Professional Learning Communities (PLC)

On one hand, all relevant site personnel received training on how to report or investigate incidents of sex-based harassment. On the other hand, the district was not mandated to identify an instrument by which to assess the capacity of educators to create LGBT-inclusive classrooms. Records do indicate that district leadership nominally addressed cultural proficiency during a series of administrative cabinet meetings and facilitated discussion of survey results during at least one professional development session per site. Existing anti-bullying programs were also on the agenda of one or more Task Force meetings.

Informal surveys adapted from the Olweus program were administered in each 6th grade homeroom as part of the first lesson in the Safe and Inclusive Schools' curriculum. Teachers tabulated the non-scientific results, shared copies with the middle school principal, and discussed the data with students. The collective results Principal Kaminski shared suggested a noticeable degree of variation in students' perceived safety at the classroom level; however, the principal gave no indication that the information would be used to support staff with targeted professional development needs related to culturally-responsive pedagogy or classroom management strategies. In short, the presence of multiple sources of school climate data within school sites and grade levels has not led TUSD to identify educators with best practices nor those in need of possible remediation.

Moreover, popular Tehachapi High School activities, such as the Battle of the Sexes and the crowning of Mr. Warrior, a satirical counterpart to the town's annual Miss Tehachapi pageant, remained in place, without discussion of whether these events framed gender in a way

that maintained a positive environment for all students. The questionably effective No-Contact Contracts continue to be used by school resource officers and administrators, and there was no evidence that restorative justice, as a mechanism to remediate harm to targeted students or the school community as a whole, was introduced for consideration among disciplinary actions.

As a whole, little evidence suggests that educators identified district programs or practices which contributed to or decreased stigma related to sexual orientation or gender. Whether from a lack of time, resources, training, or some combination thereof, TUSD educators do not appear to have adopted a reflective stance.

Apart from the Resolution's terms, California's Department of Education requires a Comprehensive Safe School Plan from all districts. This annual document is intended to ensure a coordinated approach...rather than a variety of piecemeal programs....A balanced, effective safety plan may also include strategies related to the development of a positive school climate,...curriculum that emphasizes...alternatives to negative behaviors,...[and] prevention and intervention of bullying harassment and violence. (California School Boards Association, 2014)

Thus, documentation of educational programs which shape school climate for sexual minority youth across California districts will remain a necessity for the years to come. Future research on the means by which to strengthen educators' capacity to shape more inclusive campus climates, through credential programs and professional development resources, will be another important consideration. In conclusion, broader implications arise in a discussion of educators' capacity to address the safety and well-being of LGBT students across the state.

ii. Moral Leadership

Perhaps the most difficult assessment is the role of the superintendent as a moral leader. Evidence indicates that Superintendent Gilbert spent hours reading, researching, and engaging with stakeholders. Her public comments came across as empathetic and well-intentioned, yet she was unable to successfully challenge the terms which others used to frame the debate. Opponents appropriated a civil rights issue to claim a violation of personal religious freedoms. Although Gilbert's personal diplomacy was mindful of the need to make TUSD campuses safer for LGBT students, her opportunities to engage in public outreach focused on a message that the district found all forms of bullying unacceptable. There was an absence of evidence that she or other district leaders put forth a clear and consistent message that, in TUSD, all families matter.

Gilbert stepped into her first superintendency during a time of turmoil and public mistrust. When the persistent and prolonged challenges to the federal intervention are also factored in, the limits of her political and social capital become apparent. Thus, gaps in the evidence of the superintendent's moral leadership imply a failure perhaps more accurately attributed to external constraints than capacity and will.

A brief review of key findings from Chapter 5's thematic analysis of stakeholder influence provides the context from which to discuss possible implications for future educational research. First, the data led to findings that community norms shaped TUSD's implementation of an LGBT-affirmative school climate intervention in several ways. The ACLU and DOJ were viewed as interlopers that threatened local control of public education. The enforcement of federal civil rights protections for some students was viewed as the promotion of a homosexual agenda and an affront to personal religious beliefs by some in this rural community. From the voices of various stakeholder groups, a pattern emerged: the silencing, erasure, and

marginalization of sexual minority identity. In particular, the stigma of sexual orientation manifested in a replication of social structures which minimized and excluded LGBT community members.

C. The forces of heterosexism

Heteronormativity is described as a structural bias in an ideological system (i.e., community) that denies or denigrates any non-heterosexual behavior, identity, relationship, or community. A heteronormative climate becomes oppressive when stigma and discrimination give rise to attacks to silence and erase sexual minority identity. The revisions to the amended Safe and Inclusive Schools' curriculum adopted by TUSD demonstrated the degree to which heterosexism remained embedded in the educational environment.

Taking the approach of Kumashiro and Meyer to trouble the data in the public realm, the context for stigmatization of sexual minority students in Tehachapi centered on the repeated silencing, erasure, and marginalization of identity. Opponents to the federal intervention voiced hostile remarks directed at those in power and expressed prejudicial views during board meetings. Their misperceptions related to sex and gender, which went frequently unchecked, set the boundaries of a discussion around reasserting the community's heterosexist norms.

Although the Resolution's implementation meant the district had a system for addressing sex- and gender-based harassment on campuses, these legal terms were not intended to effect change beyond the classroom. The silence of educators in the public discourse during this period of turmoil further illustrated this disconnect for interrupting homophobia more broadly. Federal actions may have provided a means to moderate school climate, but the community's hostile reaction to the civil rights investigation and direct involvement in the school climate intervention undermined these efforts.

OCR's findings, published letters, and Franco's comments to the board demonstrated that, to some degree, local campuses mirrored the rural area's homophobic climate. It seems likely that—with or without trauma—many students like Franco and Schultz faced a decision to move away for employment or college at some point in their K-12 career. However, the conceptualization and measurement of minority stress in such an environment *at the individual level* are beyond the scope of this study.

Rather, this analysis of the ebb and flow of a community-wide debate, which propelled some stakeholders to the microphone while keeping others silent, identified patterns of how these forces placed limits on the implementation of an LGBT-affirmative school climate intervention. The implicit beliefs underpinning community norms turned into explicit calls to determine what students were and were not taught. What is the likelihood that positive outcomes for sexual minority youth increased within a district that adhered to the letter of such policies while it was challenged by numerous external pressures?

