



November 14, 2022

Denver Public Schools Board of Education
Emily Griffith Campus
1860 Lincoln Street
Denver, CO 80203
Tel. (720) 423-3210
Email: board@dpsk12.org

Via E-Mail

RE: DPS SHOULD NOT CLOSE THE SELECTED 10 ELEMENTARY AND MIDDLE SCHOOLS

Dear School Board Members:

We write on behalf of Advancement Project and Movimiento Poder to urge you to vote against the closure of 10 elementary and middle schools in Denver Public Schools (DPS). School closures are harmful not only to the students who are displaced and whose education is disrupted, but also to their surrounding communities. In order to fulfill the district's commitment to provide a meaningful, quality education to all Denver students, these schools must remain open so they may continue to serve students and their families. We urge you to vote NO on their closures and instead commit to fully engaging in a *real* community-driven process through which the serious challenges facing DPS over the next few years may be addressed without resorting to closures.

For over 20 years, Advancement Project has worked to ensure that our nation's children are cared for and provided the robust, liberatory education that they deserve. As a national racial justice organization, we have documented and pioneered efforts to end the school-to-prison pipeline and fought for true education justice in our public schools. Our organization has been committed to supporting communities fighting to keep their neighborhood public schools – including through the filing of Title VI complaints with the U.S. Department of Education in places like Chicago and Newark, New Jersey. We have repeatedly seen how communities of color bear the brunt of the harmful policies and practices that educational agencies enact – often against the wishes of the very people from those communities.

For nearly 30 years, Movimiento Poder has been a force of change for good in the city of Denver. Movimiento Poder and its predecessor Padres y Jovenes Unidos (PJU), have been on the forefront of positive change within DPS in particular for at least twenty years. As PJU, they pushed DPS to acknowledge and confront the school-to-prison pipeline, to change the student code of conduct in order to reduce suspensions and expulsions that had been disproportionately given to Black and Latinx students, to pilot and promote Restorative Justice in the district, and to lead the country by

implementing a historic Memorandum of Understanding between DPS and the Denver Police Department. They also worked with DPS to implement new graduation requirements. After realizing that the MOU did little to protect students, MP then fought for the complete removal of DPD and police from DPS. They also worked with DPS to implement new graduation requirements. At each step of the way MP has engaged with students, parents, community members, and DPS on these issues – fighting for what our community deserves and demands. Although MP’s work has been citywide, they especially focus on the community of Southwest Denver.

Although DPS may be facing difficulties, closing schools will not remedy those difficulties

DPS has claimed that schools must be closed in the district because enrollment is declining. Declining enrollment can present challenges: because public education is funded through taxes based on enrollment, fewer students in DPS equates to fewer funds allocated to DPS. Denver is not unique in their decline of enrollment over the past several years (including pre-pandemic) – this has been a trend in cities across the country.¹ However, DPS has also been a contributor to the dilemma they are facing now – by adding new schools over the past twenty years at a much faster rate (55% between 2001-02 and 2021-22) than student enrollment growth, which was only 12% in that time.² Further, they have not offered a complete assessment of declining enrollment and its impact. Factoring in the ongoing COVID-19 pandemic that has thrust communities into crisis, it is not surprising that this decline in enrollment has been “supercharged.”³ Families have lost loved ones, work and school have been disrupted, and many have had to adapt to new realities. Public schools have been at the center of debate during the pandemic – whether due to mask mandates, virtual learning, or fiscal issues, these past nearly three years have seen remarkable attention paid to our nation’s public schools. It is uncertain whether more families might return to public schools after the past few years of the pandemic. There are also some signs that early childhood enrollment is increasing, as it did from 2020 to 2021. DPS neither offers a full assessment that includes these factors, nor does it justify its proposed solution to the difficulty it claims.

DPS’ process leading to the school closures was flawed from inception, not transparent, and not community driven

In June of 2021, the DPS Board passed a resolution directing the district and the Superintendent to review the district’s under-enrolled schools and propose community-led options.⁴ As part of this resolution, DPS put forth the argument that “strong and stable enrollment” for elementary schools

¹ Shawn Hubler, “With Plunging Enrollment, a ‘Seismic Hit’ to Public Schools,” The New York Times (May 17, 2022), <https://www.nytimes.com/2022/05/17/us/public-schools-falling-enrollment.html>.

