

# “The Important Consideration, After All, Is Disability”: Physical Standards for Teachers in Los Angeles, 1930–1970

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*Ideas and norms about disability shaped the experiences and careers of every teacher and prospective teacher in the Los Angeles public schools between 1930 and 1970. Medical doctors created and conducted the extensive medical examinations that teaching candidates and practicing teachers needed to pass to enter or remain in the classroom. The Los Angeles City Board of Education capitalized on existing disability-related retirement policies, targeting educators with age-related disabilities and enacting a compulsory retirement age for all teachers. Teachers accused of disability-related incompetence could only retain their positions if they could disprove their diagnoses. By adding this discussion of teachers' bodies and disability to the historiography of teachers, we can better understand teachers' experiences and the ways in which school leaders attempted to define and enforce standards of normality.*

**Keywords:** US teachers, Los Angeles City Board of Education, disability, retirement policy, certification examinations

In 1935, the Los Angeles Superintendent of Schools wanted to ensure that individuals involved in certifying new Los Angeles teachers understood that “no physically handicapped applicants [were] to be allowed to take any teachers' examinations.”<sup>1</sup> While that statement was definitive, the actual impairments that constituted a “physical handicap” in Los Angeles between 1930 and 1970 were far more amorphous. Even though the Board of Education discussed disability as if it

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<sup>1</sup>“Physically-Handicapped Applicants for Teachers Examination,” notes from Superintendent's Advisory Council, Aug. 7, 1935, folder 2, box 2193, Los Angeles Unified School District Board of Education Records, UCLA Library Special Collections, Charles E. Young Research Library, University of California, Los Angeles (hereafter cited as LA Board Records).

were simply an objective medical diagnosis, Board members were actively reinforcing societal narratives of disability by defining physical and mental standards of normalcy and health through the medical examinations that it required teaching candidates to pass. A disabled teacher was considered unfit and unacceptable; they were seen as a hazard to the safety and proper development of students as well as a burden on the Board's illness and retirement budget.

National crises—like the shortage of qualified applicants for National Defense teachers in 1942 and the aftermath of World War II—forced the Board to adapt its standards. However, despite changing the language used to define the high physical standards required in a teacher or the definition of certain “defects” the Board deemed permissible, the basis for these standards never wavered. Furthermore, the Board tapped into existing fears and policies concerning aged-related disability to successfully implement a mandatory retirement age for the city's educators. Teacher protests were successful only when they could prove they did not meet the Board's definitions of disability. Between 1930 and 1970, the disability policy affected the careers and experiences of every public school educator working in or attempting to work in Los Angeles.

Examining historical work concerning restrictions placed on teachers in US public schools illuminates some of the ways in which schools have attempted to conform to the dominant ideologies of the day. In selecting the “correct” types of teachers, school leaders endeavored to shape schoolchildren who adhered to and embodied those norms and standards that teachers modeled. The types of individuals schools allowed into the classroom, the qualities licensing boards looked to weed out, and the control school boards and administrators attempted to assert over teachers' lives all provide examples of schools actively setting standards of normal and desirable traits in both teachers and students. The idea that teachers were set in the front of the classroom as exemplars of normality and morality weaves through the historiography of US teachers as does the concern that students would emulate abnormal teachers. Historians have explored these ideas, to varying degrees, in analyzing issues of gender, class, race, religion, political affiliation, and sexual orientation.<sup>2</sup> Adding disability to

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<sup>2</sup> Some of these works include Nancy Hoffman, *Woman's "True" Profession: Voices from the History of Teaching*, 2nd ed. (Cambridge, MA: Harvard Education Press, 2003); Michael W. Apple, *Teachers and Texts: A Political Economy of Class and Gender Relations in Education* (New York: Routledge & Kegan Paul, 1986); Jackie M. Blount, *Fit to Teach: Same-Sex Desire, Gender, and School Work in the Twentieth Century* (Albany: State University of New York Press, 2005); Christina Collins, “Ethnically Qualified”: *Race, Merit, and the Selection of Urban Teachers, 1920–1980* (New York: Teachers College

this list expands our understanding of how schools attempted to define and promote standards of normality in teachers and students.

Kate Rousmaniere notes the potential contribution of disability studies to the history of US education and traces how "notions of normality have defined the work and identity of all educators."<sup>3</sup> In an anthology on teachers' experiences with disability, Rosemarie Garland-Thomson writes that the book's authors "center on bodies that call attention to their own particularities and that refuse the polite anonymity and disembodied equanimity that has traditionally characterized educational settings," writing about and analyzing "bodies that significantly depart from the expected teacher's body."<sup>4</sup> A historical analysis of certification and retirement policies reveals just how carefully cultivated and controlled the "expected teacher's body" has been since the feminization of the teaching profession in the nineteenth century. Just as school leaders attempted to define and regulate normality in terms of teachers' gender, race, sexual orientation, and political affiliation, they strove to control the bodies and health of teachers entering the classroom.

### Societal Narratives of Disability

At the turn of the twentieth century, the increasing speed of life and the view in industrialized societies that work was a fast-paced competition generated growing discrimination against disabled people. Bodies and minds which deviated from newly conceptualized norms had no place in societies that embraced theories of evolutionary science in which human "defect" threatened the progress of the American race. Words popular at the time to describe disability—handicapped, retarded, abnormal, and defective—stemmed from this new experience of time. The word *handicapped*, for example, originated from a game in which a player's odds decreased after a win; the term later

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Press, 2011); Karen L. Graves, *And They Were Wonderful Teachers: Florida's Purge of Gay and Lesbian Teachers* (Urbana: University of Illinois Press, 2009); Ruth Jacknow Markowitz, *My Daughter, The Teacher: Jewish Teachers in the New York City Schools* (New Brunswick, NJ: Rutgers University Press, 1993); Clarence Taylor, *Reds at the Blackboard: Communism, Civil Rights, and the New York City Teachers Union* (New York: Columbia University Press, 2011); and Jonna Perrillo, "Beyond 'Progressive' Reform: Bodies, Discipline, and the Construction of the Professional Teacher in Interwar America," *History of Education Quarterly* 44, no. 3 (Sept. 2004), 337–63.

<sup>3</sup>Kate Rousmaniere, "Those Who Can't, Teach: The Disabling History of American Educators," *History of Education Quarterly* 53, no. 1 (Feb. 2013), 90.

<sup>4</sup>Rosemarie Garland-Thomson, "Forward: Bodies Enter the Classroom," in *The Teacher's Body: Embodiment, Authority, and Identity in the Academy*, ed. Diane P. Freedman and Martha Stoddard Holmes (Albany: State University of New York Press, 2003), xii–xiii.

referred to sporting events in which the superior player was disadvantaged to give other competitors a chance to win. In the later part of the nineteenth century, a handicap came to mean a misfortune that would set a person back in competitive modern life. Teachers began referring to disabled individuals as *handicapped*, at first by their “affliction,” but eventually *handicapped* came to simply mean disabled people.<sup>5</sup> Handicap—initially a competitive setback—became synonymous with conditions that society deemed would set a person back in life, competitively or evolutionarily. Fears about disability emerged from anxiety about falling behind or failing in the daily “rat race” or in the progress of the American race.<sup>6</sup>

Research and policies concerning teachers’ health and bodies echoed these fears, as education leaders and policymakers adopted eugenic rhetoric and fretted about disabled teachers creating disabled students. A disabled teacher was an ineffective, dangerous person who threatened the progress and proper development of students and the efficiency of the school. The National Education Association (NEA) Department of Classroom Teachers’ 1938 yearbook argued that healthy, nondisabled teachers were essential in creating healthy, nondisabled schoolchildren. According to the NEA’s definition, “fitness of health,” which included both absence of disease as well as absence of “weakness” or physical disability, “is fundamental for completeness and the best of life.”<sup>7</sup> The healthy teacher, according to the NEA,

must be free from all remediable defects and handicaps, whether physical, mental, emotional, social, or ethical. Some of these can be corrected only by others, for example, defects of vision, hearing, and teeth, or bodily defects requiring medical or surgical procedures. However, defects of speech and posture, faults of mental and emotional nature, and those of social behavior, character, and personality require the active interest

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<sup>5</sup>Douglas C. Baynton, “‘These Pushful Days’: Time and Disability in the Age of Eugenics,” *Health and History* 13, no. 2 (Jan. 2011), 47–48.

