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Chicago's School Closings: From a Civil Rights Perspective to a Human Rights Perspective

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Chicago's School Closings: From a Civil Rights Perspective to a Human Rights Perspective

By: Lincoln Hill, MA

INTRODUCTION

In May 2013, the Chicago Board of Education approved a plan to close 49 of the city’s elementary schools and one of its high schools¹ resulting in the largest mass school closure in United States history.² Those against the school closings argued that the decision was discriminatory considering the racial and socioeconomic disparities of children directly affected. With Black children representing just 40% of the district’s students, 80% of the children impacted by the closings were Black students living in predominantly Black and impoverished neighborhoods in the South and West sides of the city.³

Despite national criticism and protests from local community members, Chicago Public Schools (CPS) leadership defended their actions citing the city’s one billion dollar budget deficit and a “utilization crisis” as rationale for the decision.⁴ CPS assigned each impacted student to a “welcoming school,” defined by CPS as a school within a one mile distance of the closed school and with a higher rating than the student’s previous school. The district posited that consolidating schools in this manner would allow for students to safely study in a higher-performing educational environment in close proximity to their homes. In the end, the closings displaced approximately 12,000 students and 1,100 staff.⁵

Several children’s rights organizations and individuals ruled the closings not merely morally questionable but also a violation to the civil and human rights of the children impacted due to the disproportionate number of displaced Black youth, the increased risk for violence for students attending schools further away from their homes, the disregard

for displaced students with disabilities, and the concern of diminished educational access in overcrowded classrooms.⁶ The Midwest Coalition for Human Rights, in conjunction with the Pozen Center for Human Rights at the University of Chicago, Loyola’s Center for the Human Rights of Children, and several

other organizations and individuals called for the United Nations to investigate the closings as a human rights violation.

The letter of allegation sent to the UN argued that the school closings decision infringed on human rights laws related to: equality, quality, and non-discrimination in education; freedom from violence and the right to life; and the opportunity to participate in public affairs. The letter further criticized justifying school closings due to limited financial resources and the decision to close schools without allowing students, parents, staff, and community members an opportunity to share their perspectives. Despite local and international efforts to stop the school closings efforts, the closings proceeded.

The school closings decision and, equally important, the process of making the decision without community input was further troubling considering that Chicago positions itself as a protector of children’s rights. Though the U.S. is the only country that has failed to ratify the United Nations Convention on

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the Rights of the Child (CRC),⁷ a widely recognized international document outlining the human rights of every child in the world, the city of Chicago adopted the treaty in 2009. Chicago even stated that the “Convention would provide a single, comprehensive framework within which the diverse arms of the Chicago city government can assess and address, in a consistent manner, the rights and protections of our children.”

Now, six years following the Chicago Board of Education’s decision, longitudinal evidence supports the premise that the school closings actively harmed displaced students, families, staff, and community members in a multitude of ways. Learning outcomes decreased, school communities were ruptured, and classroom dynamics shifted. These consequences facilitate a new argument in favor of utilizing a human rights perspective to encapsulate the severity of the school closings and to advocate against future school closings decisions. As such, this policy brief will advocate for viewing school closings as both a human rights and civil rights issue by synthesizing relevant research on school closings, dissecting applicable international human rights laws, and offering case studies supporting a children’s rights perspective for this important topic.

HISTORICAL CONTEXT: BLACK AMERICANS AND HUMAN RIGHTS

As mentioned previously, the school closings disproportionately impacted Black students adding to the long lineage of educational discrimination on the basis of race. Throughout U.S. history, Black

children have been subjugated to systemic and state-sanctioned discrimination threatening their dignity and life potential. The historical context of redlining, economic deprivation, discriminatory loans, and racial persecution resulted in⁸ racial and class segregation that continue to plague Chicago’s education system and its children.⁹ Despite the *Brown v. Board of Education decision* (1954) that ruled school segregation unconstitutional, Black children remain particularly vulnerable to unjust treatment and outcomes in the education system that negatively impact them and strip them of their humanity. While the Civil Rights Movement and court decisions like *Brown* attempted to promote equality by implementing constitutional rights for Black Americans, they failed to provide a sense of equity or an acknowledgement of how systemic oppression blocks justice and equality even in the classroom.

Research shows that Black children, when compared to other children, are disproportionately disciplined in schools and are overrepresented in school suspensions across the country.¹⁰ In Chicago, a University of Chicago study found that Black boys, even those with no prior risk factors, had a higher risk of being suspended when compared to students of other genders and races. And in high school, Black girls in CPS were suspended at higher rates over White, Latinx, and Asian students of all genders.¹¹ Both Black boys and girls are vulnerable to dehumanization through gendered racism and stereotypes that cause adults to view them as more adult-like and less innocent than their White peers.^{12,13} And, unsurprisingly, Black children are the most likely to be impacted in decisions such as mass school closings nationally.¹⁴

Hence, racial discrimination through school closings is not merely a civil rights issue, but a larger human rights violation.