² Melanie Asmar, “Ahead of school closures, 5 takeaways about the number of schools and students in Denver” (Oct. 18, 2022), <https://co.chalkbeat.org/2022/10/18/23409856/denver-school-closures-5-takeaways-enrollment-charter-schools-students>.

³ Shawn Hubler, “With Plunging Enrollment, a ‘Seismic Hit’ to Public Schools,” The New York Times (May 17, 2022), <https://www.nytimes.com/2022/05/17/us/public-schools-falling-enrollment.html>.

⁴ Denver Public Schools, “Small Schools Resolution” (passed June 10, 2021), [https://go.boarddocs.com/co/dpsk12/Board.nsf/files/C3SU3J729D48/\\$file/Small%20Schools%20Resolution_6.10.21.pdf](https://go.boarddocs.com/co/dpsk12/Board.nsf/files/C3SU3J729D48/$file/Small%20Schools%20Resolution_6.10.21.pdf).

is equal to having “above 300 students such that the school can sustain at least 2 classrooms per grade with 25 students per classroom;” that “once school enrollment drops below this threshold, schools’ ability to effectively implement their intended program is impacted due to declining funding;” and that over time the student population in Denver is projected to decrease due to “major shifts in demographics” such as “declining birth rates, increased housing prices and construction of multi-family rather than single-family housing.”⁵ The resolution was clear that the proposals should be “community-led options [that] are equitable, sustainable, and high-quality options for students” – and in fact, that it should result in multiple options for the Board to consider.⁶ The process that DPS has pursued until now has not met that criteria – not only has it not been community driven, but it has been constricted to only choosing one option – the closure of schools – from the start.

In September of 2021, DPS released a list of 19 elementary schools that would be closed.⁷ After significant public outrage, particularly considering all 19 of the schools were in areas that are low-income and predominately Black or Latinx, Superintendent Alex Marrero was forced to put a pause to that list a week later.⁸ Instead, in January 2022 Supt. Marrero presented a different process and timeline for the process – what he called the “Declining Enrollment Criteria Committee” in a presentation to the DPS Board.⁹ This Committee was to be “representative of our district and communities” and include families, parents, students, community advocacy groups, among others. However, the selection process for this committee was not announced to the public other than through a hard-to-find link on a DPS website, and some familiar with the process raised concerns that some members were actually hand-picked by DPS Board Members themselves.

The Superintendent Update from January 2022 explained that the Declining Enrollment Criteria Committee (DECC) would follow the following timeline:

- Spring 2022: launch, meet to create criteria, and collaborate with Strategic Plan leaders to ensure alignment.
- Fall 2022: the criteria selected would then be announced , and there would be engagement with the broader community for feedback on the criteria and the process.
- Winter 2023: apply the criteria to schools and announce any closures

⁵ Denver Public Schools, “Small Schools Resolution” (passed June 10, 2021), [https://go.boarddocs.com/co/dpsk12/Board.nsf/files/C3SU3J729D48/\\$file/Small%20Schools%20Resolution_6.10.21.pdf](https://go.boarddocs.com/co/dpsk12/Board.nsf/files/C3SU3J729D48/$file/Small%20Schools%20Resolution_6.10.21.pdf).

⁶ Denver Public Schools, “Small Schools Resolution” (passed June 10, 2021), [https://go.boarddocs.com/co/dpsk12/Board.nsf/files/C3SU3J729D48/\\$file/Small%20Schools%20Resolution_6.10.21.pdf](https://go.boarddocs.com/co/dpsk12/Board.nsf/files/C3SU3J729D48/$file/Small%20Schools%20Resolution_6.10.21.pdf).

⁷ Desiree Mathurin, “DPS said last week it might close or consolidate 19 schools in low-income and predominantly minority areas. Now it’s ‘pausing’ that plan.” (Sept. 30, 2021), <https://denverite.com/2021/09/30/denver-public-school-closures-or-consolidation-plan-paused/>.

⁸ Desiree Mathurin, “DPS said last week it might close or consolidate 19 schools in low-income and predominantly minority areas. Now it’s ‘pausing’ that plan.” (Sept. 30, 2021), <https://denverite.com/2021/09/30/denver-public-school-closures-or-consolidation-plan-paused/>.

⁹ Denver Public Schools, “Declining Enrollment: Superintendent Update,” (Jan. 20, 2022).

- 2023-2024 school year: planning year for the closures
- August 2024: any closures would go into effect for the 2024-2025 school year.

