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**RESTORATIVE JUSTICE AND SCHOOL
CLOSURES: RECOMMENDATIONS FOR
FACILITATING COMMUNITY REPAIR
AFTER NEIGHBORHOOD INSTITUTIONS
ARE CONDEMNED**

BRIDGET R. NUGENT*

Abstract: The closing of neighborhood public schools can have longstanding and detrimental effects on community life. Tools of restorative justice, however, provide means of facilitating authentic relationships among community members and officials during the stages of a closure. This paper identifies effects of school closures on communities and discusses strategies for actors charged with education reform in this event. By facilitating vibrant discourse during the planning stages of school closings and involving community members in the formation of reformed schools, administrators can use the tools of restorative justice to mitigate the distress and distrust that follow from the condemnation of neighborhood schools. A critical review of educa-

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tional policies can also identify ways that closures perpetuate unequal resource allocation, promoting forward-looking strategies for reform.

Public schools, even low-performing ones, are critical neighborhood institutions, and the closing and restructuring of these schools can have longstanding effects on community life. School closings are a burgeoning phenomenon: districts nationwide have resorted to school closures to manage budgetary constraints at an exponential rate in the past half-decade. In the 2010-2011 school year alone, over 1,000 public schools were closed in the United States. In the wake of closings, mistrust and bitterness can be sowed amongst the affected teachers, families and neighborhood residents if education administrators and governmental actors do not reach out to a community in the process of a school closure. Community members and students alike should be heard and participate fully as citizens in the process of school closures, and they need to be included in such a way that recognizes every local student's long-standing right to equal public educational opportunities.

The tools of restorative justice provide a mean by which governmental actors and community members can be brought together during the stages of a closure to sustain trust and build community relationships, maintain community integrity and mitigate detrimental effects of school closures. Restorative justice is a process that invites stakeholders to collectively identify and address specific harms, needs and obligations in order to heal.¹ In this process, every actor is identified and valued, and offenses are addressed in such a way as to mitigate their effects and to reduce the likelihood for future harms. Implementing restorative measures within school districts requires taking a hard look at how the relevant actors are behaving, how we think about harm, how we hold and share power and how we can shift existing practices.

¹ HOWARD ZEHR, *THE LITTLE BOOK OF RESTORATIVE JUSTICE* 41 (2002).

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This paper explores the localized effects of urban public school closures and creative ways of using restorative justice methods to mitigate the closures' community impact. It identifies ways in which community members react emotionally to the closure of their neighborhood institutions and discusses strategies by which community members and local governmental actors can make peace amidst the discord. School closings are complex, drawn-out processes that sometimes cause community members to feel maligned, targeted, worthless or even prejudiced against. Communities of color, in particular, feel unjustly targeted by school closings.² The process of a school closure is an extensive, multi-step endeavor, however, there are natural opportunities for actors to address and prevent or recognize and mitigate these types of reactions using restorative justice measures.

While any discussion of the community effects of school closings come second to concerns of the educational formation of children,³ this topic warrants attention. The effects of school clo-

² Press Release, Alliance for Quality Education, NYC Parents Join "Journey for Justice" (Jan. 29, 2013), available at <http://www.aqeny.org/2013/01/release-3/>; Dave Stieber, *The "Justification" for Closing Schools in Chicago*, HUFFINGTON POST (Dec. 5, 2012, 10:54 AM), http://www.huffingtonpost.com/dave-stieber/chicago-school-closings_b_2233440.html ("The research shows that when a school is closed it further destabilizes a community"); Kathi Matheson, *Philadelphia Schools Enveloped in Anger, Frustration Amid Austerity Budget*, HUFFINGTON POST, THE BLOG (June 12, 2012, 2:13 PM), http://www.huffingtonpost.com/2012/06/12/anger-frustration-envelop_n_1590410.html ("Students and community members fear school closures will destroy neighborhoods and create blight.").

³ Evidence of the academic effects of school closures is sparse. A recent study of 200 Michigan school closures found little evidence that school closures result in persistent harm to academic achievement of displaced students and that displacing students to higher-achieving schools can result in achievement gains for the displaced students but modest negative spillovers in the receiving schools. See Quentin Brummett, *The Effects of School Closings on Student Achievement*, available at http://www-personal.umich.edu/~econjeff/index_files/Brummett%20%282011%29.pdf. Other studies have found that achievement in schools slated for closure de-

asures on local communities invariably impact the formation of local children, and any realistic assessment of the urban-public-school scene suggests that public-school closures are likely to continue. Hundreds of communities have already been affected and more are to come — both those communities with closed schools and those accepting the students from former schools. Notably, school “closures” do not necessarily result in empty buildings. A school closure is any restructuring resulting in a new school with a different institutional form. Many districts close schools and reorganize them, either as different traditional public schools, magnet schools, schools-within-schools or alternative schools.⁴ Many closed public schools become charter schools by design, and others become charter schools by default

clines in their final months of operation, but the overall long-term academic effects are neutral. MELISSA DE LA TORRE & JULIA GWYNNE, *WHEN SCHOOLS CLOSE: EFFECTS ON DISPLACED STUDENTS IN CHICAGO PUBLIC SCHOOLS 1-3* (2009) (summarizing findings of study of school closures in Chicago from 2001-2006 and finding little effect on overall academic performance); John Engberg *et al.*, *Closing Schools in a Shrinking District: Does Student Performance Depend on which Schools are Closed*, SOCIETY FOR RESEARCH ON EDUCATIONAL EFFECTIVENESS, SPRING 2011 CONFERENCE (2011) *available at* <https://www.sree.org/conferences/2011/program/downloads/abstracts/34.pdf> (finding adverse transitional effects in schools slated for closure were offset by relocation to schools with stronger academic performance and rebutting suggestion that closures have negative academic consequences in receiving schools).

⁴ For example, in ongoing litigation, the American Federation of Teachers has alleged that the Bloomberg administration’s decision to close and reorganize nineteen traditional public schools violates the procedural requirements of New York state education law, discussed briefly above, which essentially require that a the Chancellor of the New York City public schools issue a “educational impact statement” before closing or reorganizing any schools. A state trial judge enjoined the challenged reorganizations, finding that the Board of Education’s actions did not fully comply with this mandate. Subsequently, the parties entered into a Letter Agreement. In the Letter Agreement, the DOE agreed not to co-locate certain charter schools in certain specified school buildings. *Mulgrew v. Bd. of Educ. of City Sch. Dist. of City of New York*, 902 N.Y. S. 2d 882 (N.Y. Sup. Ct. 2010). *See also* *Mulgrew v. Bd. of Educ. of City Sch. Dist. of City of New York*, 927 N.Y.S.2d 855 (Sup. Ct. 2011) (rejecting claim that City violated the settlement resulting from previous litigation).

