

School Closure and Justice

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Threatening to close a neighborhood school can bring heartache and anger to those impacted, especially if the school has been attended by parents and grandparents of current students. But if opposition to a closure threat is to be more than a cry of outrage, it must be based on sound moral grounds. Jacob Fay considers three possible bases of opposition: parental rights, existing value, and an account of “schools as democratic institutions.” I concur in Fay’s argument that the first two are insufficient. If it can be shown that a new school will enhance a child’s education along the lines the parent already endorses, the inconvenience of closure provides scant grounds for protest. Drawing on the late G. A. Cohen (one of my favorite philosophers), Fay also argues convincingly that, no matter the affection with which it is held by local parents, if an existing school is likely to exacerbate existing inequalities of opportunity, and the new school likely to remedy these, then the moral argument against closure remains weak, as “injustice ... has no value worth preserving.”¹

In attempting to articulate the relationship between schooling and justice, Fay suggests that we “consider the common view that public schools are democratic institutions.” This sentence, I must say, stopped me short because, A. S. Neill’s Summerhill School excepted, I have never considered schools to be democratic institutions, except in the sense that decisions concerning them are made by elected representatives at a variety of levels. Fay here introduces a distinction made by Meira Levinson designed to help us get at the relationship:² On the one hand, schools provide children with the knowledge and skill needed for democratic participation — I have no problem with that — while, on the other hand, schools educate children from *within* a democracy, that is, “they are subject to democratic control.”

I am confused here. Of course, through elected officials at local and state levels, voters in the United States have a voice in determining the structure and content of schools, but so far as I know, in the typical case, the parents of children attending a neighborhood school have no legal authority to determine anything that happens in that school. Fay mentions parent–teacher associations as civic forums, but I view those organizations far less romantically than he does. If they wield any real power, I would bet the parents with the most social capital will wield it, and the parents with the least may not even show up.

There is a signal exception to this general pattern — Chicago, with its Local School Councils (LSC) that have authority over important matters, including selection of the school principal. Since Chicago has been the site of a recent, bitter, and much-publicized conflict over massive school closings, I was disappointed that Fay did not focus on these institutions instead of lumping them together with the PTA.

A focus on LSCs would have forced Fay to address three thorny issues, one linked to Fay’s concern for justice, and the other two, to his interest in democracy.

The first issue is whether LSCs serve the interests of justice for children. It might seem obvious that they do. Would not local parents and citizens have the strongest interest in seeing to it that their children's opportunity for education be maximized? I would have thought so, but after reading some remarks by Andrea Zopp, president of the Chicago chapter of the National Urban League, who is also a member of the Chicago school board, I am less sure. According to an article about the Chicago school closings, Zopp believed "that the academic and cultural conditions at many of the schools the board has closed were deplorable and closing was the best course of action."³ Zopp does not deny that the school system failed the children, but she is quoted as saying that "before we were closing schools, not one of the community groups ever came to me and said that it's an abomination that the school district is running schools in our community that are not preparing our children."⁴ I am curious whether greater familiarity with the way LSCs actually work in Chicago would have cooled Fay's ardor for democracy at the level of the individual school.

Whether or not Zopp is right, there appears to be a potential tension between opportunity for democratic participation for parents and equal educational opportunity for kids. If the latter is a matter of justice, and if justice trumps other goods, then so far as I can see there is no substantial difference between this moral foundation for opposition to closure and the other two. Fay does not deny that possibility, yet he still wants to put the democratic argument on a stronger footing than the other two. But, excepting the possible case of LSCs, it is a stretch to say that closing a local school, thus making it harder for parents to attend PTA meetings, is tantamount to compromising their citizenship rights.

The second issue is a thorny problem, in both practical and theoretical terms, within democratic governance: how to adjudicate conflicts among different jurisdictional levels. In Chicago, the elected LSCs opposed the closings of their respective schools, but the Board of Education and the CEO of Chicago Public Schools, all appointed by the democratically elected mayor, supported them. The school closures did violate democratic control of *individual* schools, but the closure process was supported by public bodies and reviewed by the courts. Whether the diverse stakeholders had a fair chance to present their case and have their point of view weighed seriously before final action was taken, I have no way of knowing.

The third issue, also a thorny one, concerns whether neighborhood *nonparents* should have equal rights with parents to weigh in on school closure. Nonparents might, not unreasonably, prefer not to have kids congregating in front of their homes after school. Should their voices count less than those of parents? Why?

The issue of local neighborhood control deserves a bit of historical context. The early part of my career in education was a time marked by battles over racial desegregation in general, and forced busing in particular, in both the South and the North. In that era, attachment to the neighborhood school and to local control of schools was considered suspect, although there was a brief period in 1968 during which some African American neighborhoods in Brooklyn, New York, waged a campaign against the New York City school system on behalf of "community

control.” That being said, none of us liberals had much sympathy for parents in *white* neighborhoods who claimed their local schools were undergoing a radical transformation that jeopardized not just the education of their children but a cherished way of life. I doubt any of us ever even considered the possibility that the dismantling of *de jure* segregation in the South would deprive *black* parents of school-age children of the opportunity to “invest themselves in building a shared community and engage in a political process.”

Why did we give such short shrift to arguments advocating the preservation of local school communities? The answer is that we clearly saw them as at odds with the demands of justice for children, and we had no doubt that in such a conflict, justice should prevail. That’s why we embraced the decision of nine men to override the wishes of majorities in local jurisdictions, indeed in entire states. The demand for justice, in other words, could not be left to local or even state jurisdictions but required intervention at the federal level.

Beginning in the 1970s and continuing to the present, there was another effort, supported by liberals and progressives, myself included, to try to offset the immense advantages some school districts had over others by virtue of their disparate property tax bases. In this context as well, maintaining local control over educational financing was tantamount to preserving enormous inequalities of educational opportunity. Only decisions at the state level, whether by judges or legislatures, could redistribute resources from richer to poorer school districts. Indeed, some believe only a constitutional amendment requiring equality of educational opportunity across all 50 states, could satisfy the demands of justice. In other words, we liberals bear no small responsibility for the weakening of local control of education. As I noted previously, aside from Chicago, I am not aware of major efforts to institute democratic control at the level of the individual school. But the notion that there could be meaningful control at a lower level when the purse strings are held by authorities operating at a higher level is, though imaginable, contrary to experience.

None of this is to deny Fay’s premise that when a large school district closes a school and thereby eliminates a site of community building and community organization, the social cost goes beyond inconvenience to parents and kids. While none of the three bases of argument ought to supersede justice for children, each can serve to remind us — especially those of us focused primarily on efficiency and cost savings — that other important values are at stake.

1. Here, Fay cites G. A. Cohen, “Rescuing Conservatism: A Defense of Existing Value,” in *Finding Oneself in the Other*, ed. Michael Otsuka (Princeton, NJ: Princeton University Press, 2013), 172.

2. On this point, Fay cites Meira Levinson, *No Citizen Left Behind* (Cambridge, MA: Harvard University Press, 2012), 324–325n.

3. Trymaine Lee, “Amid Mass School Closings, a Slow Death for Some Chicago Schools,” *MSNBC* online (accessed December 27, 2013); www.msnbc.com/msnbc/dont-call-it-school-choice.

4. Andrea Zopp, quoted in Lee, “Amid Mass School Closings, a Slow Death for Some Chicago Schools.”