<sup>6</sup>American eugenicists at the beginning of the twentieth century frequently fretted over the future of the “American race,” one that they perceived to be under threat from inferior immigrant races. Robert DeCourcy Ward, for example, wrote of the opportunity to form “a new race of an extraordinarily heterogeneous character” by “a remarkably favorable opportunity for practising eugenic principles in the selection of the fathers and mothers of future American children through our power to regulate alien immigration” in order to ensure that “the new American race will be a better, stronger, more intelligent race, and not a weak and possibly degenerate mongrel.” Robert DeCourcy Ward, “National Eugenics in Relation to Immigration,” *North American Review* 192, no. 656 (July 1910), 57–58.

<sup>7</sup>National Education Association (NEA), *Fit to Teach: A Study of the Health Problems of Teachers* (Washington, DC: Department of Classroom Teachers, NEA, 1938), 2.

and determined effort of the person affected as well as the treatment and advice of a professional health counselor.<sup>8</sup>

The yearbook neglected to discuss the health of individuals whose "defects and handicaps" could not be "corrected" by doctors or hard work, though the authors later stressed that a result of "marked physical handicaps or poor health" in teachers is the "adoption of low health standards and poor health attitudes and habits by the pupils." Another "disservice" of teachers' physical disorders "is the loss in teaching efficiency . . . poorly taught classes; abnormal attitudes and behavior; absences, requiring substitute teachers."<sup>9</sup> The first claim—that disabled teachers will create ill or disabled students—echoed three major societal beliefs about disability: first, the eugenicists' mantra that disabled individuals created more disabled individuals; second, that a person could not be physically disabled and in good health at the same time; and, finally, that disability was a result of unhygienic or careless practices.<sup>10</sup> This yearbook also extended these ideas about disability to the teaching profession, explicitly linking disability with poor teaching, with the "abnormality" associated with physical disability leading to abnormal behaviors and beliefs, and with disabled teachers draining schools' resources. The NEA concluded, then, that teachers' health was a professional problem, one that they and other teacher organizations ought to proactively address. The authors of this yearbook directly linked good teacher health and physical fitness to an increased professional status for teachers when they wrote, "As long as professional associations are working consistently for higher standards in other areas and seeking always to lift teaching to a higher professional plane, it is to be expected that they will work for higher health standards as well."<sup>11</sup> The NEA also highlighted the physical examination policies set by the Los Angeles City Board of Education as exemplary in ensuring the fitness and health of its city teachers and, in turn, its schoolchildren.

<sup>8</sup>NEA, *Fit to Teach*, 5.

<sup>9</sup>NEA, *Fit to Teach*, 8.

<sup>10</sup>Wendy Kline, *Building a Better Race: Gender, Sexuality, and Eugenics from the Turn of the Century to the Baby Boom* (Berkeley: University of California Press, 2001); Kim E. Nielsen, *A Disability History of the United States* (Boston: Beacon Press, 2012); and John Williams-Searle, "Cold Charity: Manhood, Brotherhood, and the Transformation of Disability, 1870–1900," in *The New Disability History: American Perspectives*, ed. Paul K. Longmore and Lauri Umansky (New York: New York University Press, 2001).

<sup>11</sup>NEA, *Fit to Teach*, 11.

## Physical Examinations in Teacher Certification

De facto exclusionary policies and practices were deeply engrained in the Los Angeles school system. A decade and a half after *Brown v. Board of Education* in 1954, the Los Angeles Unified School District remained one of the most ethnically and racially segregated districts in the nation. A 1970 school survey reported that the district assigned two-thirds of Asian students, two-thirds of Mexican students, and 94 percent of Black students to segregated schools. The few Black teachers and administrators working in Los Angeles were also assigned to highly segregated schools.<sup>12</sup> Board of Education officials attempted to deflect culpability for their district's segregation by blaming the city's racial and ethnic residential clustering—created by decades of discriminatory real estate laws and practices—but took ownership of the Board's policies concerning teaching candidates and physical disabilities.

The seven elected members of the Board of Education had the power to “appoint, employ, and discharge” all district teachers as well as to “make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education.”<sup>13</sup> Throughout their official and personal correspondence between 1930 and 1970, Los Angeles school board members clearly enforced the idea that the absence of a disability was necessary to be a good, effective teacher. Failing the city's medical examination meant failing the entire teaching examination, regardless of the applicant's scores on the written and oral exams.

Such a medical examination was not unique to Los Angeles at this time, but its published physical standards were particularly detailed.<sup>14</sup>

<sup>12</sup>John Walton Caughey and LaRee Caughey, *To Kill a Child's Spirit: The Tragedy of School Segregation in Los Angeles* (Itasca, IL: F. E. Peacock, 1973); Josh Kun and Laura Pulido, eds., *Black and Brown in Los Angeles: Beyond Conflict and Coalition* (Berkeley: University of California Press, 2013); and Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855–1975* (Berkeley: University of California Press, 1978).

<sup>13</sup>*Charter of the City of Los Angeles, annotated: Effective July 1, 1925, with amendments up to and including those effective June 26, 1961*, comp. Roger Arnebergh and Walter C. Peterson (Los Angeles: City of Los Angeles, 1961), 57.

<sup>14</sup>New York City, Detroit, and Chicago also required teaching candidates to pass medical examinations. Board of Examiners, “Health Standards for Applicants for Licenses,” Dec. 1939, file 308, box 58, series 755, Records of the New York City Board of Education, NYC Department of Records/Municipal Archives, New York City; Board of Examiners, *Rules and Information Regarding Examination of Candidates for Certificates to Teach* (July 1955), Chicago Board of Education records, Chicago History Museum Research Center; and “The Teacher Selection Process,” *Administrative Procedures*, Bulletin no. 3 (Sept. 1946), 44–51, folder 7, box 67, Detroit

Los Angeles school district officials barred teaching applicants from access to the particulars of their health examinations and maintained that imposing strict physical standards was in the best interests of school personnel and Los Angeles taxpayers. Just as school leaders attempted to define and regulate normality in terms of teacher gender, race, sexual orientation, and political affiliation, in Los Angeles during the mid-twentieth century, school board officials strove to control the bodies and health of teachers entering the classroom.

Between 1930 and 1970, the physical standards that teaching applicants were required to meet or exceed reflected how Board members attempted to define standards of physical, mental, and emotional normalcy. Each applicant had to pass a physical examination conducted by a physician employed by the Board of Education. Medical doctors examined teaching candidates in the following categories: skin and body, orthopedic, robustness, voice, breath, teeth, eyes, vision, ears, hearing, throat, neck, chest, heart, blood pressure, gastrointestinal, genitourinary, blood, nervous system, and general. Applicants were required to be "free from grossly unsightly blemishes or cosmetic defects," and "all physical defects or pathological lesions which [were] likely to be progressive" were disqualifying. Candidates were required to have a posture that would be "a good example to students," meaning that "orthopedic defects" and rheumatoid arthritis were automatic disqualifications. Other conditions that merited a failed medical exam included "fetid breath," "marked dental caries," asthma, breast tumors, diabetes, and personality deviations.<sup>15</sup>

Applicants who failed any portion of the medical examination due to a condition that could not be cured or was likely to be progressive could not enter the teaching profession. Furthermore, the Board of Education equated "unsightliness" with disability and disability with poor health, both reinforcing the narrative that a person could not be disabled and healthy, thus actively defining a "cosmetic defect" as a disability. Candidates with objectively diagnosable diseases like tuberculosis were barred from the classroom for a year but were allowed to retake their medical examination after being cured. However, individuals with far more subjective "incurable or likely to be progressive" physical disabilities or defects were permanently barred from teaching or retaking the examination, a stipulation lasted until 1978 in Los Angeles.<sup>16</sup>

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Board of Education/Detroit Public Schools Collection, Walter P. Reuther Library, Wayne State University, Detroit, MI.