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(when charter school operators lease space in former public schools to independent operators). Many districts have a policy preference for disposing of space for community or educational purposes.⁵ (I refer to all these phenomena as “school closures” in this paper’s discussion, as each closing can be ameliorated by restorative justice practices.) As community members continue to express visceral responses to school closings, it is best for both the lay civic leaders and the local government actors to recognize and mitigate community distress.

Before using the tools of restorative justice to mitigate closure-based communal distress, however, one must possess a fundamental understanding of the social phenomena driving school closures and the concerns of relevant stakeholders in question. In Part I below, I discuss the causes and consequences of school closings. Then in Part II, I examine the victims of school closings and how members of urban communities specifically feel harmed by neighborhood school closures. In Part III, I submit three recommendations for government actors charged with replacing ineffective neighborhood schools. By facilitating vibrant discourse during the planning stages of school closings and by offering spaces within which community members can be involved in the formation of new and reformed schools, government actors can use the tools of restorative justice to mitigate the distress and distrust that follow from the condemnation of neighborhood schools. Moreover, by intentionally reviewing educational policies and looking to outcomes, not inputs, these offenders can identify the ways in which current educational policies may be perpetuating segregated schools and unequal resource allocation to minority communities. These solutions al-

⁵ See, e.g., PEW CHARITABLE TRUST, SHUTTERED PUBLIC SCHOOLS: THE STRUGGLE TO BRING OLD BUILDINGS TO NEW LIFE 3 (2013), available at http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Philadelphia_Research_Initiative/Philadelphia-School-Closings.pdf [hereinafter SHUTTERED PUBLIC SCHOOLS] (“Philadelphia’s governing School Reform Commission . . . has a policy in place offering price discounts for all educational uses.”)

low victims and offenders of school closings to come together in the evaluation of forward-looking strategies for reform. I conclude in Part IV.

I. CAUSES OF CURRENT TRENDS IN PUBLIC-SCHOOL CLOSURES

A. *Shifting Urban Demographics*

Contemporary urban demographic trends are fueling public school closings because they shift schools' enrollment capacities. Cities are losing families with young children: from 2000 to 2010, for example, the school-aged population dropped 4% in Kansas City, 6% in Milwaukee, 11% in Philadelphia, 12% in Washington, D.C., 18% in Chicago, 21% in Pittsburgh and 30% in Detroit.⁶ During this same time period, public-school enrollments in many of these districts declined — Detroit's public-school enrollment declined by 54%, Kansas City's 42%, Washington, D.C.'s by 30%, Philadelphia's by 23% and Milwaukee's by 17%.⁷

As a result, urban public schools are operating far below capacity. The Chicago Public Schools' administration, for example, claims that 330 of Chicago's 681 school buildings are under-enrolled, and more than 140 are half empty. The district has space for 511,000 students, but only 403,000 are enrolled.⁸ However,

⁶ PEW CHARITABLE TRUSTS, CLOSING PUBLIC SCHOOLS IN PHILADELPHIA: LESSONS FROM SIX URBAN DISTRICTS 4 (2011) available at http://www.pew-trusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Philadelphia_Research_Initiative/Closing-Public-Schools-Philadelphia.pdf [hereinafter LESSON FROM SIX URBAN DISTRICTS].

⁷ *Id.* at 4.

⁸ Norren S. Ahmed-Ullah & John Chase, *Anxiety Grows as CPS Releases Preliminary School Closing List*, CHI. TRIB. (Feb. 14, 2013), available at http://articles.chicagotribune.com/2013-02-14/news/chi-129-on-new-chicago-schools-closing-list-20130213_1_commission-on-school-utilization-barbara-byrd-bennett-dwayne-truss; *Facing Massive Deficits, Chicago to Consider Closing 129 Schools*, CBS CHICAGO (Feb. 13, 2013, 5:30PM), <http://chicago>.

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these kinds of demographic shifts are infrequently evenly distributed across neighborhoods, so districts face the dual problems of under-enrollment in some schools and over-enrollment in others. Chicago, for example, lost about 181,000 African American residents and gained 25,000 Latinos between 2000 and 2010, leaving public schools on the city's West and South sides half empty and schools in predominantly Latino neighborhoods overcrowded.⁹

The ongoing struggles of urban public schools drive families to suburban locales with stronger public school systems.¹⁰ Remaining families also seek alternatives to traditional urban public schools for their children—especially when districts provide

cbslocal.com/2013/02/13/facing-massive-deficit-chicago-to-consider-closing-129-schools/; See also Jennifer Smith Richards, *Ax May Fall on Columbus High Schools: A Few are Less than 60% Full as District Looks to Shut Buildings*, COLUMBUS DISPATCH (Oct. 17, 2011, 7:28 AM), <http://www.dispatch.com/content/stories/local/2011/10/17/ax-may-fall-on-high-schools.html>.

⁹ Editorial, *Which Chicago Schools Will Close?*, CHI. TRIB. (Mar. 8, 2013), available at http://articles.chicagotribune.com/2013-03-08/opinion/ct-edit-schools-20130308_1_school-closings-public-schools-new-schools; Antonio Olivo, *Crowded Chicago School Faces a Year of Frustration*, CHI. TRIB. (Sep. 11, 2009), available at http://articles.chicagotribune.com/2009-09-11/news/0909100786_1_new-school-classroom-capacity-overcrowded (“Built for 850 students but bursting with nearly twice that amount, Reinberg is among 64 overcrowded elementary schools in Chicago. Most of them are concentrated in [Latino] neighborhoods on the Northwest and Southwest Sides.”); UNITED NEIGHBORHOOD ORGANIZATION, CAMPAIGN TO END OVERCROWDING, available at http://www.uno-online.org/campaign_to_end_overcrowding (“The Chicago Public Schools (CPS) has historically faced severe academic overcrowding in neighborhoods with a growing Hispanic population. A 2009 UNO study revealed a need for 16,552 new elementary school seats, equivalent to 28 new elementary schools in Chicago to ease overcrowding, much of which is in Hispanic neighborhoods.”).

¹⁰ See Nicole Stelle Garnett, *Affordable Private Education and the Middle Class City*, 77 U. CHI. L. REV. 205, 216 (2010). In 2004, almost one-quarter of parents reported having moved to their current neighborhood to enable their children to attend the local public school, and this residential sorting increases with parental income. Jack Buckley and Mark Schneider, *School Choice, Parental Information, and Tiebout Sorting: Evidence from Washington, D.C.*, in THE TIEBOUT MODEL AT FIFTY: ESSAYS IN PUBLIC ECONOMICS IN HONOR OF WALLACE OATS 101, 104 (2006).

the option to enroll children in charter schools. Since Minnesota enacted the nation's first charter school law in 1991, the number of students enrolled in charter schools has exploded, with close to two million students in 57,00 schools participating in charter programs in 2011.¹¹ Twenty school districts — almost all of them urban — reported charter school enrollments in excess of 20% in 2012.¹² Public schools also face competition from private schools participating in parental-choice programs.¹³ All of these urban demographic trends fuel public school closings as they shift schools' enrollment capacities.

