

**NORMING AND <RE>FORMING:
CHALLENGING HETERONORMATIVITY
IN EDUCATIONAL POLICY DISCOURSES**

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Since the early 1990's, the advocacy of teachers and other queer allies have sought to alter the curriculum and educational policies of British Columbia's schools so that queer youth are no longer harassed, bullied, ridiculed or discriminated against by the system, teachers, and other students. Court decisions and Human Rights Tribunals have recently imposed more inclusive policy responses by government and school districts respectively. This article considers to what extent such legal discourses are remediated by competing discourses and practices. The article concludes by considering the limitations of policy priming as an advocacy strategy, and considers what approaches might be taken to achieve civically informed outcomes.

Introduction

Lesbian, Gay, Bisexual, Transgendered, Two Spirited, Intersexual, Queer and Questioning (LGBTTIQQ) advocates—among them teachers and other educators—have worked hard to create more inclusive spaces for LGBTTIQQ youth in school settings. Certainly the last twenty years has seen significant changes in schools; while 1980's were generally openly hostile towards lesbian and gay educators and school systems generally refused to acknowledge the presence of LGBTTIQQ youth in schools, by the later 1990's and the first decade of the 21st century, the public sphere had become fertile ground for advocates who argued that schools were

unsafe, threatening, and sometimes violent spaces for youth, particularly for LGBTTIQQ youth (Griffin & Ouellett, 2003, p. 109). In Canada, Grace (2005) has documented how a series of legal rulings have affected the citizenship rights of LGBTTIQQ persons, including teachers and students.

More recently in British Columbia, (BC) the Ministry of Education and provincial legislators have mandated a number of policy and programmatic changes, including the introduction of the *Safe Schools Act*, a new Social Justice 12 curriculum, and the *Making Space, Giving Voice* (2007) diversity guide for teachers k-12. Such actions are seen as positive progress towards genuine inclusion for all LGBTTIQQ children, youth and their families. On the other hand, evidence gathered around from around BC by the Safe Schools Task Force during 2003 made clear that homophobic language is pervasive in schools, and that much school based bullying is a product of homophobia (*Facing our Fears*, 2003). Gerald Walton, in his recently completed PhD dissertation *No fags allowed*, also reported that safe school and anti bullying initiatives typically fail to address homophobia, and that even where anti-homophobic policies are in place, there is a gap between policy and practice in schools (as cited by Kittelberg, 2006).

So while in BC policy actions have been initiated, they have been hinged, in large part, on legally mandated changes as generated by rulings of several specific cases heard by BC Courts or Tribunals; indeed, this paper will argue that legal strategies, or what I am calling policy priming measures, were at the foundation of most, if not all actions taken by the BC government. This history is consistent with Mayrowetz and Lapham's (2008) findings that judicial branches of government have become attractive venues for policy advocates given that legislatures are often less likely to represent or act on behalf of marginalized communities (p. 379). And while positive Court and Tribunal decisions become widely celebrated symbols of

success among LGBTTIQQ community members and advocates, the question this article addresses is to what extent do such strategically initiated pressures either enable or constrain the implementation of LGBTTIQQ community and advocate goals for change? In other words, when systemic change is forced upon educational policy makers, how do they respond? To what extent are these legal mandates *mediated* by other competing discourses and practices, particularly those that might shape or alter inclusionary discourses and practices, leading to the gaps that Walton's (2006) work describes? And finally, how are these intentions conveyed through policy texts, either *enabling* or *constraining* civically informed change?

This article explores these questions by examining how provincial decision makers in British Columbia (BC) have addressed the policy problem of homosexuality and gender identification in response to the demands of the BC courts and the policy priming efforts of advocacy groups. By engaging in a critical analysis of the Ministry of Education's policy documents (including curriculum and policy guides) I trace the *policy intentions* of government by exploring how particular policy genres effectively enable particular readings, essentially *remediating* legal discourses in order to maintain practices of diversity management (Blommaret & Verschueren, 1998) rather than strategies that promote inclusive/queer-friendly/anti-oppressive educational outcomes. In the final sections of the paper, I explore how we might reconceptualize policy priming activities so as to ensure their civic intentions are realized.

Background

Many scholars have taken up the study of school spaces to trace their effects on queer and questioning youth. They have argued that schools are sexualized spaces that regulate gender and sexuality, normalizing heterosexism while simultaneously silencing, marginalizing, rejecting

or pathologizing queer youth (Bettinger, de Castell & Bryson, 1997; de Castell & Jenson, 2006; Kumashiro, 2002; Quinlivan & Town, 1999; Timmins & Tisdell, 2006). Heteronormative social norms are a part of the everyday experiences of students in schools, and regulate what and who is acceptable (Browne, Lim & Brown, 2007, p. 2). By heteronormative social norms I mean those practices and discourses that privilege heterosexuality, both explicitly and implicitly in their day to day usage, “normalizing processes which support heterosexuality as the elemental form of human association, as the very model of inter-gender relations, as the indivisible basis of all community, and as the means of reproduction without which society wouldn’t exist” (Warner, 1993, xxi as cited by Quinlin and Town, 1999, p. 510). The challenge for educators is to dismantle such heteronormative frames through anti-homophobic or anti-oppressive pedagogies and practices (Goldstein, Rusell & Daley, 2007; Grace & Wells, 2007; Kumashiro, 2002). Legislative and/or policy tools are central practices by which such systemic wide measures can be implemented and therefore need to be central concerns of anti-oppressive educators and researchers.

Policy Trajectories: Triggers for Action

Advocacy groups have led the fight to create more inclusive school environments and an end to the homophobic practices and cultures of schools. The BC Teachers’ Federation (BCTF) and the Gay and Lesbian Educators (GALE) of BC are two prominent organizations who engaged in this struggle for equity. Such efforts were often met with controversy: for example, an early 1997 discussion by BC Teachers’ Federation members to find ways to “eliminate homophobia and heterosexism within BC schools” met with significant resistance and public

protest from a range of parents, organizations and religious groups.¹ Again in 2000 a decision by the BCTF to support the development of Gay/Straight Alliances in schools was also met with considerable opposition². This advocacy work was oriented towards tactical actions that could be taken by teachers, despite relative inaction by government or school boards. It might also be assumed that the actions sought to influence government and school board policies in order to systemically address these issues. Yet the eventual policy trigger for systemic action in schools appears to have been a result of legal challenges, where the intervention of the courts and other tribunals essentially forced educational decision makers into developing policies and practices that address the rights of gay/lesbian/bi/transgendered/queer (LGBTTIQQ) youth.

