

## **“It’s about protocols and decorums”: governing queer student sexualities in schools as a human rights issue**

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**Abstract:** This paper will explore schools’ governance of queer student sexualities as a human rights issue in relation to how romantic relationships are heterosexualised in schools. Even though schools are typically spaces in which romantic desires are ‘properly’ expunged, heterosexual relationships are so taken for granted that they are situated as a normal, basic human right. School staff consider them as a more proper way of doing romantic relationships in schooling contexts than same sex relationships. The paper argues that in doing this, schools perpetuate the idea that same sex relationships are abnormal and in need of ‘proper’ control and regulation. It explores how heterosexual relationships have become so normalised that, although illegal, some schools discriminate against same sex couples and deny same sex attracted young people their human rights and continue to reinforce school spaces as necessarily heterosexual spaces. As an exemplar, the paper will engage with the decision by a private boys school in Brisbane, Queensland, to disallow gay students to bring their male partners to a school formal in April 2008. The paper concludes with a call for more explicit school staff training and further research on how these forms of discrimination are enacted in schools.

**Keywords:** queer youth, heteronormative schooling, human rights

### **Introduction: “the school decides what is appropriate behaviour”**

The quote that constitutes part of the title above was uttered by the principal of “one of Queensland’s most prestigious boys schools” (Ironsides 2008: 1) in relation to the schools’ senior dinner dance in June 2008. The ‘appropriate behaviour’ was, in this case, students being escorted by opposite sex partners at the dinner dance. The schools’ decision explicitly disallowed gay male students to bring their same sex partners to the dance. This decision sparked controversy as it clearly breached not only anti-discrimination law in Queensland but also international human rights covenants protecting the rights of the young people involved. This brought about an extended discussion and public commentary (with over 1,000 public comments posted on the website for The Courier Mail as at May 1, 2008) in the media about the issue of discrimination against queer sexualities in school settings. The rights of the school to shape schooling practices in line with narrow understandings of what they consider to be ‘appropriate behaviour’ were unquestioned. I follow the work of Marshall (2008, 95) in how queer refers to “those young people who do not conform to prevailing expectations regarding gender and sexual identity and behaviours, those young people who may be lesbian, gay, bisexual, transgender, intersexual, [questioning]”.

This paper examines this issue in further detail in relation to human rights. It will not, however, engage in an extended discussion of the different human rights and anti-discrimination instruments that this decision breaches. Rather, it explores how human rights

and discrimination have come to be read in terms of heteronormativity (Butler 1990). It argues specifically that heterosexuality has become so taken for granted in schooling spaces that it is now implicitly assumed as a normal, basic human right. Even though schools are explicitly regulated as sexless spaces, heterosexual ways of doing sexual desire are more acceptable than queer sexual desire. Indeed, heterosexual desire is held up as more normal than homosexual desire, and in doing this, queer sexualities and desires are further marginalised as abnormal and in need of proper regulation and control by schooling stakeholders. More importantly, however, this paper will suggest that heterosexuality is so normalised in schooling spaces that schools can openly discriminate against same sex couples without fear of reprisal. To demonstrate this argument more fully, the paper will initially discuss the sexualities and schooling literature which explore the extent to which schooling spaces have become heterosexualised. The paper will then draw on human rights literature to demonstrate how, in schooling spaces, the right to protection in terms of sexuality is assumed to be heterosexuality. Following this, the paper will engage in more detail with the case introduced above as evidence that schools read human rights in heteronormative ways that exclude queer sexualities. Finally, the paper will suggest that further research needs to interrogate these forms of discrimination being enacted in schools, particularly given the damaging consequences that these forms of discrimination and exclusion can produce in the lives of queer young people.