B. Fiscal Crises Fuel Academic Cuts

Fiscal limitations of local governments also drive current public-school-closure trends. It is no secret that many state and local governments are in a state of financial crisis. Many urban school districts face huge operating budget deficits: Los Angeles Unified School District's operating deficit exceeds \$550 million;¹⁴ Detroit's \$326 million deficit exceeds 30% of the district's total budget;¹⁵ and Philadelphia's budget shortfall is projected to be

¹¹ CTR. FOR EDUC. REFORM, 2011-12 NATIONAL CHARTER SCHOOL & ENROLLMENT STATISTICS (2011), <http://www.edreform.com/wp-content/uploads/2012/03/National-Charter-School-Enrollment-Statistics-2011-12.pdf>.

¹² NAT'L ALLIANCE FOR PUB. CHARTER SCH. PRESSROOM, A GROWING MOVEMENT: AMERICA'S LARGEST CHARTER SCHOOL COMMUNITIES (2012), available at <http://www.publiccharters.org/2012/11/growing-movement-america-s-largest-charter-school-communities-7th-edition/>.

¹³ LESSONS FROM SIX URBAN DISTRICTS, *supra* note 7, at 3. Nationwide, approximately 250,000 children enrolled in private school with through a publicly funded voucher or tax credit in 2012. See ALLIANCE FOR SCHOOL CHOICE, EDUCATIONAL CHOICE: SCHOOL CHOICE YEARBOOK 2012-2013 (2013) available at http://s3.amazonaws.com/assets.allianceforschoolchoice.com/admin_assets/uploads/167/School%20Choice%20Yearbook%202012-13.pdf.

¹⁴ LOS ANGELES UNIFIED SCH. DIST., LAUSD BUDGET REALITIES: DEFICIT TRACKER, http://budgetrealities.lausd.net/deficit_tracker (last visited Apr. 14, 2014).

¹⁵ LESSONS FROM SIX URBAN DISTRICTS, *supra* note 7, at 5.

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\$1.35 billion over the next five years.¹⁶ Under these circumstances, districts simply cannot afford to continue operating all of their existing public schools, especially under-enrolled ones. Some districts, including most recently Pittsburgh and Kansas City, have opted to close a large proportion of their districts' schools to save money and avoid state takeovers.¹⁷ While these closings often deliver an amount of district savings that falls short of expectations, the savings are significant: Milwaukee has saved \$6.6 million annually by closing 20 schools; Washington, D.C. has saved \$16.7 million by closing 23 schools; Detroit saved \$35 million by closing 59 schools; Pittsburgh has saved approximately \$14.7 million per year from closing 22 schools and laying off 279 staff members; and Kansas City achieved more-substantial savings by combining closures with 700 layoffs as well eliminating \$30 million paid to outside service-providers.¹⁸

C. *Flagging Academic Performance*

Most public schools that are closed struggle academically. High performing schools are rarely targeted for closure. Funding provisions of the No Child Left Behind Act ("NCLB") require districts to divide their schools into four academic "tiers" and condition federal funding on the implementation of one of four intervention methods in the lowest performing schools.¹⁹

¹⁶ *Revised Closing Plan Comes at a Cost to District*, Philadelphia Pub. Sch., The Notebook (Feb. 19, 2013), available at <http://thenotebook.org/blog/135658/revised-closings-plan-comes-cost-district>.

¹⁷ LESSONS FROM SIX URBAN DISTRICTS, *supra* note 7, at 5.

¹⁸ *Id.* at 6.

¹⁹ Elementary and Secondary Education Act (ESEA) 20 USCA § 6301 (2002); see also U.S. DEP'T. OF EDUC., GUIDANCE ON FISCAL YEAR 2010 SCHOOL IMPROVEMENT GRANTS (2012); Tina Trujillio & Michelle Renee, *Democratic School Turnarounds: Pursuing Equity and Learning from Evidence*, NAT'L EDUC. POLICY CTR. 3 (2012), available at http://nepc.colorado.edu/files/pb-turnaroundequity_0.pdf (summarizing NCLB penalties).

The law also allows districts to attempt “[a]ny other major restructuring that makes fundamental reforms.”²⁰

Although the NCLB Act does not appear to have directly triggered many school closures,²¹ a number of states and school districts have independently adopted accountability measures that include the closure of persistently failing schools and/or their conversion to charter schools.²² Most state statutes essentially track the federal programmatic requirements, mandating interventions — especially school turnarounds — for persist-

²⁰ ESEA § 6316(b)(8)(B)(v). Although accurate data is difficult to obtain, these legal requirements apparently have not directly triggered many school closures. In 2007-2008, the Center on Education Policy found that 3,500 schools were “in” or “planning” “restructuring” as a result of NCLB. Unfortunately, high percentage of districts opting to employ “other” restructuring options, rather than the four set forth in the NCLB, make it difficult to determine what, exactly, “restructuring” meant in any given context. *CTR. ON EDUC. POLICY, A CALL TO RESTRUCTURE RESTRUCTURING: LESSONS FROM THE NO CHILD LEFT BEHIND ACT ACT IN FIVE STATES (2008)*, available at <http://www.cep-dc.org/displayDocument.cfm?DocumentID=175>. A more recent report found that only fourteen states reported using the “closure” model and twelve using the “restart” model (usually the conversion to a charter school) to address failing schools. *SARAH YATSKO ET AL., CTR. ON REINVENTING PUB. EDUCATION, TINKERING TOWARD TRANSFORMATION 3 (2012)*.

²¹ A study of 12 states, which self-reported their Race to the Top intervention efforts, found that school closures were rarely used as an intervention. Of the 494 schools that states identified as the lowest achieving in 2011–2012, 350 were following the transformation model, one hundred the turnaround model, twenty-nine the restart model, and eleven the closure model, with an additional three schools closing despite initiating a different model. *See RACE TO THE TOP*, <http://www.rtt-apr.us> (last visited Feb. 20, 2013) (each state has lists of low-achieving schools and the method of intervention; data tabulated manually from these lists). *See also* *JENNIFER McMURRER & SHELBY McINTOSH, CTR. ON EDUCATION POLICY, STATE IMPLEMENTATION AND PERCEPTIONS OF TITLE I SCHOOL IMPROVEMENT GRANTS UNDER THE RECOVERY ACT 2 (2012)*; U.S. DEP’T OF ED., *STATE AND LOCAL IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT: VOLUME IX—ACCOUNTABILITY UNDER NCLB: FINAL REPORT (2010)*.

²² *EDUCATION COMMISSION OF THE STATE*, <http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&count=-1&RestrictToCategory=Accountability—Sanctions/Interventions> (last visited Apr. 20, 2014).