A range of policy theorists posit that public policy change is a product of advocacy efforts, in particular coalition building, such as is advocated by Sabatier (1999). Others argue that policy change is incremental and institutionally driven (Ostrom, 1999), or a product of large scale events or intense periods of advocacy and mobilization (True, Jones & Baumgartner, 1999, p. 97). Political theorists like Stone (1988; 1997) argue that policy is really a matter of ‘strategically crafted argument’, a process of creating (and re-creating) narratives, texts, or discursive frames which seek to define the problem and persuade to a course of action. From the perspective of power, this model also relies on Foucaultian notions of productive power, that is,

¹ In 1997 the BCTF Annual General Meeting debated a motion to take measures to reduce homophobia in BC Schools. It described a goal for the Teachers’ Union, "To strengthen the capacity and efficacy of BCTF leadership on social issues, including poverty, racism, sexism, violence, and homophobia." A second resolution read "That the BCTF create a program to eliminate homophobia and heterosexism within the BC public school system." The issue received significant press coverage, generating controversy and public protests outside of the downtown hotel where the teachers were meeting to discuss the issue. The R.E.A.L. Women of BC newsletter (March 1997) headlined the issue asking its members to strongly protest and let teachers and school boards know that "this sexuality engineering has no place in our children’s education".

² Both faith-based and immigrant families expressed opposition to setting up school clubs: *The Richmond Review* (July 5, 2000) reported considerable opposition among Richmond parents of Asian descent. Newsletters such as *BC Christian News* (March, 2000, 20, 3) expressed similar concerns.

power can be exercised in social and political spaces where interactions occur, including policy fields.

Policy Texts, Mediation and Civic Intentions

While all of these perspectives inform this paper, Ball's (1993) understanding of policy processes provides a way of conceptualizing how these sociopolitical forces interact and shape policy decisions; he has argued that policy needs to be subjected to more than single theory approaches so that any analysis will reflect the social, cultural, historic, and political contexts in which it operates. He further argues that policies need to be understood as texts—that is, policies “are *representations* that are encoded in complex ways” (p. 44, emphasis added) by both authoritative public policy actors who seek to shape how the policy is ‘read’ or understood, but is also subject to the complex processes of interpretation, within and among particular communities or groups. Policy texts in this way are mediated through discursive frames, and the communicative intent of producers and actors adds to the complexity of how policy processes work and are enacted. Simply put, this argues for a deeper look at how policies are constructed, what mediational means (Wertsch, 1998) are brought to bear in their construction, what types or genres of texts are used to communicate policy intentions, and to what extent such readings can be unpacked to illustrate the multiple processes at play when public policy measures are considered, debated and implemented.

To achieve this goal the policy analyst needs to engage in historical and contextual analysis, setting out the social and political impetus for change. However, she/he must also unpack policy intentions through a careful and close look at the multiple and competing discourses which come into play, the policy genres in use, as well as a careful examination of the

artifacts of such policy enactments; by this I mean analyzing how policy texts (oral, written, or visually conveyed) implicitly convey particular understandings, beliefs or values, and seeks to problematize familiar or taken for granted discourses and/or understandings.

Tlili (2007) also argues that policy texts are also essentially public sphere political discourses, communicated in a number of different genres, and that their purpose goes far beyond organizational directive alone, and serve as examples of “performative speech acts that enact promises, commitments, and programmes of action” (p. 286). In other words, policy—and in the case of this paper, public school policy—are representative of and convey particular civic intentions. Policy then, can be considered a civic tool, a discursive practice that either *enables* or *constrains* civically informed change. As noted earlier, the central question for this paper seeks to explore how the policy priming actions of advocates were *mediated* by competing discourses and practices, particularly those that might shape or alter inclusionary discourses and practices. Policy texts and their genres play a central role in understanding how such meanings are conveyed.

The next sections of this paper sets out to detail this two stepped process of analysis: first by outlining a brief history of the sociopolitical contexts, particularly the legal rulings taken in BC, and then secondly, examining existing policy documents, drawing upon Tlili’s (2007) concept of policy texts as communicative genres. It should be noted that while convenient for the purposes of analysis, this boundary is artificial at best, given that policy processes are generative; that is, policy is always situated and therefore a product emerging from the enactment of competing and multiple discourses offered by a range of social agents and actors.

Socio-political Contexts and the Impetus for Change

While an extensive review of the history of policies related to sexual orientation and gender expression in schools is beyond the scope of this paper, there were a series of significant events that occurred between 1997-2008 that have shaped the ways in which the BC government has responded to the demand by advocates for the full inclusion of LGBTTIQQ issues in k-12 schools. First, two relatively recent BC court and tribunal decisions, *Chamberlain v. Surrey School District No. 36, [2005]*³ and *School District No. 44 (North Vancouver) v. Jubran et al [2002] and [2005]*⁴ have made clear that school boards are obligated “to avoid making policy decisions on the basis of exclusionary beliefs” (Surrey, 2005), and have set out requirements for school boards stating that they “have a positive duty to create school environments that are free from discriminatory harassment based on a student’s actual or perceived sexual orientation and gender expression” (Jubran, 2003). Similarly, the Murray and Peter Corren Human Rights complaint initiated in 1997 against the BC Ministry of Education on the grounds of discrimination on the basis of sexual orientation, a prohibited ground under the BC Human Rights Code, provided another legal impetus for action. After close to ten years of amended applications and disputes between the parties, this case was set to be heard in 2006. However, just prior to the Hearing a formal agreement was announced: the Corren’s would receive the right to serve as advisors to the Ministry’s planned revision of curriculum documents that would

³ This BC Court decision was eventually appealed to the Supreme Court of Canada. It began as a legal battle over the inclusion of three picture books that represented gay and lesbian families which the Surrey School District banned. The final judgment asserted that the school board needed to respect same sex couples and families, and rejected the School Board’s claim that children would be confused by books that included information about same sex families. The findings included the following statement: “Tolerance is always age-appropriate, children cannot learn unless they are exposed to views that differ from those they are taught at home.” The legal fees ended up costing the Surrey school district over \$1 million.