This timeline has been completely ignored by the DECC and Supt. Marrero.

Instead of what was told to the community in January, the DECC announced their criteria for closures in June of 2022, and to date there has been no community engagement or opportunity for feedback on that criteria. In addition, there is no evidence that the DECC ever looked at options that were NOT closures – in fact, part of their mission was strictly to come up with criteria for closures, not to consider other options that would alleviate DPS’ funding issues to declining enrollment. At their first meeting, some DECC members even raised the question of whether an outcome of their work could be something other than closing schools, but facilitators responded that the primary goal was to develop the criteria to close schools.¹⁰ While the committee meetings were closed to the public, some members also complained about poor translation for Spanish-speaking parents, stifled debate, and filtered feedback.¹¹ At best, the outcome in this entire process was predetermined. At worst, it was a sham exercise to create the illusion of community involvement in order to appease the public when they would eventually hear about the closures and be outraged.

In another flagrant disregard of the January 2022 timeline, on Tuesday, October 25th, Supt. Marrero announced 10 DPS schools to be closed – eight elementary schools, one K-8 school, and one middle school – on which the DPS Board will vote in an “all or nothing” package on November 17th.¹² According to this new plan, these 10 schools would be closed at the end of **this** school year, one year earlier than the original stated timeline. As for community engagement on this process, Supt. Marrero finds it sufficient to have one meeting at each of the 10 schools, and a single public comment session on November 14, saying “if you go deep, there’s no need to go long.”¹³ These are not the words from a Superintendent who is truly committed to full, robust, community engagement.

Closing the 10 elementary and middle schools will not alleviate the fiscal challenges faced by DPS

¹⁰ Denver Public Schools, “DPS Declining Enrollment Advisory Committee: Meeting 1/ Orientation and Community-building” (Mar. 9, 2022), <https://www.dpsk12.org/wp-content/uploads/Declining-Enrollment-Committee-Meeting-1-Recap.pdf>.

¹¹ Melanie Asmar, “Frustration with closed meetings, limited debate dog Denver’s declining enrollment committee,” (Apr. 7, 2022), <https://co.chalkbeat.org/2022/4/7/23015325/denver-public-schools-school-closure-declining-enrollment-committee-concerns>.

¹² Melanie Asmar, “Superintendent defends push to close 10 schools; parents disheartened,” Chalkbeat Colorado (Oct. 26, 2022), <https://co.chalkbeat.org/2022/10/26/23425626/denver-school-closures-list-of-10-schools-marrero-defends-pick-parents-react-nov-17-vote>.

¹³ Melanie Asmar, “Superintendent defends push to close 10 schools; parents disheartened,” Chalkbeat Colorado (Oct. 26, 2022), <https://co.chalkbeat.org/2022/10/26/23425626/denver-school-closures-list-of-10-schools-marrero-defends-pick-parents-react-nov-17-vote>.

As previously mentioned, DPS' declining enrollment, especially exacerbated by the pandemic, means that due to per pupil allotment, this correlates with a decline in funding.¹⁴ These fiscal challenges are not unique to DPS, and while these are genuine concerns that must be addressed, closing schools will not actually provide the cost savings that DPS claims is necessary to be able to provide the full enriched learning opportunities for all students.

DPS has pointed out in numerous presentations how much funding declines each year due to the falling enrollment. However, what DPS has never shared, at least to the public, is how school closures would actually alleviate those budget shortfalls they are projected to have. Moreover, DPS singled out declining Latinx birthrates as the most pressing concern – rather than focusing on enrollment challenges in the district as a whole and how to address those.¹⁵ There has been zero evidence provided that would explain how much would be saved in the budget by closing those 10 selected schools and consolidating them with other schools. In contrast, DPS has committed to keeping every staff member from the closed schools in DPS¹⁶ – so where would the savings come from? DPS has also said they have no plans to sell the school buildings – facilities that would still need to be maintained.¹⁷ Given that all staff will be retained, and all the buildings will still be maintained and used by DPS, it is unclear how the closures would actually lead to any savings at all. Whatever fiscal challenges DPS may or may not have, closing schools is a measure of last resort that should not occur without full community input and support, as well as transparency around the budgetary analysis used to justify this decision.