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ently failing schools.²³ While school closures (and charter conversions) remain a last resort in some states, most districts do exercise these options when other methods of intervention fail.²⁴ Even when school officials do not choose to close schools *because* of underperformance, academically struggling schools are almost always selected for closure over successful ones when enrollment or financial considerations necessitate closures.²⁵

²³ See, e.g., MICH. COMP. LAWS § 380.1280c(2) (2011), available at <http://www.legislature.mi.gov/%28S%28z0foadr2fv2034vyqqfbim2r%29%29/mileg.aspx?page=getobject&objectname=mcl-380-1280c> (“The redesign plan shall require implementation of [one] of the [four] school intervention models that are provided for the lowest achieving schools under the federal incentive grant program . . . known as the ‘race to the top’ grant program.”); See, e.g., N.C. GEN. STAT. § 115C-105.37B(a) (2012), available at http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_115c/Article_8B.pdf (stating that “the State Board of Education may authorize [a] local board of education to adopt” the transformation, restart, turnaround, or closure model); See, e.g., FLA. STAT. § 1008.33(4)(b)(1)–(5) (2012), available at <http://www.flsenate.gov/laws/statutes/2012/1008.33> (allowing a school district to either take over the school, “[r]eassign students to another school,” close and reopen the school as a charter school, contract with a private management company, or any other model “that [has] a demonstrated record of effectiveness”); MASS. GEN. LAWS ch. 69, § 1J(o) (West, Westlaw through 2012 legislation) (listing sixteen possible actions that a superintendent may take with respect to a persistently low performing school).

²⁴ For example, one study of 100 school closures in Denver, Chicago, Hartford, Pittsburgh between 2001 and 2007 found that academic performance generally was one of several factors influencing the districts’ decisions to close schools (along with budgetary and enrollment considerations) and that district officials universally reported turning to closure as a “last resort” after other efforts to improve performance failed. CTR. ON INNOVATION & IMPROVEMENT, TOUGH DECISIONS: CLOSING PERSISTENTLY LOW-PERFORMING SCHOOLS (2009), available at http://www.centerii.org/survey/downloads/Tough_Decisions.pdf.

²⁵ CHICAGO COMM’N ON SCH. UTILIZATION, FINAL REPORT 1 (2013), available at <https://docs.google.com/a/schoolutilization.com/viewer?a=v&pid=sites&srcid=c2Nob29sdXRpbG16YXRpb24uY29tfGNvbW1pc3Npb24tb24tc2No b29sLXV0aWxpemF0aW9ufGd4OjRiNzFjMWEyNGIxZWU0YmU> (discussing preliminary recommendations, including “don’t close any high performing schools”).

II. CONSEQUENCES OF PUBLIC SCHOOL CLOSINGS

A. *The Victims in Urban Neighborhoods*

Public-school closures harm urban communities in two primary ways. First, closed schools interrupt the generation of community in urban neighborhoods. Beyond classrooms, neighborhood public schools encourage the development and maintenance of social networks in urban communities. For example, public schools often provide services to communities like employment workshops, parental education classes, language classes, day care and food distribution.²⁶ When such non-educational community functions exit a neighborhood due to a school closure, neighborhood networks are disrupted for both students, their neighbors and families.

School closures also cause the communities to break down because it causes property values to fluctuate, which in turn attract different residents to neighborhoods.²⁷ Closing and restructuring failing schools engenders gentrification that prices residents out of their neighborhoods as higher-performing schools attract af-

²⁶ Testimony of Kendrick Small, Hearing on the Closing of Paul Robeson High School, pg. 35; *see also* Michael Lytton, *School Closing: Proceed with Caution*, 46 EDUC. FACILITY PLANNER 17 (2012) (asserting that closing neighborhood schools deprives communities of “resources to help meet social, recreational, health, and personal needs of the community”).

²⁷ *See, e.g.*, Lytton, *supra* note 27 (asserting that schools “influence where families choose to live, property values and tax revenues, and the pace and location of residential and commercial development”). In Philadelphia last year, for example, a proposal leaked on the allegedly depressed the housing prices across an entire up-and-coming neighborhood. The relevant proposal contemplated closing Alexander Wilson Elementary and redrawing the boundary for the University of Pennsylvania-sponsored Penn Alexander Elementary School. Patrick Kerkstra, *University City Feeling the Impact of School Closings and Consolidation Threatcast*, PLANPHILLY (Oct. 19, 2011), <http://planphilly.com/articles/2011/10/19/university-city-feeling-impact-school-closings-and-consolidation-threat-cast>. This may be somewhat of an anomalous example, since presumably the elementary school in question is one of the higher-performing, more attractive, public elementary schools in the city.

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fluent families. Moreover, replacing neighborhood schools with higher-performing charter or magnet schools draws outsiders to a community, thereby disrupting existing community relationships.²⁸ School closures further destabilize the communities that absorb the displaced students and disrupt the transferred students' new environment and new school.²⁹

School closures also fracture social capital by introducing vacant buildings into neighborhoods already plagued by violence and disorder. Some public school closures result in the shutting of public school buildings.³⁰ Invariably, vacant buildings are detrimental to an urban community, regardless of their prior use.³¹

²⁸ TRACY HUEBNER, GRACE CORBETT & KATE PHILLIPPO, *RETHINKING HIGH SCHOOL: INAUGURAL GRADUATIONS AT NEW YORK CITY'S NEW HIGH SCHOOLS 13-16* (2006) (arguing that higher-income residents attracted to neighborhoods exert pressure to rehabilitate failing neighborhood institutions, which in turn drive up housing prices); see also Eric Engquist, *Textbook Lesson in Gentrification*, CRAIN'S N.Y. BUS. (Oct. 7, 2007, 12:01 AM), <http://www.craigslist.com/article/20071007/REG/71006009/textbook-lesson-in-gentrification> (discussing school quality as impediment to development in Brooklyn) INST. FOR CHILDREN & POVERTY, *PUSHED OUT: THE HIDDEN COSTS OF GENTRIFICATION 5* (2009), available at http://www.icphusa.org/PDF/reports/ICP%20Report_Pushed%20Out.pdf (asserting that the closure of two high schools in the Carnarsie neighborhood in Brooklyn, and their replacement with four smaller, specialized schools fueled gentrification).

²⁹ See Paul Katula, *Ceramics and Civil Rights are Closing Down in Chicago*, VOXITATISBLOG (Feb. 4, 2013), <http://schoolsnapshots.org/blog/2013/02/04/ceramics-and-civil-rights-are-closing-down-in-chicago/> (objecting to the closure of Chicago's Dyett High School on the grounds that it will disrupt neighborhood networks centered in around a racially homogenous school community); Doroth Rowley, *National Alliance Calls for End to School Closures*, NEW AMERICA MEDIA (Feb. 8, 2013), available at <http://newamerica.org/2013/02/national-alliance-calls-for-end-to-school-closures.php> (quoting activist who warns that school closures will increase violence and disruption in neighborhoods and schools receiving the displaced students).