⁴ The Jubrans pursued a Human Rights claim against the North Vancouver School Board for not protecting their son from homophobic bullying in his high school years. The district appealed the case on the basis that the student was not gay and therefore not subject to the right to protection under the Human Rights Code. However, the B.C. Court of Appeal concluded otherwise and stated that Azmi Jubran had been a victim of homophobic bullying for five years and that the school and school district had failed to stop the offending students. It also reinstated a cash award set by the Human Rights Tribunal and further ruled that the School Board pay all of his legal costs.

add new references to sexual orientation and gender expression, and a newly proposed curriculum called Social Justice 12. Lesser known at the time of this announcement was an additional provision that required the Ministry to amend its Alternative delivery policy; this is a significant policy change that will be addressed in more detail in following sections.

The final significant impetus for change that this paper will discuss arose from the report of the Task Force on Safe Schools; the Task Force Report, *Facing our Fears* tabled in the BC Legislature in 2003, canvassed the views of parents, students, and citizens at large about how to enhance safety in BC schools. Importantly for this discussion, it was chaired by an openly gay Liberal MLA (Lorne Mayencourt) representing the Vancouver-Burrard constituency; it recommended a series of government actions be taken, including the requirement to legislate Codes of Conduct in all schools. In a subsequent parliamentary session, this MLA also tabled a private members' Bill in the BC legislature on the same matter; however, the Safe Schools Act was not officially adopted until 2007 when it was introduced by the BC Liberal Government in an amended form.

Policy Measures Taken by the BC Government

Since 2006, the BC Liberal government, in direct response to the events outlined above, have implemented policy changes around issues of sexual orientation and gender expression in BC schools in three ways: the regulation of schools through mandatory Codes of Conduct (a response to the Jubran case), the implementation of a new Social Justice 12 curriculum (in response to the Corren's Human Rights complaint) and the passage of the *Safe Schools Act* (in response to concerns about bullying and reports of homophobic bullying). Each of these policy

decisions has led to the creation of written policy texts which have been widely circulated to BC schools and School Districts.

Data Analysis and Method

Policy texts analyzed for this paper included formally written policy documents and legislation as well as legislative transcripts, in this case, a specifically targeted selection of *Hansard* documents. In particular, the two occasions on which the *Safe Schools Act* was introduced and debated—the 2nd session of the 38th parliament (2006-2007) and the 6th Session, 37th Parliament (2005)—were downloaded, printed, analyzed and coded for themes, narratives and discourses that referenced policy positions, ideas, or beliefs about GBLTQ youth.

The majority of policy texts considered for this study were accessed from the BC Government website, particularly the Ministry of Education page where the policy documents, press releases and Government Bills affecting education are accessible, although one Ministry of Attorney General document was also accessed given its discussion of sexual orientation and gender expression and its relationship to BC's Human Rights Act. All documents were accessed between December 2007 and April 2008. Texts were selected to illustrate how the BC government responded formally to the demands of court or tribunal cases; while these government documents do not often explicitly refer to these legal events as catalysts for change, related discussion in the media as well as through public reports such as the 2003 *BC Government Task Force on Safe Schools* and the recently drafted *Making Spaces, Giving Voice: Teaching for diversity and social justice throughout the k-12 curriculum, a guide for teachers* (2007) allowed me to map the progression of public discussion and debate around LGBTTIQQ issues among youth in schools and how these evolved into enacted policy, curricular or

legislative activity. Other texts reviewed included: the written ruling of the Jubran Human Rights Complaint and the Surrey Court ruling; media reports that describe the resolution of the Corren Human Rights Complaint⁵; and written commentary offered by organizations opposing the agreement, in particular Sean Murray's comprehensive critique posted on the Catholic Civil Rights League website. These documents were coded for their discussion of LGBTTIQQ policy issues and specific discourses in evidence.

Public Policy discourses as genres of communication

Tlili (2007) has argued that policies communicate the intentions of policy actors: his analysis suggested that there are three different genres used in constructing such intentions including the legislative/legal, memorandum and promotional types (p. 287). Tlili's (2007) model provided a useful framework for this analysis, particularly as all three of these genres were evident in the documents reviewed for this paper.

The Legislative Genre

The legislative genre's communicative intent is invested in rationality, intentionality and consciousness, creating a single speaking voice that is "authorized to speak with legitimate authority... an invisible enunciating subject" (p. 287-286). Policies therefore enact the goals of agents, in this case, legislatively authorized agents, creating a type of macro-actor (Callon & Latour, 1981, as cited in Tlili, 2008) "invested with a rationality, an intentionality, and a

⁵ The Corren case was not resolved formally through the BC Human Rights Commission as an agreement was reached in 2006 with the BC Government that included a number of provisions, including the introduction of a Social Justice Curriculum in the school system, the creation of a k-12 diversity and social justice guide, and amendments to the Ministry's alternative delivery policy. As a result, knowledge of the specifics of the case are limited to the descriptions offered by Murray and Peter Corren in media interviews. Limited political comments were provided by elected officials, although the BC Attorney General, Wally Oppell did comment publicly in the local media following the public announcement of the agreement.

consciousness” (p. 285). Semiotic tools convey particular meanings, particularly in their ability to convey authority; in the world of policy, authority to prescribe and enact flow from legislated and/or governance structures, and such intentions can also be conveyed through policy texts. For example, the Ministry’s policy document *Making Space, Giving Voice*, a guide for teachers to accompany the new social justice 12 curriculum states that:

The school system must strive to ensure that differences among learners do not impede their participation in school, their achievement of learning outcomes, or their ability to become contributing members of society. The school system must also promote values expressed in federal and provincial legislation with respect to individual rights. (p. 5)

Note the tone and authority of the text; As Bakhtin (1981/1994) discussed, authoritative discourses are those discourses granted legitimacy through their association to authoritative means. Such discourses are “indissolubly fused with its authority- political power, an institution, a person” (p. 78). The directive nature of the text is clear as is the legal authority under which the Ministry makes such demands upon ‘the school system’. The use of the third person voice helps to simultaneously disembodify the policy actor (the invisibility Tlili, 2007 described) while also reiterating the power of the institution and its inferred political masters by invoking both a legislative and legal frame, reinforcing its multiply layered levels of authority.

The Memorandum Genre

A second genre is the memorandum type, one that seeks to communicate to those who are subject to its institutional authority how they are expected to enable and implement the policy and/or practice. It often seeks to regulate the individual actors within an institution. For example, in the context of this paper, the Codes of Conduct Standards introduced by then Education Minister Christie Clark, were announced via memorandum to school district in the fall of 2003.