In addition to the lack of clarity of how closing these 10 schools would actually save DPS any money, through our work we know that closing schools does not actually alleviate fiscal concerns. Studies have shown that when districts have chosen to close schools, it has not led to the savings windfall that proponents claimed would result from the closures.¹⁸ In actuality, “selling or leasing surplus school buildings, many of which are located in declining neighborhoods, tends to be extremely difficult.”¹⁹ Not only do districts have to pay to maintain the shuttered buildings, but they also incur the additional costs of managing remaining inventory and the transportation and

¹⁴ National Education Policy Center, “Should We Question the Purposed Benefits of School Closures?” (Mar. 8, 2022), <https://nepc.colorado.edu/publication/newsletter-oakland-03082022>.

¹⁵ Denver Public Schools, “Strategic Regional Analysis,” at 12 (Spr. 2022), [https://go.boarddocs.com/co/dpsk12/Board.nsf/files/CEZRQZ6AEFD7/\\$file/Strategic%20Regional%20Analysis%20Presentation.pdf](https://go.boarddocs.com/co/dpsk12/Board.nsf/files/CEZRQZ6AEFD7/$file/Strategic%20Regional%20Analysis%20Presentation.pdf).

¹⁶ Denver Public Schools, “Schools Unification Plan: Applying DEAC Criteria,” at 18 (Nov. 3, 2022).

¹⁷ Denver Public Schools, “Schools Unification Plan: Applying DEAC Criteria,” at 40 (Nov. 3, 2022).

¹⁸ Journey for Justice Alliance, “Death by a Thousand Cuts,” at 20 (May 2014), https://dignityinschools.org/wp-content/uploads/2018/07/J4J_1000_Cuts.pdf. See also: Kathleen Megan, “National Studies Show School Closings Often Don’t Save Much Money or Improve Student Performance,” Hartford Courant (Jan. 22, 2018), <https://www.courant.com/education/hc-school-closing-outcomes-20180120-story.html>.

¹⁹ The Philadelphia Research Initiative, “Closing Public Schools in Philadelphia: Lessons from Six Urban Districts,” The Pew Charitable Trusts (Oct. 19, 2011), https://www.pewtrusts.org/-/media/assets/2011/10/19/closing_public_schools_philadelphia_report.pdf.

related costs for the students that must now attend a different school.²⁰ The DPS Board has not presented any studies or analysis showing the fiscal impact of this proposal or any other benefits of these closures.

Further, the closures may indeed have the opposite effect on DPS' fiscal situation. Rather than alleviate the district's needs, the closures may exacerbate the decline in enrollment and thus the decline in funds. One recent report focusing on the proposed closures in Oakland, California noted that the savings estimate on school closures did not "fully account for disillusioned families and school staff who will likely leave [Oakland Unified School District] for private, charter and public schools, fatigued by the constant threat of closure and consolidation."²¹ These concerns are especially relevant in Denver where gentrification has been a major driver in the city, and privatization and growth in the charter sector has been prominent in the district. One study found that "rather than saving money through economies of scale, school and district consolidation may actually increase costs," and some research suggests "that impoverished regions in particular often benefit from smaller schools and districts, and they can suffer irreversible damage if consolidation occurs."²² Despite DPS' claims that the consolidations would lead to more robust programming for students, DPS has not actually committed to hiring more staff at these schools – presumably the same staff and students would just be moved to another school.

In addition, the pandemic is still ongoing, and there simply is no way to tell whether these demographic changes are temporary due to the crisis, or whether they will be long-term. It would be premature to undertake such a drastic decision like closing a school while still living through this pandemic. We affirm the district's goals of providing robust programming and meeting the needs of all students, but closing these schools is not the solution.

Closing the 10 elementary and middle schools will cause irreparable harm to students, their families, and communities

Closing a school is a drastic measure to take at any point – even more so while we are still living through an unprecedented pandemic and societal upheaval. Community members have already expressed their dismay at the proposal to close the 10 schools. Nine of the ten schools proposed for closure serve a student population that is predominately Black or Latinx, and most students at the schools qualify for free or reduced price lunch. These school closures would hit communities of color in Denver the hardest. Not only should the schools stay open because there are no plausible reasons to justify their closure, but they should also stay open because their closure would do irreparable harm to the communities that rely on those institutions.

²⁰ The Philadelphia Research Initiative, "Closing Public Schools in Philadelphia: Lessons from Six Urban Districts," The Pew Charitable Trusts (Oct. 19, 2011), https://www.pewtrusts.org/-/media/assets/2011/10/19/closing_public_schools_philadelphia_report.pdf.