³⁰ SHUTTERED PUBLIC SCHOOLS, *supra* note 6, at 1 ("Charters are obvious candidates to use the buildings and often have access to the resources needed to acquire them. But the flow of students to charters can further reduce enrollment in district-run schools, exacerbating the situation.")

³¹ See UNITED STATES CONFERENCE OF MAYORS, *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: BEST PRACTICES IN 27 CITIES* (2006), available at <http://usmayors.org/bestpractices/vacantproperties06.pdf>.

A study released by the Pew Charitable Trust in February 2013 found that 12 surveyed districts “still have 327 unused sites on their hands, empty buildings that cast a pall over their neighborhoods.”³² The authors of a leading study of the effects of property abandonment on urban neighborhoods colorfully concur, observing, “crooks, killers, and losers tend to infest areas with dead buildings, like maggots on a carcass.”³³

B. The Effects of Closures on Neighborhood Students

Intuitively, school closures also affect the educational outcomes of students in a community.³⁴ School closures psychologically demoralize the students and other residents of urban neighborhoods. Just as the existence of a persisting failing schools indicates that educational authorizes “do not care” about neighborhood schools, school closings indicate that a school district has wholly abandoned the students of a neighbor-

³² In 2012, there were 124 school district properties on the market in Detroit, 39 in St. Louis and over twenty in Milwaukee, Chicago, Pittsburgh, Kansas City, and Cleveland. SHUTTERED PUBLIC SCHOOLS, *supra* note 6, at 1-4.

³³ John Accordino & Gary T. Johnson, *Addressing the Vacant and Abandoned Property Problem*, 22 J. URB. AFF. 301, 303 (2000); see also ROBERT W. BURCHELL & DAVID LISTOKEN, *THE ADAPTIVE REUSE HANDBOOK: PROCEDURES TO INVENTORY, CONTROL, MANAGE, AND REEMPLOY SURPLUS MUNICIPAL PROPERTIES* 15 (1981) (observing that abandoned property serves as “a clubhouse for all of the deleterious elements in the neighborhood”); see, e.g., Juliana Reyes, *City Howl Help Desk: It’s a Magnet School — for Crime*, PHILLY.COM (July 6, 2011), http://articles.philly.com/2011-07-06/news/29743161_1_clemente-school-magnet-school-inspections; Alia Conley, *Official: Fire at Former Edison High Could Have Been Prevented*, PHILLY.COM (Aug. 4, 2011), http://articles.philly.com/2011-08-04/news/29850978_1_fire-officials-fire-engines-school-building.

³⁴ While the concept of social capital is the subject of a voluminous literature, I use here Robert Putnam’s definition — social capital is the “social networks and the norms of reciprocity and trustworthiness that arise from them.” ROBERT PUTNAM, *BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY* 19 (2000). See, e.g., DAVID HALPERN, *SOCIAL CAPITAL* 1-45 (2004) (reviewing literature).

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hood.³⁵ Residents interpret a school district's decision to close a school as signaling that their community is no longer worthy of investment.³⁶

Unfortunately, current educational policy lacks a discernible, effective effort to integrate schools and allocate limited resources to the provision of equal education for all children.³⁷ Efforts to better allocate resources among successful and failing public schools are seemingly unsuccessful or non-existent; public schools in wealthier neighborhoods consistently receive funding for honors and AP programs while lower-performing schools are punished for low test scores.³⁸ Past and current governmental actors have failed to address the racial and classist overtones of failing majority-minority schools and now, are turning to resolve the challenges in failing schools by closing them.³⁹ Due to these effects of school closures, this strategy only perpetuates the injustices of segregated and inadequate urban public schools in minority communities.

³⁵ Accordino & Johnson, *supra* note 34, at 303; TRUJILLO at 19.

³⁶ Martin Austerhuhle, *The End of the Neighborhood School*, THE ATLANTIC CITIES (Feb. 19, 2013), <http://www.theatlanticcities.com/politics/2013/02/end-neighborhood-school/4687/#> (“Even Andy Smarick, a fervent charter advocate . . . recognizes that closing a neighborhood school can have negative and unintended consequences. “Even if it’s low-performing, at least it’s a stable institution and it’s an indication that the government has at least some investment in that neighborhood,” he says”).

³⁷ J. M. KOZOL, THE SHAME OF THE NATION: THE RESTORATION OF APARTHEID SCHOOLING IN AMERICA 41-43 (2009) (integration and diversity measures have fallen on the list of priorities, replaced by teacher tenure, teacher retention, and testing).

³⁸ See TRACY HUEBNER, GRACE CORBETT & KATE PHILLIPPO, RETHINKING HIGH SCHOOL 13-16 (2006), available at http://www.wested.org/online_pubs/gf-07-01.pdf (higher-income neighborhoods exert pressure to divert monies to their own neighborhood institutions) see also Engquist, *supra* note 29 (discussing the link between race, neighborhood capital, and school quality in Brooklyn); INSTITUTE FOR CHILDREN AND POVERTY, *supra* note 29, at 5.

³⁹ See Engquist, *supra* note 29.

Ultimately, actors within urban public education have accumulated an “education debt.”⁴⁰ They were charged with delivering quality, equal education to each student in their district and, instead, failed to help the students of schools in more destitute minority communities.⁴¹ These schools are persistently failing, with disproportionate populations of attendees, migrating populations, inferior teachers and inferior resources.⁴² Public actors owe a debt to these students and their communities. They allowed students in more affluent communities to receive more resources, more opportunities for advanced study and better teachers than those in majority-minority communities.⁴³ So

⁴⁰ I am partly inspired to use this term by Andrew Simms, who coined the term “ecological debt” in his book *ANDREW SIMMS, ECOLOGICAL DEBT: GLOBAL WARMING AND THE WEALTH OF NATIONS* (2009), a work describing how developed nations have taken out an environmental overdraft on the earth. By using more than they are allocated and refusing to grant proportional use of resources to underdeveloped nations, they have incurred a debt to the developing world. *Id.* at 201.

⁴¹ *Id.* It is worth noting that the historical context of colonization and slavery that informs Simms’ theory of ecological debt also informs my concept of educational debt. The race and class-based factors that I herein identify as part of systemic inequities in school closures share historical roots with the problems inherent to ecological debt.; SIMMS, *supra* note 41, at 9. Like hyperincarceration and housing, the education system is one of those indices of societal health where deeper historical injustices are manifested in the present. *See, e.g.*, MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 59 (2010) (explaining that through the recession, prisons have continued to be built, and in those prisons are incarcerated black and Latino men at rates highly disproportionate to their overall proportion of the population).