### **Schools as asexual: properly expunging desire in schooling spaces**

There is little doubt that schools are *expected* to be asexual spaces; that is, they are to be properly devoid of anything remotely related to sexual desire. They must be sexless spaces. Both teachers and students behaviours in and out of the classroom, and even before and after school hours, are tightly regulated in line with the idea that schools are spaces for pedagogy, not pleasure. This is in spite of literature suggesting that sexual desire constitutes a fundamental part of youthful identity that ought to be supported rather than stymied (Rasmussen 2004b). Mellor and Epstein (2006: 378) demonstrate how schools are shaped as desire-free spaces in a case of a British school headmaster that banned ‘canoodling’ (kissing, holding hands, hugging), as ‘canoodling’ was considered by this headmaster “to be disturbing and inappropriate in the educational context”. Michelle Fine (1988) has earlier argued that sexual desire is completely expunged from sex education in schools, a move that she notes is counterproductive. Fine suggests that students are taught only about the biology of sex and not about the processes and logistics of sexual desire and doing romantic relationships that are imperative in establishing a relationship in which to put the biological knowledge in practice. Marshall’s (1996: 113) analysis of the representation of sexuality in Australia’s national curriculum demonstrates that “teacher and student texts were mainly about having sex (or not) and having babies”. This is even despite the academic critique of the insistence on schools as asexual spaces, with researchers like McWilliam (1995) arguing that a yearning for learning can be better enabled through a desire to learn in the classroom.

However, to this point, the literature on good, proper teaching and learning insists that sexual desire and romantic attachment be appropriately expelled from classroom environments. The key concern for these theorists is that by focusing on sex and sexual desire in education, we are moving to a focus on the body, and the body interferes with the productive activities of the mind in the classroom (Watkins 2005). Working through a mind/body split, classrooms are shaped and governed as disembodied spaces in which neither teachers nor students should be focusing on issues regarding the messiness and voluptuousness of sexual desire and embodiment (McWilliam 1996). This is nowhere more obvious than in the demonisation and criminalisation of female teachers that establish romantic relationships with their students,

even if these relationships are consensual for both parties involved. These teachers that dare to bring sexual desire into the ‘good’ space of classroom relationships are depicted as predatory sex monsters and are usually subject to heavy penalties in the criminal courts, including prison.

More importantly, however, the mind/body split informs classroom relationships to the point that certain groups of people may be more aligned with the body while others are aligned with the mind. This is noted by O’Flynn and Epstein (2005: 189) who suggest that the mind/body split so explicitly shapes the formation of identities in schooling contexts that “[m]arginalised identities, such as those of queer or ethnic minority students, represent the body and desire... while dominant identity groups, especially those that are white, male and middle class, represent the mind and reason”. According to most best pedagogical practice literature then, it is the mind not the body that constitutes the fundamental tool for educational success (see for example Kincheloe 2005). Even educational theory like that of Gardner’s multiple intelligences specifies only one form of intelligence (‘body smart’) that insists on the importance of learning through the body (Armstrong 2000), and anything even partly related to desire or pleasure is properly eschewed. The propagation and development of active minds and intelligences is of key importance.

For the most part, social schooling spaces are similarly organised and regulated according to these ways of thinking. Despite the recognition that occasions such as discos, graduations, dinner dances, and school formals are social occasions in which social relationships are forged, the expression of sexual desire in the form of holding hands, hugging, and kissing is tightly regulated by schooling stakeholders. Even spaces like the primary school playground (Wallis and VanEvery 2000) are governed in ways that attempt to ensure that all behaviour is properly sexless in character. This is especially evidenced in the recent controversy in the United States where a school student was expelled from her school ‘prom’ and arrested by police for indecent exposure because the dress she chose to wear was considered far too revealing and inappropriate for a school social engagement (Frock and horror over tiny dress 2008).

Despite schools’ attempts to expunge desire from schooling practices, it would be erroneous to suggest that schools were sexless spaces. Mellor and Epstein (2006) argue that even though schools work to construct asexual teaching and learning spaces, desire is certainly not absent from these settings: “Sexualities are never completely stifled or removed from educational contexts” (Mellor and Epstein 2006: 379). Romantic relationships and sexual desire between young people thrive in more implicit ways in school space. Sexuality and sexual desire are performed in many different ways in these spaces, including “all the cultural practices adopted by people... from childhood games like ‘kiss-chase’, through dating and dumping practices, romantic ideals and stories” (Ibid). Renold (2000: 310) describes how primary school aged girls in England produced their bodies as “heterosexually desirable commodities” which involved “checking and regulating arms, legs, hips and thighs, position their bodies and others’ as ‘too fat’ or ‘too thin’ and advocating the need to diet”. Even so, there appears to be very specific ways that students are enabled to do these types of relationships. That is, they are urged to do this in very explicitly heterosexual ways.