<sup>15</sup>"Los Angeles Board of Education Second Revised Communication to the Committee of the Whole," May 15, 1947, folder 2, box 2193, LA Board Records.

<sup>16</sup>"Health Record and Physical Examination Form," Los Angeles City School District Personnel Division, 1939, folder 1, box 2516, LA Board Records.

Teaching applicants were not allowed to see the doctors' comments or final recommendation. They were simply informed later that they had failed the medical inspection and were unfit for a classroom position; teachers writing to protest this decision often had no idea why they had failed. Not only were teaching applicants not privy to knowledge about the evaluation of their own bodies, but the Board of Education left the ultimate decision on who could and could not enter the school system to medical professionals. Physical health—which the Board of Education and the Board's physicians equated with lack of a disability or "deformity"—ultimately mattered more than training, experience, or teaching ability. The Board of Education's rationale for such a policy was twofold. First, Board members voiced concern about disabled teachers being "hazards" to their students or inefficient in the classroom. Second, Board members wanted to avoid "an increased burden on the illness and retirement benefits established by the Board of Education."<sup>17</sup>

Although national crises and legislation forced the Board of Education to rethink and rearticulate these policies and its positions, Board members were careful to continue the narrative that disabled teachers in Los Angeles schools would lower the quality of instruction provided and impose an unfair burden on the city's retirement fund and school budget. In 1942, the Board of Education admitted defeat in finding enough potential National Defense teachers who could pass their physical examinations. During the war, the federal government sponsored National Defense courses for workers in industries essential to wartime efforts. The Board of Education acknowledged that a number of prospective National Defense teachers were, in fact, very qualified to teach, in spite of their disabilities or "defects." The Board's official memo on this dilemma read, "There are older men who have served over a period of years as workers in the various shipbuilding trades who are competent mechanics who possess desirable qualities for teaching, but who are not able to meet certain physical standards."<sup>18</sup> The Board relaxed its standards during World War II only for National Defense teachers—like those competent mechanics—with the rationale that the need for these particular teachers would be temporary, and these teachers were ineligible for a retirement pension.

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<sup>17</sup>"Subject: Modification of Personnel Health Standards," communication to the Committee of the Whole from the Personnel Division, no. 2, Nov. 23, 1949, folder 2, box 2193, LA Board Records.

<sup>18</sup>"Accommodations Modifying Health Examination for National Defense Teachers," emergency communication to the Personnel and School Committee from the Instruction and Curriculum Division, no. 1, May 25, 1942, folder 2, box 2193, LA Board Records.



The Board stipulated that once the war ended, if the teachers hired could not pass the stricter physical requirements, they would lose certification, regardless of their qualifications and effectiveness as teachers during the war.

Following World War II, the Board of Education had to confront a different type of impairment: war-related disability. In 1945, Board members grappled with the incompatible notions of disability-as-dangerous and a pension drain versus their patriotic duty to support veterans. The Board then framed changes to its physical standards in terms of societal responsibility—almost charity—noting that it had an ethical obligation to employ veterans with “war-connected disabilities,” as well as an “obligation to society to maintain the highest possible standard of classroom teaching.” The Board amended its orthopedic standards to allow disabled veteran applicants to pass the medical examination if they had “well-functioning, cosmetically satisfactory artificial limbs,” and were able to “write legibly . . . in accordance with a reasonable standard of penmanship,” “climb stairs with facility,” “carry on their duties without the use of crutches,” and “remain standing for all classroom instruction periods.” The Board included the caveat that “orthopedic defects disqualify if the teaching position applied for requires activities which could not be efficiently or safely carried out on account of the specific handicap involved.”<sup>19</sup>

Two years later, the Board agreed to extend these standards to prospective teachers with non-war-related disabilities as well. Official Board of Education bulletins and statements continued to frame the possible employment of physically disabled individuals as a societal obligation as the Board took measures to “safeguard the health of children” and to “limit the liability of the Board of Education” by stipulating that “borderline cases,” in which the applicant “might improve in health and perform satisfactory service” could only be approved for substitute teaching on a probationary basis, which could be revoked upon further health inspections.<sup>20</sup>

Through the 1950s and 1960s—despite claiming to adopt a more “liberal” approach to health examinations—the Board of Education continued to allow medical doctors to bar teaching candidates based on a wide array of disabilities and impairments. It even added

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<sup>19</sup>“Subject: Proposed Health Standards for Certificated Personnel Returning to Service at the Expiration of Leaves of Absence or upon Original Entrance to Service in the Los Angeles City School Districts,” communication to the Personnel and Schools Committee from the Health Division, June 21, 1945, folder 2, box 2193, LA Board Records.

<sup>20</sup>“Los Angeles Board of Education Second Revised Communication to the Committee of the Whole,” May 15, 1947, folder 2, box 2193, LA Board Records.

additional medical checkups for teachers with probationary licenses, writing that the “development or discovery of any physical, emotional, or mental defect which would have precluded acceptance as an applicant shall be cause for refusal to grant permanent status.”<sup>21</sup> The 1935 edict barring most physically handicapped individuals from teaching certification remained in effect until 1978, when national enforcement of Section 504 of the Rehabilitation Act of 1973 required the Board to replace its previous standards with a job- and duty-dependent approach to determining disqualifying disabilities. Despite national crises, between 1930 and 1970, the Board of Education continued to define a normal, efficient, desirable, and good teacher as one free from any physical disability.

### The Disability Retirement Loophole

In addition to barring disabled teaching candidates from entering the profession, the Board of Education appropriated public fears and rhetoric about disability in targeting aging teachers and rewriting retirement laws. Throughout the 1930s, the Board fought over teacher retirement and age-related disability, mirroring the actions of other large city boards of education.<sup>22</sup> It quietly implemented compulsory health examinations, first for teachers over seventy, then for teachers over sixty-five, before establishing mandatory retirement at sixty-five, all based on the existing legal provisions for involuntary disability retirement and disability narrative that linked age with disability and disability with incapacitated and dangerous classroom service.

Although the Board’s intensive physical examinations successfully weeded out any physically disabled candidates—or candidates perceived to be disabled—from public schools in Los Angeles, throughout the 1930s and 1940s, Board members frequently professed concern about acquired disabilities, especially those related to aging.

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<sup>21</sup>“Subject: Modification of Board Health Rules Covering Personnel Health Standards,” Superintendent of Schools Committee to Los Angeles Board of Education, communication no. 1, June 29, 1964, folder 2, box 2193, LA Board Records. In this memo, the committee changed the “shall be cause for refusal” to “may be cause for refusal,” as long as the “physical, emotional, or mental defect” did not endanger the safety or welfare of the students and the teacher’s performance is “strong or better,” but there is little evidence of the Board’s actions in regard to teachers aligning with this new policy.

<sup>22</sup>The New York City Board of Education waged a war on teacher tenure and retirement in a far more public way, playing up the specter of the mentally ill, unfit teacher in the *New York Times* while targeting teachers with physical disabilities for early disability retirement. Kristen Chmielewski, “Hopelessly Insane, Some Almost Maniacs”: New York City’s War on ‘Unfit’ Teachers,” *Pedagogica Historica* 54, no. 1–2 (March 2018), 169–83.