⁴² *See* RONALD ROBINSON, *THE DEBT: WHAT AMERICA OWES TO BLACKS* 14-21 (2000); RICHARD ROTHSTEIN & THOMAS WILDER, *THE MANY DIMENSIONS OF RACIAL INEQUALITY* 88 (2005) *available at* http://www.tc.columbia.edu/students/see/events/Rothstein_Equity.pdf; SARAH SENTILLES, *TAUGHT BY AMERICA: A STORY OF STRUGGLE AND HOPE IN COMPTON* 34 (2008); GERALD ORFIELD, *Brown at 50: King’s dream or Plessy’s nightmare?* 62-65 (2005).

⁴³ It is important to remember that this debt is relevant to students of the past, present and of generations to come: an unequal allocation of resources and attention compounds over time, leading to educational discrepancy across generations. *See* ROBINSON, *supra* note 44, at 19. Sixty years ago, for

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while a restorative solution must respect these public actors and their logistical constraints, it cannot ignore the fact that these actors have obligations to address their education debt, a debt incurred through an approach to education policy that allows a debilitating breakdown in equal access to quality education across social strata.

**III. PUBLIC SCHOOL CLOSURES AND URBAN COMMUNITIES:
ADDRESSING THE “EDUCATIONAL DEBT”**

A. *Why Restorative Justice?*

Public schools, even low-performing ones, are critical neighborhood institutions, and the closing and restructuring of these schools can have longstanding, detrimental effects on community life. The tools of restorative justice provide a means by which governmental actors and community members can be brought together during the stages of a closure in such a way as to sustain trust and build community relationships, leading not only to community integrity but also to subsequent institutional support. Implementing restorative measures within school districts requires taking a hard look at how the relevant actors behave, how we think about harm, how we hold and share power and how we can shift existing practices.

example, some segregated schools got more resources than others; the students of privileged public schools got better higher educations and later, had more sophisticated jobs. *Id.* at 42-43. The former students then had more disposable income for things like books at home, or educational vacations, and time to volunteer in and fundraise for their own kids’ schools. *Id.* It is unjust to allow such a compounding educational advantage to continue without attempts to interrupt and equalize the opportunities and resources among the students of today. Without interruption, the children of those with under-funded education will be doomed within their majority-minority neighborhood districts—and then they, too, will have a higher chance of growing up and becoming parents who will be forced to work two and three jobs but still unable to buy extra supplies for their kids’ classrooms. See ROBINSON, *supra* note 44, at 21.

Restorative justice is not a means to an end. It is not a particular program or even a set of programs. Instead, it is a process that invites stakeholders to collectively identify and address specific harms, needs and obligations in order to heal.⁴⁴ In this process, every actor is identified and valued, and offenses are addressed in such a way as to mitigate their effects and to reduce the likelihood for future harms. In the setting of school closures, one begins the implementation of restorative measures by identifying the victims of a situation and their harms.⁴⁵ I have done so above in Part II by explaining how students and residents of neighborhoods comprise the set of victims of neighborhood school closures. I also introduced the plethora of harms that result from closures. One must next ask: What are the needs that arise from these harms, and what are the corresponding obligations of the offenders? These questions help shape a response to the final query: What is the appropriate process that will involve all stakeholders in an effort to right harms and prevent further harm?⁴⁶

***B. Discerning Needs and Corresponding Obligations:
An Assessment of Stakeholders***

Communities and their students need to be heard and participate fully as citizens in the process of school closures, and they need to be included in such a way that recognizes every student's long-standing right to equal and affirming public educational opportunities. A community needs administrators to respectfully recognize the holistic functions a school building

⁴⁴ ZEHR, *supra* note 2 at 41. These questions have been modeled from the questions which Zehr identifies as the set which needs to be asked when a wrong occurs. He instructs that the guiding questions, or the essence questions of restorative justice, are: Who has been hurt?; What are their needs?; Whose obligations are these?; Who has a stake in this situation?; and, What is the appropriate process to invoke stakeholders in an effort to put things right? (*Id.* at 38).

⁴⁵ *Id.*

⁴⁶ *Id.*

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plays in a community and address ways to fulfill those functions if the building is closed down or a school turned-over. Moreover, no community should be treated as if its students are inherently inferior or deserve a “lesser” education just because they are poorer or blacker or less privileged than students of other communities.⁴⁷ Since *Brown v. Board of Education*, an unsegregated and “equal” education has been a right of every student in this country.⁴⁸ When state-sanctioned policies or the state’s oversight leads to denying certain groups, especially poor youth of color, access to equal public education and relegating them to segregated schools with inferior resources, teachers and outcomes, the result is patently unjust. The educational needs of these communities are complex but discernible: State governments need to give communities means by which their members have equal access to educational promise. Children of all communities deserve an education, and any policy depriving minority and impoverished bodies of equal, unsegregated education creates an “educational debt” owed to generations of disenfranchised youth, their families and communities.

⁴⁷ This interest is rooted in a sense of justice advocated for by David Hollenbach. DAVID HOLLENBACH, *THE COMMON GOOD AND CHRISTIAN ETHICS* 173-181 (2002). Hollenbach holds that justice directed toward the common good involves holding together both the good and the right. The common good refers to the sum of those conditions that lead to the integral fulfillment of each and every person in society. This implies the right and duty of participation in striving toward the common good. Here, educational attainment is an end that serves the common good. Because our laws dictate that every child has a right to an unsegregated education, and that “separate is inherently unequal”, our society has further recognized that a student’s interests are best served when he or she is given an equal share of our country’s educational resources. This, in turn, forms the character and abilities of each student, which later contributes to the good of society. *Id.* at 179. When we take seriously our commitment to educational equality, students and their communities are well served.

⁴⁸ 347 U.S. 483. In *Brown*, the Court overturned *Plessy v. Ferguson*, 163 U.S. 537 (1896), and its “separate but equal” doctrine, finding that it had no place in public education. Segregation was a denial of the equal protection of the laws under the Fourteenth Amendment, and separate educational facilities were inherently unequal.

It is unacceptable to allow school closings to perpetuate practices of mis-education. The corresponding obligations of school closing offenders — school administrators and governmental actors — are thus to check community-blind approaches to school closings and to amend closure policies that implicate racist and classist ideologies about merit, deservingness and blame. They must work with communities when they close buildings, addressing the multi-faceted purposes of schools and their purposes in communities. Moreover, administrators must address the classist and racist undertones of resource allocation and closures. They must intentionally amend allocation and closure policies so as to ensure a more even allocation of good teachers, good facilities and dependable resources for all students in the public education system.⁴⁹

In sum, administrators have an obligation to address the social and educational consequences of school closures. If school closure impacts social capital or a neighborhood's identity, a school closing must acknowledge this harm and work to mitigate its effects, either by re-creating new spaces for programming or encouraging new forms of identity. Moreover, administrators must look critically at the racial and classist implications of the policies that cause persistently failing urban schools and school closures in majority-minority areas. If they avoid doing so, community members facing the possibility of school closure will suffer crippled community cohesion and a pervasive distrust of governmental actors, and their students will continue to feel the harms of segregated and unequal educational policies.