### **The assumption of heterosexuality: the normalisation of heterosexual desire in school spaces**

For some time now, sexuality and education literature has noted that schools are thoroughly heterosexual spaces (Blount and Anahita 2004). The assumption is that, if sexual desire and

romantic relationships are to be enacted in school spaces, heterosexual desires and relationships are more appropriate than same sex desire and relationships. Research indicates that even though we assume that ‘innocence’ abounds in the primary years of school (Renold 2005), these years also implicitly reinforce heterosexual desire: “heterosexuality in one form or another is the pervasive imagined future for children” (Epstein, O’Flynn and Telford 2003: 30). Schools implicitly reinforce this in many different ways through what Mellor and Epstein (2006: 381) call a “heterosexual economy”, where many “educational, cultural, gendered, and other discourses collude (and collide) in assembling a particularly narrow interpretation of (hetero)sexuality as ‘natural’”.

The assumption of heterosexuality informs most areas of schooling practice and process (Kehily 2002). General schooling curriculum is heterosexualised in its depiction of ‘normal’ relationships as a relationship between a man and a woman (Atkinson 2002; Evans and Davies 2000). Teacher talk in the classroom and the staffroom reinforces this as these conversations with students and other staff commonly draw on relationships with families outside of school. Kehily (2002: 223-224) found the talk of teachers in her UK study suggested “that *everyone* was heterosexual and sexual banter among teachers served to sustain and regulate this view”. This assumption is reinforced and policed when teachers disclose their queer sexuality to students in the classroom. Rasmussen (2005: 51) explains a common outcome to this process: “A lesbian identified student teacher was summarily expelled from the primary school in which she was doing her practicum after she discussed gay and lesbian identity with her students”. Sex education, while lacking the logistics of developing relationships, thoroughly involves the discussion of heterosexual procreation, and the biology of a relationship between a man and a woman (Whatley 1988). Same sex desire and relationships are marginalised almost completely in sex education curriculum in international (Bay-Cheng 2003; Buston and Hart 2001) and Australian (Hillier and Mitchell 2008) contexts, with one queer young person noting in Hillier and Mitchell’s (2008: 220) work that sex education was “as useful as a chocolate kettle”.

All these elements evidence the ‘heterosexual economy’ at work. While this may appear to be quite innocuous, it is the unchallenged and uncritical character of this ‘economy’ which further marginalises queer sexualities in schooling spaces. These practices “presuppose heterosexuality” (Mellor and Epstein 2006: 382) in such implicit ways that there is no space for ‘other’ sexualities. In fact, I would suggest that heterosexuality has become so normalised and taken for granted in schooling contexts that it is entirely assumed and unquestioned in every element of schooling. Heterosexual desire, although improperly situated in schooling spaces, is still more normal than same sex desire.

### **More normal than queer: heterosexual desire as an assumed human right in schools**

I am arguing in this paper that heterosexuality has become so implicitly assumed and normalised in schooling spaces that these forms of desire are situated as a ‘natural’ human right. That is, it is a “right and freedom to which every human being is entitled...so fundamental that they form part of natural law” (Kennedy 2007). Heterosexuality is always already compulsory in schooling contexts, and is presented as a more appropriate way of desiring than queer desire. Heterosexuality has become so normalised in these spaces as to be rendered entirely invisible (Robinson 2005) and, as such, unquestioned and unchallenged. I am suggesting in this paper that this has happened to the point that schools currently think about human rights and discrimination as heterosexual and exclude queer sexualities from these understandings. Stychin (2006: 47) poignantly notes that questions about sexual

orientation and human rights “have largely ceased to be asked, as sexuality has permeated human rights consciousness”. I would suggest, however, that this is not the case in schools, as schools continue to think about human rights and discrimination in thoroughly heteronormative ways. In this heteronormative interpretation of these types of legal instruments, the law works to “normalize and discipline the sexual subject” (Stychin 1997: vii). For those queer students whose sexualities fall outside normative heterosexuality, the legal instruments designed to protect and assist them become useless in school spaces. That is, in assuming that heterosexuality is a basic, natural human right, all ‘other’ sexualities are always already unquestionably excluded from this understanding of human rights and discrimination.