During a Committee of the Whole meeting on April 3, 1933, Los Angeles Superintendent Frank A. Bouelle announced that the school system was going to make a "list of elderly and otherwise undesirable teachers and principals" and that he would request their resignations. Bouelle recommended that if these "undesirable" teachers and administrators did not wish to resign, they would be dismissed "on account of physical disability, as such dismissal [was] possible under the retirement law."<sup>23</sup>

Pushback from Board members on this outright demand for retirement led to compulsory physical examinations for the educators on the "undesirable" list. The Board of Education hired three physicians to examine educators seventy and older, with the doctors sorting the educators into three classes: serviceable, "below mark, but serviceable," and not serviceable.<sup>24</sup> Sixteen of the twenty-three teachers designated "unserviceable" responded to Bouelle, confused as to why they were being asked to resign. They were also concerned about their financial situation, since they were only learning in August that they would no longer have a job in September. Bouelle indicated that having to "interview all of these persons"—all of these persons pleading for their jobs—was a hardship for him, but since the forced retirement affected "a number of very capable elderly principals," he decided that the ousted individuals could work one final semester before resigning.<sup>25</sup>

Bouelle never explained his concern for the "capable elderly principals," nor did he match his concern for these principals with concern for any capable teachers in the same dire financial straits.<sup>26</sup> Bouelle's comment was one of the exceedingly few times in the informal committee meeting minutes that a Board member linked skill and experience with age, though this concession appeared to be heavily influenced by the gender of the educator whose ability and health was in question. The members of the Board tended to show more leniency toward male educators, and the Board's physicians were also more likely to mark men as "serviceable" rather than place them in another category. Over the next few years of examinations,

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<sup>23</sup> All members of the Board of Education attended Committee of the Whole meetings. "Proposed Resignations of Elderly and Otherwise Undesirable Teachers and Principals," informal notes from the Committee of the Whole meeting, April 3, 1933, folder 1, box 2119, LA Board Records.

<sup>24</sup> "Regarding the Resignation of Teachers Over Seventy Years of Age," informal notes from the Committee of the Whole meeting, Aug. 14, 1933, folder 1, box 2119, LA Board Records.

<sup>25</sup> "Regarding the Resignation of Teachers Over Seventy Years of Age," Aug. 14, 1933, LA Board Records.

<sup>26</sup> "Item 2138," informal notes from the Committee of the Whole meeting, March 5, 1934, folder 1, box 2119, LA Board Records.

women constituted a much higher percentage of the “below mark” and “not serviceable” categories than the older male educators did.<sup>27</sup>

The Board of Education repeated the compulsory medical examination of educators over the age of seventy the following year, and the Board ensured that teachers received notice to report to the Board’s selected doctors by May 15, 1934.<sup>28</sup> A letter to the Board of Education from community member J. Plechaty indicated public support for this forced retirement of teachers over seventy, writing, “The announced decision to give all old and feeble teachers a mental test is very commendable and timely, only I would also suggest to include a goodly number of those teachers much under seventy years of age.” Plechaty conflated the compulsory physical examinations with “mental tests” and relished the opportunity to target educators he apparently loathed, adding that he would “recommend to the committee of examining physicians special attention to the mental gyrations” of an enclosed list of educators. Plechaty closed his letter with “yours for a clean cut.”<sup>29</sup> Despite Plechaty’s best efforts, that year the Board’s doctor could give “no definite recommendation of physical disability that would incapacitate such persons from active service” to any of his examinees. Although the principals and teachers retained their jobs, they were warned that their employment was from year to year and they would have to pass another examination the following year.<sup>30</sup>

The following school year, fifty-three Los Angeles certificated employees—including thirty-three teachers—received a summons for a medical examination. This year, however, the Board drastically changed its approach to these examinations.<sup>31</sup> The Board of Education tasked its medical director Dr. Sven Lokrantz with creating a new set of “Standard Health Requirements” that teachers over seventy would have to meet in order to keep their jobs. Lokrantz, at a meeting of the Committee of the Whole, informed the Board that he had

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<sup>27</sup>In 1937, for example, thirteen male educators submitted to the compulsory health examinations; doctors founds eleven to be satisfactory and two to have questionable health issues but to ultimately still be employable. All three educators forced to retired due to the results of their medical examinations in 1937 were women. “Re: Informatory Report Regarding the Status of Certified Employees Seventy Years of Age or Over,” Personnel Division communication to the Committee of the Whole, May 19, 1937, folder 1, box 2119, LA Board Records.

<sup>28</sup>“Item 2138,” March 5, 1934, folder 1, box 2119, LA Board Records.

<sup>29</sup>J. Plechaty to the Los Angeles City Board of Education, April 4, 1934, folder 1, box 2119, LA Board Records.

<sup>30</sup>“Physicians’ Report on Teachers Seventy Years of Age or Over,” informal notes from the Committee of the Whole meeting, June 7, 1934, folder 1, box 2119, LA Board Records.

<sup>31</sup>“Certified Employees Seventy Years of Age or Over as of July 1, 1935,” Personnel Section memorandum, Jan. 16, 1936, folder 1, box 2119, LA Board Records.

consulted with some of the "leading physicians and specialists of the country" and that the standards he had created had "been approved and accepted by leading medical men, with minor changes and suggestions." Before Lokrantz could share these standards with the Board, a member "indicated she thought it best if the Board did not familiarize themselves with these standards, that the standards be given no publicity, and that the Board accept the standards as compiled by the Health Division." Another member moved that "standards be accepted without being read and without publicity being given to them," and the motion passed unanimously.<sup>32</sup>

With this unanimous decision to accept new physical standards, the Board of Education exemplified the tendency of boards across the United States to show extreme deference to medical personnel when defining and diagnosing disability. Boards of education across the country gave doctors a great deal of power in deciding who was and was not fit to teach. Throughout the country, boards allowed doctors to set the physical standards necessary to enter and remain in the classroom, but the Los Angeles City Board of Education's willingness to implement a new set of health requirements without even looking at them is the most extreme example of abdicating power in determining teacher fitness. These standards, after all, were not meant to be indicators of good health for any individual; they were meant to measure the standards required to be a Los Angeles educator. Hypothetically, school administrators should be the authority on what qualifies someone as a capable teacher.

The Board's motivation in refusing to read and publicize the standards, though, became clearer in future meetings, as members apparently intended to scare educators into retirement with the threat of a physical examination with unknown passing criteria. At a meeting on April 4, 1935, Bouelle announced that a number of the seventy-year-old teachers had agreed to resign the following February if they were allowed to teach one final term without taking a physical examination. The Board decided to adopt this practice for all teachers over seventy because they were concerned that "these teachers may possibly pass the physical examination and thus go on teaching, whereas if they [were] allowed to teach one more semester with the understanding they [would] resign" the Board could "secure more resignations than dismissals."<sup>33</sup> This motion indicated that the Board was far more concerned with ridding the schools of these teachers over

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<sup>32</sup>"Standard Health Requirements for Teachers of Seventy Years of Age and Over," informal notes from the Committee of the Whole meeting, March 14, 1935, folder 1, box 2119, LA Board Records.

<sup>33</sup>Untitled informal notes from the Committee of the Whole meeting, April 25, 1935, folder 1, box 2119, LA Board Records.

seventy than they were with actual teaching ability. As none of the teachers knew what the physical examination entailed, it was clearly a safer gamble for them to teach for one final semester than to risk losing their job immediately, due to some unknown physical requirements. In not publicizing Lokrantz's health standards, the Board could compel teachers to resign out of fear. The tactic was apparently so successful that in May 1935 Bouelle decided to extend the "privilege" of voluntarily resigning with an end date of February 1, 1936, to teachers who had been examined but had not yet received the results of their examination. Bouelle stressed that such resignations were purely voluntary and that the reports from the examinations of teachers who agreed to resign would not be filed.<sup>34</sup> With no stable retirement system in place and with the actual content of the medical examination a mystery, one final semester with a paycheck must have felt like the only choice to many of these teachers.

The Board of Education's stipulation that a teacher could be dismissed due to physical disability became a tool of coercion in the mid-1930s, leveraged against fifty-three educators in 1935. Twenty-three of those educators failed to meet the new mystery physical requirements, and Bouelle announced that he would "endeavor to secure resignations from each of these 23 persons effective immediately with the understanding that if such resignations [were] not secured charges [would] be brought against them." Six educators flatly refused to submit to a physical examination—Bouelle requested that five of them resign immediately. The sixth educator was a special case, according to Bouelle, as it was "Dr. Snyder whose resignation had already been secured effective June 30, 1934, an exception being made of his case because of his outstanding ability and his influence at the Junior College."<sup>35</sup> Bouelle apparently reserved his respect for Snyder's outstanding abilities alone, and he devised a new tactic to compel resignations from other administrators who *passed* their medical exams. He "raised the question as to whether the eight principals who passed the examination should be continued as principals."<sup>36</sup> Passing the medical examination was no longer sufficient for administrators to retain their jobs after the age of seventy, and most of the Board members in attendance agreed. Another Board member proposed that the principals

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<sup>34</sup>"Teachers and Principals Seventy Years of Age or Over to Be Given Opportunity to Resign," notes from Superintendent's Advisory Council, May 1, 1935, folder 1, box 2119, LA Board Records.