⁴⁹ J. M. KOZOL, *supra* note 39, at 42; Gloria Ladson-Billings, *From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools*, 35 EDUC. RESEARCHER 7, 3-11 (2006).

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C. Involving Stakeholders in an Effort to Right Harms and Prevent Further Harm: Three Restorative Solutions to the Harms of School Closings

Mindful of the needs of communities and obligations of governmental actors, I herein propose three restorative methods for government actors charged with replacing ineffective neighborhood schools. First, government officials should invite inclusive discourse during the planning stages of school closings and offer spaces within the community where community members can address their concerns. Second, officials should foster the involvement of community members in new or reformed schools; this can be achieved by using the tools of restorative justice to mitigate the distress and distrust that threaten to follow from the condemnation of neighborhood schools. Finally, government actors should review educational policies and look for outcomes, not inputs, to identify ways in which current educational policies are perpetuating segregated schools and allocating resources unequally to minority communities. Though every district shall forge its own set of solutions, this section presents some suggested steps as well as specific examples toward initiating and sustaining restorative justice in the context of school closings.

i. Proposal One: Restorative Conferences in the Initial Stages of School Closings

Restorative solutions in school closings must invite all stakeholders to strive toward the inclusion of community members by empowering the community in the process of working through difficult educational decisions. That understood, governmental district leaders should first use restorative measures to address community distress by ensuring to involve in the dialogue community members, especially parents and those who share an interest in the formation of neighborhood children. Administrators and governmental actors can begin by hosting small-group sessions to describe micro – as well as macro – level problems

that are driving the closure(s) in question. These sessions would serve as a series of restorative conferences taking on the qualities of the circles used in other restorative justice practices.⁵⁰ These conferences are critical. Most conflicts revolve around, or at least involve, a sense of injustice fouled by misinformation and misinterpretation. Facilitating discussion at the earliest stages of the school closure process helps ensure that community members feel empowered and included in the deliberations, mitigating feelings of being victimized, tricked or ignored.

Each of these restorative conferences will involve an encounter between key stakeholders of the community and school district. A trained facilitator should be involved to oversee and guide each conference, balancing concern for all the parties involved. In practice, these discussions are not intended to arrive at any “settlement.” They should, however, address the concerns most relevant to community members, like: Is the closure necessary? How will a closure fix identified problems? What will happen to the students and the community programs reliant on the school building? Not only will the logistical and financial aspects of a school closing too often predetermine the fate of a school, but ultimately the “fate” of the school is far less important than the process of school leaders hearing and responding to the community members involved.

⁵⁰ Circle approaches emerged initially from First Nation Communities in Canada. Today circles are being used for many purposes. In addition to sentencing circles intended to determine sentences in criminal cases, there are “healing circles” (sometimes used as preparation for sentencing circles), circles to deal with workplace conflicts, and circles designed as forms of community dialogue. ZEHHR, *supra* note 2, at 52. Three distinct models have tended to dominate the practice of restorative justice: victim offender conferences and family group conferences as well as circle approaches. Increasingly, however, these models are being blended; family group conferences may utilize a circle and new forms with elements of each are being developed for certain circumstances. In some cases, several models may be used in a single case or situation. I find here that a circle-based method is most appropriate in the school closing context because of the numerous, nonrelated stakeholders. *Id.* at 47.

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To address these and other concerns, each restorative conference shall allow for participants to explore facts and resolutions. Even as governmental decision-makers explain fiscal constraints and challenges, community members should be encouraged to tell their stories, to ask questions and to express their feelings. This first stage of the community involvement process should involve a full range of internal and external constituents. Discussions should include focus group meetings with community members representing local political, social service and civic organizations, as well as large group sessions with neighborhood residents. The goal of these meetings is to invite the authentic participation of every stakeholder.

While each community conference will be unique, there are some common factors that governmental actors should take care to address so that community members feel like decisions are made carefully. These talks should discuss the building conditions, the district's needs, the enrollment and capacity of the school in question, its student population characteristics, the community programs that will be affected and, finally, the administration's budget and financial considerations. At this time, a realistic assessment of the solutions and challenges offered by closure, school merge or the decision not to close should be frankly discussed, and stakeholders should be given honest assessments of the logistical and financial concerns inherent to each decision. Complementary to these discussions should be invitations for community members to explain a closure's impact on its community, and, thereafter, discussion should extend to how a community's non-educational needs will be met in the event of closure.

Restorative justice innovators have stated repeatedly that implementing restorative practices in communities is really about relationships—enhancing the way in which the people who make up the community interact with one another. To best facilitate the positive growth of the relationships involved, these restorative conferences must be structured so that they are small

enough to really include each participant and long enough so that each member is heard but no one is dominant — they should be exhaustive, not exhausting. These conferences are critical in establishing authenticity and trust between community actors and the governmental representatives, building respect and understanding through honest dialogue and disclosure.

ii. Proposal Two: Facilitating Involvement by Community Members in New Schools

Once a decision to close a school has been made, the restorative approach to fostering community relations alters. The focus becomes to facilitate community participation in the new school, whether that school has been turned-around or resurfaces as an entirely different institution in a new neighborhood. Community members should be encouraged to support the new school and district officials need to ensure that they meet community needs that have arisen out of a neighborhood school closure.

It is important to encourage community participation in the new school for the sake of both the students of this new school and of the community members. There will need to be high levels of trust and communication between members of a new school community — administrators, teachers, parents and students — in order for there to be strength in the community and academic success for neighborhood children.⁵¹ Supportive com-

⁵¹ See, e.g., CHARLES M PAYNE, *SO MUCH REFORM, SO LITTLE CHANGE* (2008) (Drawing upon both the academic literature on school improvement and his own extensive experience with public-school reform efforts, Payne attributes the persistent failure of post-school closure efforts to the dual realities that most urban public schools are characterized by a lack of trust and support among the various school constituencies after a turnover, and that the schools draw students from communities with decreasing levels of social capital. He discusses how academic achievement of incoming students are affected by the level of safety in a school (and students' perception of safety), and explains that students and teachers consistently reported feeling more secure — regardless of the level of crime in the surrounding neighborhood — in schools characterized by high levels of trust and collaboration); see also

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munities will catalyze a new or re-opened school's success, and in turn, that school can grow to contribute to the vibrancy of the neighborhood itself.⁵²

This is demonstrated in Anthony Bryk's recent work on the Chicago Public Schools' decentralization experiment. Bryk and his colleagues studied a radical experiment by the Chicago Public Schools in 1988 that devolved significant resources and authority to local school councils and mandated that the councils reform their schools. In the years that followed, some schools experienced a dramatic improvement, against the odds suggested by community and student demographics, while others stagnated or declined. Bryk and his colleagues found that there was a strong correlation between demonstration of social capital generated within a school community and the public-school performance, especially in disadvantaged urban communities. They found that the level of social capital in a public school — particularly the level of trust between teachers, parents and administrators — was one of the most important factors predicting improvement among schools facing similar structural and demographic impediments to student improvement.⁵³

Therefore, restorative measures should interplay with the creation and maintenance of social capital after a school closure. High-social capital schools generate positive externalities, even if the majority of students do not live nearby: parents, students

Matthew P. Steinberg, et al., *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and Social Organization*, CONSORTIUM ON CHI. SCH. RESEARCH AT THE UNIV. OF CHI. (May 2011) (discussing how aggregate perceptions of fairness and effectiveness of discipline at a school, and the number of discipline incidents among students (e.g., a student's talking back to teachers, refusal to obey instructions, etc.), are more favorable in schools with a safe and orderly disciplinary climate with community support of fair and effective discipline practices).