A key concern in this is the far reaching consequences produced for queer young people given the extensive and perpetual victimisation that they experience in schooling contexts. The work of Hillier, Turner and Mitchell (2005) highlights how school is the most dangerous place for queer young people in Australia, with 74% of 1619 young people experiencing some form of victimisation in school spaces. Victimisation reported by queer young people in Australia aged 14-21 years in this study included verbal abuse (44%) and physical abuse (16%). This study goes on to report the different outcomes these young people experience as a result of this victimisation. Those queer young people (Hillier, Turner and Mitchell 2005: 44)

who had suffered abuse were significantly more likely to drink alcohol at least weekly, to smoke tobacco daily, to use marijuana weekly, party drugs monthly and to have ever used heroin. They were also more likely to have ever injected drugs.

In thinking about human rights and discrimination in heteronormative ways, school stakeholders continue to render these experiences and outcomes invisible and unimportant.

For most schools then, human rights are “grounded in the particular and unique contribution of heterosexuals (and their reproduction) to the common good” (Stychin 2006: 59). The human rights of young people are “located in the heteronormative private sphere of the nuclear family” (ibid), with all other ways of doing sexuality being marginalised and ignored in schooling contexts. This appears to be especially the case with schools undergirded by religious doctrine who commonly make the argument that, based on this doctrine, it is somehow acceptable to think about (and I would argue completely overlook) young people’s human rights in heteronormative ways. The following will explore an example of how school stakeholders can make a choice that elevates heterosexual desire to the level of a ‘natural’, ‘normal’ human right enforced with all students in schools.

### **“An opportunity for our young men to escort a young woman”: ‘decorously’ denying human rights as ‘appropriate’ in a Queensland school**

On the 12th April 2008, the principal of Anglican Church Grammar School in Brisbane, Queensland, announced that the school would not allow gay students at the school to bring their gay partners to the schools’ senior dinner dance in June 2008. In this decision, the principal of the school noted that such an occasion was “an opportunity for our young men to escort a young woman” (Ironsides 2008). This stance was also supported by other religious schools, with the Executive Director of Queensland Catholic Education noting that “we would not see it as appropriate for couples in a same-sex relationship to attend an event such as a school formal” (Ironsides 2008). The central assumption evidenced in these statements, and implied more generally in the decision made by the school, is that heterosexual desire is a

more normal way of doing romantic relationships and sexual desire than queer sexualities. Even though school spaces are supposedly places in which sexual desire and romantic relationships are discouraged, it is heterosexual relationships that are considered more 'natural' than queer sexualities and desires. Evidenced clearly here is the saturation of the schooling space within the heterosexual economy that Mellor and Epstein (2006) discuss. Queer sexualities are aligned explicitly with 'inappropriateness'; that is, they do not 'fit' and are not 'suitable' for school social occasions.

Even more concerning was the support that this decision received from Anglican Archbishop Phillip Aspinall who stated that (Wordsworth 2008)

I understand in this particular instance the school has decided that its approach is to emphasise the interaction of young men and young women and providing them with an opportunity to do that in this kind of formal setting. And I have no objection to that either. I think that's a reasonable and legitimate approach.

This statement demonstrates significant discursive power. With the full support of an authority like Archbishop Aspinall, the decision of the school is made legitimate. In turn, discrimination is rendered legitimate against those who are not heterosexual in Anglican schools, marginalising and 'disciplining' (Foucault 1977) queer sexual subjectivities. This is particularly demonstrated in the assumption that excluding queer young people is 'a reasonable and legitimate approach'. The stakeholders involved with this school clearly feel that they are secure and supported in their decision to the point that no one would question their decision regardless of how it breaches anti-discrimination law and human rights covenants and principles. The school insists that heterosexual ways of doing relationships are of paramount importance and that the schools' role is to teach their 'young men' about how best to do this in terms of relating only with a 'young woman'.

Clearly this schools' decision breached a number of legal instruments that protect and support the rights and liberties of queer young people. This was explicitly noted by commentators in the media. Firstly, the decision breached *The Anti-Discrimination Act 1991 (Qld)* that prohibits discrimination against any person on the basis of sexuality. Secondly, it denied young people their right to freedom from discrimination based on sex in breach of the UN Convention on the Rights of the Child and the UN Universal Declaration of Human Rights. Finally, the decision breached the recently ratified Yogyakarta Principles that seek to "address a broad range of human rights standards and their application to issues of sexual orientation and gender identity" (United Nations 2006). Despite the blatant breaches of all these legal instruments, the principal insisted that "We don't intend to change our practice. As well as being a social occasion, it's an education forum and to that end the school decides what is appropriate behaviour and what is not" (Ironsides 2008).