<sup>35</sup>"Teachers Over Seventy Years of Age," informal notes of the Committee of the Whole, July 31, 1935, folder 1, box 2119, LA Board Records.

<sup>36</sup>"Report of Physicians Concerning Examination of Teachers Seventy Years of Age or Over," informal notes from the Committee of the Whole meeting, June 3, 1935, folder 1, box 2119, LA Board Records.

over seventy who had met the Board physicians' mysterious standards "be transferred to positions as teachers, with maximum salary, to be assigned as the need arises and to the position that the Superintendent thinks they will fit best in the system."<sup>37</sup> The motion passed, with two dissenting votes. The principals, about to be demoted, were given the choice to resign instead.<sup>38</sup>

A resolution passed at a special Board meeting on July 1, 1935, formalized the compulsory medical examinations and administrator demotions policy, which required that

all certificated employees who do not retire shall, upon reaching the age of seventy years, take a physical and mental examination, that all who do not pass this examination shall be retired and that such administrators and supervisors who do pass the examination shall be relieved of their administrative and/or supervisory duties and shall be assigned to duties as teachers.<sup>39</sup>

This new policy necessitated other policy changes as well. First, educators over the age of sixty-five were no longer allowed to take sabbatical leave, since the Board of Education mandated that any teacher returning from a sabbatical had to work at least two years after resuming teaching. The Board argued that this change was due to the "uncertainty of the continued service of certificated employees" over the age of seventy.<sup>40</sup> Also, in September 1935, Superintendent Bouelle sent out a memo proposing a potential new teacher retirement fund. Every teacher would contribute \$24 a year and would receive the contribution back plus interest after retirement.<sup>41</sup> Nowhere in this memo did Bouelle mention what would happen to the teachers forced to retire before this policy went into effect.

The following summer, the Board's physicians examined forty educators: twenty-three passed the examination, seven retired voluntarily, and the ten who failed—surprised at the results—promised to

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<sup>37</sup>"Report of Physicians Concerning Examination of Teachers Seventy Years of Age or Over," June 3, 1935, LA Board Records.

<sup>38</sup>"Section 1," informal notes from the Committee of the Whole meeting, June 6, 1935, folder 1, box 2119, LA Board Records.

<sup>39</sup>Minutes of the Special Meeting, July 1, 1935, folder 1, box 2119, LA Board Records.

<sup>40</sup>"Re. Denial of Sabbatical Leave for Certificated Employees Sixty-Five Years of Age or Over," from the Service Division's Personnel Section communication to the Teachers and Schools Committee, no. 2, July 18, 1935, folder 1, box 2119, LA Board Records.

<sup>41</sup>Frank A. Bouelle, "New Teacher Retirement Law (Assembly Bill 784) Effective Sept. 15, 1935," Special Bulletin no. 11, Sept. 13, 1935, folder 1, box 2119, LA Board Records.

protest to the Board.<sup>42</sup> At news of the educators' opposition to their medical examination results, the Board "reaffirmed their policy, that [teachers who failed the medical examination] have their choice of voluntarily retiring, and if they do not do so, the Board will retire them."<sup>43</sup> The irony of a coerced voluntary retirement was apparently lost on these Board members, but that irony was not lost on the Affiliated Teacher Organizations of Los Angeles (ATOLA)—a group of over 8,500 public school teachers. The ATOLA voiced its disapproval of these forced resignations, but not over the compulsory medical examinations. In June 1936, three years after the first compulsory examinations for educators over seventy, C. L. Glenn, chair of the ATOLA, sent a letter, accompanied by the ATOLA's attorney, to the Board of Education. The ATOLA protested the forced resignation policy on the grounds that certain teachers being forced to retire

have been examined by other physicians, whose reputation and standing is fully equal to that of those making the examination on behalf of the Board of Education, and who report that the individuals so examined are in first class condition. We understand further that the examination made on behalf of your Board, and the report as to the physical condition, did not relate to conditions affecting the ability of the person involved to teach school.<sup>44</sup>

The ATOLA wanted to stress its understanding of when it was and was not permissible to dismiss a teacher or to force retirement, ensuring that the Board of Education remembered what was and was not legal. According to the ATOLA, the only grounds on which a teacher could be dismissed or retired was when the teacher had "by reason of bodily or mental infirmity become physically incapacitated for school service," when the teacher was "evidently unfit for service," or when "the teacher [suffered] from some physical or mental condition unfitting him to instruct and/or associate with children." The ATOLA was convinced that a number of the teachers forced to resign did not meet those conditions and it wanted those teachers to be reexamined "solely from the standpoint of the ability of the teacher to perform satisfactorily his duties as a teacher."<sup>45</sup>

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<sup>42</sup>"Results of Examination of Seventy-Year Old Certificated Personnel," Superintendent's Advisory Council, June 1, 1936, folder 1, box 2119, LA Board Records.

<sup>43</sup>"Examination of Seventy-Year Old People," informal notes from the Committee of the Whole meeting, June 1, 1936, folder 1, box 2119, LA Board Records.

<sup>44</sup>C. L. Glenn to the Los Angeles Board of Education, June 11, 1936, folder 1, box 2119, LA Board Records.

<sup>45</sup>C. L. Glenn to the Los Angeles Board of Education, June 11, 1936, LA Board Records.



The ATOLA members were clear that they were not "desiring to defend any teacher who as a matter of fact, [was] incapacitated and therefore not able to render satisfactory teaching service." Glenn was explicit that the ATOLA wanted to ensure that "only competent teachers be permitted in the classroom." This concern about teacher competence and linking age and physical disability with incompetence had led the ATOLA to support a significant amendment to the Los Angeles teacher tenure law, which passed in the state legislature and went into effect September 1, 1937. The amendment stipulated that the permanent status of Los Angeles teachers ceased at the age of sixty-five to allow "older teachers [to] adjust their affairs so that their retirement or dismissal at that time would not work so great a hardship on them." Glenn was concerned that the Board of Education was not honoring the spirit of the tenure amendment by taking advantage of it a year before it was to go into effect, though he made no mention of the other educators the Board had retired since 1933. And again, Glenn stressed that the ATOLA had no objection to the Board acting "in cases where there [was] physical or mental disability actually preventing the proper performance of classroom duties," though Glenn did not discuss what disabilities the ATOLA believed actually impaired teaching. The day before the Board discussed Glenn's letter, the ATOLA's attorney contacted the Board to highlight the illegality of its actions, again not in demanding physical examinations but in failing to follow proper dismissal procedures.<sup>46</sup>

The ATOLA's letter and the looming possibility of legal action appeared to prompt the Board of Education into reexamining the educators who had failed their exams. One Board member received a letter from Charles F. Nelson, the doctor of Della Nichols, one of the retired teachers. In discussing Nichols's health, the letter attempted to define what conditions might prevent someone from teaching; Nelson established that Nichols had no chronic conditions, as she had not consulted him for "anything of particular consequence since her automobile accident on October 5, 1928, from which she recovered within the course of a year." Her arthritis of the right knee had only affected her for a few days, her vision was "entirely satisfactory with the use of glasses; in fact, surprisingly good," and she was able to "hear a whispered voice [from] at least twenty feet," which Nelson deemed "sufficiently acute so as not to interfere with her work." Her lungs were normal, the size of her heart was normal, she had no evidence of any abdominal lesion and was not "suffering from any abdominal symptoms sufficiently important to interfere with her work in any way."

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<sup>46</sup>C. L. Glenn to the Los Angeles Board of Education, June 11, 1936, LA Board Records.