Human rights. The history of Black Americans and their quest for human rights is fraught and filled with the same racial discrimination Black Americans were attempting to stop through formal human rights recognition. Following the brutality and inhumanity of the Holocaust and World War II, the United Nations (UN) was created to affirm and hold the world and its leaders accountable to protecting every human's inalienable rights.¹⁵ In 1948, the UN General Assembly drafted and adopted the Universal Declaration of Human Rights.¹⁶ The international document was the first of its kind to articulate and clarify the rights owed and entitled to every human being, and it remains the most translated and widely recognized document across the world. It establishes economic, political, cultural, social, and civil rights to every person regardless of their citizenship status, country-of-origin, race, gender, religion, or any other identifying factors. It further clarifies that all people deserve to live a life free from fear and persecution.

Despite the United States endorsing the declaration and its accompanying rights, Black Americans living under the country's severe, and sometimes, deadly Jim Crow laws continued to struggle for their own basic liberties afforded to them by the human rights declaration and the U.S. constitution. Following World War II, where the United States had positioned itself as a beacon of freedom, many Black Americans who served in the war returned stateside to face continued segregation, employment discrimination, and violence. Consequently, the National Association

for the Advancement of Colored People (NAACP), a year before the Declaration of Human Rights was finalized, petitioned the chair of the UN Commission on Human Rights, Eleanor Roosevelt, widow of President Franklin Roosevelt, to formally investigate the racial discrimination of Black Americans.¹⁷ The UN responded to the NAACP's petition stating that they were powerless to interfere with domestic issues.—Some scholars posit that Eleanor attempted to shield the UN from investigating the human rights violations occurring in the U.S. in an effort to appease the concerned Southern leaders who viewed UN treaties as possible means of interfering with Jim Crow segregation. Further, U.S. leaders worried that highlighting inequality in the U.S. would weaken the country's credibility and ability to hold other nations accountable for their human rights violations.¹⁸

Accordingly, the U.S. continued to perpetuate its image of equality and moral superiority over other nations while engaging in racial and social injustices on its own soil. Though the NAACP's 1947 petition did not result in interference regarding the racial injustices plaguing Black Americans in the states, it did bring international attention to discrimination in the country and applied pressure to U.S. politicians to address the civil rights of Black Americans.¹⁹ Thus, the branding of Black Americans' quest for equality transformed into a quest for *civil rights* – a consolation that proved politically beneficial for White politicians pandering to Black voters.²⁰

Civil rights. The Civil Rights Movement characterizes a period in American history filled with protests, unrest, advocacy, and demands for the U.S. government and society to formally grant constitutional

rights to Black Americans who faced unequal treatment and violent persecution.²¹ Taking place primarily during the 1950s and 1960s, the Civil Rights Movement culminated in the passing of the Civil Rights Acts of 1957²² and 1964,²³ the Voting Rights Act of 1965,²⁴ and the Fair Housing Act of 1968,²⁵ which legally banned explicit discriminatory practices. While the movement was largely viewed as both a legal and symbolic victory for race relations, Black Americans continue to face inequity through housing discrimination, barriers to healthcare access, disproportionate criminal sentences, threats to safety, and inequitable educational outcomes such as school closings with disparities beginning in early childhood.

Acknowledging the discriminatory effect of school closings on Black children, several parents and organizations have filed complaints positing that school closings violate the Civil Rights Act. Despite the evidence that most displaced students are members of minoritized and economically disadvantaged racial groups, the Office of Civil Rights almost always unanimously rules that there is insufficient evidence of civil rights violations in all cases.[†]

While some schools like Chicago's National Teachers Academy have found success in suing the district for discrimination and violating their students' civil rights, other schools have not been so lucky.[‡]

However, framing these violations as not just uncivil but also inhumane may offer a stronger framework for conceptualizing school closings.

EDUCATION AND HUMAN RIGHTS

Multiple international human rights laws and documents such as the Declaration of Human Rights, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, and the UNESCO Convention against Discrimination in Education stress the value of education for both individuals and larger society as a fundamental right and a tool towards empowerment and self-actualization.²⁶ The UN Committee on Economic, Social, and Cultural Rights further clarifies that education should be available (free with appropriate infrastructure), accessible (non-discriminatory), acceptable (culturally-relevant and safe), and adaptable (evolving and addressing social inequities) to serve students across different communities.²⁷ And the CRC, one of the most widely recognized international human rights documents, provides additional support on the significance of education specifically for the development of children. Considering that Chicago has willfully adopted the CRC in a City resolution passed in 2009, the city should be held accountable for actualizing the document in its entirety, particularly the aspects related to educational access as a human right in Articles 28 and 29.

Research notes that school closings often lead to mixed academic and negative social and emotional outcomes. Studies on achievement effects for students displaced by school closings offer mixed results. A study in Michigan²⁸ found that students

[†]Waldman, A. (2019, March 9). DeVos Has Scuttled More Than 1,200 Civil Rights Probes Inherited From Obama. Retrieved from <https://www.propublica.org/article/devos-has-scuttled-more-than-1-200-civil-rights-probes-inherited-from-obama>.