School districts were required to make annual public reports on school safety, and the standards will required to be “consistent across the province so that all students are free from fear and could be assured of attending a ‘safe’ school”. Later in 2004, a more tersely worded memo set out what such codes must contain, and be a part of the pre-existing

provincial accountability framework[s] for school districts... Boards will be asked about safety information during district reviews and deputy minister visits, and may be required to provide specific reports to the Minister. This signals to school boards, schools and the community that government views school safety as being directly related to student achievement, this government’s No. 1 priority. (Office of the Premier, March, 2004)

Here, the authority of the policy text hails its multiple subjects, the many School Boards over which it has ascribed hierarchical and legislative authority, clearly establishing who will monitor and assess the performance of the districts to meet the government’s policy expectation. As such it sets out mechanisms of surveillance and compliance, clearly regulating the performance of its subjects.

The *Making Space, Giving Voice* (2007) k-12 Teacher Guide to teaching for diversity and social justice is also a good example of a memorandum genre; it sets out the scope of practice and approaches to teaching that educators may use in implementing the goals of diversity and inclusion in multiple subject areas. Its emphasis is on ‘helping’ teachers: “In helping teachers promote awareness and understanding of diversity and support for the achievement of social justice, this guide builds on *established policy and legislation* that applies to the BC school system” (p. 5, emphasis added), and then goes on to set out the range of laws which establish the rights and responsibilities of school boards and schools. This makes clear that the classroom teacher is understood as the bridge between policy makers and their policy intentions and their obligation to meet these requirements. Finally, the *Diversity in BC Schools: A Framework* (2004)

also sets out in memorandum style the “implications for school boards and schools” and states:

Diversity in BC Schools: A framework has been developed to assist education leadership in understanding the implications of existing legislation and provincial policy related to diversity... Policies and procedures establish clear expectations for all members of the school community by encouraging appropriate action and providing a basis for sanctions in response to inappropriate action. (p. 23)

Here again the link between expectations and legal obligations is made clear, and the procedures by which these should be established is set out in clear, disciplinary-informed language.

The Promotional Genre

The promotional genre emphasizes how the policy communicates ideological or hegemonic goals of the policy makers, and how the solution promotes particular values, beliefs and understandings. Often such texts use narrative form, as policy stories or policy narratives (Roe, 2006), acting as emotive tools through which to engage an interpretive community (Fish, 1980) and build support for a particular approach to policy decisions. The networks of power that operate to privilege some texts or representations of policy over others—the authority of the text described earlier—is communicated discursively, through metanarratives or Discourses, or more locally produced discourses⁶ (Gee, 1999), and therefore are important features of analysis for understanding how policy is understood and enacted. Evocative narrative genres have been traced by a number of theorists as having particular power in influencing policy debates (for example, see Roe, 2006; Stone, 1988; 1997; Tewksbury et al, 2000).

⁶ As Gee (1999) notes, there is a difference between Discourse and discourses: the capital letter signifying those metanarratives that circulate broadly, and more locally constructed discourses, signified with a lower case letter.

An example illustrates: on the second page of the BC Government’s Task Force report on Safe schools (2003), the Chair of the Task Force is profiled, his photo and profile at the head of the page. In part it reads,

Lorne [Mayencourt] was deeply moved by the tragic circumstances that led to the deaths of Hamed Nastoh, Dawn Marie Wesly and Reena Virk. While these young students’ stories were highly publicized, Lorne knew that many other students were suffering in silence. He believes student safety is integral for our youth to be able to learn to their full potential in school and succeed in life. He is committed to ensuring that every child in our school system is safe. (p. 3)

In this example, the Liberal Member of the Legislative Assembly (MLA) narrative explicitly invokes the names of two youth who committed suicide as a result of harassment and bullying by their school peers, and the third, Reena Virk, a victim of youth violence. By parallel construction then, it places his concern for children emotively centered in ‘tragic’ past events, and by implication, a readiness to ensure such events are not repeated.

At an implicit level, the narrative frame privileges an interpretation of increasing levels of youth violence, while simultaneously situating the MLA as a powerful policy actor; this, coupled with the already authoritatively situated position as an elected government representative, his role as Chair of the “Safe Schools Task Force”, and the use of third person narrative structure, all convey a particular ‘reading’ of what must done and by whom it can be accomplished.

At the same time a binary is created—the tragedy of youth deaths and the fear that such a death could befall other ‘helpless’ and ‘suffering’ victims—is juxtaposed with the statement of the need for children to be ‘safe’. The binary also reinforces the causally linked model of policy processes; that is, policy problems, once identified, can be directly addressed by policy actors who have the power to enact new laws, policies, or processes on behalf of the public: in other words, safety can be achieved using the formal governance structures which exist within a just

democratic society, a fulfillment of the political and social contract to which citizens are entitled. As McCarthy and Dimitriadis (2000) observe, discourses like these “help to manage feelings of uncertainty, and to articulate and mobilize needs, desires and interests in these complicated times” (p. 174).

BC Hansard: Orders of Political Discourses

While the majority of policy texts reviewed for this paper fall into the three policy genres Tlili (2008) outlines, the social fields of political activity—in the case of this article, the BC Legislature—is also a primary site in which policy discourses and their intentions can be ‘read’. In fact, as Tlili (2008) notes, given the configurations of social and political power afforded to elected representatives, policy discussions can set out the conditions of possibility or the limitations that policy texts will receive, particularly when expressed by government representatives responsible for the introduction of legislative and policy mandates. Fairclough (1998) would describe this as an ‘order of discourse’, that is, the ways in which the text is a product of particular social and cultural practices, drawing upon many different and/or related texts, genres, voices, or styles. Put another way, political discourses are both hegemonic and situated within and among other competing discourses; in the context of this paper, this becomes particularly evident in the back and forth debate between government and opposition, and so analysis of its genre or forms of debate can provide a useful way of tracing policy intentions.