The degree to which board trustees, in a position of social power, remained sensitive to community opposition is one example of heteronormative bias in the district's organizational structure. During the extended curriculum adoption, parent antagonism fueled organizing strategies which impeded the overall LGBT-affirmative school climate intervention. The counterproposals demonstrated an effort to reassert community norms. To destabilize the most contentious piece of the implementation, the anti-bullying curriculum, opponents pressured the district to establish a parent committee to review the secondary lessons. This disruption was a central part of how rural community climate influenced educators' role in shaping school climate for sexual minority youth.

i. Erasure

The most direct tactic came from community members who wanted to remove any educational materials at odds with their personal beliefs. The curriculum adoption process was replete with examples of successful attempts to erase LGBT identity from the classroom. Most notably, this included the elimination of elementary lessons on diverse families that mentioned same-sex parents, and lessons supportive of fluid expressions of gender. In grades 11 and 12, the removal of lessons that addressed the achievements of Harvey Milk and Bayard Rustin also meant openly gay individuals remained distant concepts, not identifiable contributors to American history. Parents' demands for the removal of all cross-curricular connections suggested in the teachers' guide literally segregated messages of acceptance and diversity from potential multidisciplinary tie-ins to broader concepts.

Where parents could not fully erase the presence of the Safe and Inclusive Schools' lessons, they sought means to disengage their children from public schooling. The direction by some parents for their children to refuse non-graded assignments associated with the anti-bullying curriculum challenge openly challenged school authority. Administrators reported that an undetermined number of parents continued to remove children on the days of the instruction, generating a cluster of unexcused absences. Finally, some chose to join Abernathy or homeschool to avoid the entire curriculum.

Not only did residents contest the material outright, but trustees took a hand in restricting the curriculum. Analysis of board dialogue on the topic shows a near singular focus on what could not or should not be said in the classroom, and an absence of discussion around affirming same-sex parents or sexual orientation at all grade levels. In short, the contrast between the

proposed curriculum teachers developed and the lessons TUSD adopted demonstrated the strength of desire to maintain the community's sexual and gender norms.

ii. Silence

Suggestive of the dynamics of internalized homophobia and vicarious victimization, two subjective facets of minority stress theory, another pattern in the data which depicted the heteronormative community climate was the silences, or an absence of evidence. Different than *erasure*, which I would argue implies agency, such as deliberate actions from an external source, *silencing* characterizes gaps in the public record. It speaks to a form of self-imposed censorship or restraint, whether conscious or unconscious. The absence of visibility by LGBT residents and allies may be due to concerns about personal safety, criticism, or rejection, although motivations may not always be comprehensible.

Among all of the community members who wrote to the newspaper or addressed board members, Valerie Schultz spoke of past struggles by her daughter, Zoe, to find acceptance in town, but no parent of a current LGBT high school student shared his or her experiences. No openly gay parent, if any had children enrolled in the district, disclosed their sexual orientation to educators during the contentious debate surrounding the school climate intervention's implementation. Although three or fewer TUSD staff identified as LGBT on the anonymous, voluntary survey, none chose to step forward and share their views on school climate as a member of a stigmatized minority group.

An analysis of data devoid of interviews reaches its limits at this point, though. Given the close, personal relationships many district staff had with Superintendent Gilbert, it is possible she knew that the curriculum specialist, charged with training teachers on the anti-bullying lessons, had a gay son who had matriculated from the TUSD. However, whether either educator

discussed how the family's story had a role to play in community education is unknown. Thus, the near-pervasive public silence from LGBT residents, including teachers, students, and parents, was broken by solitary letters to the editor or one-time visits to board meetings.

Could a failure to challenge bigoted views or to correct misstatements from speakers in committee and board meetings, regardless of personal opinion, be considered another form of silence? Only once did the data indicate that the superintendent attempted to correct a parent who labeled use of the terms "lesbian, gay, bisexual and transgender" as the vocabulary of "sexual practice." Board members did not respond to Daniel Franco, who related his dire high school experiences, nor did they question Bev Smith, when she declared that any acknowledgement of people who identify as transgender was an inappropriate conversation for students under the age of 14.

Though protected by procedural practices that did not required a response to every public comment, trustees' lack of engagement with community misperceptions, regardless of reason, leaves a gap open to interpretation. It is possible that the opponents to the intervention perceived a sympathetic silence from board members, and that those familiar with stigma and discrimination in the community internalized a negative and hostile climate which lacked support from educational leaders.

In another example, the initial school climate data revealed that 8% of TUSD students identified as LGBT or questioning. This finding was met with such a degree of skepticism and disputation that Superintendent Gilbert went back to WestEd to discuss the validity of the data. A WestEd consultant explained that, because demographic questions were asked at the end of the survey of student safety on campus, it was unlikely that a participant would have deliberately selected misleading, overly negative responses and identified as LGBT for the sake of distorting

the survey results. Although the superintendent shared these explanations with Task Force members, Tamara Schultz continued to declare that students lied or did not take the survey seriously and made up answers about hostile climate.

Survey data which indicated both the presence of LGBT students on TUSD campuses and the findings of hostile climate for these youth was shared with district stakeholders in staff meetings and among the three committees implementing the Resolution. The data was not held in confidence, but no clear evidence indicates its impact on district practices either. Perhaps the inability to take data-informed actions and effectively address prejudice in the community is more of an example of how the promotion of conditions under which sexual minority students flourish remained persistently marginalized during the implementation of the Resolution's terms. I was unable to find evidence that district leaders undertook a campaign to educate the public on the presence of LGBT students on TUSD campuses and no data revealed trustees' explicit support for sexual minority students on campus.

In addition, the public record does not reveal why educators who developed the initial—and promising—LGBT-inclusive curriculum chose not to engage in a more public debate with opponents. Nor does it explain how the committee ultimately arrived at a decision to remove all of the “offensive” activities and lessons, including the entire thematic section on gender. This gap leaves unsettled the question of whether the professional development mandated under the federal intervention led to the development of educators' capacity to shape school climate for sexual minority youth. Whether teachers sympathized with parent opposition, or were politically powerless to push back, the end result meant few classroom conversations around acceptance of LGBT friends and neighbors. Data showed that teachers did respond to other occasions when

their professionalism was challenged; therefore, the prevailing silence suggested self-imposed limits to engaging in community outreach.

The lack of staff participation in the survey was another sign of silence, and it was surprising that district leadership did not examine this fact more closely. Did this suggest passive resistance by educators or disbelief in the utility of survey data? How did that lack of engagement affect how teachers reacted to the student responses?

After reading as many sources as I could obtain, I was struck by the silence from community officials, particularly leaders of faith communities. There were no voices from the pulpit or the Mayor's office who affirmed the need for safe and welcoming schools and neighborhoods for all children. In contrast, a church website spoke of the sin of homosexuality, a clergy member penned a letter which tied suicide to sexual orientation, and a trustee voted based on what Jesus wanted her to do.

Indeed, some residents did not see a community or school climate concern to be addressed. At the October 6, 2010 Parent Information Night, audience comments included, "Why aren't the parents of bullies here?"; "What about anti-bullying training for those parents?"; and "Is TUSD going to educate parents?" The idea that the problem lay with poor parenting practices of a few arose as a recurring topic of discussion during board sessions and Task Force meetings as well. No elected official or educator stepped forward publicly with a compelling argument for the community that the safety and well-being of sexual minority students should be everyone's concern.