Her blood “chemistry . . . [was] practically within normal limits,” and her slight anemia did not concern Nelson. He found her “extremities” to be “quite normal and [to] permit her to walk many blocks a day.” Nelson closed with: “From my previous knowledge of Mrs. Nichols as to her physical and mental capacity, and from my recent examinations, I consider Mrs. Nichols quite capable of teaching.”<sup>47</sup> At the insistence of the ATOLA—and the ATOLA’s lawyer—the Board of Education had the ten educators who failed their first examinations rechecked. This time the doctors focused specifically on conditions that would impair teaching; six passed, and the Board permitted them—including Nichols—to rescind their resignations.

Despite the brief reprieve for the six educators, the ATOLA’s intervention—and most likely its care in creating distance between itself and incompetent, disabled teachers—resulted in the Board’s reaffirming that the purpose of these compulsory examinations and retirement was to root out disabled teachers. The Board’s attorney, Everett M. Mattoon, counseled members that certificated employees could not be dismissed unless the Board followed proper protocol: employees over the age of seventy could be compelled to resign if they were eligible for retirement and were “found by the examining physicians and your Board to be physically or mentally incapacitated for the proper performance of his duties” pursuant to the provisions of Section 5.890 of the School Code. According to Mattoon, “Under this Section of the Code it is not necessary that charges be preferred against the employee, nor that he be given an opportunity to be heard upon the question of his physical or mental condition.”<sup>48</sup> This section also stipulated that everyone retired under this act, whether the retirement was voluntary or involuntary, would receive a lifetime annual retirement salary of \$600. A charge of disability allowed the Board to legally bypass the proper dismissal procedures that concerned the ATOLA, so age-related disabilities made Los Angeles educators vulnerable to involuntary retirement.

The summer of 1937, after a report from its physicians, the Board asked only three educators to resign. The Health Service Section still had not publicized its physical standards, but the examinations seemed to be skewed in favor of the male educators. That summer, the physicians once again sorted educators over the age of seventy into three groups. Group 1 included twenty-six educators who satisfactorily passed the health examination; eleven of those were men. Group 2

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<sup>47</sup> Charles F. Nelson to Mrs. Rounsaville, June 25, 1936, folder 1, box 2119, LA Board Records.

<sup>48</sup> Everett M. Mattoon to the Board of Education, July 15, 1936, folder 1, box 2119, LA Board Records.

included ten people about "whom some question has been raised as to health but against whom Health Service Section does not recommend any action taken at this time." Two of the ten were men. The three teachers the physicians placed in the final group, "those who have resigned," were women.<sup>49</sup> In forcing both principals and teachers to undergo compulsory medical examinations and coerced retirement, the Board of Education accused both men and women of age- and disability-related incompetence. Male administrators and teachers, however, always seemed more likely to pass their examinations and to have a protective aura of presumed competence than female teachers.

By May of 1938, the new superintendent, Vierling Kersey, picked up Bouelle's mantle of ridding the teaching force of incompetence and mandated compulsory examinations for all certificated employees over sixty-five. He commissioned a new set of standards prepared by the Health Service Section of the Board of Education and proposed that all educators sixty-five or older whom the physicians found disabled and unfit to teach take leaves of absence for illness for the entire year while the Board attempted to iron out a new retirement plan.<sup>50</sup> Individuals with physical disabilities such as hearing, vision, and mobility impairments were required to take the illness leaves typically mandated for cases of prolonged, contagious diseases or debilitating poor health. This equation of physical disability with illness reinforced the idea that a person could not be physically disabled and healthy.

Unlike earlier, Kersey and his Health Service Section chose to publicize the new standards for teachers sixty-five and older after the Board of Education approved them. The new standards closely represented a pared-down version of the physical standards Los Angeles teaching applicants had to meet during the medical portion of their certification examinations. Despite the continued refrain that the Board of Education was only looking to weed out those teachers whose physical or mental disability interfered with their classroom work or made associating with children inadvisable, most of the new standards appeared to be unrelated to any educator's daily classroom work. The Health Service Section divided the new standards into categories similar to the teaching applicants' required physical standards, listing conditions that disqualified current teachers from the classroom in categories of skin and body, voice, breath, teeth, eyes, ears, throat, neck, blood pressure, gastrointestinal, genitourinary, blood, and

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<sup>49</sup>"Re: Informatory Report Regarding the Status of Certified Employees Seventy Years of Age or Over," May 19, 1937, folder 1, box 2119, LA Board Records.

<sup>50</sup>"Recommendations of the Superintendent, Adopted by the Board of Education at the Additional Regular Board Meeting," May 31, 1938, folder 1, box 2119, LA Board Records.

nervous system. Some of the conditions listed in these categories included “gross unsightly blemishes including severe acne of [the] face,” “marked deformities of [the] body or extremities,” being underweight due to malnutrition or “pathologically” overweight, “definite, noticeable impediment of speech,” “persistent uncorrected or uncorrectable fetid breath,” dental caries (tooth decay), gingivitis, “marked cosmetic defects [of the eye] caused by injury or disease,” “inability to hear soft spoken voice in either ear at 20 feet,” high blood pressure, and muscle tremors. Many of the conditions listed corresponded with aging and could be compounded by the working conditions in city schools. Despite the Board of Education continuously conflating the seriousness of physical and mental disabilities in its retirement regulations and in these medical examinations, the list only included one line on the latter: “a history within one year of nervous breakdown; senility and any mental disorders.”<sup>51</sup>

Marie Kilbride, representing the teachers and student body of Roosevelt Evening High School, addressed the Board that June when their principal, Elias Carl, failed his medical examination and was being pressured to resign. Kilbride reported that Carl’s own physician had indicated he was in perfect physical condition and another physician from the Prudential Life Insurance Company had concurred. Kilbride and her colleagues and students were alarmed at how the Board was treating an educator who had “rendered so many years of service and [had] not missed a single day in sixteen and one-half years.”<sup>52</sup> The Board member responses provide insight into their paternalistic approach to these compulsory examinations and retirements. Members of the Board claimed that they were essentially doing Carl and those in his situation a favor by graciously allowing them to go on sick leave for the entire year, as they were, in fact, making more than they would when the Retirement Act went into effect. Also, Board members asserted, there would be “many cases where an individual’s own physician might disagree with the result of the examination given by the School Board Health Section.” The question, after all, “was not where this man could carry on, but whether he meets the requirements of the Board as to physical health, not for a man sixty-five years old but for the duties imposed upon him.”<sup>53</sup>

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<sup>51</sup>“Standard Health and Physical Requirements for Teachers Sixty-Five Years of Age & Over,” April 28, 1938, folder 1, box 2119, LA Board Records.

<sup>52</sup>Minutes, June 9, 1938, additional meeting, Elementary, High School, and Junior College Committee folder 1, box 2119, LA Board Records.

<sup>53</sup>Minutes, June 9, 1938, Elementary, High School, and Junior College Committee, LA Board Records.

A letter from another principal—R. G. Van Cleve—simply requesting to see the reports of the examining doctors to learn why he had failed his physical examination prompted an even more insightful outpouring from Board member E. Vincent Askey, future Board president. Askey “moved that the Board’s decision not to give out the information requested be upheld as he [did] not believe any decision the Board [made] in granting a person who [was] subject to dismissal certain rights [was] open to discussion.” Askey claimed that according to the change in the tenure law, the employment of teachers in Los Angeles over the age of sixty-five was now at the discretion of the Board from year to year. The Board could grant an extension to each teacher “if in the opinion of the Board that teacher meets some special requirement or desirability or meets certain requirements as to physical fitness.” In fact, this approach was merciful, as it would be cruel to teachers and students alike to “place people on its rolls for another year irrespective of their rights or ability to take care of the student or their ability to teach.” The Board had granted educators the “right” to see if they could pass a physical examination “to see if they could meet the requirements of teaching in our school system for the next year.”<sup>54</sup>

Askey then began comparing the Board’s position to the stance of insurance companies, saying that even if someone was in good health at the age of seventy, insurance companies understood that that was markedly good health *for* the age of seventy, and that person still had a “life expectancy of only a few more years.” The Board, when it hired teachers, had physical requirements they demanded, and those demands should apply to older teachers as well. Forcing teachers to take a leave of absence due to illness for a year was the fairest way the Board could deal with these teachers, as they would receive 43 percent of their salary. It was important to Askey that the Board “should not be quoted as trying to dismiss these people but as trying to protect them in actually granting them a great favor by allowing them to go on sick leave, and that the alternative if they do not accept the action of the Board would be dismissal and loss of retirement rights.”<sup>55</sup> The other Board members concurred in not divulging the results of the examinations.