Political genres in evidence

The *Hansard* debate around the Safe Schools Act illustrates that the narrative genre is most prevalent, although this genre has a number of subsets including: straw dog arguments,

personal tales of passion, morality and/or transformation, and professional experience stories, particularly those that draw upon expert advisors or field personnel that can give greater credibility or authority to the arguments being presented by the speaker. A second genre found was that of the formal ‘stump’ speech; by this I mean the formal, scripted texts that are read into the record most often by Ministers during the introduction of Bills. This genre is a hybrid form of rhetorical communication practices mixed with ideologically informed language, metaphors and symbol use. I will not spend time examining this second genre as it is best contemplated in the next section in which I trace how these words/markers serve to situate particular discourses. The narrative forms however, are worthy of some examination.

Straw dog arguments are best characterized as those moments in which the speaker in debate attempts to ‘set up’ his/her opponent on the opposite side of the legislature in a faulty (at worst) or misguided (at best) belief or understanding. The goal is to appear to acknowledge the concern or issue under discussion, but to then cut down or dismantle the argument substantively, but in a way that avoids discussion on the substantive nature of the issue. In other words, the political actor sets up a secondary argument to avoid discussion of the first. For example, the Government Education Minister, Shirley Bond, makes use of the straw dog genre, setting out her government’s opposition to including explicit reference to homophobic bullying, and in doing so tries to frame the opponent’s efforts to imply the effort is at worst stupid, at best, naïve.

I certainly appreciate the challenge that the member faced in terms of an amendment on the floor. There are a number of things that are important to consider. There are always or may always be unintended consequences. So let’s be perfectly clear. While its easy to draft amendments on the floor of this House, we also need to be thoughtful about legislation in terms of what the consequences might be. We need to be careful about the fact of law of general application when we talk about the Human rights Code, because though it might not expressly be referenced, obviously, it is contemplated. (Bond, 2007)

Personal tales, the second political genre I noted in an analysis of these debates, is characterized by the use of strong moral or transformational arguments. This genre was evident at many points during the debate, particularly in marking its tellers as empathetic and connected to the individual experiences, creating contrast with an uncaring government who refused to act.

A young man by the name of Hamed Nastoh grew up in Surrey. He was 14 years old, and he was taunted regularly for being gay. According to Hamed, he was not, and I accept that... Nonetheless, he was targeted, and people made fun of him. One night he sat down and wrote a note to his mother and said to her what had happened. Then he walked over to the Pattullo Bridge and jumped into the Fraser River. I cannot express the sadness that I feel or the connection that I feel with Hamed—partly because we grew up in the same neighbourhood, partly because we were both struggling with people that might want to make us a target of bullying. So I have always... I can remember the morning that Hamed died. I was with Christy Clark. We were in opposition at that point, and I said to her: “You know, there is something wrong with our school system that it doesn’t protect kids from that kind of harassment”. We made a pact on that day, that given the opportunity in government we would do our very best to address that issue. (Mayencourt, 2007)

In many ways the personal narrative genre is interchangeable with the promotional genre described earlier; in both cases, the story is used to link together beliefs and linguistic symbols that seek to create particular ideological frames in order to persuade others to embrace a particular discursive position (their own).

Professional experience stories are crafted in ways that situate the speaker as a listener and advocate on behalf of his/her community or as someone who’s ‘done his/her homework’, a prominent public discourse of MLA’s as servants of the community. This genre is used in particular to situate its speaker as giving voice to the perspective of others, partly to illustrate his/her compliance with the norms of MLA behaviour (as community advocate), but also as a means of giving greater authority to the personal story or tale.

There was a report that I think my colleague here mentioned... None of the information that they give would surprise us, but I think the figure that’s here, in terms of discrimination and in terms of people that have experienced abuse...

this report done on youth in BC says that for sexual orientation, people—bisexual teens and so on—are 20 times more likely to face incidents of bullying. You have gay and lesbian teens indicating they're 50 times more likely than heterosexual teens to be victims of abuse. To me it makes complete sense to proceed with this amendment, especially given the speeches we've heard today. (MacDonald, 2007)

Dominant Discourses

While the above discussion and the examples extracted from the *Hansard* record have hinted at some of the dominant discourses used within the range of policy modes or genres, the next section will summarize the dominant discourses traced in these documents. These orders of discourse fall into several categories including: neo-liberal approaches to government, compliance with the law, including rights, recognition and regulation, and the management of diversity (Blommaert & Verschueren, 1998), including the regulation of tolerance. The inter-relationships between these discourses will also be profiled in this discussion.

Remediating the D/discourses of Homophobia

The first thing to note is that despite the specificity of legal rulings which have clearly set out the obligations and duties of School Boards and the Ministry to address issues of homophobia, the oral debates and the written documents analyzed for this paper reflect an effort to craft a much broader policy intention; that is, rather than focus on one measure of discrimination and harassment, the BC government appears to situate its policy responses in a larger discourse of *diversity*. This is particularly evident during the debate around the Safe Schools Act, in which specific efforts to amend the Bill to include references to homophobic bullying are rejected by government, both verbally and in the two formal votes held. However, references to the Safe Schools Task Force stand in as symbols for government commitment and

action, while simultaneously highlighting the nature of more widely socially normative values: in this way, direct references to homophobia are avoided. For example, below is Minister Bond's response to a query about the need to protect gay and lesbian youth who are victimized in school.

She states that

The Bill on the floor of the Legislature today respects the value of honesty and integrity and protecting all children in public education. It is a significant step forward to recognize that there was inconsistency in Codes of Conduct across school districts. This bill makes certain that there will be codes of conduct in place. (Bond, 2007)

Rather than name—even speak about the experiences of homophobically harassed and/or bullied children or youth—she inserts a broader reference to the deserving nature of all children. At the same time, she accesses other values, framing the case for Codes of Conduct as centered in a need for honesty and integrity; in other words, transparency and uniformity across the province are the primary reasons for the adoption of such codes. In this example, the discourse is re-mediated in ways that seeks to broaden the appeal of the Bill to a wider group of potential policy players and political constituents.

Other documents, as set out in the earlier discussion of legislative and memorandum genre, draw the readers' attention regularly to the legal requirements to address particular interests; in fact, several documents include either in the text (or as appendixes) the actual wording of the Human Rights Code, the School Act, and School Act Regulations. Again, this points to another effort at discursive remediation of the policy problem of homophobia or heteronormative bias in schools and school districts.