In the end, the evidence demonstrates how far residents went to oppose to the school climate intervention and the role that vocal parents played in shaping the final curriculum. The silence surrounding support for the Resolution and the erasure of LGBT-related content from

lessons appeared to stem from the social stigma associated with sexual minority identity. No one spoke of the needs of students who face rejection, only the students not taught manners at home. The federal intervention may have reinforced the importance of addressing individual cases of discipline, but which identities were silenced and which were celebrated in classrooms did not appear to change.

iii. Marginalization

Efforts which treat the concerns of neighbors as insignificant, or peripheral, marginalize portions of a community. For example, letters which spoke of firsthand discrimination and harassment in classrooms or on small town streets went unacknowledged, and TUSD trustees offered no apologies to current or former students and their families at board meetings. Some residents explicitly denied the existence of any overt community hostility, and others claimed that those with a homosexual agenda co-opted Seth's death. Multiple letters to the editor which espoused bigoted notions referenced non-peer reviewed scientific studies that associated homosexuality with multiple psychological pathologies. Indeed, more writers debated whether homosexuality was a "lifestyle choice" or "preference" than called for a more welcoming community for all residents.

In community discourses, the marginalization of sexual minority identity also meant a rapid shift from a consideration of conditions which may have contributed to a hostile climate for Seth Walsh to subjective declarations that residents were under assault from external entities. At the same time that residents who spoke of rejection and intolerance were ignored or disparaged, parents also spurned organizations that did not reflect community norms. Among the nearly 80 attendees at the August 28, 2012 board meeting, many viewed the threat to withdraw federal funding, if TUSD approved an opt-out provision for the anti-bullying curriculum, as a bullying

tactic of ‘Big Brother.’ Opponents who expressed the intention to disenroll their children from TUSD signed a petition that attacked both the government and GLSEN, an organization which had no visible local presence.

For town inhabitants who argued that the federal intervention was political in nature, they opposed “government brain washing.” Mata stated, ”We can disagree with the President adamantly [and] oppose 90% of what he [does]...but show their (sic) office...common courtesy and respect” (Tehachapi Unified School District, 2011). Again, the pivot away from a focus on student needs to position local adults under assault from a powerful government relegated concerns about school climate secondary.

However, this was not simply the posturing of an insular rural community. Those leading the challenge went out and sought information and resources from national conservative legal defense and conservative religious organizations, like Focus on the Family and the Pacific Justice Institute. In sum, the evidence indicates that opposition to local and national institutions which protect or advocate for the civil rights of sexual minorities is an objective feature of the stigmatizing environment.

Thus, marginalization of sexual minority identity arose through dual efforts. While some community members endeavored to minimize or exclude the experiences of LGBT residents, others asserted parents’ rights to determine the nature of local public education for their child. The emergence of a charter school, which intended to occupy unused classrooms and provide an alternative to the district curriculum, signified the reestablishment of normative values. It was also the ultimate opt-out from an LGBT-inclusive campus.

V. Implications for Future Study

A. Reappropriation of Language

In addition to efforts to erase, ignore, or discredit LGBT voices in the debate, the language of opponents challenged calls for inclusion and acceptance in novel ways. The first was an appropriation of the vocabulary of a bullied victim under personal attack or persecution. Some in the majority attempted to position themselves as powerless ‘victims’ at the hands of larger forces—human nature, the federal government. Many parents spoke at length about personal experiences of them or their children (or both) being victimized. Bullying was depicted with a universal and enduring nature.

A close reading of public statements by these individuals suggests that they did not appear to accept that the equal protection clause applied to sexual orientation as an immutable characteristic. Instead, they argued that bullying targeted many individual-level characteristics, such as speech impediments, weight, and general appearance. To them, all bullying was hurtful.

In addition, the LGBT-related content in the anti-bullying curriculum that educators developed was subjected to extensive public examination. Mata, Hayes, Benson, and Smith called “discussion of alternative lifestyles” in the curriculum “offensive in nature” and labeled it “reverse discrimination” against Christians. Hayes told trustees, “This anti-bullying curriculum is intended to normalize the LGBT agenda for all students...Its goal to promote not just tolerance, but acceptance of a lifestyle that Christians and others of like faith may find unacceptable” (Tehachapi Unified School District, 2011). Speaking for what she perceived as the majority view, Mata declared, “The parents that I represent...are against all bullying of every kind...[and] an effective policy should address the widespread nature of the problem. It should not be a

policy...designed to appease one political agenda. Policies that single out certain characteristics over that of others is (sic) counterproductive” (Tehachapi Unified School District, 2011).

Thus, the persecution for one’s Christian beliefs was yet another way in which some in the community majority repositioned themselves as victims. One letter stated that Seth’s death was “just a suicide, not a gay suicide”; others called a criticism of local churches a “witch hunt for Christians” and a “silencing of beliefs.” Some parents felt material which violated the personal beliefs of families was being forced on their children. Indeed, the most common phrase employed across letters to the editor and board meeting comments was the complaint that the egregious terms of the Resolution were being “forced down the throats” of residents or that homosexual lessons were being “forced down the throats of innocent children.”

Public protest also included claims that parents have the sole authority to determine what their children are taught and that gender and sexual binaries are the accepted norm. Both in print and at the microphone, their pleas placed personal freedoms at the mercy of controversial material that evoked gender confusion.

The second appropriation occurred with the claims to address “all forms” of bullying. The push by many parents to “protect all kids from bullying” and to make lessons “generic,” on its face, appeared to be a call for inclusion. On behalf of the parent committee which disassembled the secondary curriculum, Webster addressed these changes to the board directly. “We wanted it to make the point...in a more *sensitive* (emphasis added) manner” (Tehachapi Unified School District, 2011). Calling the terms related to sexual orientation and harassment “abrasive,” she described the revisions and eliminations in the lessons as “softening the curriculum’s language while focusing...on harassment and discrimination in general *with sex and gender being just a part of it* (emphasis added).”

For Trustees Austin and Graham, this “broadening” of language is what made the curriculum palatable. However, I argue that subsuming harassment based on sexual orientation under such umbrella terminology further marginalized and erased attempts to acknowledge the presence of gay youth in schools. Paradoxically, a “Safe and Inclusive” curriculum to address a stigmatized minority group was marginalized through efforts to make the bullying of any individual on any grounds equal.

Furthermore, those who encouraged this “simple adherence to the Golden Rule” argued that educators should interrupt and address language and actions which contribute to a hostile environment, but should not attempt to address any beliefs behind the perpetrator’s behavior. Again, I argue that silence from district leadership on the impact of harassment based on sexual orientation allowed this belief to persist.

Smith’s comments illustrated how this combination of appropriated terms and marginalizing strategies were designed to pressure trustees to act. She repeatedly asserted the importance of an anti-bullying program, one which taught students “...to be fair and equal and kind to all people regardless of race, sexual preference, sexuality, any identity whatsoever.” However, she also sought to minimize aspects of identity she viewed as outside of the norm with subsequent comments like “People are people. The way they identify independently is up to them.”