In the apparent breach of these legal instruments, the principal assumes that only heterosexual students are imbued with the right to enjoy a social school occasion with their opposite sex partners. Human rights and discrimination are heterosexualised in the schools' assumption that these instruments only apply to heterosexual students. Heterosexuality is aligned with naturalness, and the right to take a partner to a school formal is interpreted through this heteronormative framework. Queer sexualities are aligned with 'unnaturalness' in this decision by the principal, and are assumed to fall outside the gambit of standard human rights. Indeed, heterosexuality has come to be thought of so extensively as a natural human right that denying queer young people their rights and discriminating against this group is endorsed as 'reasonable and legitimate' by key stakeholders in both the Anglican Church and Queensland Catholic Education. These religious and educational figureheads are suggesting that the only

legitimate way of expressing sexual desire is as a heterosexual person, and that human rights and discrimination only apply to heterosexual young people.

Heterosexual relationships are considered here to be so normal as to be a better, more appropriate alternative than same sex relationships at school functions. Queer student sexualities are outwardly marginalised as abnormal and 'inappropriate' ways of doing sexual desire in schooling environments, even if this environment is a social one. It is not just about schools denying young people their human rights and discriminating against young people indiscriminately. This instance demonstrates a very well organised, thoroughly thought out approach to excluding queer sexualities from schools and directly discriminating against these young people. Under the guise of 'protocols and decorums', the already marginalised position of queer sexualities is reinforced and crystallised in schooling spaces. In addition to this, all students at the school, including queer students, are taught a lesson about the 'abnormality', 'inappropriateness', and 'illegitimacy' of being queer in contemporary Western culture.

## Conclusion

This paper has shown that school spaces are deeply embedded in a heterosexual economy of desire. The implication of this is that schools like the Anglican Church Grammar School in Queensland can make decisions about queer young people that breach human rights instruments and anti-discrimination legislation without any hesitation. Despite the push for schools to be regulated as sexless spaces, heterosexual desire is assumed in this decision to be a more normal and more acceptable way of doing sexuality in schooling spaces than queer sexualities. This paper has demonstrated how the assumption of heterosexuality is so invisible in school spaces that schools are now spaces in which human rights and discrimination are almost inherently heterosexualised and heteronormative. That is, it is not discrimination if it happens to queer young people. The most disturbing part of this decision is that it teaches other young people at this and other schools that it is 'acceptable and legitimate' to discriminate against queer young people. This would undoubtedly perpetuate the already extensive victimisation that these young people are subjected to in schooling spaces. The inequity of this situation is even more heightened by the fact that most school students may lack the capacity to have these types of school decisions reviewed by bodies such as the Human Rights and Equal Opportunities Commission.

The case that briefly informs this paper suggests that we have a long way to go to make the lives of queer young people more equitable and socially just in schooling spaces. A key future point of concern is how this and other schools make the argument that religious doctrine makes their decision legitimate, even though this type of discrimination is completely unacceptable in other social and work related contexts. It ignores the idea that all students need to be inclusive workers when they leave school to go into further education and the workforce. The lack of school staff training on the impact of homophobia, victimisation and social exclusion is also highlighted in this case. As people charged with the authority to shape students as future workers, it is vital that school staff are aware of their role in disallowing discrimination and protecting the human rights of queer young people. Even though we have been working to raise the profile of these issues for some time now, there appears to be a lot more work to do in overcoming these forms of discrimination and victimisation that may be entrenched in schooling processes (Rasmussen 2004a).

This also indicates that we need to examine more closely the types of diversity education that pre-service teachers are doing prior to going into the workplace. Tertiary education for teachers needs to be targeted as a major area of concern for issues like these. In addition,

further research is required in school spaces that highlight and interrogate the implicit character of homophobia and social exclusion that often make the schooling lives of queer young people untenable. More of a focus is needed on the different forms of discrimination and breaches of human rights that are being enacted in these school spaces and the types of victimisation that are enabled as a result. Furthermore, the practices of teachers and other staff in schools need to be interrogated in terms of the extent to which they are implicitly perpetuating homophobic ideas in the classroom. This paper has shown this to be especially important if all schools are to produce socially just students that will become diverse (not just tolerant of differences) and inclusive workers.

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