The lack of the Minister of Education's public presence in the discussion of the policy questions related to the Corren Human Rights case is also highly indicative of the nature of the government's policy intentions, and illustrates the efforts to remediate the discourse with themes

of diversity, human rights and legal regulation by using the Attorney General of the Province, Wally Oppell, as the spokesperson for government. All of the media reports electronically accessed in newspaper data bases and reviewed during this period contain interviews with the Correns, opponents to the settlement agreement, and the Attorney General; the goal here, I suggest, is to both remediate the discourse, but to also symbolically link the new policy directions with compliance with the law. There is significant symbolism in tying a former Provincial Judge who is now responsible for the law through his Ministerial responsibilities with the announced agreement. The process of remediation however, is multilayered, and is also linked to other powerful discourses, as the next section sets out.

Neo-liberal discourses

The documents and texts analyzed for this paper also reflects neo-liberal discourses; for example, Minister Bond's direct linkage between bullying with student success in school. In fact, the title of the government Bill and Regulation, "Safe, Caring and Orderly Schools" makes clear that order and efficiency are central themes that need to be addressed in policy. The formal *Safe Schools Regulation* sets out specific requirements or 'standards' for meeting the regulatory framework including a requirement to include "conduct expectations", "rising expectations", and "consequences" as three of the four major policy elements. Press releases emphasize these words as well, linking safety and student achievement, as well as references to the ways in which "progress is measured, and codes of conduct reviewed regularly to ensure improvement" (BC Government Press release, 2004). Assessment, accountability, standards and measurement are all trademark discursive signs that conveys neo-liberal intentions of how schools should be regulated and monitored, a neo-liberal/new right managerialism representative of what

Leithwood (2001) describes as “a belief that schools are unresponsive, bureaucratic, and monopolist... such organizations are assumed... to have little need to be responsive to pressure from their clients because they are not likely to lose them” (as cited in Bell & Stevenson, 2006, p. 75).

Another indicator of the neo-liberal discourses in play is how the government has responded to the question of “Alternative Delivery Policy” (ADP). As noted earlier, the legal agreement reached between the Correns and the BC government included a provision that the government would discontinue the use of the ADP when discussing issues of homosexuality or gender identity. The ADP has been typically used to exclude certain subjects and discussions from the classroom, giving parents and/or caregivers the opportunity to have their children ‘opt out’ of so called ‘controversial’ topics. This ‘opting out’ provision had been used widely in BC schools, and usually required teachers who were planning to explicitly discuss issues related to homosexuality or homophobia in their classrooms to first seek parental consent, including the ability to have their child removed from the classroom during this discussion. Removing this provision from government policy was not widely publicized in the media at the time of the initial reporting of the settlement agreement, although in some interviews with the Correns the centrality of this part of the agreement was highlighted.

The ADP can be considered a policy text that is inherently linked with neo-liberal and moral conservatism; as Cahill (2004) noted, neo-liberal ideology is framed around limits to state intervention which is said “to promote egalitarian social goals [and] has been responsible for the present economic malaise, and has represented an intolerable invasion of individual rights” (p. 4). While there is no evidence to suggest that active lobbying occurred before this policy was amended, it is likely that any attempt to dismantle this provision would have been vigorously opposed; certainly there was significant opposition to its loss by several groups, among them the Catholic Civil

Rights League and the BC Unity Party (a new-right conservative party). This opposition was referenced in mainstream media reports as well as on the organizations websites. So while the policy itself was amended to be compliant with the law, the government also sought to minimize its discussion, played up the discourses of accountability, standards, and regulation, all foundational themes in the neo-liberal discourse, and emphasized symbolically and in policy texts their legal obligations: this could be interpreted as an effort to create greater policy ambiguity (Stone, 1988; 1997) and avoid any potential loss of political support among social and conservative communities.

The three R's: Rights, recognition and regulation

Among advocates and proponents of the rights of LGBTTIQQ youth and their families, the legal system has been seen as an advocacy tool that can be used as a hammer to advance desired outcomes: for example, in the Corren's Human Rights case, the struggle over the content of the school curriculum was a primary focus. The Corren's original case to the Human Rights Commission was initially filed in the late 1990's, and serves as an illustrative document of the ongoing struggle to have the Ministry of Education acknowledge the discriminatory power represented in the curriculum documents because of the embedded normative and heterosexual assumptions they represented. In terms of a policy frame, the plaintiffs actions could be characterized as efforts to achieve a 'just' resolution by asserting the need for *recognition* and *representation*, central conceptions and beliefs espoused in discourses about rights in a liberal democratic society. This is evidenced in claims such as those made by Murray Corren, arguing that school subject matter needed to include "Queer history and historical figures, the presence of positive queer role models—past and present—the contributions made by queers to various epochs, societies and civilizations and legal issues relating to [lesbian gay, bisexual,

transgendered] people, same sex marriage and adoption” (Steffenhagen, 2006). This approach, while setting out to recognize the multiple and historical contributions made by gay/queer individuals, could also be described as an effort to bring attention to how oppressive practices—even those largely invisible to the heterosexual majority of teachers and students in schools—can be made explicit through curricular outcomes that required knowledge about and recognition of equality rights. Recognition is central to revealing how such oppressions have been naturalized; naming draws attention to its previous absence. It also, as Butler (1997) contends, invokes “the terms that facilitate recognition” (p. 5) and the effects that these social and cultural rituals offer as necessary conditions for recognition. Put another way, the means of address is central to the circuit of being a recognizable subject: placed in a ‘rights’ framework, LGBTTIQQ persons therefore become recognizable in their naming.

A rights based discourse was also in evidence in the Jubran case. While the youth in this case was not homosexual, his family argued that the schools owed a duty of safety to their son and were legally obligated to end the ongoing homophobically-charged harassment he had experienced at the hands of other students during high school. Such behaviour was deemed to be discriminatory by the tribunal on the basis that those who are homosexual or those *perceived to be* homosexual are deemed to be protected from “persistent patterns of inequality” under the Code. Further, school boards have the duty to provide school environments free of bias, prejudice and intolerance (Jubran v. Board of Trustees, 2002, p. 25). In other words, students have a right to learn in non-discriminatory environments. However, how such rights are achieved is another important theme that will be addressed next, through discourses of regulation and prohibition.

Regulatory discourses

While the issue of rights was a central point that allowed the tribunal to make a finding in this case, another discourse traced in this tribunal decision is particularly informative: the powerful nature of social and cultural *regulation* and its disciplinary force. While the Jubran family sought to establish their right to have a safe and harassment free environment, the text of the case also reveals how the schools understood and attempted to address these rights: through a disciplinary regime encapsulated in a written Code of Conduct that was the primary—essentially the only means—of addressing discriminatory and homophobic actions on the part of students.