⁵² See Valerie E. Lee, et al., *The Organization of Effective Secondary Schools*, 19 REVIEW OF RESEARCH IN EDUC. 171 (1993).

⁵³ ANTHONY S. BRYK, ET AL., ORGANIZING SCHOOLS FOR IMPROVEMENT: LESSONS FROM CHICAGO (2010). See also ANTHONY S. BRYK & BARBARA SCHNEIDER, TRUST: A CORE RESOURCE FOR IMPROVEMENT (2002).

and teachers embracing a school's communitarian aspirations are likely to not only avoid engaging in antisocial behavior, but probably are also more likely to engage in pro-social behavior, such as volunteering in community organizations.⁵⁴ Parents involved in their children's school and education may be more likely to be present in the community and able to monitor and keep general antisocial behaviors in check.⁵⁵ The more that community members engage with the school, the more support they show each other, their children and the new institution.⁵⁶

To develop social networks in a community schools, governmental actors must collaborate with community leaders and district administrators to facilitate forums for community involvement and community committee formation. One method may be the facilitation of post-closure neighborhood relations through the introduction of "transfer" committees. These committees could comprise neighborhood residents who are charged with merging relationships with the programs and activities of the school that replaced the former neighborhood school. In practice, seven or eight community members introduce themselves into the rhythm of a new school — the after-school programs, ESL weekend programs, the parent committees, etc., and they familiarize themselves with this programming. They could serve as "ambassadors" back to their fellow community mem-

⁵⁴ See, e.g., DJ. Flannery, *School violence: Risk, Prevention, Intervention, and Policy* ERIC CLEARINGHOUSE ON URB. EDUC. (1997) (identifying factors in schools ameliorating and contributing to youth antisocial and violent behavior, including student/teacher ratios, curricular and course relevance, and the consistency of adult leadership).

⁵⁵ See J.D. Hawkins, Herrenkohl, et al. *Predictors of Youth Violence*, JUVENILE JUSTICE BULLETIN 1-11 (2000) (parents who are aversive to interactions with the school and avoid involvement with school personnel on behalf of their children are likely to encourage behavior problems among their children, often complementing preexisting parental attitudes favorable to violence, poor family management practices, and unsupportive scholastic environment in the home).

⁵⁶ See *id.*; see also M. Furlong & G. *The School in School Violence*, 8 J. EMOTIONAL AND BEHAVIORAL DISORDERS, 8, 71-82 (2000).

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bers, introduce the new school and help assist the merger of old traditions with new ones.

These kinds of processes help those affected by school closures feel witnessed, feel included and feel like justice is prevailing. For the sake of communities and students, it is critical that all parties become involved in new schools. Without a “buy-in” to the new school, community members can become distant from each other, and the schools themselves will be unsupported, leading to lower academic trends. If school districts use restorative measures to include community members of a closed school during and after the process of a closure, the relationship between and among communities, their students and school officials can be sustained.

iii. Proposal Three: Reassessing Racial and Classist Implications of Education Policies

The after-effects of school closures, and their perceived overtones of failure and abandonment, cannot be permitted to permeate the young souls of minority students by labeling some bodies as worthy and others as unworthy. It is patently unjust for school closure policies to laminate credentials of merit onto white or wealthy youth while tattooing the material and psychic scars of “lack” onto black, Latino, immigrant and/or poor students.⁵⁷ Instead, closure-driven educational policies must correct the perverse distribution of educational opportunities and deprivations onto racialized bodies.

This paper is not intended to engage the political, administrative and fiscal dimensions of education policy and its reform. However, a restorative solution to the harms of school closures must acknowledge that its offenders have long perpetuated unjust resource allocation, and school closures often further that practice. Instead of allowing school closures to punish impover-

⁵⁷ See HOLLENBACH, *supra* note 49, at 181-184.

ished minority communities for policy-generated segregation and unequal resource allocation, administrators must look to the criteria driving choices to close schools and recognize the implications of the fact that the schools being closed in major urban cities are those located in majority-minority sectors.

With a holistic understanding of the factors driving school closures, the school administrators can re-assess their school closure decision and the related education policies. If, for example, instead of closing only majority-minority schools, they can re-allocate good teachers, integrate facilities and share dependable resources among all students in the public education system, their attempts can fulfill obligations for fair and equal education to students in their charge. Intentional policy overhaul can mitigate the educational debt owed to generations of disenfranchised youth and their communities.⁵⁸

IV. CONCLUSION

The educational landscape of American cities is shifting dramatically and in real time. As school closures disproportionately disrupt neighborhood dynamics in neighborhoods of color, discontent among members of majority-minority communities will only grow as their neighborhood institutions are targeted for closure or turnover. Past and current governmental actors have long failed to address the racial and classist overtones of failing majority-minority schools, and current school closure policies only further harm these communities as they fail to integrate schools or allocate limited resources so as to provide equal education to all children. Actors within urban public education have accumulated an education debt. They were charged with delivering quality, equal education to each student in their district and, instead, failed to help the students of schools in more destitute minority communities.

⁵⁸ KOZOL, *supra* note 39, at 44; Ladson-Billings, *supra* note 51, at 9-11.

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The future of school closures within urban communities does not have to be bleak, however. Restorative justice measures can be used to mitigate education debt and facilitate authentic relationships among community members and district officials, leading to close communities, supportive neighbors and flourishing schools. The educational needs of communities affected by school closures are complex but discernible: these communities need to be given means by which their members have equal access to educational promise. They need their children to be recognized as deserving of a quality education and for a priority to be given to a meaningful delivery of that education. By facilitating inclusive discourse during the planning stages of school closings, offering spaces within which community members can address concerns and intentionally fostering the involvement of community members in new or reformed schools, government actors can use the tools of restorative justice to mitigate the distress and distrust that threaten to follow from the condemnation of neighborhood schools. Then, by reviewing educational policies and looking to outcomes, not inputs, governmental actors can identify the ways in which current educational policies perpetuate unequal resource allocation to minority communities. Ultimately, though every district shall forge its own set of solutions, governmental actors can wield the tools and principles of restorative justice to restore trust and build community in the midst of school closings.