The obvious flaw with the Board’s stance was that, despite repeated claims that they were only concerned where disability impaired teaching ability, the sole examination in the forced

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<sup>54</sup> Minutes, June 9, 1938, Elementary, High School, and Junior College Committee, LA Board Records.

<sup>55</sup> Minutes, June 9, 1938, Elementary, High School, and Junior College Committee, LA Board Records.

retirement process was the physicians' medical examination. This exam included no measurement of classroom ability, no teaching observations or evaluations, and no supervisor feedback. Medical doctors without classroom experience or expertise, often hired by the Board of Education for only a summer for the express purpose of examining older teachers for fitness, had complete control over the conditions for good teaching.

The ATOLA should have been concerned about abdicating such power over teacher retirement, but its leaders were fastidious in establishing that they, too, wanted to remove disabled, supposedly incompetent educators from the profession. Their easy linkage of disability with incompetence and their silence regarding the disqualifying conditions the Board released in 1938 enabled the Board to target educators at the top of the pay scale for retirement. That concern about age and disability led organizations—which were supposed to work in the teachers' best interests—to end tenure protections after the teacher reached sixty-five. And that action, coupled with the disability retirement provisions, enabled the Board to establish a compulsory retirement age for educators by 1943.

In November 1937, the Board announced a staggered compulsory retirement schedule for educators over sixty-five—they would retire on June 30, 1939, and everyone sixty-eight and older would retire the following June. By June 30, 1943, and every year following, educators who turned sixty-five that year would have to retire. Over the previous decade, Board members had mandated medical examinations for educators—first over the age of seventy and then over the age of sixty-five—to establish that their physical and mental conditions prohibited them from teaching. By the end of the 1930s, the Board ended compulsory medical examinations and simply decided to retire any teacher over sixty-five but without the thirty years of service needed for a service pension. The Los Angeles Retirement Board labeled teachers without thirty years of service as disabled the year they turned sixty-five, forcing them to retire, regardless of physical or mental state.

In 1942—the year before compulsory retirement went into effect for teachers over sixty-five—the Board of Education amended its “Disability Retirement Allowance” regulation to read, “Any member who, at the date of establishment or at any time thereafter, has fifteen years of the service required by law and has attained age sixty-five shall be retired at the close of the school year in which he attains age sixty-five.” The assistant superintendent, Harry M. Howell, crossed out the previous stipulation, which read “unless the Medical Board, after a medical examination of such member, shall certify that such member is neither mentally nor physically incapacitated for the further

performance of duty and should not be retired."<sup>56</sup> By 1942 in Los Angeles, when an educator turned sixty-five, disability was immediately assumed; this loophole in the retirement system allowed the Board to force teachers to retire without robbing them of their entire pension, as teachers were eligible for disability pensions after fifteen years of service. Every June during the 1940s, the Board recorded over a hundred teachers who had turned sixty-five as retired on disability—many involuntarily. This practice continued through the next two decades, and educators ineligible for disability retirement were dismissed without pension the year they turned sixty-five.<sup>57</sup>

### **Educator Pushback Against Disability Policies**

Practicing teachers attempted to push back against these disability policies, with varying degrees of success. The cases of two Los Angeles educators between 1930 and 1960—Alice J. Cushing and Doncaster Humm—illuminate successful tactics against the Board of Education and attempted protests that failed. Los Angeles teachers appeared to have the best success by finding and exploiting loopholes in the disability policy, but in order to successfully exploit those loopholes, these teachers had to prove that they were not, in fact, disabled. Humm's argument that disabled educators ought to receive the same treatment as nondisabled educators was far less successful than Cushing's denial of disability. Educators could only prove their competence and worth as teachers by distancing themselves from accusations of disability.

Cushing was a Los Angeles principal in 1936, during the decade in which the Board commenced compulsory medical examinations. It was also the year the Board decided to begin demoting principals over seventy who had passed their examinations. The Board instructed Cushing to submit to a medical examination; she failed the first but passed the reexamination, which the ATOLA required for all in her situation that year. The Board informed Cushing that she would be removed from her administrative position; she countered by telling the Board that she was, in fact, only sixty-nine years old. The Board's entire compulsory examination and retirement policy

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<sup>56</sup>"Amendments to the Retirement Rules and Regulations Concerning the Compulsory Retirement Age," Los Angeles City Schools Budget Division, Aug. 6, 1942, folder 1, box 2119, LA Board Records.

<sup>57</sup>"Termination of Services of District Retirement System Members Ineligible for Retirement Benefits—Certificated Employees Age Sixty-Five or Older," Communication No. 2-R, Budget Division, April 4, 1960, folder 3, box 1736, LA Board Records.

depended upon this arbitrary directive that all educators over seventy needed a medical examination to prove their competence. Board members were flummoxed by Cushing's assertion that her age in the Board's records was wrong. She stated she had lied about her age—claiming to be sixteen when she was only fifteen—in order to gain admission to the California State Normal School. Her initial “falsification” had been on record ever since her normal school days, but she filed a “statement in writing in the Personnel Section showing her true age to be sixty-nine” upon receiving notice of the Board's policy requiring her to take a teaching position. She was unable to support that statement by providing her birth certificate or any other evidence of her age “as the records were destroyed in the fire in San Francisco in 1906.”<sup>58</sup>

Though it may have been particularly convenient that Cushing's falsification came to light only as the Board was about to demote her and not—oddly enough—because she had to undergo a medical examination, the set age for assumed disability at that time *was* seventy. Because the Board had no proof that Cushing was not sixty-nine as she claimed, it was forced to accept her age and allowed her to continue as principal for another year. Cushing's experience exemplifies the arbitrary nature of both the medical examinations and the age of assumed incompetence: somehow she was unable to adequately perform her duties when the Board believed she was seventy, but was perfectly capable after Board members learned she was only sixty-nine. By simply denying she met the conditions for the Board's disability provisions, Cushing retained her job for another year.

Humm attempted a different kind of protest tactic: attacking the inherent inequity in the Board's pension rules. Humm was a recently retired teacher on disability in 1941 when the Board of Education began to deduct earned income from disability pensions. After Humm learned that the Board would be deducting \$90.50 from his annual pension of \$586.80, he wrote to Board members. Unlike other teachers protesting only their individual treatment, Humm's grievance covered others in his situation:

My motive for making this appeal does not arise out of the money involved. It arises out of the fact that my case is a test case which has the potentiality of influencing all subsequent cases of a similar nature, and out of the fact that a principle of equity is involved whereby individuals with unearned income are favored over individuals with earned income.<sup>59</sup>

<sup>58</sup>“Examination of Certificated Personnel Seventy Years of Age and Over,” informal notes from the Committee of the Whole meeting, July 6, 1936, folder 1, box 2119, LA Board Records.

<sup>59</sup>Doncaster G. Humm to the Board of Education, Aug. 12, 1941, folder 3, box 1739, LA Board Records.



Humm protested the deduction of earned income from his pension on "the fact that this rule is prejudicial to pensioners retired for disability." He argued that pensioners over sixty who voluntarily retired did not face similar restrictions and neither did those forced to retire due to age.<sup>60</sup> He bristled at the difference between service and disability pensions and wrote:

The important consideration, after all, is disability. If the pensioner is not disabled, he should be returned to work; if he is disabled, he should receive a pension. All retirement may be presumed to be occasioned by disability whether said retirement is based on health or age. A fair and equitable pension is one computed on service, whether or not the income from that pension is augmented by other income. Such a computation removes earned pensions from the field of charity to the field of reward for faithful performance.<sup>61</sup>

Humm's logic was layered; in one sentence, he used disability in the same manner that Board members in Los Angeles had for the past decade—and would in the following four decades—as a physical indicator of an inability to teach. Like the Board of Education, Humm equated disability with poor health. His following claim, though, in which he stated that disabled retirees had *earned* their pensions, directly challenged the Board's concept of a disability pension and disabled retirees.