As was noted earlier in this paper, the *Safe Schools Act* is also a form of codified regulation, as were other legally binding Acts and Bills which had been passed by the current and former governments. Their continual use and re-use is an attempt to re-signify the policy problem into one that can be *managed* largely through existing regimes, procedures, practices, and laws; such approaches fit within what has been called the metanarrative of ‘managing diversity’ (Blommaert & Verschueren, 1998). Before exploring how diversity is managed via policy texts, I will briefly canvas the references to diversity in the policy documents reviewed.

Diversity Discourses

Diversity discourses are also in great evidence in the documents reviewed for this study. In particular, the *Making Space, Giving Voice* (2007) and *Social Justice 12* (2006) curriculum documents make explicit issues of sexual orientation and gender identity, but always framed by and within a discourse of many different Human Rights. For example, the program delivery section sets out its philosophy under the heading of “Inclusion, Equity, and Accessibility for all Learners”. It states that

BC's schools include students of varied backgrounds, interests, and abilities. The Kindergarten to Grade 12 school system focuses on meeting the needs of all students. When selecting specific topics, activities, and resources to support the implementation of Social Justice 12, teachers are encouraged to ensure that these choices support inclusion, equity, and accessibility for all students. In particular, teachers should ensure that classroom instruction, assessment, and resources reflect sensitivity to diversity and incorporate positive role portrayals, relevant issues, and themes such as inclusion, respect, and acceptance. (British Columbia Ministry of Education, 2006, p. 15)

The *Making Space, Giving Voice* (2007) teachers' guide is also organized around the framework of diversity: this, it states, that

Diversity is an overarching concept that relies on a philosophy of equitable participation and an appreciation of the contributions of all... Diversity refers to the ways in which we differ from each other. Some of these differences may be visible (e.g. race, ethnicity, gender, age, ability), while others are less visible (e.g. Culture, ancestry, language, religious beliefs, sexual orientation, socioeconomic background)... Diversity is an overarching concept that is supported by the following concepts: multiculturalism, Human Rights, employment equity, social justice. (p. 7-8, italics in original)

Managing for Diversity

Discourses of diversity are common to educational settings; indeed diversity is a policy measure that is highly regarded in democratic societies. As noted earlier, policy is often triggered by priming activities designed to draw attention to a need for social change and recognition. As such, diversity policies are perceived as tools for achieving civically informed outcomes, including those which benefit LGBTTIQQ youth and their families. However, it is also important to understand how diversity policies and discourses can serve to mask or silence particular practices of inclusion. In effect such policies seek to 'manage' difference.

In the debate on diversity, the tendency to abnormalize the 'other' combines with the assumption underlying the 'management' paradigm that diversity itself is somehow abnormal and problematic. (Blommaert & Verschueren, 1998, p. 20)

Blommaret and Verschueren (1998) establish that diversity and its management have become an international public discourse or metanarrative and a primary policy concern of governments' worldwide (p. 11). They also demonstrate, as the quote above shows, that diversity management is framed around the perceived abnormality of others. While their discussion was centered in ethnic and racial diversity, a similar analogy can be applied to the concern of this paper, that is, the 'managing' of sexual orientation and gender expression. The challenge might then be to 'manage' this other form of abnormality; the regulatory practices outlined in the previous section illustrate the ways in which regulation realizes this relationship and reinforces the binary of difference.

Brown (2006) would describe these management approaches to the policy problem a processes that seeks to *regulate aversion*; in other words, the management regime—in this case, a school or its district policies—acts in ways that allows them to enforce rules that mandate particular behaviors and misbehaviors, setting out prohibited words and practices so as to maintain control and ensure conformity with legislative and legal discourses that codify responses to the 'abnormal other'. In this way the purpose is not to address the underlying causes of the discriminatory acts, but rather to end its public expression. That is, the purpose of the disciplinary regime is not to root out discrimination, rather it seeks to enforce social values and norms that require individuals to, at the very least, "tolerate" differences.

Regulating Aversion: Discourses of Tolerance as Progress

Tolerance—as a political discourse—has been characterized as a means by which Western democracies have attempted to address the inclusion of diverse populations on the basis of race and ethnicity. Brown (2006) argues that tolerance has been promoted as a useful state

policy tool through which to make *progress* towards equality; it therefore engenders a discourse that *regulates* the behaviour of individuals and the state, and provides a context in which to make progress towards the full inclusion of others in a more all-encompassing democratic society.

However, Brown (2006) also argues that tolerance, as a political and social discourse, serves not as a means of promoting the goals of and progress towards freedom and inclusion, as is characterized above, but rather as a way of codifying the racial, ethnic and sexual supremacy of Western norms. It does this, she argues, by drawing a line between the tolerable and intolerable, marking difference in its very expression. “Comprehending tolerance in terms of power and as a productive force—one that fashions, regulates, and positions subjects, citizens, and states as well as one that legitimates certain kinds of actions” (p. 10), is central to her analysis. In particular, how discourses of tolerance operate politically, and the ways in which it “marks subjects of tolerance as inferior, deviant, or marginal vis-à-vis those practicing tolerance” (p. 13). In other words, discourses of tolerance place power in the hands of the normative status quo society, in which different ‘others’ are expected to compare and then match themselves to ‘become like us’ (Britzman, 1998, as cited in Kumarshiro, 2002, p. 3): in doing so, inferential forms of discrimination/difference are hegemonically constructed and maintained.

Homosexuality and Discourses of Tolerance

Tolerance is generally conferred by those who do not require it on those who do... The heterosexual proffers tolerance to the homosexual, the Christian tolerates the Muslim or Jew, the dominant race tolerates minority races...the tolerating and tolerated are simultaneously radically distinguishes from each other and hierarchically ordered according to the table of virtue. (Brown, 2006, p. 186- 187)

In the case of tolerating homosexual or queer persons, the binary is between the hetero and homosexual person; heteronormative behaviours then, are those behaviours that essentialize

identities into a single category (heterosexual) and then allows that a deviation from this norm is permissible (although not necessarily acceptable). This is a critical point: unless policy documents or texts are specifically framed in ways to unmask the construction and maintenance of this binary, it is difficult to imagine how civically motivated intentions of full inclusion can be realized: the practices of tolerance—including the heteronormative assumptions of everyday life—become the vehicle that ensures that inclusion can never become the norm.