²¹ National Education Policy Center, "Should We Question the Purposed Benefits of School Closures?" (Mar. 8, 2022), <https://nepc.colorado.edu/publication/newsletter-oakland-03082022>.

²² National Education Policy Center, "Should We Question the Purposed Benefits of School Closures?" (Mar. 8, 2022), <https://nepc.colorado.edu/publication/newsletter-oakland-03082022>.

School closures hurt educational outcomes for students

Over the past two decades, districts across the country have chosen to close schools instead of providing the necessary resources to improve them. Studies have examined the educational outcomes of students that attended the closed schools – and the results have not been positive.²³ One study found that “the largest negative impact of school closures was on the test scores of students from closed schools.”²⁴ Not only were these negative effects seen in math and reading test scores, but the study also found that students who had attended the closed schools also had lower GPAs years later – an alarming long-term impact.²⁵ Other advocates have found that “school closures as a strategy for remedying student achievement in low-performing schools is a high-risk/low-gain strategy that fails to hold the promise with respect to either student achievement or non-cognitive well-being.”²⁶ DPS has a duty to provide a quality education to its students – and closing schools is a strategy in direct contradiction to that goal. We recognize that the district is under financial pressures, but closing these schools in no way moves the district closer to meeting their commitment to students and families.

School closures have harmful effects on the socio-emotional well-being of students

In addition to the educational harms that students suffer when their schools are closed, there are also socio-emotional harms caused by the closures. One study found that students “had difficulty adjusting to their new schools after their old relationships were disrupted.”²⁷ In a study on the effects of school closures in a school district in Little Rock, Arkansas, analysts found that “students would be negatively impacted by the stress of adapting to a new school and classroom, and the anxiety and distress of creating new social relationships with peers and teachers. These stressors on children may result in increased behavioral issues in and out of the classroom.”²⁸ We are in a time when children are already under a lot of stress dealing with COVID-related disruptions to their schools and lives. What students need now are stability and the supports and resources to help them cope with these stressors – not their educational careers upended because their school is selected for closure.

School closures create transportation obstacles that hinder students’ learning and families’ access and engagement

²³ Molly F. Gordon, Marisa de la Torre, Jennifer R. Cowhy, Paul T. Moore, Lauren Sartain, and David Knight, “School Closings in Chicago: Staff and Student Experiences and Academic Outcomes,” UChicago Consortium on School Research (May 2018), <https://consortium.uchicago.edu/sites/default/files/2018-10/School%20Closings%20in%20Chicago-May2018-Consortium.pdf>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ National Education Policy Center, “Should We Question the Purposed Benefits of School Closures?” (Mar. 8, 2022), <https://nepc.colorado.edu/publication/newsletter-oakland-03082022>.

²⁷ National Education Policy Center, “Should We Question the Purposed Benefits of School Closures?” (Mar. 8, 2022), <https://nepc.colorado.edu/publication/newsletter-oakland-03082022>, citing Ben Kirshner, Matthew Gaertner, Kristin Pozzoboni, “Tracing Transitions: The Effect of High School Closure on Displaced Students,” Educational Evaluation and Policy Analysis, Vol. 32, Issue 3 (2010).

²⁸ Neil Sealy, Ashley Bachelder, Kate Stewart, Creshelle Nash, “School Closings in Little Rock: Whose Schools? Whose Neighborhoods?” (Jun. 2016), <http://arkansascomm.org/wp-content/uploads/2018/08/LRSD-Closures-6.22.16.pdf>.

Closing a neighborhood school, particularly one that was accessible by walking to many of its students, creates challenges in terms of how to then get those students to the schools they will now transfer to. The potential transportation issues are cause for concern as it could lead to community violence – as in one report that found that “school closures that transfer students to schools outside their immediate neighborhoods have resulted in spikes of violence in and around elementary and high schools.”²⁹ The majority of the 10 schools selected for closures are in low-income, predominately Black and Latinx neighborhoods where it is more likely that there may be transportation issues. In a memo about the proposed school closures, the Denver Housing Authority pointed to transportation issues as a challenge if Fairview Elementary and Colfax Elementary specifically were to close.³⁰ Their maps showed “significant safety issues on the designated highways” that elementary school children would have to cross to get to the school that DPS would assign them to, Cheltenham.³¹ Unlike in DPS’ projections, the Denver Housing Authority made it clear that those neighborhoods were actually growing, including the school-age populations.³²