If this homeschool-parent-turned-PTO-leader felt the passage of the elementary lessons was a battle lost, then the unsettled outcome of material for the middle school presented another opportunity to influence educational content. During September and October board meetings, her approaches were at times provocative, but offered insight into how some adults might reexamine a stigma one had grown to associate with sexual orientation. For example, Smith demanded the

board offer definitions of the terms gay, lesbian, bisexual and transgender deemed “age appropriate” for children below 14 years of age. She claimed it was impossible without “introducing sexual content.”

As trustees remained content to listen and watch, but not respond, their detachment lent a performance aspect to her communication. At one board visit, she referred to a recent episode of *Taboo*, a National Geographic Channel series which profiled various individuals who were transgender. “It was necessary to call the Superintendent... because I really wanted her to watch it.”

She asked a man in the audience unknown to her to read for the board what she handed him. Trustees heard, “This program contains content which may not be appropriate for all audiences and viewer discretion is advised...TV 14.” Her declaration, that “there was no nudity, no language, nothing at all in this program whatsoever other than the conversation of transgender, sexual orientation, and sexual preference,” illustrated her view that none of the language around sex, gender, and identity met community norms.

During other comments to the board, Smith insisted that the right to opt out of the anti-bullying lessons derived from California Education Code 51240, which delineated the circumstances under which they must be notified of instruction related to health and family life issues. “Sexual harassment is defined by any unwanted or uninvited sexual behavior which is offensive, embarrassing, intimidating or humiliating...This [intervention], for me and my family and many others *is* sexual harassment, because these questions being asked and the statements implied here [in the lessons] are completely against my religious and moral beliefs.”

I do not see her remarks as ignorance, nor even a willful manipulation of legal interpretation. Rather, I would propose that her stance is representative of a desire to prevent the

destigmatization of conversations surrounding sexual orientation and identity. The intimacy of phoning the superintendent at home, addressing her as “Lisa” during meetings, and regularly employing the phrase “the people who stand behind me” are also indicators of what it felt like to personify the moral center, the normative position in this community.

As California districts are required to increase community outreach and parent engagement in the coming years under the new public education funding structure, the Local Control Funding Formula, the question of which voices will be heard takes on a new urgency. This study suggests that some communities may perceive a tension between the federal requirements to provide equal access to education for all students and the responsiveness of democratically-elected school boards to their constituents. As TUSD elected officials allowed the implementation process to run its course, the most polemical arguments dominated. Given the volume and tone of sentiments expressed in open sessions, it could be argued that the trustees’ repeated calls for participation created higher barriers to speaking out publicly as the parent of a gay child.

B. Replication of Stigmatizing Social Structures

The Resolution’s terms encouraged community engagement, but the implementation process was dominated by key stakeholders opposed to the federal intervention. It is unknown whether (or how hard) the superintendent tried to bring student voices to the table. The parent committee which reviewed the secondary lessons and the Task Force were the two organizational mechanisms which allowed direct community input into the school climate intervention. Aside from the charter school, they are the means by which opponents reshaped the federal mandates.

Smith, one of the most vocal foes of the material, laid a direct challenge at Superintendent Gilbert's feet during the June 26, 2012 board meeting: "[C]all a meeting with Task Force and Curriculum Committee...so that we the public can get some questions answered. Put it on the agenda as to why you cannot produce a meeting with the committee for the public..." (Tehachapi Unified School District, 2011). In response, the superintendent explained that she could not compel teachers to attend meetings over summer break. This confrontation led to the creation of that third, non-mandated, committee.

In the case of the Task Force, the advisory committee formed to present strategies and recommendations to address sex- and gender-based harassment to the district, the overwhelmingly white, middle-class, heterosexual adult participants reflected the homogeneity of the community. There was no voice at the table that put the needs of sexual minority youth front and center in the discussion.

The Resolution's terms outlined a Task Force mandate to provide strategies and recommendations to the district, including "specific suggestions for developing an effective student orientation program" (Office of Civil Rights & U.S. Department of Justice, 2011). The final document lacked rigor and specificity, to the satisfaction of committee members sympathetic to community concerns. The report referred to the committee's belief that "student involvement and engagement are important factors to consider" and listed presentations that may include "drama performances, student-created videos, poems, songs, art, etc." Another section called for educators—not all stakeholders—to model respect. The active engagement by parents, through both committees, served as yet another curb on district efforts.

In sum, the final product of the Task Force, meant to represent multiple views and directly address harassment on campus, reflected the limits of technical support and internal

capacity, as well as the outsized role for some community voices at the expense of others. If the original intent of this stipulation was to provide a constructive way to engage with community members who advocated for change, it missed the mark considerably.

VI. Conclusion

Unfortunately, both family rejection and silence remain risk factors for sexual minority youth. This study attempted to bring understanding to the educational macroecology for youth in rural areas, to show the heteronormative pressures in a stigmatizing environment, and to prompt additional inquiries into the strategies and resources needed. The failure of district leadership to withstand community efforts to reassert heteronormative boundaries shows the challenges of building capacity when local resources are limited.

The characterization of community opposition to the intervention shed light on how the stigma of sexual minority identity can shape school climate and educational outcomes, acknowledged as understudied processes in the research literature. Led by Mata and Smith, a few key parents organized opposition to central provisions of the Resolution, namely the climate surveys and anti-bullying lessons. An analysis of parent involvement and Task Force recommendations suggested that district outreach occurred in the broader context of social stigmatization. The data indicated few sources of stakeholder support for the LGBT-affirmative school climate intervention in this rural California district.

This study revealed the government's limited means to understand local context, to support an effective implementation, and to build internal capacity among district leadership. Ultimately, Tehachapi can be described as a resource-poor area defined by educators' lack of capacity to address LGBT issues, the absence of gay adults in positions of social influence, and

the limited visibility of allies. Combined with community views which reinforced heterosexual norms, these mechanisms perpetuated the institutional stigmatization of sexual minority identity.