Board members had fretted for years that disabled teachers would be a drain on the pension system, would refuse to shoulder their fair share of teaching and extracurricular duties, and could exaggerate their conditions in order to claim a pension they did not deserve. This repeated rhetoric of burdens and deservedness—coupled with societal, paternalistic ideas about disability—led Board members to discuss service pensions and disability pensions in disparate ways. Humm's assessment of disability pensions as charitable giving was astute.

The Board of Education had devoted so much thought and meeting time to figuring out how to protect its schools and funds from disabled teachers draining its pension fund that the notion that disabled retirees had contributed to the retirement system and had earned their pensions appeared inconceivable. At the meeting where Board members discussed Humm's letter, they completely ignored his call for changes to the earned income disincentives and focused on his claim

<sup>60</sup>Doncaster G. Humm to the Board of Education, Aug. 12, 1941, LA Board Records.

<sup>61</sup>Doncaster G. Humm to the Board of Education, Aug. 12, 1941, LA Board Records.

that if a pensioner was not disabled, he should be returned to work. Nowhere in his letter did Humm claim not to be disabled or request a return to work, yet his objections led the Board to call him in for a medical examination. The rationale behind this decision was that if Humm was able to earn other income, he ought to be able to return to the classroom. And, according to the Board's disability pension rules, if Humm refused to submit to the reexamination or to return to work, he would forfeit his entire pension. The meeting minutes cited Section 6 of the Board's retirement rules and regulations, which established pensioner medical examinations and the Board's right to revoke benefits, and then read:

It was understood that it be the sense of the Retirement Board that it is desirable to have Dr. Humm submit to re-examination from the standpoint that this Board has always taken a liberal stand in such matters and has been willing to consider unusual cases and to have re-examinations made at any time for the protection of the individual's interests as well as those of the Retirement System. It was noted that in the past re-examinations of other disability pensioners have been made.<sup>62</sup>

The Retirement Board members believed it was in Humm's best interests to ignore his anger about the disability pension stipulations and to instead establish whether he was still disabled and deserved the pension. Later Retirement Board minutes did not discuss the outcome of Humm's reexamination, but his arguments about earned income and the right of disability retirees to their earned pensions had no effect. Thirteen years later, though, in 1954, the associate superintendent announced that the Board of Education would no longer check on the earnings of members retired on disability once they turned fifty-five, as those members were not subject to reexamination by the Retirement Board for possible return to duty. Presumably, though, the Board still scrutinized the earnings of younger teachers retired on disability. While Humm attempted to reason with the Board of Education and to highlight the prejudicial nature of the Board's approach to disability pensions, Board members in the early 1940s seemed unwilling to consider the notion of disability pensioners deserving the same treatment as service pensioners.

Cushing and Humm demonstrated educators' different approaches to exercising their agency in disputing the Los Angeles disability policy. Cushing, who could assert she did not meet the Board's standards for diagnosing disability, was successful in her objections. Humm's protests against the discriminatory earned income

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<sup>62</sup>Minutes, Retirement Board, Aug. 21, 1941, folder 3, box 1739, LA Board Records.

disincentive was unsuccessful, and, instead, the Board rewarded his efforts with an additional medical examination. These educators fought for control over what they believed they deserved, whether it was to continue in their work or to receive their earned pension, but only disproving the disability diagnosis was successful.

## Conclusion

On April 28, 1977, Joseph Califano, US Secretary of Health, Education, and Welfare (HEW), signed regulations enforcing Section 504 of the Rehabilitation Act of 1973, which reads, in part:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.<sup>63</sup>

Both the Nixon and Ford administrations had delayed enforcing Section 504, and President Jimmy Carter also distanced himself from the debate regarding enforcement, saying that the matter was the jurisdiction of HEW. Califano initially resisted signing the enforcement regulations, but pressure from national sit-ins organized by disability rights activists at HEW offices around the country eventually compelled him. The largest sit-in, led by Judy Heumann, occurred at the San Francisco HEW office, where over 150 protesters occupied the building for twenty-eight days—the longest sit-in at a federal building in US history.<sup>64</sup>

The upshot of this was that, because public school districts received federal funding, it was now illegal to disqualify physically disabled teaching applicants on the grounds of disability. Federal enforcement of Section 504 forced the Los Angeles City Board of Education to update its physical standards required for city certification. The Board members responsible for updating the language went through the document and crossed out most references to physical disability or impairment. In this update, however, the Board stipulated that acceptable applicants should have:

1. The physical, mental, and emotional health needed to perform the duties of the class to which assigned;

<sup>63</sup>Rehabilitation Act of 1973, 29 U.S.C. § 701 (1973).

<sup>64</sup>Nancy Hicks, "Califano Signs Regulations to Ban Discrimination Against Disabled," *New York Times*, April 29, 1977, 1.

2. The absence of any health condition which could result in a chronic illness or behavior disorder which would endanger the health or safety of the applicant or others or present the probability of an inordinate number of absences.<sup>65</sup>

Despite language that specifically linked disabled US citizens to other minority groups protected by the Civil Rights Act of 1964, the idea in Section 504 that the disabled individual had to be “otherwise qualified” gave the Board of Education a loophole. For decades, Board members and doctors had deemed many disabilities as immediately disqualifying, due to danger to students and the drain on the retirement budget. The Board’s explicit disability ban may have changed, but the spirit of that ban remained in its new job-dependent standards. Again, the Board would allow medical doctors to decide what sorts of impairments might hinder satisfactory teaching ability. It continued to frame disability as danger and as a drain on the city’s finances—now the Board was paternalistically worried about the potentially disabled employee’s well-being as well as the well-being of students and other staff.

Douglas Baynton’s often-cited observation that “disability is everywhere in history, once you begin looking for it, but conspicuously absent in the histories we write” applies all too well to the history of US education.<sup>66</sup> Fears about disability—and the policies that ensued from those fears—shaped the careers and experiences of every teacher working in the Los Angeles public schools between 1930 and 1970. During these decades, the ultimate and oftentimes only test of teaching competency was conducted by a medical doctor; all teaching candidates had to prove their competency and normality through an initial medical examination, and practicing teachers needed to reprove their competency by demonstrating their lack of disability in order to retain their jobs later in their careers. Fears about disabled teachers endangering students and draining city resources permitted medical doctors to become the ultimate authority in deciding who could enter the teaching profession, and similar fears about disability and aging—coupled with existing disability policies—enabled the Los Angeles City Board of Education to enact a compulsory retirement age. The Board of

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<sup>65</sup>“Subject: Modification of District Policies Concerning Employee Health Standards and the Employment of Handicapped Persons,” Superintendent of Schools to the Los Angeles City Board of Education, Communication No. 5, May 1, 1978, LA Board Records.

<sup>66</sup>Douglas C. Baynton, “Disability and the Justification of Inequality in American History,” in Longmore and Umansky, *The New Disability History: American Perspectives*, 52.

Education appropriated common societal ideals about disability and based its city's differentiation between acceptable and unacceptable teachers upon that disability rhetoric.

This exploration of how disability has shaped schools does not end with Los Angeles teachers. The physical standards for teachers in Los Angeles and other major cities across the country are merely one example of how school leaders attempted to define and promote physical and mental normality in students. It is highly likely that ideas about disability shaped curriculum, student classifications, admissions exams, graded classrooms, and countless other aspects of life in schools, and approaching those histories with a disability lens will enrich our knowledge of US education. Doncaster Humm was decades ahead of his time in 1941 when he wrote to the Board of Education that "the important consideration, after all, is disability."<sup>67</sup>

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<sup>67</sup> Doncaster G. Humm to the Board of Education, Aug. 12, 1941, LA Board Records.