[‡]Gladson, K., & Moore, C. (2019, March 22). School Closing Victory-The Fight to Save National Teachers Academy Retrieved from <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2019/spring2019-school-closing-victory-the-fight-to-save-national-teachers-academy/>.

displaced from low-performing schools experienced an increase in achievement and other studies found that displaced students experienced an initial decrease in academic outcomes that eventually increased after a year's time.²⁹ However, studies based on outcomes for Chicago students following school closings found that displaced students rarely see increases in academic performance, despite the district's assurance that students would be transferred to better and higher-performing schools. In fact, many students saw decreases in academic performance following their home school's closing.[‡]

Investigating the long-term outcome of the 2013 Chicago school closings, researchers at University of Chicago found that impacted students saw lower test scores than those predicted by their previous performance.³⁰ Thus, in Chicago, school closings tend to prove more harmful than beneficial for displaced students. As a result, these policy decisions made by the city explicitly violate these students' rights to equitable education.

SCHOOL CLOSINGS, RACIAL DISPARITIES, AND POWER

The public justification for school closings often includes factors such as budget deficits, under-enrollment, and under-performance. Regardless of the rationale, school closingsthesedecisions are frequently utilized as education improvement plans disproportionately impacting urban cities with large

proportions of low-income communities of color.³¹ Consequently, school closings often harm communities and attempt to disempower and devalue those directly impacted.

A participatory action research study examining school closings in Baltimore, found that narratives in support of school closings tend to disempower non-dominant communities while viewing metrics related to utilization as rationale for withholding public schools from lower-income communities of color. The study's results highlight a myriad of concerns and painful emotions from students, teachers, and parents who believed their narratives were not considered in the school closing decision.³² These results suggest that opinions of individuals directly impacted by school closings are rarely considered culminating in an inherent power imbalance.

Other research further supports the premise that all stakeholders should be heard and valued in decisions such as school closings. Deeds and Patillo argue that schools are nested communities in pluralistic environments comprised of various stakeholders with differing opinions and narratives about the school's "value, meaning, and use" (p475).³³ As Shiller illustrated with their study on community stakeholders affiliated with Baltimore's closing schools,³⁴ Deeds and Patillo acknowledge that district leaders' narratives around school failure vastly contrast with how families may interpret and make meaning of their school.³⁵ Consequently, focusing on one narrative from one stakeholder as the sole evaluator for failing schools

[‡] de la Torre, M., & Gwynne, J. (2009). *When schools close: Effects on displaced students in Chicago public schools*. Chicago, IL: Consortium on Chicago School Research.

erases the perspectives and opinions of those directly impacted – the students.

In addition to relevant literature on offending and best practices for school closings decisions, international human rights laws also advocate for promoting and including children’s voices and perspectives in decisions that affect them. Specifically, Article 12 of the Convention of the Rights of the Child notes that children have a right to participate in decision-making processes that impact them; a right often denied children during school closings decisions and a right that was most definitely denied students impacted by the Chicago school closings in 2013. When school districts are tasked with making the consequential decision of whether or not to close a school, district leaders must prioritize, consult with, and value the larger community directly affected by the choice or risk threatening these stakeholders’ dignity and sense of humanity. For these reasons, it is imperative to conceptualize school closings decisions as not a question of ethics or moral fortitude but actively harmful violations to students’ human rights.

CASE EXAMPLE

Considering the wealth of literature highlighting the disparities in treatment and outcomes between Black children and their White counterparts in education, constitutional equality clearly does not remedy systemic inequity. As such, a human rights framework is also needed to advocate for vulnerable children when systems fail them. For example, a Chicago neighborhood school, National Teachers Academy (NTA), recently fought against CPS when the district

voted to convert the majority Black elementary school into a high school despite NTA receiving the highest possible rating given to schools in the city. The school community argued that the decision was discriminatory since the impacted students were majority Black and from economically disadvantaged backgrounds and that CPS was violating its own policies by attempting to close such a high-performing school. Consequently, the school community including teachers, administrators, community organizers, parents, and students joined forces to oppose the decision. Four parents representing the school sued CPS alleging that the district violated the Illinois Civil Rights Act of 2003 and the Illinois School Code due to alleged racially discriminatory metrics utilized to make the school closing decision.³⁶ In an unprecedented decision, CPS eventually deserted its plan to convert NTA into a high school after a Cook County judge granted an injunction that halted the district’s transition plans.³⁷ Within Chicago, many in support of NTA viewed the injunction as retribution for the 50 schools closed years earlier. The decision was regarded as an example of community advocacy, participation, and the actualization of human rights at the local level.

CONCLUSION

While NTA should be celebrated for its collaborative approach towards protecting its children and community, schools should not have to be “perfect” to have their rights respected and validated. A human rights approach to school closings decisions allows space for space to advocate for and protect the right to education for all students simply because they are

humans and deserve a dignified existence. Using this perspective, along with corroborating scholarship and best practices outlined in international human rights laws, will allow for more thoughtful, creative, and inclusive decision-making measures that will, ideally, remove school closings as a viable option under any circumstance.

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