Appendices

I. Stakeholder Matrix

Name	Primary Role / Title	Major Involvement
Austin, Carrie	TUSD Trustee (elected 2010), Sunday school teacher, parent	abstained from vote on Resolution Agreement, voted against renewing Swanson's contract; voted in favor of elementary S&IS curriculum; supported all proposed parent changes to secondary lessons; voted based on "What would Jesus do?"; spent hours reading S&IS curriculum cover to cover; called for parent involvement during curriculum review; children enrolled in TUSD
Bender, Naylan	TUSD Trustee (appointed 2011, elected 2012)	fewer than 10 minutes on public record regarding his position on Resolution or curriculum
Benson, David	Parent, opponent	attended 1 board meeting, spoke of his Christian beliefs being offended by the curriculum
Boesler, Kevin	Pastor/Parent, S&IS Task Force	opposed LGBT curriculum; believed Resolution Agreement supported a homosexual agenda; did not attend S&IS Task Force regularly, but presented final document to administrators; angered by teachers who administer group punishments
Clare, Fr. Wes	Catholic clergy	used junk science in newspaper guest column to describe pathology of sexual minorities
Cunningham, Traci	President, Teacher's Association of Tehachapi; middle school teacher	called for consistent district policy for handling expressions of grief after student death; submitted positive written feedback on curriculum, but did not speak publicly
Dinsmore, James "Jim"	retired pastor; co-founded PFLAG Tehachapi	attended two board meetings; wrote nearly two dozen guest columns and letters in the <i>Tehachapi News</i> ; called for parents of gay youth to not remain silent
Eaton, Jessica	Parent, vocal opponent	attended multiple board meetings to speak in opposition; wrote letter to editor calling for more parent involvement (i.e., opposition); wanted opt-out provision; wrote detailed feedback to have lessons relating to 'homosexual agenda'

		removed—still opposed after revisions; claimed to search for private donors to replace federal funding if district rejected entire Resolution
Elliott, Claudia	Editor-in-Chief, <i>Tehachapi News</i>	Tehachapi "Old Timer" from 1969
Evansic, Danielle	THS teacher, parent, wife of board member	supported elementary lessons, but avoided commenting on secondary curriculum; spoke of mistreatment of Special Ed high school students and need to address bullying
Evansic, Leonard	TUSD trustee, engineer at Scaled Composites, parent of Special Ed student, husband of teacher	brought failed motion to extend Swanson's contract; perceived revised policies and reporting requirements as burdensome and unrealistic; voted to approve elementary and secondary S&IS curriculum; called for parent involvement during curriculum review
Foley, Teresa	founder of Abernathy Collegiate Charter School	outlined a “clear teaching of right and wrong,” based on “Christian values” with "In God We Trust" in every classroom
Gilbert, Lisa	Chief Administrator of Instructional Services and Technology (2010); Superintendent (2010- 2014); Title IX Coordinator (2010- 2012); Kern County Office of Education (2014-)	participated in S&IS Curriculum Committee; led S&IS Task Force; led Parent Curriculum Committee; created biannual OCR compliance reports beginning in December 2011; reviewed all Title IX complaints; led Administrator PLC on cultural proficiency; reconstituted expulsion panels for administrators, not trustees; husband employed by district, children attend THS
Gill, Elizabeth	ACLU attorney	engaged in public sparring with Swanson in media over his statements which minimized district role
Gilliam, James	ACLU attorney	wrote letter to editor calling for all stakeholders to work together to improve school climate, saw ACLU as a community resource
Gonzalez, Dr. Joetta	consultant, Equity Alliance, Arizona State University	organized first Parent Info Night; developed Big Ideas/Essential Questions to guide S&IS Curriculum Committee; delivered 4 days of LGBT-related professional development; reviewed applications/selected community volunteers to join S&IS Task Force and led initial meetings

Graham, Mary	Board President	voted against Resolution Agreement; voted against renewing Swanson's contract; voted to approve elementary and secondary S&IS curriculum; attended Parent Info Night announcing new policies and curriculum; opposed charter school access to TUSD sports; spoke about the need to address "all forms" of bullying as part of national problem; spent hours reading S&IS curriculum cover to cover; adult children graduated TUSD
Grell, Mandy	Parent, vocal opponent	attended multiple board meeting to speak in opposition; warned of homosexual agenda; quizzed board members on whether they had read the material; believed saying 'gay' or 'lesbian' in classroom meant teaching sexual practices; spoke of "we the community"; threatened board members with loss of taxpayer dollars from parents pulling children out of school or a community vote to 'dissolve' the district
Harris, Al	SLS attorney	appeared at at least two board meetings to discuss implementation of federal mandates; seemingly sympathetic to parents who opposed curriculum and acknowledged the possibility of unexcused absences on those days of instruction
Hart, Holly	TUSD Trustee (-2010)	the sole board member to push for discussions of bullying and the role of the district to lead educational outreach to the community; lost election one month after Seth's death
Hayes, Margot	Parent, opponent	Attended 1 board meeting; agreed with Mata, Smith and others that curriculum was example of "reverse discrimination" against Christians and their beliefs
Horn, Peggy	Parent Curriculum Committee	spoke at board meeting admitting initial opposition to lessons based on rumor, then support after reading them; wanted to "soften" language through revisions to make it more acceptable
Kaminski, Paul	JMS Vice Principal (-2010); Cummings Valley Elementary Principal (2011-13); JMS Principal (2013-)	named in Walsh v TUSD lawsuit
Kramer, JoAnne	Parent, vocal opponent	attended multiple board meeting to speak in opposition; read both versions of curriculum and offered written feedback; specifically wanted all cross-curricular ties in lessons removed; believed government was usurping role of parent in raising children; spoke of "we the community"; believed lessons were being "shoved down kids' throats"; believed gender identity and expressions should

		remain separate and fixed for boys and girls
Maaskant, Adrian	retired teacher	wrote two pro-LGBT letters to editor and spoke at vigil in park after Seth's death
Macon, Paula	THS Civics teacher	spoke at board meeting to support curriculum
Mann, Theresa	Parent, vocal opponent	submitted written comment criticizing draft curriculum; attended board meeting to call for more time to review; threatened to disenroll child if curriculum approved—and noted loss of tax dollars if others followed suit; did not understand why the material did not fall under an exception for "health and religious reasons"; complained that elementary lessons encouraged "gender confusion" and addressed "LGBTQ issues" despite Gilbert's statement to the contrary; confronted Gilbert in board meeting with accusation that the lessons talked about "sexual practices"; advocated for Abernathy charter students to access TUSD sports
Mata, Bev	TUSD bus driver, parent, led opposition	attended 6+ board meeting to speak in opposition; took a small town/intimate approach to discipline on the bus; led petition drive of parents threatening to disenroll if S&IS curriculum implemented; brought materials from Focus on the Family and related outside groups to "help" board; quoted federal statistics on bullying to argue a generic approach was better
Minjares, Traci	Elementary Principal (-2012); Chief Administrator of Instructional Services and Technology/Title IX Coordinator (2013-)	participated in S&IS Curriculum Committee; participated in S&IS Task Force; participated in Parent Curriculum Committee
O'Malley, Dr. Megan	educational psychologist/researcher, WestEd	responsible for CA Healthy Kids Survey; presented findings; trained to raise participation/response rates; led Student Listening Circle
Ortega, Susan	Jacobsen Middle School (JMS) Principal (-2013)	trained in Olweus Bullying Prevention Program; attended Tehachapi ABC meetings; participated in Safe & Inclusive Schools (S&IS) Task Force; attended national conference on LGBTQ youth; retired/working in Arizona
Pendleton, Jim	Parent Curriculum	attended 3 board meetings, initially opposed before reading curriculum, supported