School closures harm communities

Schools are vital institutions in thriving neighborhoods. They often serve as “the anchors of communities, the hubs of local activity, the source of immense community pride, and a powerful reminder of shared history.”³³ Closing a school then has devastating impacts on that community. One scholar has found “mounting evidence shows that closing schools has ‘a very negative effect on surrounding cities, so it basically blights the neighborhood and it increases the desire to leave the neighborhood.’”³⁴ This is especially alarming in Denver where the neighborhoods where these schools would be closed are undergoing gentrification that pushes out low-income people of color.

Sociologist Eve L. Ewing likens the closure of a school to an “institutional mourning,” what she describes as “the social and emotional experience undergone by individuals and communities facing the loss of a shared institution they are affiliated with ... especially when those individuals

²⁹ Chicagoland Researchers and Advocates for Transformative Education, “CReATE Research Brief on School Closures” (Mar. 2013), https://www.academia.edu/3095217/Research_Brief_on_School_Closures_by_CReATE.

³⁰ Denver Housing Authority, “Factors important in evaluating the potential closure of Fairview Elementary School in Sun Valley and Colfax Elementary in West Colfax,” (Nov. 1, 2022), <https://www.documentcloud.org/documents/23262673-denver-housing-authority-memo-on-dps-proposed-school-closures>.

³¹ Denver Housing Authority, “Factors important in evaluating the potential closure of Fairview Elementary School in Sun Valley and Colfax Elementary in West Colfax,” (Nov. 1, 2022), <https://www.documentcloud.org/documents/23262673-denver-housing-authority-memo-on-dps-proposed-school-closures>.

³² Jessica Seaman and Joe Rubino, “DPS wants to close a school in a growing Denver neighborhood it’s getting \$4M to improve, housing authority says,” The Denver Post (Nov. 3, 2022), <https://www.denverpost.com/2022/11/03/denver-housing-authority-memo-dps-school-closures/>.

³³ Journey for Justice Alliance, “Death by a Thousand Cuts,” at 20 (May 2014), https://dignityinschools.org/wp-content/uploads/2018/07/J4J_1000_Cuts.pdf.

³⁴ Kathleen Megan, “National Studies Show School Closings Often Don’t Save Much Money or Improve Student Performance,” Harford Courant (Jan. 22, 2018), <https://www.courant.com/education/hc-school-closing-outcomes-20180120-story.html>.

or communities occupy a socially marginalized status that amplifies their reliance on the institution or its significance in their lives.”³⁵ We already know that school closures are “much more than the loss of an interchangeable building. It can be a harbinger of things to come, the culmination of multiple generations of racism and injustice and a blatant disregard of the fundamental reality within which a community understands itself.”³⁶

Students and families that have experienced school closures have expressed “feelings of grief in multiple ways, often referring to their closed school peers and colleagues as ‘like a family.’ The intensity of the feelings of loss were amplified in cases where schools had been open for decades, with generations of families attending the same neighborhood school.”³⁷ In her interviews with people in Chicago who were mourning their closed schools, Dr. Ewing found that a “belief that the process [of closing their school] was fundamentally unjust shaped their grief. That is, seeing the death of the institution as unjust made them sadder or angrier, or it made it (*sic*) recovery harder.”³⁸ Tellingly, the loss of a generational school is deeply felt by communities in addition to all of the other harms wrought by a school closure.

School closures also impact the ability of a district to meet its legal obligations to students

School closures such as those proposed by the district may impair its ability to meet legal obligations. The Colorado constitution requires that the state provide a thorough and uniform system of free public schools. The Supreme Court of Colorado has interpreted this to mean a school system that “is of a quality marked by completeness, is comprehensive, and is consistent across the state.”³⁹ A school system cannot be “complete” or “comprehensive” when entire communities lose schools, nor can it be “consistent” when schools targeted for closure are overwhelmingly those serving students of color in certain neighborhoods. The Colorado constitution also requires that no “distinction or classification of pupils be made on account of race or color” (a principle mirrored federally under the equal protection clause and Title VI of the Civil Rights Act), but that is precisely the case when schools overwhelmingly serving students of color are targeted for closure. It is telling that Supt. Marrero acknowledged how “glaring” it was that the schools originally proposed for closures predominately impacted Black and Latinx students⁴⁰ – one could assume that Palmer Elementary, the only school of the 10 schools that had a majority of white students – was added to the list precisely to avoid accusations of racial impropriety.