This discussion illustrates the degree to which specific references to homophobia and heteronormativity are essential pieces to any effective anti-oppressive practices. This is not a new idea: Goldstein's (2004) work in Toronto schools offers an excellent framework for dismantling such norms in schools. More than this, however, it sets out the challenge that educational advocates and policy makers need to realize: that anti-oppressive measures require recognition of the ways in which heteronormativity has become and remains central to school organizations, policy texts and policy design models. If we are to realize, at a policy level, the civically informed goal of full inclusion of LGBTTIQQ youth and their families, then we need to take policy measures that do not privilege heteronormativity. Such approaches require careful examination of issues of power, and, in the case of policy advocates, analysts and actors, may require us to better understand the effects of our policy tools; among them, the use of policy priming.

Policy Trajectories and Civically Informed Action

As this article has illuminated, policy priming efforts are necessary but not sufficient measures for invoking or bringing about civically informed outcomes for LGBTTIQQ youth. The assumed trajectory of such advocacy work has been to create a political impetus for change,

fashioning a “strategically crafted argument” (Stone, 1988, 1997) and narrative that served as a catalyst for enabling school and district level policy change. Yet the analysis presented in this article illustrates how processes of remediation and efforts to constrain particular readings make clear the limitations of the policy priming strategy. Indeed, the efforts at remediating the discourses of homophobia may actually inhibit the ways in which more inclusive, anti oppressive measures might be understood and enacted by educators in schools. The heteronormative framework of policy agents also needs to be examined if we are to end the binary creating practices of tolerance and diversity as discourses which are meant to include, but effectively maintain the status quo.

There are important elements of this analysis however, that lay the ground work for thinking about how policy priming activities might be re-imagined in order to ensure that civically informed intentions are realized. For example, the Corren case has resulted in the circulation of teacher guides which set out a range of anti-oppressive practices which will provide positive examples for teachers already working with anti-oppressive pedagogies in schools. The incremental change that may arise as a result of this measure should be recognized. However, of greater significance is how the Correns have ensured their ongoing involvement in the efforts to reshape BC school curriculum to more openly recognize the contributions of the gay/lesbian/bi/transsexual/ two spirited/queer community have made to contemporary society. They have negotiated an active and ongoing role in shaping the policy directions of government, something that few if any other external activists have realized. The integration of civically inspired agents beyond the policy adoption stage may create more positive policy trajectories, and as such, provides a very useful strategy for policy advocates and policy analysts alike. This is not dissimilar to Taysum and Gunter’s (2008) observation that school leaders—as policy

mediators—need to be actively engaged in the development of policies if they are to be operationalized in ways that support socially just outcomes (p.187). Clearly as policy analysts and as civically inspired change agents we need to map these new approaches in order to better understand how we can match intentions and outcomes.

Subversive Leadership: Anti-oppressive Policy Tactics

A discussion focused on policy discourses and their continued persistence is an important and critical perspective for scholars and policy makers to bring to their work. Yet as sociocultural theories would suggest, all such work is situated and subject to the ways in which social actors and agents make sense of and then act upon these understandings. As noted above, civically inspired agents can, and do, have opportunities to shape and transform policy intentions, particularly when they are located in sites in which policy practices are put into everyday use. This is the case for schools, and offers the potential for policy-informed teacher and school leaders to trouble, critique or problematize dominant discourses, and subsequently encourage, and enable positive, queer friendly policy measures and directions. In the context of this article, this means more than supporting teachers who choose to serve as allies to LGBTTIQQ youth and their families, but to also openly engage in deliberative interventions (Furman, 2003) that seek to challenge inequities, both apparent—such as homophobic bullying—and less visible—such as openly discussing heteronormative assumptions and regulating discourses described in this article.

MacBeath (2007) also describes practices like these as subversive leadership: “a quality of leadership which is a constant irritant... [it is] intellectual, moral and political...[it is] restlessly and creatively discontent. It cannot accept children being short-changed by

government policies, by teachers... or by young people who settle for the mediocre” (p. 245).

Such subversive forms of leadership practice therefore seek to provoke discussions that question grand narratives, either from political masters who propose particular ‘miraculous’ outcomes through policy, or a capacity to critique what Giroux (1992) calls the danger of the ‘omniscient narrator’ or agent that speaks our story for us (as cited in MacBeath, 2007, p. 248).

This article would argue then, that the subversive leader must also be critically informed in the field of policy analysis and versed in practices which enable an unpacking of dominant discourses, putting at the center of their everyday work the critical questions that inform how we achieve equitable outcomes for youth and children—including LBGTTIQQ youth—who are served by schools. Such practices can be considered anti-oppressive policy tactics—that is, policy informed activities that seek to create inclusive school and community cultures and spaces and makes a priority an engagement by teachers and students in anti-oppressive work. In this way, despite the potential limitations enforced through particular policy regimes, such as the management of difference described in this paper, everyday practices and activities can be used to alter the policy trajectories in small, incremental, but positive directions. Not unlike the example of the Corren’s continued involvement in the development of the Social Justice 12 curriculum, teacher and school leaders can serve as conduits and bridges that create and honour anti-oppressive spaces, creating what Goldstein *et al.* (2007) described as moments for ‘queer-positive’ and anti-homophobic work that disrupts heteronormativity and promotes affirmation of multiple gender identities and sexualities.

Conclusion

This article has sought to unpack the ways in which policy processes are informed by social codes and practices, the semiotics of communicative policy genres, and normative discourses that create dynamic tensions, some of which enable particular understandings of a policy, or act to constrain other readings. In this way, policy processes and their mediational means have been conceptualized as civic tools for realizing policy actors' intentions.

Understanding the dynamics of policy processes, and unpacking their discursive frames becomes central work of policy makers and policy advocates alike, particularly if we are to realize the goals of moving from normative to reformative policy practices. Finally, this paper has suggested there needs to be greater attention focused on how to map out civically informed policy strategies so as to better inform our practices as advocates and agents for social change.

The role that community, school and teacher leaders can play as policy tacticians to realize anti-oppressive educational goals despite potentially conflicting or contradicting discourses speaks to the importance of putting the work of advocacy for all children—particularly queer and questioning youth or those struggling with their sexual identities—at the center of our everyday practices as civically and politically informed change agents.

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