	Committee	after extensive revisions
Phillips, Jamie	Parent of Seth's best friend; correctional officer; ABC member	hosted Seth at sleepover the night before and morning of his suicide; co-founded Tehachapi ABC; single school board appearance
Schultz, Tamara	Parent, S&IS Task Force	read and promoted <i>Bully Nation</i> ; opposed to school climate survey; believed anti-bullying curriculum promoted a victim mentality; warned administrators of the homosexual agenda during presentation of S&IS Task Force recommendations; angered by sexualized language on middle school and elementary campuses and inconsistent intervention by teachers
Schultz, Valerie	Parent of Zoe, <i>Bakersfield Californian</i> journalist, co-founded PFLAG	wrote about the importance of parental support for LGBT children; received regular opprobrium for her column; attended one school board meeting
Schultz, Zoe	former TUSD student, lesbian artist	bullied in high school, transferred to alternative campus; perceived hostile community climate; wrote single letter to the editor; attended one board meeting, but did not speak
Simpson, Jonathan	THS student	only student to speak at board meeting about curriculum; wrote letter to editor opposing materials
Smith, Bev	Parent, led opposition	attended 6+ board meetings to speak in opposition; led petition drive of parents threatening to disenroll if S&IS curriculum implemented; launched "1 million parents against surveys in public schools" on Facebook; launched "We've Got the Power" on Facebook to garner community support to oppose Resolution Agreement; accused trustees of "taking the easy way out;" pressured Gilbert to put her face-to-face with teachers writing curriculum; complained of lack of time to review and forced extended deadline; tried to focus debate on opposing entire Resolution Agreement once opt-out provision was not viable; called superintendent at home to watch TV program on "transgenders"; argued that TV-14 rating was guide for age-acceptable material; advocated for Abernathy charter students to access TUSD sports; framed debate as Christians versus homosexuals—us vs. them; used specific lines in CA Education Code, district policies and Resolution Agreement to raise questions about validity of federal mandates

Snyder, Patti	TUSD Trustee, retired teacher	voted against Resolution Agreement; voted against renewing Swanson's contract; voted against elementary S&IS curriculum, but did not read it; did not attend vote on S&IS secondary curriculum; perceived as voice of teacher's union on board; opposed charter school access to TUSD sports; husband retired educator; son is THS Athletic Director; adult children graduated TUSD; grandchildren enrolled in TUSD
Solange, Katherine	parent of high school student; worked at LA residential treatment facility which housed LGBT youth who had attempted suicide; activist against Prop 8	wrote six letters in support of the S&IS curriculum, addressing homophobia in the community and adult responsibility for improving climate; blamed local religious leaders for contributing to LGBT stigma
Soto, Sara	Parent Curriculum Committee, vocal opponent	attended 5+ board meetings to speak in opposition to the "LGBT and other" agenda; believed "gender options" should not be taught in school; wanted opt-out provision; did not want children disciplined for saying "That's so gay"; invited to Parent Curriculum Committee, but did not regularly attend; wanted 10 Commandments "to take precedence" over S&IS curriculum; wanted Resolution renegotiated; spoke of "we the community"
Stave-Benton, Yvette	Parent, Tehachapi Anti-Bullying Coalition (ABC) member, S&IS Task Force	son bullied in elementary school; stopped attending S&IS Task Force; several school board appearances; member of Parent Curriculum Committee; spent hours reading S&IS curriculum cover to cover
Swanson, Dr. Richard	TUSD Superintendent (2007-2010)	dissertation on moral leadership; superintendent for multiple rural CA districts; TUSD contract not renewed; expert witness/trial consultant on district mismanagement; believed district was unfairly blamed for student misbehaviors and the student code of silence was impenetrable
Thompson, Bev	Tehachapi High School (THS) Principal (2010-2013)	participated in S&IS Task Force; allowed/initiated Challenge Week in Spring term for Seniors
Tietz, Janice	TUSD elementary teacher, parent	read and piloted lessons; only teacher to publicly say revisions removed much needed LGBT-related content

Traynham, Tim	TUSD Trustee (elected 2010)	voted against renewing Swanson's contract; only Trustee who publicly mentioned attending ABC meetings; voted to approve elementary and secondary S&IS curriculum; adult children graduated TUSD; grandchildren enrolled in TUSD
Vogel, Stephen	Tehachapi resident, ABC member	attended two school board meetings; wrote several guest columns in newspaper; ran unsuccessfully for school board; attended Tehachapi ABC meetings; convicted of sex acts with minors and registered as sex offender
Wagnon, Dennie	S&IS Curriculum Committee, Curriculum Specialist (former elementary teacher, parent of gay child)	saw no opposition from teachers during training on anti-bullying curriculum; perceived parent opposition to elementary lesson on Diverse Families based on wanting no mention of same-sex parents; experienced hostile campus during Prop 8 campaign
Wahlstrom, Nancy	THS teacher	spoke at board meeting in favor of curriculum; recalled incidents of sex-based harassment on THS campus over 20 years and argued it was needed
Walker, Jana	TUSD elementary teacher	only teacher on S&IS Task Force not afraid to push back on parents who opposed federal intervention
Walsh, Judy	Seth's grandmother, TUSD Trustee (-2010)	no board visit, no public comments after initial media interviews
Walsh, Seth	TUSD student	disclosed sexual orientation to family and friends starting in 6th grade; left a suicide note for his family asking them to make the district pay; was found to have experienced severe, pervasive and persistent sex- and gender-based harassment which interfered with his educational access
Walsh, Wendy	parent of Seth Walsh	sued TUSD; supported CA legislation "Seth's Law"; attended first ever White House Summit on Bullying
Webster, Amy	Parent Curriculum Committee	wanted to broaden language through revisions to address generic bullying and harassment
Weddell, Whitney	Bakersfield teacher, LGBTQ activist	met privately with Superintendent Swanson; attended one board meeting; was quoted repeatedly in multiple news outlets; visited one PFLAG board meeting
White, Marilda "Mel"	small business owner, openly gay, PFLAG member	wrote three letters describing hostile community climate
Wood, Jackie	TUSD Trustee (12+ years), retired teacher	fewer than 10 minutes on public record regarding her position on Resolution or curriculum; voted to approve elementary and secondary S&IS curriculum