³⁵ Eve L. Ewing, “Ghosts in the Schoolyard: Racism and School Closings on Chicago’s South Side,” at 127 (2018).

³⁶ *Id.*

³⁷ Molly F. Gordon, Marisa de la Torre, Jennifer R. Cowhy, Paul T. Moore, Lauren Sartain, and David Knight, “School Closings in Chicago: Staff and Student Experiences and Academic Outcomes,” UChicago Consortium on School Research (May 2018), <https://consortium.uchicago.edu/sites/default/files/2018-10/School%20Closings%20in%20Chicago-May2018-Consortium.pdf>.

³⁸ Eve L. Ewing, “Ghosts in the Schoolyard: Racism and School Closings on Chicago’s South Side,” at 143 (2018).

³⁹ *Lobato v. State*, 304 P.3d 1132, 1138 (Colo. 2013).

⁴⁰ Melanie Asmar, “Superintendent defends push to close 10 schools; parents disheartened,” Chalkbeat Colorado (Oct. 26, 2022), <https://co.chalkbeat.org/2022/10/26/23425626/denver-school-closures-list-of-10-schools-marrero-defends-pick-parents-react-nov-17-vote>.

The district also has particular legal obligations to its English Learner (EL) students under both Title VI and the Equal Educational Opportunities Act, as well as under its English Language Acquisition consent decree. This consent decree has requirements for instruction, parental oversight and communication, and accountability. Closing schools not only places additional strain on more crowded schools to meet instructional obligations under the consent decree, it also dilutes parental oversight power by taking away school-level Parent Oversight Committee positions. Concerns over these and other legal obligations by the district should weigh heavily against these proposed closures.

For all of the aforementioned reasons, we urge the DPS Board to vote NO on the proposal to close the 10 schools. Because we primarily work with community in Southwest Denver, we also specifically ask for a meeting as soon as possible with Xochitl Gaytán, the District 2 representative, to discuss these urgent issues further. These schools should remain open – and at a minimum remain open until a true, meaningful community engagement process has been conducted evaluating all of the potential solutions to DPS’ budget decline due to declining enrollment. Community members are already speaking up in the media about their opposition to these closures.⁴¹ They are fighting for their schools – but we know that a “fight for a school is never just about a school:

A school means the potential for stability in an unstable world, the potential for agency in the face of powerlessness, the enactment of one’s own dreams and visions for one’s own children. Because whether you’re in Detroit or Austin or Louisiana or Chicago [or Denver], you want to feel that your school is *your* school. That you have some say in the matter, that your voice can make a difference. You want to feel that the rules are fair, not that you’re playing a shell game. You want to feel like a citizen. So you fight.”⁴²

We support all members of the DPS community who are fighting to keep their schools open – who are fighting for the well-being of their children and their neighborhoods. Closing these 10 schools would have a drastic, permanent impact on surrounding communities, and these communities must be fully engaged and consulted prior to decision making. If you have any questions about what we have shared in this letter, please reach out to Elsa Bañuelos, Executive Director of Movimiento Poder at elsa@movimientopoder.org or Jessica Alcantara, Senior Staff Attorney at Advancement Project, at jalcantara@advancementproject.org. We urge you to stop these school closures.

⁴¹ Melanie Asmar, “Superintendent defends push to close 10 schools; parents disheartened,” Chalkbeat Colorado (Oct. 26, 2022), <https://co.chalkbeat.org/2022/10/26/23425626/denver-school-closures-list-of-10-schools-marrero-defends-pick-parents-react-nov-17-vote>.

⁴² Eve L. Ewing, “Ghosts in the Schoolyard: Racism and School Closings on Chicago’s South Side,” at 47 (2018).



Sincerely,

Katherine Dunn
Program Director, Opportunity to Learn
Advancement Project

Elsa Bañuelos
Executive Director
Movimiento Poder

CC:

Xóchitl Gaytán
District 2
President

Auon'tai M. Anderson
At Large
Vice President

Michelle Quattlebaum
District 4
Secretary

Scott Esserman
At Large
Treasurer

Scott Baldermann
District 1

Dr. Carrie A. Olson
District 3

Charmaine Lindsay
District 5

Dr. Alex Marrero
Superintendent