II. Key Events

10/1/2009	Seth leaves JMS after harassment, enrolled in Mojave River Academy (7th Gr)
Spring Term, 2010	Seth reenrolls at JMS
3/26/2010	Judy Walsh resigns from TUSD board
Summer 2010	Superintendent Swanson evaluation; 3-2 vote to not renew contract
August 2010	Students rip Seth's headphones
8/11/2010	US Dept of Education's first-ever National Bullying Summit
9/1/2010	TUSD offers Seth independent study
9/19/2010	Seth Walsh suicide attempt (8th Gr, 13 yrs old)
9/27/2010	Seth dies after 8 days on life support
9/28/2010	TUSD Bd mtg
10/1/2010	Walsh memorial at Tehachapi First Baptist
Oct, 2010	Safe School Ambassadors program introduced to THS
10/6/2010	<i>Tehachapi News</i> publishes first letter on Seth's death, from gay former resident; Editor's column questions cause for Seth's death
10/6/2010	Informal community gathering of parents to discuss tragedy
10/9/2010	Candlelight vigil in Philip Marx Central Park -80 people
10/12/2010	TUSD Bd mtg with 45 minutes of public comment on Seth, bullying
10/20/2010	<i>Tehachapi News</i> publishes first anti-gay letters to the editor since Seth's death
10/26/2010	US DOE sends DCL to all districts, examples incl gender-based harassment of gay student
10/28/2010	TUSD Bd mtg
11/9/2010	TUSD adopts Olweus for JMS
11/29/2010	Kern County offers suicide prevention training
12/7/2010	Tehachapi ABC organizing mtg
12/15/2010	Federal investigators interview staff and students
12/16/2010	ACLU letter asks district for 15-point remedy and reply by 12/30/2010
12/16/2010	PFLAG organizing meeting
1/19/2011	First Dinsmore column

3/10/2011	White House Conference on Bullying Prevention
3/14/2011	Ammiano introduces Seth's Law (AB9) in Sacramento
4/13/2011	Seth's Law (AB9) passes committee 7-3; Wendy Walsh testifies
5/9/2011	ACLU informs TUSD that they are no longer representing Walsh
6/1/2011	DOJ reports state TUSD did not adequately respond
6/16/2011	ACLU launches Seth Walsh Students' Rights Project aimed at combating bullying and discrimination in schools, particularly against LGBT students
6/28/2011	TUSD Bd mtg, vote 5-2 after closed session not to extend superintendent contract past 2011-12
6/30/2011	DOJ/OCR release Findings of Fact and Resolution Agreement
7/5/2011	Walsh files civil suit seeking compensation for wrongful death damages, medical expenses, punitive damages
8/17/2011	TUSD schools start
8/23/2011	TUSD Bd mtg: revised policies & procedures per ResAgr approved
9/1/2011	Equity Consultant offers mandated trainings: (Connect, Respect, Protect: Leadership for Safe, Bully & Harassment Free Schools)
9/2/2011	Equity Consultant training
9/2/2011	Seth's law clears CA Senate
9/13/2011	Equity Consultant training
9/13/2011	Bd mtg: closed session discuss litigation, Foley proposes charter school, Equity Consultant introduced to Trustees
9/14/2011	Equity Consultant training
10/6/2011	JMS Community Info Night on Bullying & Harassment Discrimination Prevention 60 attend, incl OCR attorneys
10/7/2011	OCR's Taylor & Fox-Davis train admins on TitleIX Investigations
10/10/2011	Governor signs Seth's Law requiring all districts institute anti-harassment policies with shorter timelines for investigating bullying claims
10/11/2011	TUSD Bd mtg: accepts Swanson resignation effective 10/19/2011, appoints Bender as new Trustee
11/16/2011	S&IS Curriculum Committee meets 8-3
12/15/2011	S&IS Task Force mtg (first mtg?)
3/20/2012	<u>White House LGBT Conference on Safe Schools & Communities (March 20, Arlington, TX)</u>
3/20/2012	Gilbert presentation to Greater Tehachapi Chamber of Commerce

4/24/2012	TUSD Bd mtg ; Gilbert presents S&IS draft curriculum
5/14/2012	Parent info meeting on curriculum
5/15/2012	TUSD conducts CHKS survey (passive consent)
5/22/2012	TUSD Bd mtg; parents comment on curriculum 4-7:47
5/23/2012	TUSD admin cabinet mtg - Gilbert presents draft curriculum
5/29/2012	Gilbert's <i>Tehachapi News</i> Guest Commentary announces curriculum review until June 8th
5/30/2012	Curriculum Committee reviews feedback from parents & pilot teachers, extend review period
6/1/2012	TUSD approves extending public review for amended curriculum until 6/22
6/26/2012	TUSD Bd mtg: parents complain, start Facebook page for opposition, present Focus on Family resources; curriculum vote postponed until July 6-8:38
6/29/2012	Pacific Justice Institute requests all public records on curriculum and incidents of bullying/harassment
7/1/2012	Seth's Law takes effect
7/30/2012	TUSD special bd mtg: Gilbert presents revised K-5 curriculum, approved 6:1 (Snyder), vote on opt-out postponed; Foley's charter proposal, 100 attend 6-9:35
7/30/2012	DOJ/OCR letter to TUSD states "No Opt Out"
Aug. 2012	Parent Committee begins review of 6-12 curriculum
8/28/2012	TUSD Bd mtg: closed session w/ legal counsel, then discuss why opt-out form prohibited in open session, move to gym to accommodate large crowd 6-7:50
Sept. 2012	Hitching Post Theater shows documentary <i>Bully</i>
Sept. 2012	TUSD Bd mtg: CHKS results presentation
Sept. 2012	CHKS results shared during staff mtgs at sites, discussed at Task Force
Sept. 2012	Teacher training on K-5 curriculum
Sept. 2012	Group watched movie <i>Bully</i> , incl Trustee Evansic
10/18/2012	PFLAG mtg: Gilbert presents curriculum
10/23/2012	AAUW mtg: Gilbert present curriculum
Nov. 2012	Gilbert attends Safer Schools Summit
12/11/2012	TUSD Bd mtg: Parent committee presents curriculum recommendations; Gilbert reviews 2012 CHKS results
Dec. 2012	Gilbert meets w/ Chaisson, LAUSD Human Relations & Equity
1/29/2013	TUSD Board mtg: Gilbert presents revised secondary curriculum; vote 5-0, some trustees absent

Feb, 2013	Curriculum taught Grades 6-12
2/5/2013	<i>Tehachapi News</i> article reports some parents silently opting out of curriculum, keeping children at home
5/8/2013	CHKS survey with active consent
6/4/2013	Abernathy Collegiate Charter school approved on 2-year contract
9/18/2013	Parents present S&IS Task Force recommendations to admin cabinet
6/31/2014	Gilbert's term ends, new superintendent hired
7/1/2016	TUSD Res Agreement w/ OCR ends

III. Resolution Terms

Federally Mandated Program Components
Section I. Revision of Policies & Regulations
Expand Sexual Harassment Policy to include gender-based harassment, collectively "sex-based harassment"
Revise Investigative Process, use 'preponderance of the evidence' standard to evaluate sex-based harassment complaints
Train all staff who handle complaints to ensure adequate, reliable, and impartial investigation
Provide examples of corrective action, including offer of counseling for perpetrator and target
Adopt revised policies and regulations by August 17, 2011
Notify students and parents via district and school websites; student and employee handbooks; and mail written notices by August 31, 2011
Host community meeting, at which District officials (Superintendent, Title IX Compliance Officer, principals and vice principals) present revised policies and respond to questions on (i) staff training; (ii) age-appropriate student instruction; and (iii) additional District, federal, and nongovernmental resources
Section II. Implementation of Policies & Regulations by Spring term 2012
Designate district official to review school-level reports (incident reports, discipline referrals, informal and formal complaint) of possible sex-based harassment, including officials' findings and basis for those findings in supporting documentation (the complaint, interview notes, correspondence with parent(s), discipline referral(s), and documentation of prior incidents)
Determine WITHIN 5 DAYS OF RECEIPT if response complied with revised policy; notified complaining party; took steps to stop harassment and prevent retaliation; remedied harm; and addressed educational environment/school climate issues related to or affected by the incident
IF school's response did not comply: promptly inform employee(s) and provide guidance; initiate timely steps to remedy; and contact parents within SEVEN DAYS OF REPORT RECEIPT to provide timeline for resolution of underlying complaint that DOES NOT EXCEED 14 DAYS from date of parental contact
Section III. Training & Professional Development
By July 15, 2011, the District will retain Equity Consultant to develop & provide the student instruction, parent education, employee training, and climate assessments
Harassment training, with an emphasis on sexual and gender-based harassment, to ensure all students and employees understand their rights and obligations under revised policies (Trainings for staff who interact with students separate from that for students in grades 6 through 12)
With Equity Consultant, provide training to promote an inclusive and safe K-5 educational environment, which includes, but not limited to, anti-bullying training

With consultation of Equity Consultant, provide age-appropriate instruction as follows: grades 6-12 instruction on sexual and gender-based harassment, including: (1) what types of conduct constitutes such harassment; (2) the negative impact such harassment has on the educational environment; and (3) how to respond to such harassment experienced or witnessed and how to report. The instruction will promote sensitivity to and tolerance of student diversity and will specifically address harassment issues related to sex, gender, and nonconformity with gender stereotypes.
With Equity Consultant, develop curricula for the trainings specified above. The Board retains authority under state law to adopt curriculum and materials. The District will confer with the United States to ensure that training content meets the Agreement's requirements
With Equity Consultant, provide training to its employees within 30 school days of 2011-2012 school year commencement, and annually thereafter, on the following topics: 1. in-depth instruction on what type of conduct constitutes sex-based harassment, specifically addressing examples of sexual and gender-based harassment, and a discussion about the negative impact on the educational environment; 2. in-depth discussion on the importance of sensitivity to and tolerance of student diversity, including sex, gender, and nonconformity with gender stereotypes; 3. facilitated discussion on root causes of sex-based harassment, specifically addressing gender-based harassment, and the resultant harm; 4. specific guidance and discussions of steps to foster a nondiscriminatory educational environment for gender non-conforming students; 5. review of revised policies; specific reporting procedures; identification of designated site staff; and, how to respond, including, but not limited to, remedial and disciplinary actions; 6. clarification that failure to respond appropriately to sexual and gender-based harassment of which they knew or should have known violates District policy and federal law
With Equity Consultant, provide targeted training(s) for specific school-level employees whom the United States believes require additional remediation; the superintendent, Title IX Compliance Officer, and each principal will also attend.
OCR trainings on how to identify, investigate, and respond to complaints of sexual and gender-based harassment
Equity Consultant will provide the services specified at no charge. In the event that, through no fault of the District, the Equity Alliance becomes unable to provide the services specified at low or no cost, the United States will allow time for the District to secure a mutually-agreeable alternative consultant.
Section IV. Educational Climate
Administer student and staff surveys in October 2011, April 2012, and annually thereafter in April.
With Equity Consultant, develop school climate surveys for all students in grades 6-12 and all staff to assess the presence and effect of harassment, including sex-based harassment, administered consistent with California Education Code § 51513.
With Equity Consultant, develop a separate, age-appropriate school climate survey for students in grades K-5 to assess the inclusiveness and safety of the elementary environment. Student surveys will include no content that would result in the application of California Education Code § 51513.

Develop a school climate survey for all staff to assess the presence and effect of harassment, including sex-based harassment, administered consistent with California Education Code § 49091.24.
Submit Equity Consultant's analysis of survey results to the United States within sixty (60) calendar days of survey administration and include recommendations for climate issues identified through the surveys.
With Equity Consultant, agree on appropriate corrective actions to address these climate issues. Implement the actions and notify the United States.
The Equity Consultant will assess whether each school should designate a “safe space” location supervised by staff with the expertise to recognize and respond to sex-based harassment; 2. notify all parents, students, and employees at each respective school in writing, on the District’s website, and through prominently displayed posters of the availability, location, and hours of operation of the designated location; 3. with Equity Consultant, annually reevaluate whether students use the designated locations and whether they are effective in improving the climate for students who have experienced and/or are concerned about sex-based harassment.
Within 30 days of the 2011-2012 school year commencement, form an Advisory Committee that includes a District administrator and from JMS & THS each: 1 administrator, 2 students, 3 parents, and other individuals that the District determines appropriate, such relevant community-based organizations, to advise how best to foster a positive educational climate free of sexual and gender-based harassment. The District will consider the recommendations of the Equity Consultant when determining Committee composition and function.
The Committee will meet a minimum of 2 times each semester and present written recommendations and suggestions, including: a. strategies to prevent harassment and ensure students understand their right to be protected from discrimination or retaliation for reporting; b. strategies to ensure students understand how to report possible violations and are aware of the District’s obligation to promptly and effectively respond to complaints; and c. specific suggestions for an effective student orientation program that promotes respect and tolerance for others and takes steps reasonably designed to prevent the creation of a hostile environment, with an emphasis on sex-based harassment, including what role students can play in the orientation program; d. recommend outreach strategies to families regarding the anti-harassment program.
Train employees who monitor the locker rooms during P.E. changing times and after-school activities on harassment and revised policies. Provide alternative private space or changing time in a manner which protects the student’s confidentiality, minimizes stigmatization, and affords the student an equal opportunity to participate fully in P.E. and athletics. Provide parents and students written notification of the availability of, and instructions on how to make a request for, these accommodations.
Develop a monitoring program to assess the effectiveness of anti-harassment efforts: (1) Meet with Advisory Committee; (2) Review annual surveys; (3) Share results at a community meeting to identify student and parent concerns and to determine where and when sexual and gender-based harassment occurs; (4) Review incident reports and District responses; (5) Evaluate whether reported incidents of harassment increased or decreased in number and severity; (6) Propose recommendations for improvement and timelines for the implementation of recommendations.
Section V. Correction of Previous Information
Correct previously released information when deemed inaccurate

Section VI. Reporting

Every Dec 1 & June 1 for 5 continuous years to OCR on all of the above mentioned sections, with evidence of progress on each

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